



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.

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 Commander 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 Order dated the Thirteenth day of August, 1920, His Majesty, by and with the advice of his Privy Council, has been pleased to make provision for the constitution of a Legislative Council in and for the Island of Ceylon, with the territories and dependencies thereof :

And whereas by clause 1 of the said Order it is provided that such Order shall be published in the *Government Gazette*, and shall commence and come into operation on the date of such publication :

And whereas it is expedient that such Order shall be published forthwith :

Now know Ye that We, the said Governor, do hereby direct that the said Order shall be published in the *Government Gazette*.

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

By His Excellency's command,

GRAEME THOMSON,
Colonial Secretary.

GOD SAVE THE KING.

At the Court at Buckingham Palace, the 13th day of August, 1920.

Present :

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

SIR MAURICE DE BUNSEN.

LORD COLEBROOKE.

SIR HAMAR GREENWOOD.

SIR GEORGE GRAHAME.

WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 24th day of November, 1910, and constituting the office of Governor and Commander-in-Chief of the Island of Ceylon and its Dependencies, His Majesty was pleased to make provision for the constitution of a Legislative Council in and for the Island of Ceylon, with the territories and dependencies thereof (which said Island, territories, and dependencies are hereinafter referred to as the Island) :

And whereas it is expedient to alter the constitution of the Legislative Council of the Island with a view to conferring upon the Unofficial Members thereof increased powers and responsibility in, over, and in respect of the proceedings of the Council :

And whereas His Majesty has power, by and with the advice of His Privy Council, to pass laws in and for the Island :

Now, therefore, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows :—

Short title, publication, and commencement.

1. This Order may be cited as "The Ceylon (Legislative Council) Order in Council, 1920." It shall be published in the *Government Gazette*, and shall commence and come into operation on the date of such publication.

Legislative Council established.

2. From and after a date to be fixed by the Governor in Executive Council by Proclamation in the *Government Gazette* the present Legislative Council shall cease to exist, and in place thereof there shall be constituted a Legislative Council in and for the Island as in this Order provided.

Composition of Council.

3. The Council shall consist of fourteen Official Members and twenty-three Unofficial Members.

Official Members.

4. The Official Members of the Council shall be—

(I.) The following persons (herein referred to as *ex officio* Members) :—

- (1) The Senior Military Officer for the time being in command of His Majesty's regular troops in the Island if not below the rank of Captain in His Majesty's Army ; and
- (2) The persons for the time being lawfully exercising the functions of the respective offices of—
 - (a) Colonial Secretary ;
 - (b) Attorney-General ;
 - (c) Controller of Revenue ;
 - (d) Treasurer.

(II.) Such other persons holding public office under the Crown in the Island not exceeding nine in number (herein referred to as Nominated Official Members) as may be appointed in the manner hereinafter provided.

Unofficial Members.

5. The Unofficial Members of the Council shall be—

- (1) Such persons, not holding public office under the Crown in the Island, and not exceeding three in number (herein referred to as Nominated Unofficial Members), as may be appointed in the manner hereinafter provided ;
- (2) One person, who shall belong to the Muhammadan faith (herein referred to as the Muhammadan Member), and shall, until such time as the Governor in Executive Council under the provisions of this Order shall direct that he shall be elected, be appointed in the manner hereinafter provided to represent the Muhammadan Community in the Island ;
- (3) Two persons, who shall be Kandyan (herein referred to as the Kandyan Members), and one person, who shall be an Indian (herein referred to as the Indian Member), and shall, until such time as the Governor in Executive Council under the provisions of this Order shall direct that they be elected, be appointed in the manner hereinafter provided to represent the Kandyan inhabitants of the Island and the Indian inhabitants of the Island, respectively ;
- (4) Sixteen persons to be elected as hereinafter provided (herein referred to as Elected Members).

Appointment of Nominated Members.

6. The Nominated Members of the Council shall be appointed according to the Instructions of His Majesty or by warrant or warrants under His Sign Manual and Signet or, provisionally, by the Governor in pursuance of the power hereby vested in him.

Precedence of Members.

7. (1) The *ex officio* Members of the Council shall take precedence of the other Members, and shall rank among themselves in the order in which they are hereinbefore named (except that the Senior Military Officer, if he be below the rank of Lieutenant-Colonel in His Majesty's Army, shall take precedence in the said Council next after the person lawfully discharging the functions of Attorney-General in the Island).

(2) The other Members shall rank amongst themselves in the order of date of their appointment or election, and two or more Members appointed or elected on the same day shall rank in the alphabetical order of their names. Provided always that every such Member re-appointed or re-elected immediately on the termination of his term of office shall take precedence according to the date from which he has been continuously a Member of the Council.

Tenure of seats of Nominated Members.

8. The Nominated Members of the Council shall hold their seats until the next dissolution of the Council after their appointment, unless previously removed by virtue of Instructions or warrant or warrants under His Majesty's Sign Manual and Signet, or suspended by the Governor under the power for that purpose hereby vested in him, but may be re-appointed.

Provisional appointment of Nominated Members.

9. (1) Whenever the number of Nominated Official Members shall be less than nine, or the number of Nominated Unofficial Members shall be less than three, or the number of Kandyan Members shall be less than two, or there shall be a vacancy in the office of Muhammadan Member or of Indian Member, the Governor may, by an Instrument under the Public Seal of the Island, appoint provisionally a Nominated Official Member or Members, or a Nominated Unofficial Member or Members, or a Kandyan Member or Members, or a Muhammadan or Indian Member, as the case may be, to be a Member or Members of the Council, provided that the number of Nominated Official Members, or of Nominated Unofficial Members, or of Kandyan Members, shall not exceed the number hereinbefore provided, and provided also that there shall not be more than one Muhammadan Member or more than one Indian Member, and provided further, that the power conferred by this clause upon the Governor shall cease as regards the appointment of Kandyan Members or of a Muhammadan or Indian Member as from the time when provision is made under this Order for the election of Kandyan Members or of a Muhammadan or Indian Member.

(2) Every such appointment may be disallowed or confirmed by His Majesty through one of His Principal Secretaries of State, and, until so confirmed, may be revoked by the Governor by an Instrument under the said Seal.

Public officers bound to act as Members.

10. Any person holding a public office in the Island under the Crown may be required to serve as a Nominated Official Member of the Council, and if any such person having been appointed by His Majesty or by the Governor a Member shall decline to act in that capacity, he shall *ipso facto* vacate his office.

Suspension of Nominated Members.

11. (1) The Governor may, by an Instrument under the Public Seal of the Island, suspend any Nominated Member from the exercise of his functions as a Member of the Council.

(2) Every such suspension shall be forthwith reported by the Governor to one of His Majesty's Principal Secretaries of State, and shall remain in force unless and until either it shall be removed by the Governor by an Instrument under the said Seal, or it shall be disallowed by His Majesty through one of His Principal Secretaries of State, and such disallowance shall be published in the *Government Gazette*.

Governor may appoint provisionally to temporary vacancies.

12. (1) Whenever any Nominated Member shall die or be suspended from the exercise of his functions as a Member of the Council, or if he shall, with the permission of the Governor, resign his seat by writing under his hand or be declared by the Governor by an Instrument in writing under the Public Seal of the Island to be incapable of exercising his functions as a Member of the Council, or be temporarily absent from the Island, or either permanently or temporarily become an *ex officio* Member of the Council, the Governor may, by an Instrument under the Public Seal of the Island, appoint in his place some fit person to be provisionally a Member of the Council.

(2) The Governor shall without delay report to His Majesty for His confirmation or disallowance, through one of His Principal Secretaries of State, every such provisional appointment.

(3) Every such provisional appointment may be disallowed by His Majesty through one of His Principal Secretaries of State, or may be revoked by the Governor by any such Instrument as aforesaid.

(4) Every person so provisionally appointed shall be to all intents and purposes a Member of the Council until his appointment shall be disallowed, or revoked, or superseded by the permanent appointment of a Nominated Member of the Council, or until the person in whose place he has been appointed shall be relieved from suspension, or declared by the Governor by an Instrument under the Public Seal of the Island to be capable of exercising the functions of a Member of the Council, or shall return to the Island, or shall cease to be an *ex officio* Member, as the case may be.

Qualifications of elected Members of Council.

13. (I.) No person shall be capable of being elected a Member of Council, or, having been elected, shall sit or vote in the Council, who—

- (1) is the holder of any public office under the Crown in the Island ; or
- (2) is under 25 years of age ; or
- (3) is not a British subject ; or
- (4) is unable to speak, read, and write the English language ; or
- (5) is not qualified to be registered, and is not actually registered as a voter for some constituency ; or
- (6) has not been ordinarily resident within the area covered by the constituency in respect of which he is seeking election for a period of three years immediately preceding the date of his nomination as a candidate for election ; or
- (7) is an uncertificated bankrupt or an undischarged insolvent ; or
- (8) has been dismissed from the Government service ; or
- (9) has been debarred from practising as a legal or medical practitioner by order of any competent authority ; or
- (10) does not possess one of the following qualifications, viz. :—
 - (a) A clear annual income of not less than 1,500 Rupees ;
 - (b) The ownership of immovable property, either in his own right or in right of his wife (but not as lessee or usufructuary mortgagee), the value of which (after allowing for any mortgage debts thereon) is not less than 6,000 Rupees ;
 - (c) The occupation as owner or tenant for the period of one year prior to the date of his nomination as a candidate for election 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—
 - (i.) 500 Rupees if situated within the limits of any Municipal, Local Board, or Sanitary Board town, or of any Urban District Council ; and
 - (ii.) 400 Rupees if situated elsewhere.

(II.) (a) The qualifying property need not be, throughout the year constituting the period of qualification, the same property, if the annual value is in no case less than 500 Rupees or 400 Rupees, as the case may be.

(b) 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.

(c) 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.

(III.) No person registered as a voter for the European Electorate (Urban), or for the European Electorate (Rural), or for the Burgher Electorate, or, if and when provision is made under this Order with respect to the election of Kandyan Members or of a Muhammadan or Indian Member, for the Kandyan, Muhammadan, or Indian Electorate, shall be capable of being elected a member for any of the constituencies mentioned in sub-heads (f) to (p), both inclusive, of clause 17 (1) of this Order, or having been elected shall sit or vote in the Council.

Penalty for unqualified person sitting or voting.

14. Every person who, having been returned as an Elected Member of the Council, but not having been at the time of his election qualified to be an Elected Member for the constituency for which he has been returned, shall sit or vote in the Council, shall for every day on which he sits or votes, and every person who shall sit or vote in the Council after his seat has become vacant shall, for every day on which he sits or votes after his seat has become vacant, be liable to a penalty of 500 Rupees, to be recovered by action in the District Court having jurisdiction where such person who has been returned as an Elected Member as aforesaid resides by any person who shall sue for the same.

Seat of Elected Member, how vacated.

15. (1) If any Elected Member of the Council shall, by writing under his hand, addressed to the Governor, resign his seat in the Council, or shall, without the leave of the Governor previously obtained, fail during a whole session of the Council to attend the Council, or shall make any declaration or acknowledgment of allegiance to any Foreign State or Power, or shall become a citizen or subject of any Foreign State or Power, or shall be adjudicated a bankrupt or insolvent, or shall be sentenced in any part of His Majesty's Dominions to death or penal servitude, or to imprisonment for an offence punishable with hard labour or rigorous imprisonment for a term exceeding three months, or shall for the period of one month remain a party to any contract with the Government of the Island, or shall accept any public office under the Crown in the Island, his seat in the Council shall thereupon become vacant.

(2) Whenever it shall be shown to the satisfaction of the Governor in Executive Council that the seat of an Elected Member has become vacant, the Governor in Executive Council shall, in manner hereinafter provided, appoint a date and place for the election of a Member to fill such vacancy.

Oath of Allegiance to be taken by Members.

16. (1) No Member of the Council shall sit or vote therein until he shall have taken and subscribed the following oath before the Council :—

“ I, A. B., do swear that I will be faithful and bear true allegiance to His Majesty King George, His Heirs and Successors, according to Law.
“ So help me God.”

(2) Provided that every person authorized by law to make an affirmation or declaration instead of taking an oath may make such affirmation or declaration instead of the said oath.

Constituencies.

17. (1) For the purpose of the election of Members to serve in the Council, the following constituencies shall be and are hereby created, viz. :—

- (a) The European Electorate (Urban) ;
- (b) The European Electorate (Rural) ;
- (c) The Commercial Electorate ;
- (d) The Burgher Electorate ;
- (e) The Low-country Products Association Electorate ;
- (f) The Western Province (Division A) ;
- (g) The Western Province (Division B) ;
- (h) The Town of Colombo ;
- (i) The Central Province ;
- (j) The Northern Province ;
- (k) The Southern Province ;
- (l) The Eastern Province ;
- (m) The North-Western Province ;
- (n) The North-Central Province ;
- (o) The Province of Uva ;
- (p) The Province of Sabaragamuwa.

(2) The Western Province (Division A) and the Western Province (Division B) shall include such portions of the Western Province (excluding the town of Colombo) as may be declared by the Governor in Executive Council by Proclamation in the *Government Gazette* to be included in such divisions respectively.

(3) One Member shall be elected for each constituency.

Electoral districts and registering officers.

18. (1) For the purpose of electing a Member to represent the European Electorate (Urban), the areas from time to time within the Municipal limits of the towns of Colombo, Kandy, and Galle shall respectively be electoral districts, and the Government Agents of the Western, Central, and Southern Provinces shall respectively be registering officers for such electoral districts.

(2) For the purpose of electing Members to represent the European Electorate (Rural), the Burgher Electorate, and the several constituencies named in sub-heads (f) to (p), both inclusive, in sub-section (1) of the last preceding clause, each revenue district in the Island shall be an electoral district, and, subject to the exception contained in clause 20 of this Order with regard to the Burgher Electorate, the Government Agent, or Assistant Government Agent, as the case may be, of such revenue district shall be the registering officer of such electoral district.

(3) For the purpose of electing a Member to represent the town of Colombo, each division into which such town is from time to time divided under the provisions of “ The Municipal Councils Ordinance, 1910,” or any Ordinance amending the same, shall be an electoral district, and the Chairman of the Municipality thereof shall be the registering officer for every such electoral district.

(4) For the purpose of electing a Member to represent the Commercial Electorate and the Low-country Products Association Electorate, respectively, the Island shall be deemed to constitute a single electoral district in respect of each such electorate, and the Secretary of the Chamber of Commerce of Ceylon, and the Secretary of the Low-country Products Association shall respectively be deemed to be registering officers in respect of each such electorate.

Election of Kandyan Members or Muhammadan or Indian Member.

19. If and when the Governor decides that the Kandyan Members or the Muhammadan Member or the Indian Member shall be elected and shall cease to be nominated, the Governor in Executive Council may, by Proclamation in the *Government Gazette*, make such orders and give such directions, not inconsistent with the provisions of this Order, as are required for the purpose of the election of two Members to represent the Kandyans residing in the Kandyan Provinces as defined in such Proclamation, or of a Muhammadan Member to represent the Muhammadan community in the Island, or of an Indian Member to represent the Indians residing in the Island.

Special registering officer and advisory board for Burgher electorate.

20. (1) For the Burgher Electorate the Governor shall from time to time appoint a registering officer (styled the registering officer for the Burgher Electorate), who shall be resident at Colombo, and shall perform the duties of a registering officer for the Burgher Electorate with respect to all the electoral districts in the Island.

(2) The registering officer for the Burgher Electorate shall be assisted by a Board of not more than three persons nominated from time to time by the Governor, and holding office during the Governor's pleasure.

(3) It shall be the duty of such Board to advise and assist the registering officer in preparing the register of voters. The duties of the Board shall be advisory, and in the event of any difference between the registering officer and the Board, the opinion of the registering officer shall prevail.

Registers of voters.

21. For every electoral district separate registers of the persons entitled to vote for the election of members to represent the several constituencies hereinbefore specified shall be prepared, and revised in the manner prescribed by the rules contained in Schedule I. to this Order.

Appointment of revising officers.

22. (1) The Governor may from time to time appoint such persons as he may think fit to perform the duties of revising officers under the rules contained in Schedule I. to this Order.

(2) The Governor shall assign to each such officer the electoral district or districts for which he shall be the revising officer.

Registers of voters to be conclusive evidence of right to vote.

23. The registers of voters for the time being in operation shall be conclusive evidence for the purpose of determining whether a person is or is not entitled to vote in an electoral district for the election of a member to represent the constituency to which such register relates.

General disqualifications of voters.

24. No person shall be qualified to have his name entered on any register of voters in any year if such person —

- (a) is not a British subject ; or
- (b) is a female ; or
- (c) is not of the age of 21 years ; or
- (d) is unable to read and write English, Sinhalese, or Tamil ; or
- (e) has not resided in the electoral district to which the register relates for a period of one year prior to the thirty-first day of July in such year ; or
- (f) has been sentenced in any part of His Majesty's Dominions to death or penal servitude, or to imprisonment for an offence punishable with hard labour or rigorous imprisonment for a term exceeding three months ; or
- (g) has been adjudged by a competent court to be of unsound mind ; or
- (h) does not possess one of the following qualifications, viz. :—

(i.) A clear annual income of not less than Rs. 600 ;

(ii.) The ownership of immovable property, either in his own right, or in right of his wife (but not as lessee or usufructuary mortgagee), situate within the electoral district to which the register relates, for a period of one year prior to the thirty-first day of July in such year, the value of which, after allowing for any mortgage debts thereon, is not less than Rs. 1,500 ;

(iii.) The occupation as owner or tenant for the period of one year prior to the thirty-first day of July in such year of any house, warehouse, counting-house, shop, or other building (hereinafter referred to as qualifying property), situate within the electoral district to which the register relates, of the annual value of not less than—

(a) Rs. 400 if situated within the limits of any Municipal, Local Board, or Sanitary Board town, or of any Urban District Council ;

(b) Rs. 200 if situated elsewhere :

Provided that the qualifying property need not be throughout the period of qualification the same property if the annual value is in no case less than Rs. 400 or Rs. 200, as the case may be, and if such property is in all cases situate within such area as aforesaid ;

(iv.) 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 ; and

(v.) 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.

Qualification of joint owners.

25. 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 qualified to have his name entered on the register of voters, provided the number of persons does not exceed the number obtained by dividing the annual value of such property by four hundred if it is situated within the limits of any Municipal, Local Board, or Sanitary Board town, or of any Urban District Council, and by two hundred if situated elsewhere.

Qualification of European (Urban) voters.

26. Any person of European descent, not otherwise disqualified, shall be qualified to have his name entered on the register of voters for the European (Urban) Electorate if he is resident within the Municipal limits of Colombo, Kandy, or Galle.

Qualification of European (Rural) voters.

27. Any person of European descent, not otherwise disqualified, shall be qualified to have his name entered on the register of voters for the European (Rural) Electorate if he is resident in Ceylon outside the Municipal limits of Colombo, Kandy, or Galle.

Qualification of voters for Commercial constituency.

28. Every member of the Ceylon Chamber of Commerce, not otherwise disqualified, shall be qualified to have his name entered on the register for the Commercial Electorate.

Qualification of Burgher voters.

29. Any person, not otherwise disqualified, shall be qualified to have his name entered on the register of voters for the Burgher Electorate, if he—

(a) is the descendant in the male line of a European who on or before the Fifteenth day of February, 1796, was in the service or under the rule of the Dutch East India Company in Ceylon, or is descended from any such descendant in the female line by marriage with a European ; or

(b) is of legitimate birth, and is descended in the female line from any such descendant as aforesaid, and is able to speak, read, and write the English language.

Qualification of voters for Low-country Products Association Electorate.

30. Every member of the Low-country Products Association, not otherwise disqualified, shall be qualified to have his name entered on the register for the Low-country Products Association Electorate.

Qualifications of voters for Provincial and Colombo constituencies.

31. Any person, not otherwise disqualified, shall be qualified to have his name entered on the register of voters for any constituency mentioned in sub-heads (f) to (p) (both inclusive) of clause 17 (1) of this Order, unless he is registered as a voter under clauses 26 to 30 (both inclusive) of this Order.

Provided always that, notwithstanding anything in this clause contained, no Kandyan or Muhammadan or Indian shall be qualified to be registered as a voter so long as a Kandyan or a Muhammadan or an Indian Member is appointed under the provisions of this Order.

Returning officers.

32. (1) The Governor shall from time to time appoint a fit and proper person to be the returning officer of each constituency, and may at any time cancel any such appointment.

(2) If any returning officer shall, by sickness or other cause, be prevented or disabled from acting, or shall refuse or neglect to act at any election, the Governor may at any time appoint some fit and proper person to act in the place of such returning officer at such election.

(3) Every appointment of a returning officer shall be valid until his death, or until such appointment shall be cancelled by the Governor.

(4) Every appointment or cancellation of appointment of a returning officer shall be notified in the *Government Gazette*.

Notifications of election.

33. (1) For the purpose of every general election of Members of the Council, and for the purpose of the election of Members to supply vacancies caused by death, resignation, or otherwise, the Governor shall, by notification in the *Government Gazette*, appoint a convenient date, being not less than fourteen days after the publication of the notification.

(2) Every such notification shall specify the place or places of election.

Procedure at elections.

34. Such elections shall be by ballot, and shall be held in accordance with the procedure prescribed by the rules contained in Schedule II. to this Order.

Election petition.

35. (1) A petition complaining of an undue return or undue election of a Member of the Council, in this Order called an election petition, may at any time, within fifteen days of the publication of the result of such election in the *Government Gazette*, be presented to the Governor in Executive Council by any one or more of the following persons, that is to say:—

(1) Some person who voted or had a right to vote at the election to which the petition relates ;

(2) Some person claiming to have had a right to be returned or elected at such election ;

(3) Some person alleging himself to have been a candidate at such election.

(2) The Governor in Executive Council may appoint any person having judicial experience to be a Commissioner to inquire into and report on the grounds on which the validity of any election is brought in question as aforesaid ; and every such Commissioner shall have all the powers of a Commissioner appointed under Ordinance No. 9 of 1872.

(3) The Governor in Executive Council shall, after such inquiry, if any, as he may consider necessary, declare, by notification in the *Government Gazette*, whether the candidate whose election is questioned, or any, or what other person is duly elected, or whether the election is void.

(4) If the election is declared void, the Governor shall by notification, in manner hereinbefore provided, appoint another date for the election of a Member for the constituency concerned.

(5) The Governor in Executive Council may from time to time make, alter, amend, or revoke rules for regulating the practice and procedure to be observed on election petitions.

Corrupt practice.

36. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected.

(2) The expression "corrupt practice" as used in this Order means any of the following offences, namely, treating, undue influence, bribery, and personation, as hereinafter set forth.

(3) A corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Non-compliance with rules in Schedule II.

37. No election shall be invalid by reason of a non-compliance with the rules contained in Schedule II. to this Order if it appears that the election was conducted in accordance with the principles laid down in such rules, or that such non-compliance did not affect the result of the election.

Offences in respect of nomination papers, &c.

38. (1) Every person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged; or

(b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(c) without due authority supplies any ballot paper to any person; or

(d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorized by law to put in; or

(e) fraudulently takes out of the polling station any ballot paper; or

(f) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election—

shall be guilty of a summary offence, and be liable to imprisonment of either description for any term not exceeding six months.

(2) Any attempt to commit an offence specified in this section shall be punishable in the manner in which the offence itself is punishable.

(3) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes, and instruments may be stated to be in the returning officer at such election, as well as the property in the counterfoils.

Infringement of secrecy.

39. (1) Every officer, clerk, and agent in attendance at a polling station shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate, except for some purpose authorized by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper or voted at that station, or as to the official mark.

(2) No such officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

(3) Every officer, clerk, and agent in attendance at the counting of the votes shall maintain, and aid in maintaining, the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(4) No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(5) Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction, to imprisonment of either description for any term not exceeding six months.

Personation.

40. Any person who at an election held under this Order applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation, and shall be liable, on summary conviction, to imprisonment of either description for any term not exceeding six months.

Treating.

41. (1) Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing any meat, drink, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person or any other person.

to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating, and shall be liable, on summary conviction, to a fine not exceeding five hundred rupees, and shall for seven years from the date of his conviction be disqualified from voting at any election under this Order and from being elected a Member.

(2) Every voter who corruptly accepts or takes any such meat, drink, entertainment, or provision shall also be guilty of the offence of treating, and shall be liable, on summary conviction, to the penalty hereinbefore in this clause specified, and shall be disqualified as therein provided.

Undue influence.

42. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of the offence of undue influence, and shall be liable, on summary conviction, to the penalty specified in clause 41, and shall be disqualified as therein provided.

Bribery.

43. (1) The following persons shall be deemed guilty of the offence of bribery, and shall be liable, on summary conviction, to the penalty specified in clause 41, and shall be disqualified as therein provided :—

- (a) Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election under this Order ;
- (b) Every person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place, or employment to or for any voter or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election under this Order ;
- (c) Every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member of the Legislative Council, or the vote of any voter at any election under this Order ;
- (d) Every person who upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement procures, or engages, promises, or endeavours to procure, the return of any person as a Member of the Legislative Council, or the vote of any voter at any election under this Order ;
- (e) Every person who advances or pays or causes to be paid any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election under this Order, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election.

Provided always that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

(2) The following persons shall also be deemed guilty of the offence of bribery, and shall be liable, on summary conviction, to the penalty specified in clause 41, and shall be disqualified as therein provided :—

- (a) Every voter who, before or during any election under this Order, directly or indirectly, by himself or by any other person on his behalf, receives, agrees, or contracts for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election ;
- (b) Every person who, after any election under this Order, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any such election.

Power to make laws.

44. It shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order, and good government of the Island.

- Assent to laws. 45. No law made by the Governor, with the advice and consent of the Council shall take effect until either the Governor shall have assented thereto in the name and on behalf of His Majesty, and shall have signed the same in token of such assent, or His Majesty shall have given his assent thereto by Order in Council or through one of His Principal Secretaries of State.
- Disallowance of laws. 46. When the Governor assents to a law, he shall, by the first convenient opportunity, transmit an authentic copy in duplicate of the law to one of His Majesty's Principal Secretaries of State, and it shall be lawful for His Majesty, at any time within two years after such copy shall have been received by the Secretary of State, to notify to the Governor his disallowance of such law through one of His Principal Secretaries of State, and every law so disallowed shall become null and void from and after the day on which the Governor shall signify such disallowance by Proclamation in the *Government Gazette*.
- Bills reserved for signification of His Majesty's pleasure. 47. (1) The Governor may reserve any Bill passed by the Council for the signification of His Majesty's pleasure thereon, and shall so reserve any such Bill by which any provision of this Order is repealed, altered, or amended, or which is in any way repugnant to or inconsistent with any of the provisions of this Order.
(2) A Bill so reserved shall take effect so soon as His Majesty shall have given his assent thereto, either by Order in Council or through one of His Principal Secretaries of State, and the Governor shall have signified such assent by Proclamation in the *Government Gazette*.
- Initiation of money votes. 48. The Council shall not pass, nor shall the Governor assent to, any law, vote, or resolution imposing any tax or disposing of or charging any part of the public revenue, unless such law, vote, or resolution shall have been proposed by, or by the direction of, or shall have the express approval of, the Governor.
- Who to preside at meetings of Council. 49. The Governor shall attend and preside in the Council, unless prevented by illness or other grave cause; and in his absence any Member of the Council appointed by him in writing, or, in default of such appointment, the Member present who stands first in order of precedence, shall preside.
- Voting. 50. (1) Subject to the provisions contained in clause 52 of this Order, all questions proposed for decision in the Council shall be determined by a majority of the votes of the Members present, and the Governor or other presiding Member shall have an original vote on all such questions, and also a casting vote if the votes shall be equally divided.
(2) The votes of the Members of the Council shall be taken in the order of precedence.
- Power to prevent Bill, &c., being proceeded with. 51. Where any Bill has been introduced or is proposed to be introduced, or any amendment to a Bill or any resolution is moved or proposed to be moved, the Governor may certify or declare that the Bill or any clause of it, or the amendment, or the resolution, affects the safety or tranquillity of the Island or any part of it, and may direct that no proceedings or no further proceedings shall be taken by the Council in relation to the Bill, clause, amendment, or resolution, and effect shall be given to any such direction.
- Questions of paramount importance. 52. (1) If the Governor is of opinion that the passing of any Bill, or any clause of it, or of any amendment to any such Bill, or of any resolution or vote, is of paramount importance to the public interest, he may declare such Bill, clause, amendment, resolution, or vote to be of paramount importance.
(2) In any such case only the votes of the *ex officio* Members and Nominated Official Members shall be recorded, and any such Bill, clause, amendment, resolution, or vote shall be deemed to have been passed by the Council if a majority of the votes of such *ex officio* Members and Nominated Official Members are recorded in favour of any such Bill, clause, amendment, resolution, or vote.
- Governor to report measures passed under powers conferred under clause 52. 53. The Governor shall forthwith report to one of His Majesty's Principal Secretaries of State every case in which he shall make any such declaration of opinion as is mentioned in clause 52 of this Order, with the reasons for his opinion.
- Council may transact business notwithstanding vacancies. 54. The Council shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the *ex officio*, Nominated, or Elected Members.
- Quorum. 55. No business, except that of adjournment, shall be transacted, unless there shall be present six Members, besides the Governor or Presiding Member.
- Rules to be observed by Council. 56. Subject to the provisions of this Order, the Council shall, in the transaction of business and passing of laws, conform as nearly as may be to the directions as to the transaction of business and passing of laws by the now existing Legislative Council of Ceylon conveyed to the Governor of Ceylon in certain Instructions under His Majesty's Sign Manual and Signet, bearing date the Twenty-fourth day of November, 1910, until otherwise provided by His Majesty, and to such further Instructions under His Majesty's Sign Manual and Signet as may be hereafter addressed to the Governor in that behalf.
- Standing orders. 57. (1) The course of business and procedure and the preservation of order at meetings of the Council shall be regulated by the rules and orders set forth in Schedule III. to this Order.
(2) Subject to the provisions of this Order, and such Instructions as aforesaid, the Council may from time to time make rules and orders to supplement the rules and orders set forth in Schedule III. to this Order, and may rescind, vary, or amend any such rules and orders as above referred to:

Sessions of Council.

58. The sessions of the Council shall be held at such times and places as the Governor shall from time to time, by Proclamation in the *Government Gazette*, appoint. There shall be at least one session of the Council in every year, and there shall not be an interval of twelve months between the last sitting in one session and the first sitting in the next session. The first session shall be held within six months after the publication of this Order in the *Government Gazette*.

Prorogation or dissolution of Council.
Duration of Council.

59. The Governor may at any time, by Proclamation, prorogue or dissolve the Council.

60. The Governor shall dissolve the Council at the expiration of five years from the date of the publication in the *Government Gazette* of the return of the first Member elected at the last preceding general election, if it shall not have been sooner dissolved.

Times of first and subsequent general elections.

61. The first general election of members of the Legislative Council shall be held at such time not more than six months after the publication of this Order in the *Government Gazette*, and a general election shall be held at such time within two months after every dissolution of the Council as the Governor shall, by Proclamation, appoint.

Provided always that the Governor may, by Proclamation, postpone the holding of the first general election under this Order for a further period not exceeding three months, if, in his opinion, it is not practicable to hold the same within the period of six months hereinbefore provided.

Interpretation.

62. (1) In this Order, unless the context otherwise requires—

- (a) The term "the Governor" means the officer for the time being lawfully administering the Government of the Island;
- (b) The term "the Council" means the Council hereby created;
- (c) The term "persons holding public office under the Crown in the Island" and cognate expressions shall not include—
 - (i.) Persons in the employment of Municipal Councils, District Councils, Local Boards, Sanitary Boards and Boards of Health, Provincial and District Committees, and Village Committees;
 - (ii.) Crown Proctors;
 - (iii.) Crown Advocates not being Crown Counsel.
- (d) The term "British subject" includes persons who have been naturalized under any Act of the Imperial Parliament, or under any enactment of a British Possession, as well as the natural-born subjects of His Majesty;
- (e) The term "Kandyan" means a person subject to Kandyan law;
- (f) The term "Indian" means any person who is a native of British India or of the territories of any Native Prince or Chief under the suzerainty of His Majesty exercised through the Governor-General of India or through any Governor or other officer subordinate to the Governor-General of India;
- (g) The term "register of voters" or "register" means the register prepared in accordance with this Order of the persons qualified to vote at the election of a Member to represent any of the constituencies created under this Order;
- (h) The term "Member" means a Member of the Legislative Council.

(2) In the construction of this Order the provisions of "The Interpretation Ordinance, 1901," shall, subject to the express provisions of this Order, and notwithstanding any provision to the contrary in such Ordinance, apply as if this Order were an Ordinance of the Legislative Council of the Island.

Power to supplement rules in Schedules I. and II.

63. (1) The Governor in Executive Council may from time to time make rules to supplement the rules contained in Schedules I. and II. to this Order, or to rescind, vary, or amend any of such rules as above referred to.

(2) All rules so made shall be published in the *Government Gazette*, 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 Order.

(3) All rules made in pursuance of this section 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.

Power of Governor in Executive Council to make Orders to meet difficulties arising under Order.

64. If any difficulty arises as to the first establishment of the Council after the commencement of this Order, or otherwise in first giving effect to the provisions of this Order, the Governor in Executive Council, as occasion may require, may, by Order published in the *Government Gazette*, do anything which appears to him necessary for the purpose of removing the difficulty.

Power of Governor in Executive Council to decide questions.

65. The decision of the Governor in Executive Council on any question which may arise as to the intention, construction, or application of this Order and of the rules thereunder shall be final.

Power to revoke and amend Order.

66. His Majesty hereby reserves to Himself, His Heirs and Successors, power, with the advice of His or their Privy Council, to revoke, alter, or amend this Order as to Him or them shall seem fit.

SCHEDULE I.

Rules for the Preparation of Register of Voters.

(Clause 21.)

PREPARATION OF FIRST REGISTERS.

Notice inviting claim of voters.

1. (a) As soon as conveniently may be after the publication in the *Government Gazette* of this Order, a notification shall be published in the *Government Gazette* calling upon all persons desirous of having their names inserted in the register of voters for any constituency to forward their claims within one month from the publication of the notification.

(b) Claims relating to the Burgher, Commercial, Low-country Products Association, and Colombo Electorates shall be forwarded to the registering officer respectively of each such electorate, and claims relating to any other constituency to the registering officer of the electoral district within which the claimant resides.

(c) Every claim may be in the Form A appended to these rules; it shall be signed by the claimant, and shall contain the following particulars, namely:—

- (i.) The constituency in respect of which the claim is made.
- (ii.) The name in full of the claimant.
- (iii.) The claimant's address and occupation.
- (iv.) The claimant's age at his last birthday.
- (v.) The qualifications in virtue of which a vote is claimed.

Preparation of register of voters.

2. Upon the expiration of the period limited by the preceding rule, it shall be the duty of the registering officers of the several electoral districts to prepare a separate register of voters for each of such districts.

Duties of registering officers as to inclusion of names on register.

3. In preparing such registers, the registering officers shall, after inquiry, as may be necessary, include in the register the names of all persons who they consider are duly qualified to be registered as voters, whether such persons have or have not forwarded claims as provided by rule 1.

Registers for Burgher Electorate.

4. The registering officer for the Burgher Electorate, with the assistance of the Board referred to in clause 20 of this Order, shall prepare separate registers for each of the electoral districts in the Island.

Notice of completion of registers.

5. On the completion of the registers, notice shall be given in the *Government Gazette* and in the principal newspapers circulating in the Island in the English language that the registers are completed, and that the registers, or copies thereof, are open for inspection at all reasonable hours of the day at the Kachcheries of the several electoral districts, or at such other places as shall be specified in the notice.

Claims and objections.

6. (a) Every person qualified to have his name entered on the register for any constituency whose name is omitted from such register, and who claims to have it inserted therein (in these rules called "the claimant"), may apply to the registering officer to have his name inserted therein.

(b) Every person whose name appears in the register for any constituency, and who objects to the name of any other person or his own name appearing therein (in these rules called "the objector"), may apply to the registering officer to have such name expunged from the register.

(c) Every such application shall be made in writing within four weeks from the date of the publication of the notice referred to in rule 5, and shall set out the grounds of the application, and shall give an address for the receipt of notices.

(d) The registering officer shall hear all claims and objections which have been duly made in open court or office, giving ten clear days' notice of the holding of the inquiry by written notice to each claimant, objector, and to each person objected to, and shall also fix such notice in some conspicuous place of his court or office.

(e) The registering officer shall insert in the register the name of every person who has duly claimed to have his name inserted therein, and whose claim is proved to the registering officer's satisfaction.

(f) The registering officer shall retain in the register the name of every person objected to, unless the objector appears by himself or by some person duly authorized by him in this behalf in support of the objection. Where the objector so appears, the registering officer shall require proof of the qualification of the person objected to, and if within such reasonable time as the registering officer fixes in this behalf, or on the subsequent day, if any, to which the hearing is adjourned, such person's qualification is not proved to the registering officer's satisfaction, he shall expunge his name from the register.

(g) In the case of claims with regard to the Burgher, Commercial, and Low-country Products Association, the registering officer may dispense with the attendance of the claimant, if the claim is, in his judgment, supported by sufficient documentary evidence.

7. (a) If any claimant or objector is dissatisfied with the decision of the registering officer, he may within ten days from the date thereof appeal to the revising officer.

(b) Every such appeal shall be in writing, and shall state shortly the ground of appeal. The revising officer shall hear such appeals in manner provided by rules 6 (d), 6 (e), and 6 (f), and his determination thereon shall be final and conclusive.

(c) When the revising officer has determined all the appeals which have been lodged with respect to any register, he shall forward to the registering officer a statement under his hand of the names which he has decided shall be inserted in or expunged from the register, and the registering officer shall amend the register accordingly.

8. The registering officer then shall certify the register amended as aforesaid, and the certified register shall be the register in operation until a revised register has been prepared and certified in accordance with these rules.

ANNUAL REVISION OF REGISTERS.

9. On or before the Fifteenth day of August, 1922, and thereafter on or before the fifteenth day of August in every succeeding year, a notification shall be published in the *Government Gazette* calling upon all persons desirous of having their names inserted in any register of voters to forward their claims to the proper registering officer before the fifteenth day of the succeeding month of September. Every claim shall contain the particulars specified in rule 1 (c), and shall be signed as therein required.

10. (a) The registering officer shall on or before the fifteenth day of the succeeding month of October prepare revised registers of voters, and notice of the completion of the register shall be given in manner provided by rule 5.

(b) In preparing such revised registers the registering officers shall include the names of all persons appearing entitled to have their names inserted therein, and shall expunge from the registers the name of any person who is dead or has become disqualified or has left the electoral district. The registering officer shall also correct any mistake or supply any omission which appears to have been made in the register.

11. (a) Claims and objections may be made with regard to the revised registers in the manner provided by rule 6 and within the time therein prescribed. Such claims shall be heard and determined by the registering officer in the manner provided by the said rule.

(b) Appeals may be made to the revising officer in the manner provided by rule 7, and the registering officer and the revising officer shall respectively proceed as therein provided.

(c) The registering officer shall certify the revised registers in manner provided by rule 8, and the registers so certified shall come into operation on the first day of January following the publication of the notice mentioned in rule 10 (a), and shall continue in operation until superseded by other revised registers.

(d) If any revised register is not prepared in due time, the register in operation immediately before the time at which the new register ought to have been prepared shall continue in operation until the new register is prepared.

FORM A (Rule 1).

To the Registering Officer of _____.

I claim to have my name inserted in the list of persons entitled to vote for the election of a member to represent _____.

The following are particulars of my qualification:—

Name in full: _____.

Address and occupation: _____.

Age last birthday: _____.

Qualifications*: _____.

Dated the _____ day of _____, 19__.

(Signed) A. B.,
Claimant.

* *E.g.*, in case of European (Urban) Electorate:—

1. I am of European descent.
2. I have resided in the electoral district of Colombo for a period of one year prior to the 31st day of July, 1—9.
3. I am possessed of a clear annual income of not less than Rs. 600 (or as the case may be).
4. I am able to read and write English (or Sinhalese or Tamil, as the case may be).

SCHEDULE II.

Rules for the Election of Members.

(Clause 34.)

1. Any person not ineligible for election under this Order may be nominated as a candidate for election.
2. Each candidate shall be nominated by means of a separate nomination paper signed by two persons, whose names are on the register of voters for the constituency for which the candidate seeks election, as proposer and seconder.
3. The signatures of the proposer and seconder shall be attested by a Justice of the Peace or by a notary public.
4. Every nomination paper shall be in the Form A annexed to these rules.
5. The returning officer shall, at any time between the date of the notification published under clause 33 of this Order and one o'clock in the afternoon of the day of election, supply a form or nomination paper to any registered voter requiring the same; but nothing in these rules shall render obligatory the use of a nomination paper supplied by the returning officer, so, however, that the paper be substantially in the form prescribed by these rules.
6. Every nomination paper subscribed and attested as aforesaid must be delivered to the returning officer by the candidate or by his proposer or seconder on the day and at the place appointed for the election before one o'clock in the afternoon; and nomination papers which are not duly delivered before that hour shall be rejected.
7. On the date appointed for the election of a member for any electorate, every candidate and his proposer and seconder and one other person selected by the candidate, and no person other than the aforesaid, shall, except for the purpose of assisting the returning officer, be entitled to attend the proceedings during the time appointed for the election.

8. The returning officer shall permit the candidates and their proposers and seconders and the person, if any, selected by the candidate as aforesaid to examine the nomination papers of candidates which have been received for their electorate.

9. Each candidate shall be described in the nomination paper in such manner as in the opinion of the returning officer is calculated to sufficiently identify such candidate. No objection to a nomination paper on the ground of the description of the candidate therein being insufficient or not being in accordance with these rules shall be allowed or deemed valid, unless such objection is made by the returning officer or by some other person at, or immediately after, the time of delivery of the nomination paper. The decision of the returning officer as to the sufficiency of any nomination paper shall be final.

10. If at one o'clock in the afternoon of the day appointed for the election for any electorate one candidate only is duly nominated, the returning officer shall forthwith declare such candidate to be elected, and shall report such election to the Colonial Secretary, who shall cause the election to be published in the *Government Gazette*.

11. A candidate may before one o'clock on the day appointed for the election, but not afterwards, withdraw from the candidature by giving a notice to that effect signed by him to the returning officer.

12. If more candidates than one are duly nominated for any electorate, the returning officer shall adjourn the election for the purpose of taking a poll, and shall report to the Colonial Secretary the names of the candidates as described in their respective nomination papers.

13. Upon the receipt of such report the Governor shall cause to be published in the *Government Gazette*, and also in such local newspapers as the Governor shall think fit, a notice specifying—

- (a) The constituency for which a poll will be taken.
- (b) The date on which the poll will be taken, which shall not be less than fourteen days later than the date of publication of the notice in the *Government Gazette*.
- (c) The names of the candidates as described in their respective nomination papers and the names of their proposers and seconders.
- (d) The places at which the poll will be taken, and the districts allotted to each polling station.

14. If after an election has been adjourned for the purpose of taking a poll one of the candidates nominated shall die before the poll has commenced, the Governor shall, upon being satisfied of the fact of such death, countermand the notice for the poll, and shall appoint in manner prescribed by clause 33 of this Order a fresh date for the election. In such case all proceedings with reference to the election shall be commenced afresh, provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

15. The Governor shall appoint a person, in these rules called a "presiding officer," to preside at each polling station. Such presiding officer shall be supplied with a copy of the register of voters containing the voters residing in the district assigned to his polling station.

16. No person shall be admitted to vote at any polling station except the one allotted to him.

17. Unless the Governor, by notification in the *Government Gazette*, appoint any other hour, the poll shall open at nine o'clock in the forenoon and shall close at five o'clock in the afternoon of the same day.

18. The presiding officer shall keep order in his station, and shall regulate the number of electors to be admitted at a time, and shall exclude all other persons, except the clerks, the agents of the candidates, and the constables on duty.

19. (1) Every ballot paper shall contain a list of the candidates described as in their respective nomination papers, and shall be in the Form B annexed to these rules, or as near thereto as circumstances permit, and shall be capable of being folded up. Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face.

(2) The names and descriptions of the candidates shall, in the case of the constituencies referred to in sub-heads (a), (b), (c), and (d) of clause 17 (1) of this Order, be in English, and in the case of the other constituencies mentioned in the said clause be in English, Sinhalese, and Tamil.

20. Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom without the box being unlocked.

The presiding officer, immediately before the commencement of the poll, shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such a manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

21. Immediately before a ballot paper is delivered to a voter it shall be marked on both sides with an official mark, either stamped or perforated; and the number, name, and description of the voter, as stated in the copy of the register of voters, shall be called out; and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

22. The elector on receiving the ballot paper shall forthwith proceed to a place screened from observation, which shall be provided by the presiding officer, and there mark his paper by placing the mark X opposite the name of the candidate whom he prefers, and fold it up so as to conceal his vote, and shall then put his ballot paper so folded up into the ballot box; he shall vote without undue delay, and shall quit the polling place as soon as he has put his paper into the ballot box.

23. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in these rules called a "spoilt ballot paper"), and the spoilt ballot papers shall be immediately cancelled.

24. If a person representing himself to be a particular voter named on the register applies for a ballot paper after another person has voted as such elector, the applicant shall, upon making and subscribing a declaration in the form hereafter provided, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (in this Order called "a tendered ballot paper") shall be of a colour different from the other ballot papers; and instead of being put into the ballot box, shall be given to the presiding officer and indorsed by him with the name of the voter and his number in the register of voters, and set aside in a separate packet, and shall not be counted by the returning officer, and the name of the voter and his number on the register shall be entered on a list, in these rules called the "tendered votes list."

FORM OF DECLARATION.

I, A. B., of _____, solemnly and sincerely declare that I am the same person whose name appears as A. B., No. _____, in the register in force for _____.

(Signed) A. B.

Witness: C. D.,
Presiding Officer.

25. The presiding officer of each polling station, as soon as practicable after the close of the poll, shall in the presence of the agents of the candidates make up into separate packets, sealed with his own seal and the seals of the agents of the candidates who desire to affix their seals—

- (a) The ballot box, unopened, but with the key attached; and
- (b) The unused and spoilt ballot papers placed together; and
- (c) The marked copies of the register of voters and the counterfoils of the ballot papers; and
- (d) The packet containing the tendered ballot papers and the tendered votes list—

and shall despatch such packets in safe custody to the returning officer.

COUNTING VOTES.

26. The returning officer shall make arrangements for counting the votes in the presence of the agents of the candidates as soon as practicable after he has received all the ballot boxes relating to any electorate, and for that purpose shall give notice in writing to the agents of the candidates of the time and place at which he will begin to count the votes.

27. 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 number on its back is written or marked by which the vote can be identified, shall be void, and shall not be counted.

28. The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid.

29. The returning officer shall not open the sealed packet of tendered ballot papers, but shall retain the same, unless it is required for the purposes of an election petition under clause 35 of this Order.

30. The decision of the returning officers as to any question arising in respect of any ballot paper shall be final.

31. When the counting of the votes has been completed, the returning officer shall forthwith declare the candidate to whom the greatest number of votes is given to be elected. Provided that upon the application of any candidate or his agent a recount shall be made before the returning officer makes the declaration.

32. When an equality of votes is found to exist between any candidates, and the addition of a vote would entitle any of the candidates to be declared elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall determine.

33. Upon the completion of the counting, and after the result has been declared by him, the returning officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed, unless otherwise directed by order of the Governor.

34. The returning officer shall without delay report the result of the election to the Colonial Secretary, who shall cause the name of the member elected to be published in the *Government Gazette*.

FORM A (Rule 4).

Nomination Paper for*—

1. Name in full of candidate: _____.
2. Address: _____.
3. Occupation: _____.
4. Name of proposer: _____.
5. Name of seconder: _____.

Signed by the above-named _____ (proposer) in my presence this _____ day of _____, 19—.

A. B. (a Justice of the Peace or a Notary Public).

Signed by the above-named _____ (seconder) in my presence this _____ day of _____, 19—.

C. D. (a Justice of the Peace or a Notary Public).

* Here insert description of constituency.

FORM B.

Form of Ballot Paper.

(Front.)

No. ——— Counterfoil.

NOTE.—The counterfoil is to have a number to correspond with that on the back of the ballot paper.

- | | |
|----|----------------|
| 1. | A. B., of ———. |
| 2. | C. D., of ———. |
| 3. | E. F., of ———. |
| 4. | G. H., of ———. |

(Back.)

No. ———.

Election for ———, 19——.

NOTE.—The number is to correspond with that on the counterfoil.

SCHEDULE III.

Rules and Orders of the Council.

(Clause 57.)

RULES AND ORDERS IN SPECIAL CASES.

Usages of House of Commons.

1. In all cases not herein provided resort shall be had to the rules, forms, usages, and practices of the Commons House of Parliament of Great Britain and Ireland, which shall be followed so far as the same may be applicable to this Council, and not inconsistent with the following Rules and Orders, nor with the practice of this Council.

MEETINGS.

Times and Places of Sitzings.

2. (a) The Council shall hold its sessions at such times and places as the Governor shall from time to time appoint.

(b) Notice of the first meeting of each session shall be published in the *Government Gazette* at least three weeks before the day appointed for such meeting, and it shall be the duty of the Clerk of the Council to give not less than ten days' notice of such meeting to each member.

(c) The Council shall, unless the Council otherwise decides, meet on Tuesday, Wednesday, and Thursday in each week during the session.

(d) The Governor may also summon an Extraordinary Meeting of Council whether the Council be in session or not. Not less than seven days' notice of any such meeting shall ordinarily be given, but in cases of emergency such notice shall be given as the occasion may permit.

(e) The ordinary sitting of the Council shall begin at 2.30 in the afternoon, or at such other times as the Council may from time to time determine. Extraordinary sittings of the Council shall begin at such hour as the Governor may fix in giving notice thereof.

QUORUM.

3. Six members, exclusive of the President, Presiding Member, or Chairman, shall form a quorum.

ADJOURNMENT.

4. A meeting of the Council can be adjourned at any time by the President or Presiding Member, or by a vote of the majority of the members present.

PRESENCE OF STRANGERS.

5. Strangers may be present in the Council Chamber in the place set apart for them, but must withdraw when called upon to do so by the President (or Presiding Member), or, if the Council is in Committee, by the Chairman.

ORDER OF BUSINESS.

6. The business of the Council shall be transacted in the following order:—

- (1) Confirmation of minutes of the last preceding meeting.
- (2) Announcements.
- (3) Petitions.
- (4) Notices.
- (5) Questions.
- (6) Business of which notice has been given, according to priority of notice, and as set down in the Orders of the Day.

CONDUCT OF BUSINESS.

Confirmation of Minutes.

7. The minutes of each meeting shall be printed and circulated. At the next or some subsequent meeting the question shall be put that the minutes be confirmed. In the absence of objection or correction the minutes as printed shall be confirmed.

NOTICES.

8. Notices of motions or questions can be given in Council, and if sent to the Clerk of the Council not less than two days before any meeting, they shall be included in the "Order of the Day." Every member, in giving such notice, shall deliver to the Clerk a copy of the proposed motion or question.

APPLICATIONS.

9. All applications to the Council shall be in the form of a petition, and every petition must be presented by some member, who shall be responsible for the same being in respectful language.

A member presenting a petition to the Council may state concisely the purpose of the petition.

PETITIONS.

10. It shall be competent for any member to move that such petition be read. In making such motion he shall state concisely his reasons for wishing to have it read.

No debate shall be permitted on such motion, nor shall any other member speak upon or in relation to such petition, except to second the same formally.

Such motion being seconded, the question shall be put whether the petition shall be read.

QUESTIONS.

11. Questions relating to public affairs may be put at the beginning of public business to the Colonial Secretary, or to any Official Member of Council on matters connected with his Department.

At least two days' notice shall be given of such question.

Every such question shall be put in writing, and a written reply shall be read by the member to whom it is addressed.

No member shall address the Council upon any question, nor shall the terms of any question contain any argument or expression of opinion or statement of fact, except in so far as may be necessary to explain such question.

"ORDER OF THE DAY."

12. The "Order of the Day" shall include all business to be transacted according to notice given and orders made, business remaining over from the previous meeting being put down first. Unless otherwise resolved, the business shall be taken in the order printed.

DEBATE ON NOTICE.

13. No debate shall take place on the giving of notice of any matter, and no matter can be debated without notice, which, unless otherwise specially ordered, must be given not less than two days previously.

This rule shall not be construed to extend to the exclusion of motions for amendments, or of motions for the adjournment of the Council or of the debate, or for referring any matter to a Committee, or of any motion the urgency of which is admitted by the President.

A motion for the adjournment of the Council, if supported by at least four members, may be made at any time, and shall take precedence of all other business.

QUESTIONS FOR DEBATE.

14. Subject to the provisions of rule 15, it shall be competent for any member of Council to propose any motion on any matter of public interest, and such motion, if seconded by any other member, shall be debated and disposed of according to these rules.

MONEY VOTES OR BILLS.

15. No Bill, motion, vote, or resolution, the object or effect of which may be to dispose of or charge any part of the public revenue of the Colony, or to alter or vary any existing disposition or charge, shall be proposed except by the Governor, or with his allowance or by his direction.

ADJOURNMENT OF DEBATE BY PRESIDENT.

16. It shall be competent for the President to adjourn a debate at any time.

VOTING.

Votes, how taken. Casting Vote of President.

17. (1) The question shall be put by the President or Presiding Member, and the votes may be taken by voices, Ayes and Noes, and the result shall be declared by the President; but any member may call for a division, when the votes shall be taken by the Clerk, asking each member separately, beginning with the junior member, how he desires to vote and recording the votes accordingly.

(2) The President or Presiding Member shall have an original vote in common with the other members of the Council, as also a casting vote if upon any question the votes are equal.

Casting Vote of Chairman of Committee.

18. When the Council is in Committee of the whole Council, the Chairman shall have an original vote in common with the other members, and also a casting vote, if upon any question the vote shall be equal.

PROCEDURE AS TO BILLS.

Introduction of Bills.

19. Every Bill introduced into Council shall be read a first time without amendment or debate.

Every Bill shall be published in at least two consecutive issues of the *Government Gazette* before the same be read a first time, and a copy of the Bill shall be distributed to every member of the Council. Provided that Bills declared by the Governor to be urgent may be read a first time after one such publication.

Every Bill so published shall be accompanied by a printed statement, signed by the Attorney-General in the case of Government Bills, and by the mover in the case of Bills not submitted by the Governor, stating fully the objects of and reasons for the Bill.

On moving the first reading of every Bill, the mover shall give an exposition of its provisions.

Precedence of Government Bills.

20. Government Bills shall take precedence in the "Order of the Day" over all other Bills, unless the President or Presiding Member shall be pleased to direct otherwise.

Bills affecting Private Persons.

21. Where any Bill shall be proposed directly affecting the particular interest or benefit of any person, association, or corporate body, notice of the Bill shall be given by advertising a statement of its general nature and objects, at least one month before the first reading, in the *Government Gazette*, and also in at least one newspaper circulating in the Island. Such advertisement shall be in addition to the publication required by rule 19.

Reading of Bills.

22. A Bill may be "read" by reading the title of the Bill only.

Second Reading.

23. Notice must be given immediately after its first reading of a second reading of a Bill if it is intended to proceed with the Bill at the subsequent meeting, or an interval of not less than seven days must elapse between the first and second reading.

Debate on Second Reading. Record of Protest.

24. On the second reading of a Bill the measure may be debated.

It shall be competent for any member who is in a minority to record the reason of his dissent from the opinion of the majority, and the same shall be entered by the Clerk at the end of the minutes of the day's proceedings.

Committee on Bill.

25. After its second reading, a Bill shall be referred to a Committee of the whole Council or to a Select Committee.

When a Bill has been referred to a Select Committee, no further proceedings shall be taken on the Bill until the Select Committee has reported thereon.

Procedure in Committee.

26. On a Bill being committed, the Committee shall discuss its several provisions and any proposed amendments, and may report progress from time to time as occasion may require.

Reading Clauses in Committee.

27. When the Council is in Committee, the Chairman of the Committee or the Clerk shall read the number or the marginal note of each clause in succession, but any member may require a clause to be read at length by the Clerk.

Amendments to Clauses in Committee.

28. (1) When the Council is in Committee any amendments may be made to a clause, or clauses may be debated or new clauses may be added, provided the same be relevant to the subject-matter of the Bill and be otherwise in conformity with the Rules and Orders.

(2) No amendment other than one decided by the Chairman to be formal or clerical or consequential shall be proposed unless notice thereof shall have been given in sufficient time, in the opinion of the Chairman, to allow of the Clerk having prepared and circulated amongst members printed copies of such amendment, or unless the Committee shall on motion made and question put, but without debate, allow such amendment to be proposed.

Principle of Bill.

29. The principle of the Bill shall not be discussed in Committee, but only its details.

Inconsistent Amendment.

30. When the Council is in Committee, no amendment can be proposed inconsistent with any decision come to upon any previous part of the Bill without the leave of the Chairman.

Amendment before Resumption.

31. After a Bill has been read through in Committee, but before resumption, any member may, with the leave of the Council, move an amendment of any clause already passed.

Re-committal.

32. A Bill having passed through the Committee of the whole Council may be re-committed for further amendment.

Third Reading.

33. A Bill having passed through Committee of the whole Council, or having been reported to the Council by a Select Committee, may forthwith be read a third time and passed, or, if the Council so direct, the third reading may be postponed.

Report of Select Committee.

34. A Select Committee to which a Bill shall have been referred shall present a report to the Council explaining its recommendations, and if the said recommendations involve any amendments, a reprint of the Bill shall be attached to the report with all amendments printed in italics, and all deletions clearly indicated and a copy of the report and of the Bill so amended shall be distributed to every member of the Council.

Presentation of Report.

35. The report of a Select Committee shall be brought up by the Chairman, and may be ordered to lie upon the table, or be otherwise dealt with, as the Council may direct, but at the request of any member present shall be referred to a Committee of the whole Council.

Assent to Bill when passed.

36. A Bill when passed shall be submitted to the Governor for his assent or otherwise.

Bill returned to Council for Amendment.

37. When a Bill passed by the Council is returned to the Council by the Governor for amendment, the Bill shall be re-committed for the consideration only of the amendments proposed. The Bill shall be re-submitted to the Governor with the amendments made therein should the Council approve of them.

Record of Proceedings of Committee.

38. The proceedings of a Committee of the whole Council shall be recorded in the minutes of the Council, and no report to the Council shall be required.

When Bill deemed to be Withdrawn.

39. If an interval of three calendar months shall elapse after any notice of motion is given, or after any reading of a Bill, without further action being taken on such motion or Bill, such motion or Bill shall be deemed to be withdrawn, unless the Council otherwise orders.

Parties affected. Witnesses. Evidence.

40. In any case where individual rights or interest may be peculiarly affected by any Bill, all parties so affected may be heard upon petition before the Council when in Committee, either in person or by counsel, provided that the latter is not a member of the Council.

When it is intended to examine any witnesses, the petitioner or member of the Council requiring such witnesses shall deliver to the Clerk, two days at least before the day appointed for their examination, a list containing the names, residence, and occupation of such witnesses.

The evidence of every witness shall be taken down and read over to the witness, who may then desire any correction to be made; and in case no such correction shall be made, the evidence shall stand as taken down, and not be altered afterwards.

STANDING COMMITTEE.

FINANCE.

Finance Committee.

41. There shall be a Standing Committee on Finance, of which the Colonial Secretary, the Controller of Revenue, and the Colonial Treasurer shall be *ex officio* members, and all the Unofficial Members of the Council or such number of them as the Council shall from time to time determine shall be members. Of this Standing Committee, the Colonial Secretary shall be *ex officio* Chairman, and in his absence the next Senior Official Member.

Sittings of Committee.

42. The Standing Committee on Finance shall sit at such times as may be determined by the Chairman, not less than forty-eight hours' notice of each meeting being given to the members.

Quorum.

43. The Chairman and three Unofficial Members of the Standing Committee on Finance shall constitute a quorum.

Committee to consider Votes for Supplementary or Unforeseen Expenditure.

44. When the Council is not in session, or when the Council is in session but has been adjourned *sine die* or for a period exceeding twenty days, all votes entailing supplementary or unforeseen expenditure from public funds for which the sanction of the Legislative Council is necessary shall be considered by the Standing Committee on Finance.

Chairman to present Report. Passing of Report.

45. At each meeting of the Council it shall be the duty of the Chairman of the Standing Committee on Finance to present to the Council the report of the Committee detailing the items of expenditure, if any, approved by it since the Council last met, for which formal ratification is sought, and also any expenditure proposed to the Committee which has not received its approval.

Except when the report deals with expenditure proposed to, but not approved of by, the Committee, the question "that the report of the Standing Committee on Finance be adopted" shall be put without debate, unless at least three members present otherwise demand.

SELECT COMMITTEES.

Appointment and Chairman. Quorum.

46. The member moving for the appointment of a Select Committee shall, in the absence of any special appointment by the President, be Chairman, and the Committee shall consist of such members as may be appointed by the President.

In the absence of the Chairman, the Senior Official Member on the Committee shall act as Chairman.

Unless the President otherwise directs, three members, or, if the number of the Select Committee does not exceed four, two members, shall form a quorum.

Replacing Members.

47. The President may from time to time, in case of the death or unavoidable absence of a member, appoint another member of the Council to take the place of such absent member on the Committee. The Chairman of a Select Committee shall have an original vote. If the votes cast be equally divided, he shall also have a casting vote.

Continuance and Dissolution.

48. A Select Committee may continue its investigations although the Council may be adjourned, and shall not be dissolved until the presentation to the Council of its report or by a motion of the Council.

Member Dissenting.

49. Any member dissenting from the opinion of a majority of a Select Committee may put in a written statement of his reasons for such dissent, and such statement shall be appended to the report of the Committee.

Clerk's Services.

50. Select Committees shall have a right to the services of the Clerk of the Council.

Witnesses before a Select Committee.

51. The provisions of rule 40 shall apply to the examination of witnesses before a Select Committee.

RULES OF DEBATE.

President, Presiding Member, or Chairman to preserve Order.

52. It shall be the duty of the President, Presiding Member, or Chairman to preserve order, and his decision on all disputed points of order shall be final.

Naming of Members.

53. (1) Whenever any member shall have been named by the President, Presiding Member, or Chairman, immediately after the commission of the offence of disregarding the authority of the Chair, or of abusing the rules of the Council by persistently and wilfully obstructing the business of the Council, or otherwise, the President, Presiding Member, or Chairman shall forthwith put the question, on a motion being made (no amendment, adjournment, or debate being allowed) "that such member be suspended from the Service of the Council."

(2) If any member be suspended under this rule, his suspension on the first occasion shall continue for one week, on the second occasion for one month, and on the third or any subsequent occasion for three months.

(3) Not more than one member shall be named at the same time, unless several members present together have jointly disregarded the authority of the Chair.

(4) If any member, or members acting jointly, who have been suspended under this rule from the service of the Council shall refuse, at any time during the period of suspension, to obey the direction of the President, Presiding Member, or Chairman to withdraw from the precincts of the Council Chamber, the President, Presiding Member, or Chairman may direct such steps to be taken as are required to enforce his decision.

Irrelevance or tedious Repetition.

54. The President, Presiding Member, or Chairman, after having called the attention of the Council or Committee to the conduct of a member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct the member to discontinue his speech.

Disorderly Conduct.

55. (1) The President, Presiding Member, or Chairman shall order members whose conduct is grossly disorderly to withdraw immediately from the Council Chamber during the remainder of the day's sitting, and may direct such steps to be taken as are required to enforce his order.

(2) If on any occasion the President, Presiding Member, or Chairman deems that his powers under this rule are inadequate, he may name such member or members in pursuance of rule 53.

Duty to obey Order of Suspension or Withdrawal.

56. Members who are suspended under rule 53, or are directed to withdraw under rule 55, shall forthwith withdraw from the precincts of the Council Chamber.

Power to adjourn Council or Committee.

57. In the case of grave disorder arising in the Council or Committee, the President, Presiding Member, or Chairman, as the case may be, may, if he thinks it necessary to do so, adjourn the Council or Committee without question put, or suspend any sitting for a time to be named by him.

Rules for Members Speaking.

58. In speaking to any proposition under consideration of the Council or a Committee of the whole Council, the following rules shall be strictly observed :—

- (i.) Every member shall address his observations to the President, Presiding Member, or Chairman, and shall speak standing.
- (ii.) He shall not be interrupted, unless out of order.
- (iii.) When he has finished his observations he shall resume his seat, and any other member wishing to address the Council or Committee may rise.
- (iv.) If two members rise at the same time, the President, Presiding Member, or Chairman will call on the Member who first catches his eye.
- (v.) Every member must confine his observations to the subject under consideration.
- (vi.) No member shall impute improper motives to any other member.
- (vii.) All personalities shall be avoided.
- (viii.) A member may speak to the question before the Council or upon any amendment proposed thereto.
- (ix.) No member shall speak more than once on any proposition before the Council, except in explanation or to order, or when the Council is in Committee, or as is provided by (xi.).
- (x.) By the indulgence of the Council a member may explain matters of a personal nature although there be no question before the Council, but such matters may not be debated, and he must confine himself strictly to the vindication of his own conduct.
- (xi.) The mover of any resolution or motion may reply after all the other members present have had an opportunity of addressing the Council and before the question is put.
- (xii.) Any member of the Council deviating from the rules may be immediately called to order by the President, Presiding Member, or Chairman, or by any other member of the Council or Committee rising to a point of order.

English Language to be used.

59. The business of the Council shall be conducted in English.

Assignment of Period for Discussion.

60. The President may assign such time as with due regard to the public interest he may consider reasonable for the discussion of any particular resolution; and every resolution which shall not have been put to the vote within the time so assigned shall be considered to have been withdrawn.

Length of Speeches.

61. No speech, except with the permission of the President, Presiding Member, or Chairman, shall exceed 15 minutes in duration. Provided that the mover of a resolution or a member in charge of a Bill, when moving the first or second reading of such Bill, may speak for 30 minutes.

Motion or Amendment to be Seconded.

62. The mover of any motion or amendment may speak in support thereof; but no further debate shall be allowed, whether the Council be in Committee or not, until the motion or amendment be duly seconded.

Amendments to be in Writing.

63. Every amendment shall be put in writing and handed to the Clerk by the member proposing it.

Debate ceases when Question fully put.

64. No member may speak to any question after the same has been fully put by the President, Presiding Member, or Chairman. A question is fully put when the voices of both the Ayes and of the Noes have been given thereon.

Recording of Votes.

65. On any question being put either in Council or in Committee of the whole Council or in Select Committee, every member present shall, unless he expressly states that he declines to vote, record his vote either for the Ayes or Noes.

In the event of a member stating that he declines to vote, the Clerk shall enter his name upon the minutes as having declined to vote.

Member not Explaining or Retracting.

66. Any member having used objectionable words and not explaining or retracting the same, or offering apologies for the use thereof to the satisfaction of the Council, shall be censured or otherwise dealt with as the Council may think fit; and any member called to order shall sit down, unless permitted to explain.

Finality of Result of Questions.

67. When a question for debate has been proposed, debated, and disposed of, it shall not be competent to any member, without special leave of the President, again to propose such question within six months.

Seconding of Motion.

68. Any member may second a motion or amendment by rising in his place and bowing to the Chair, without prejudice to his right to speak at a later period of the debate.

Question must be Seconded.

69. No question shall be deemed to have been submitted for debate until it shall have been proposed and seconded.

Withdrawal of Motion.

70. A member who has made a motion may withdraw the same by leave of the Council.

Re-introduction of Motion.

71. A motion which has been withdrawn may be made again at any time during the session; but no motion shall be proposed which is the same in substance as any motion which, during the same session, shall have been resolved in the affirmative or negative.

Speech not to be Read.

72. A member shall not read his speech, but he may read extracts from written or printed papers in support of his argument.

Decision of Questions of Order.

73. When the question of order has been stated, the member who raises it shall resume his seat, and no other member, except by leave of the President, Presiding Member, or Chairman, shall rise till the President, Presiding Member, or Chairman has decided the question, after which the member who was addressing the Council or Committee at the time the question was raised shall be entitled to proceed with his speech, giving effect to the ruling of the Chair.

President, Presiding Member, or Chairman speaking.

74. When the President, Presiding Member, or Chairman is addressing the Council or Committee, any member then standing shall immediately resume his seat.

SUSPENSION OF RULES AND ORDERS.

Suspension of Standing Rules.

75. Any one or more of these Standing Rules and Orders may be suspended by a majority of members present at any meeting to enable any special business to be considered or disposed of.

UNOFFICIAL MEMBERS' BILLS.

76. Any member desiring to introduce a Bill other than a Government Bill shall apply to the Council for leave to do so, stating at the same time the object and leading features of such Bill.

Introduction.

77. Every such application shall be made in the form of a motion, and the member making such application shall at the same time deliver to the Clerk a copy of his motion containing the title of his proposed Bill.

Copy to be delivered to Clerk.

78. Leave being granted on a question put and carried, the member desirous of introducing such Bill shall deliver a copy thereof to the Clerk, and a day shall thereupon be fixed for the first reading thereof.

Publication.

79. The Bill shall thereupon be published in the *Government Gazette*, and circulated amongst the members, and dealt with as hereinbefore provided with respect to Bills generally.

GOVERNMENT NOTIFICATION.

THE following despatch is published for general information.

Colonial Secretary's Office,
Colombo, September 23, 1920.

By His Excellency's command,
GRAEME THOMSON,
Colonial Secretary.

The Right Hon. VISCOUNT MILNER, G.C.B., G.C.M.G., to Governor Sir W. H. MANNING, K.C.M.G., K.B.E., C.B.

Ceylon.—No. 666.

Downing street, August 18, 1920.

SIR,—I HAVE the honour to address you on the subject of the reform of the constitution of Ceylon.

2. Since I received the seals of the Colonial Office, this matter has engaged my serious attention. I have had the advantage of considering the memorials on the subject addressed to my predecessor and to myself by the Ceylon Reform League, the Ceylon National Association, the Ceylon National Congress, the Indian Association, and the European Association, and other societies and individuals in the Colony. I have also received two deputations from the Ceylon Reform League and National Association, as well as deputations from the Kandyan Association and the European Association. The deputations have placed their views before me with ability and moderation. There has naturally been considerable divergence in the views expressed by the separate deputations, and on certain points there was some difference in detail even between members of the same Association. While there was general agreement on certain main lines of reform, there was no unanimity on other important points. It was clear to me that the time had come when some reform of the existing constitution of Ceylon was both necessary and desirable. I have, however, felt the necessity of advancing by stages, and of not taking any step which it might be incumbent on me to retrace in the future.

3. The views expressed to me have been, in the main, those of the wealthy and professional classes of the Colony. Their demand is for a popularly elected Legislature with wide powers. I am satisfied that a considerable extension of the principle of popular election in the selection of Members of the Legislative Council is desirable, and that, in order to avoid the creation of an oligarchy representing only the wealthier and better educated classes, it is necessary that a reasonably wide franchise should be granted. But only experience can show whether the body of the people have as yet sufficient education and political experience to make effective use of the franchise so as to secure proper attention to their vital interests. Until we have had some opportunity of judging of the practical results of the new system, it is necessary to retain certain safeguards to ensure the maintenance of good administration and fair play as between all classes and races. Subject to the retention of these safeguards, however, it is desirable to interfere as little as possible with the management by the people of their own affairs. Under the new constitution, therefore, the Unofficial Members of the Legislative Council will have a substantial majority, and the bulk of them will be elected by popular constituencies with a wide franchise. It will at the same time be distinctly laid down that such Unofficial Members as will still be nominated and not elected are perfectly free to speak and vote as they think right, and in no way bound to take directions from the Governor.

4. I enclose copies of an Order in Council which His Majesty has been pleased to issue to give effect to these proposals. It will be observed that the reformed Council is to consist of 37 members, exclusive of the Governor, who will preside and have both an original and a casting vote. In the case of the Unofficial Members, who will number 23, the principle of popular election will be extended as far as possible. Eleven members will be elected on a territorial basis, the franchise and qualifications for candidates following the proposal of the Ceylon National Congress. Two members will be elected by the European community, one by the Burgher community, one by the Chamber of Commerce, and one by the Low-country Products Association.

5. For the present the representatives of the Kandyan, Indian, and Muhammadan communities will be nominated. No other course is, in fact, practicable at the present time. I am anxious, however, that you should give your careful consideration to the question, whether the Kandyan and Indian communities, and, perhaps, the Muhammadan also, cannot be formed into constituencies, so that it may presently be possible to have recourse to election, in lieu of nomination, for the appointment of their representatives.

6. It was not without considerable hesitation that I decided to accede to the application of the Kandyan community for separate representation. I am satisfied that there is a strong feeling amongst this community that their interests are essentially different from those of the Low-country Sinhalese and the Tamils, and that these interests would not be sufficiently safeguarded, if the Kandyans had to rely on securing the election of their representatives in territorial constituencies. I have deferred to this feeling, as I did not wish to prejudice the success of the reforms by alienating the sympathies of this large community. I should be reluctant, however, to maintain this differentiation between communities of such similarity in other respects, unless there were strong grounds for doing so; and I have some hope that, as political experience is acquired by the Kandyan community, the necessity for this differentiation may disappear. In that event it may ultimately be possible to abandon the distinction and to absorb the Kandyan constituencies in the territorial divisions.

7. It will be observed that the Order in Council gives power for the appointment of not more than three Unofficial Members to represent such interests as, in the Governor's opinion, are not adequately provided for otherwise.

8. Having regard to the fact that there will in future be an unofficial majority in the Legislative Council, and that the Government may thus at any time find itself in a minority, it is necessary to provide against the possibility of a deadlock affecting some necessary function of Government. While doing its best, as under the new conditions it necessarily must, to work in harmony with the majority of the Council and shape its measures so as to gain their support, the Government must in the last instance have the power to ensure the passing of measures essential to the carrying on of the administration. The Governor will, therefore, have power, under section 52 of the Order in Council, to declare any bill, clause, amendment, resolution, or vote before the Council to be of paramount importance, and, in any such case, only the votes of the Official Members will be recorded. Further, under clause 51, the Governor may declare that any bill, amendment, or resolution introduced or proposed to be introduced, affects the safety or tranquillity of the Island or any part of it, and may direct that no further proceedings shall be taken by the Council in relation to the matter.

9. I do not anticipate that there will be much occasion for using these reserve powers, but experience under similar conditions elsewhere has shown the necessity of such provisions to prevent the administration being brought to a standstill.

10. They are essential to the transitional stage between direct Government by the Crown and complete Parliamentary control. Subject to the existence of these reserve powers, the Unofficial Members of the Council, the majority of whom will be elected by popular vote, will have the deciding voice in legislation, and will, if agreed among themselves, be able to give effect to their views. This is a great advance in the direction of popular control as compared with existing conditions. I trust that the Unofficial Members in exercising their new powers will give proper weight and consideration to the views of the Official Members, whose experience of administration must necessarily for some time to come be greater than their own, and that the Official Members, on their side, will realize the necessity of holding their own in debate and winning support for the measures they may advocate by full explanation and effective argument.

11. As regards the Executive Council, His Majesty has been pleased to approve of the issue of amending Letters Patent and Royal Instructions, under which it will be possible to reduce the number of Official Members of the Executive Council and to appoint Unofficial Members to the Council. I request that as soon as the new Legislative Council has been constituted, you will submit to me your recommendations for the appointment of three Unofficial Members to the Executive Council.

12. It is manifest that a constitutional settlement of this nature cannot be final, and that it will be necessary from time to time to review the position, and to make such further changes as experience may suggest. I shall be ready, when the new constitution has had a reasonable trial, to consider any proposals for its amendment, and should certainly rejoice if the degree of popular control now introduced were productive of such good results in practice as to justify its extension.

I have, &c.,

MILNER.