



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

W. H. MANNING.

WHEREAS as by Order dated the Nineteenth day of December, 1923, 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 Nuwara Eliya, in the said Island of Ceylon, this Sixteenth day of February, in the year of our Lord One thousand Nine hundred and Twenty-four.

By His Excellency's command,

CECIL CLEMENTI,
Colonial Secretary.

GOD SAVE THE KING.

At the Court at Buckingham Palace, the 19th day of December, 1923.

Present :

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD STEWARD.

LORD SOMERLEYTON.
MR. SECRETARY BRIDGEMAN.

WHEREAS by "The Ceylon (Legislative Council) Order in Council, 1920," His Majesty by and with the advice of His Privy Council, was pleased to make provision for the constitution of a Legislative Council for the Island of Ceylon, with the territories and dependencies thereof, under which increased powers and responsibility in, over, and in respect of the proceedings of the said Council were conferred upon the Unofficial Members thereof :

And whereas in the said Order in Council His Majesty reserved to Himself, His Heirs and Successors, power, with the advice of His or Their Privy Council, to revoke, alter, or amend the same as to Him or Them should seem fit :

And whereas it is expedient to revoke the said Order in Council and to make further provision for the constitution of a Legislative Council for the Island giving still further powers and responsibility to the Unofficial Members thereof in, over, and in respect of the proceedings of the said 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 :—

I.—This Order may be cited as "The Ceylon (Legislative Council) Order in Council, 1923." It shall be published in the *Government Gazette*, and shall, subject to the express provisions hereinafter appearing, commence and come into operation on the date of such publication.

II.—"The Ceylon (Legislative Council) Order in Council, 1920," is hereby revoked, but without prejudice to anything lawfully done thereunder : Provided always and it is hereby expressly declared that, notwithstanding such revocation, the present Council shall continue to exist and to have, possess, and exercise all the privileges, powers, and functions conferred upon it by the Order hereby revoked until such Council has ceased to exist under the provisions hereinafter set forth.

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

"The Island" means the Island of Ceylon, with the territories and dependencies thereof.

The term "the Governor" means the officer for the time being lawfully administering the Government of the Island.

The term "persons holding public office under the Crown in the Island" and cognate expressions shall not include—

- (i.) Persons who are not in the permanent employment of the Crown in the Island, but shall include persons serving the Crown in the Island for a term of years ;
- (ii.) Persons in the employment of Municipal Councils, District Councils, Local Boards, Sanitary Boards and Boards of Health, Provincial and District Committees, and Village Committees ;
- (iii.) Crown Proctors ;
- (iv.) Crown Advocates not being Crown Counsel.

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 natural-born subjects of His Majesty.

The term "Ceylon Tamil" means a person commonly known as a Ceylon Tamil, and includes a member of the community known as the Colombo Chetties ;

The term "European" means a person commonly known as a European ;

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, and is a resident of Ceylon, but is not domiciled therein ;

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 ;

The term "Member" means a Member of the Legislative Council ;

The term "Nominated Member" includes a "Nominated Official Member" and "Nominated Unofficial Member" and also a "Muhammadan Member" and an "Indian Member," so long as any such Muhammadan or Indian Member continues to be appointed by the Governor under the provisions of this Order ;

Short title, publication,
and commencement.

Revocation of "The
Ceylon (L.C.) Order in
Council, 1920," Saving as
to present Council
notwithstanding such
revocation.

Interpretation.

(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.

IV.—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.

Legislative Council established.

V.—The Council shall consist of twelve Official Members and thirty-seven Unofficial Members.

Composition of Legislative Council.

VI.—The Official Members of the Council shall be—

Official Members.

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

- (i.) 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
- (ii.) 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.

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

VII.—The Unofficial Members of the Council shall be—

Unofficial Members.

- (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) Three persons, who shall belong to the Muhammadan faith (herein referred to as the Muhammadan Members), and shall, until such time as the Governor in Executive Council under the provisions of this Order shall direct that any one or more of them shall be elected, be appointed in the manner hereinafter provided, in respect of Nominated Members, to represent the Muhammadan community in the Island;
- (3) Two persons, who shall be Indians (herein referred to as the Indian Members), and shall, until such time as the Governor in Executive Council under the provisions of this Order shall direct that any one or both of them be elected, be appointed in the manner hereinafter provided, in respect of Nominated Members, to represent the Indian inhabitants of the Island;
- (4) Twenty-nine persons to be elected as hereinafter provided (herein referred to as Elected Members).

VIII.—The Nominated Members of the Council shall be appointed by Instruction or Warrant under His Majesty's Sign Manual and Signet, or by the Governor by an Instrument under the Public Seal of the Island in pursuance of His Majesty's instructions through one of His Principal Secretaries of State, or, provisionally, by the Governor in pursuance of the power hereinafter vested in him.

Appointment of Nominated Members.

IX.—(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).

Precedence of Members.

(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 as constituted by "The Ceylon (Legislative Council) Order in Council, 1920," or by this Order.

X.—(1) The Nominated Members of the Council shall hold their seats until the next dissolution of the Council after their appointment, unless any such Member shall, with the permission of the Governor, have previously resigned his seat by writing under his hand or have become permanently an *ex officio* Member of the Council, or have died or been 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.

Tenure of Seats of Nominated Members.

(2) Provided, further, that as from the time when provision is made under this Order for the election of the Muhammadan or Indian Members or of any one or more such Members, such Member or Members shall vacate his or their seat or seats.

(3) Provided, further, that if any Nominated Official Member of the Council ceases to hold public office under the Crown in the Island, his seat in the Council shall thereupon become vacant.

Public officers bound to act as Members.

XI.—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.

XII.—(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*.

Provisional appointment of Nominated Members.

XIII.—(1) In the event of a Nominated Member dying, resigning, being removed, or becoming permanently an *ex officio* Member of the Council, the Governor may, by an Instrument under the Public Seal of the Colony, appoint provisionally another person in the place of the Member so dying, resigning, removed, or becoming permanently an *ex officio* Member of the Council as aforesaid.

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

(3) 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.

(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.

Appointment to temporary vacancies.

XIV.—(1) Whenever any Nominated Member shall be suspended from the exercise of his functions as a Member of the Council, or if he shall 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 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.

XV.—(1) 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 a 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) is an uncertificated bankrupt or an undischarged insolvent ; or

- (7) has been dismissed from the Government service in consequence of an offence involving moral turpitude ; or
- (8) has been debarred from practising as a legal or medical practitioner by order of any competent authority ; or
- (9) does not have or hold one of the following property qualifications, viz. :—
- (a) The possession or enjoyment of a clear annual income of not less than 1,500 Rupees, such possession or enjoyment having subsisted during the whole of a period of 12 months immediately prior to the date of his nomination as a candidate for election ;
 - (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, during the whole of a period of twelve months immediately 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.

(2) (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 purpose 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 other 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.

XVI.—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, 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.

Penalty for unqualified person sitting or voting.

XVII.—(1) If any Elected Member of the Council shall die, or shall, by writing under his hand addressed to the Governor, resign his seat in the Council, or shall cease to possess a property qualification as required by Article 15 of this Order, 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 twelve months, or shall have any direct or indirect pecuniary interest in any contract with the Government of the Island for or on account of the public service otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons, or shall accept any public office under the Crown in the Island, his seat in the Council shall thereupon become vacant.

Seat of an Elected Member how 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.

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

Oath of Allegiance to be taken by Members.

"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.

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

- (i.) The European Electorate (Urban).
- (ii.) The European Electorate (Rural).
- (iii.) The Commercial Electorate.
- (iv.) The Burgher Electorate.
- (v.) Colombo Town (North).
- (vi.) Colombo Town (South).
- (vii.) Colombo District.
- (viii.) Negombo District.
- (ix.) Kalutara Revenue District.
- (x.) Western Province (Ceylon Tamil).
- (xi.) Central Province (Urban Division).
- (xii.) Central Province (Rural Division).
- (xiii.) Northern Province (Northern Division).
- (xiv.) Northern Province (Southern Division).
- (xv.) Northern Province (Eastern Division).
- (xvi.) Northern Province (Western Division).
- (xvii.) Northern Province (Central Division).
- (xviii.) Southern Province (Eastern Division).
- (xix.) Southern Province (Central Division).
- (xx.) Southern Province (Western Division).
- (xxi.) Trincomalee Revenue District.
- (xxii.) Batticaloa Revenue District.
- (xxiii.) North-Western Province (Western Division).
- (xxiv.) North-Western Province (Eastern Division).
- (xxv.) North-Central Province.
- (xxvi.) Province of Uva.
- (xxvii.) Kegalla Revenue District.
- (xxviii.) Ratnapura Revenue District.

(2) The Divisions of Colombo Town (North) and of Colombo Town (South) shall, respectively, include such portions of the Town of Colombo as may be determined by the Governor in Executive Council by Proclamation in the *Government Gazette* to be included therein.

(3) The Colombo District shall include* *the Town of Colombo, and* the Colombo Revenue District, other than the Negombo District; and the Negombo District shall include Hapitigam korale, the administrative limits of the Local Board of Minuwangoda and of the Urban District Council of Negombo, Alutkuru korale North, Alutkuru korale South, and Siyane korale West.

(4) (a) The Central Province (Urban Division) shall include the Town of Kandy, all Local Board or Sanitary Board towns, and the administrative limits of the Board of Improvement of Nuwara Eliya and of all Urban District Councils within such Province.

(b) The Central Province (Rural Division) shall include all other portions of the Central Province not mentioned in paragraph (a) of this clause.

(5) The several divisions of the Northern Province shall include, respectively, such portions of the Northern Province as may be declared by the Governor in Executive Council by Proclamation in the *Government Gazette* to be included therein.

(6) The several divisions of the Southern Province shall include, respectively, such portions of the Southern Province as may be declared by the Governor in Executive Council by Proclamation in the *Government Gazette* to be included therein.

(7) (a) The North-Western Province (Western Division) shall include the Chilaw and Puttalam Revenue District except Demala hatpattu.

(b) The North-Western Province (Eastern Division) shall include all other portions of the North-Western Province not included in the Western Division as mentioned in paragraph (a) of this clause.

(8) One Member shall be elected for each constituency, except that the Burgher Electorate shall have the right to elect two Members.

XX.—(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 (vii.) to (xxviii.) (both inclusive) in clause (1) of the last preceding article, each revenue district or part of a revenue district in the Island contained within any such constituency shall be an electoral district, and, subject to the exception contained in Article 22 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 or part thereof, shall be the registering officer of each such electoral district.

* The words printed in italics are clearly misplaced, and should be inserted after the words "other than" in line two of this paragraph, as will be seen from the immediately preceding paragraph the Town of Colombo is a separate constituency. This error will be shortly corrected by an amending Order in Council.

(3) For the purpose of electing a Member to represent the Town of Colombo (North) and the Town of Colombo (South), each division or part of a 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, falling respectively into the said constituencies of Colombo Town (North) and Colombo Town (South), 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, the Island shall be deemed to constitute a single electoral district, and the Secretary of the Chamber of Commerce of Ceylon shall be the registering officer.

XXI.—(1) If and when the Governor decides that the Muhammadan or Indian Members or any one or more of such Members 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, in his opinion, from time to time required for the purpose of any such election or elections.

Election of Muhammadan or Indian Members.

(2) A Muhammadan or Indian Member elected in accordance with the provisions of this Article shall become and be in all respects an Elected Member within the meaning of that expression as used in this Order.

XXII.—(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 of such constituency in the Island.

Special registering officer and Advisory Board for Burgher Electorate.

(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.

XXIII.—(1) 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.

Registers of voters.

(2) If any 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.

(3) A registering or revising officer may, on the consideration or hearing of any claim, objection, or appeal, require that the evidence tendered by any person shall be given on oath or affirmation and may administer an oath or affirmation for this purpose; and any person who in the course of any such consideration or hearing knowingly swears or affirms anything material to the validity of such claim or objection which is false or incorrect shall be guilty of the offence of giving false evidence, and shall be liable to the punishment provided therefor.

XXIV.—(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.

Appointment of revising officers.

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

XXV.—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.

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

XXVI.—(1) No person shall be qualified to have his name entered on any register of voters in any year if such person—

General disqualification of voters.

- (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, during the whole of a period of six months immediately prior to the commencement of the preparation of the register, resided in the electoral district to which the register relates; 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 twelve months, unless he shall have suffered the punishment to which he has been sentenced or such other punishment as by competent authority may be substituted for the same or shall have received a free pardon from His Majesty ; or

(g) has been adjudged by a competent court to be of unsound mind ; or

(h) does not have or hold one of the following qualifications, viz. :—

(i.) The possession or enjoyment of a clear annual income of not less than Rs. 600, such possession or enjoyment having subsisted during the whole of a period of six months immediately prior to the commencement of the preparation of the register ;

(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 during the whole of a period of six months immediately prior to the commencement of the preparation of the register, 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 during the whole of a period of six months immediately prior to the commencement of the preparation of the register 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.

(2) 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.

(3) 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.

(4) Residence in an electoral district or the occupation of a house shall not be deemed to be interrupted for the purposes of this article by reason only of permission being given for the occupation of the house as a furnished house by some other person on a monthly tenancy at will, or on a lease for a period not exceeding five months in the whole, or by reason only of notice to quit being served and possession being demanded by the landlord of the house, or by reason only of the fact that such residence has been interrupted by absence in the performance of any duty accruing from or incidental to any office, service, or employment held or undertaken by any person otherwise qualified to have his name entered on any register.

(5) The commencement of the preparation of the register of voters shall be deemed to be the date on which a notification is published in the *Government Gazette* calling upon all persons desirous of having their names entered in the register of voters to forward their claims to the registering officer.

Qualification of joint owners.

XXVII.—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.

XXVIII.—Any European 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.

XXIX.—Any European, 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.

XXX.—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.

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

Qualification of Burgher Voters.

- (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 of 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.

XXXII.—Any Ceylon Tamil, not otherwise disqualified, shall be qualified to have his name entered on the register of voters for the Western Province (Tamil) Constituency if he is resident within the Western Province.

Qualification for the Western Province (Ceylon Tamil) Constituency.

XXXIII.—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 (v.) to (ix.) (both inclusive) and (xi.) to (xxviii.) (both inclusive) of Article 19 (1) of this Order.

Qualification of voters for general constituencies.

XXXIV.—(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.

Returning officers.

(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*.

XXXV.—(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, not being less than fourteen days after the publication of the notification.

Notifications of election.

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

XXXVI.—(1) Such elections shall be by ballot, and shall be held in accordance with the procedure prescribed by the rules contained in Schedule II. of this Order.

Procedure at elections.

(2) The returning officer or any officer presiding at a polling booth may in his discretion and shall, if required by any candidate, put to any voter, at the time of his applying for a ballot paper, the following questions or either of them, and no other:—

First.—Are you the same person whose name appears as *A.B.* on the register of voters now in force for this electorate?

Second.—Have you already voted, either here or elsewhere, for the election of a member for this electorate?

(3) If any person refuses to answer any such question so put to him, the returning or presiding officer may refuse to give him a ballot paper.

(4) If any person wilfully makes a false answer to any such question so put to him he shall be guilty of an offence and shall be liable on conviction to imprisonment of either description for any term not exceeding one year.

XXXVII.—(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 Supreme Court by any one or more of the following persons, that is to say:—

Election petitions.

- (i.) Some person who voted or had a right to vote at the election to which the petition relates;
- (ii.) Some person claiming to have had a right to be returned or elected at such election;
- (iii.) Some person alleging himself to have been a candidate at such election.

(2) Every election petition shall be tried by a Judge of the Supreme Court; and, at the conclusion of the trial, the Judge shall determine whether the Member of the Council whose return or election is complained of, or any other or what person, was duly returned or elected, or whether the election was void, and shall certify such determination to the Governor. Upon such certificate being given, such determination shall be final; and the return shall be confirmed or altered, or the Governor shall by notification, in manner hereinbefore provided, appoint another date for the election of a Member for the constituency concerned, as the case may require, in accordance with such certificate.

(3) Such Judge shall have the same power, jurisdiction, and authority as are possessed and exercised by a District Judge for summoning or compelling the attendance of witnesses at the trial of an election petition, and witnesses shall be sworn or affirmed in the same manner, as near as circumstances will admit, as in the trial of a civil action in a District Court, and shall be subject to the same penalties for the giving of false evidence.

(4) No voter who has voted at any election shall, in any proceeding to question the election, be required to state for whom he has voted.

(5) The Governor in Executive Council may make rules providing—

- (a) For the deposit or giving by a petitioner of security to an amount not exceeding Rs. 5,000, for the payment of all costs, charges, and expenses that may become payable by the petitioner; and
- (b) For the regulation of the practice, procedure, and costs of election petitions, and the trial thereof, and the certifying and reporting thereon.

(6) The Legislative Council may by law make other or further provision in respect of the matters referred to in this article.

Expenses of elections.

XXXVIII.—(1) The Governor in Executive Council may make rules :—

- (a) With respect to the incurring of expense and the making of payments by or on behalf of a candidate, whether before, during, or after an election, on account of, or in respect of, the conduct or management of such election;
- (b) Requiring the appointment of an election agent through or by whom all such expenses or payments as aforesaid shall be incurred or made;
- (c) Fixing the maximum amount of expenses that may be incurred or paid, whether before, during, or after an election, on account, or in respect of the conduct or management of such election;
- (d) Fixing the time within which all election expenses shall be paid, and barring all claims in respect thereof not made within the prescribed time;
- (e) Requiring a return of election expenses and prescribing the form in which the same shall be made and verified.

(2) Contraventions of such rules shall be deemed illegal practices, and provision may be made in the said rules for the punishment on summary conviction of persons committing or taking part in the commission of such illegal practices by—

- (a) Fine, not exceeding 300 Rupees; and
- (b) Disqualification from voting at any election under this Order and being elected as a Member for three years from the date of his conviction.

(3) An election petition may be presented in respect of any illegal practice declared by such rules to be a ground for the presentation of any such petition, and the provisions of Article 37 and of any rules made thereunder shall, subject to the terms of any rules made under this article, apply to petitions presented in respect of illegal practices.

(4) The Legislative Council may by law make other or further provision in respect of any of the matters referred to in this article.

Corrupt practice.

XXXIX.—(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, viz.; 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.

XL.—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.

XLI.—(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 article 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.

XLII.—(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.

Infringement of secrecy.

(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 voting 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 whom or against whose name he has so marked his vote.

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

XLIII.—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.

Personation.

XLIV.—(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 500 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.

Treating.

(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 article specified, and shall be disqualified as therein provided.

XLV.—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 Article 44, and shall be disqualified as therein provided.

Undue influence.

XLVI.—(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 Article 44, and shall be disqualified as therein provided :—

Bribery.

(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 selection ;

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 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 Article 44, 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.

XLVII.—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.

XLVIII.—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.

XLIX.—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.

L.—(1) The Governor may reserve any Bill passed by the Council for the signification of His Majesty's pleasure thereon, and shall, except where under this Order power is expressly given to the Legislative Council to make provision by law, 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.

LI.—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 is to preside at meetings of the Council.

LII.—(1) The Governor shall be President and may attend and preside in the Council but at meetings of the Council at which he does not attend, the Vice-President shall preside, unless prevented by illness or other grave cause. In the absence of the Governor and of the Vice-President, any Member of the Council appointed by the Governor in writing, or, in default of such appointment, or in the absence of the member so appointed, the member present who stands first in order of precedence shall preside.

(2) The Vice-President shall be elected by the Council and shall hold office until the next dissolution of the Council after his election unless he shall previously resign such office or cease, from any cause whatever, to be a Member of the Council.

LIII.—(1) Subject to the provisions contained in Article 54 of this Order, all questions proposed for decision in the Council shall be determined by a majority of the votes given on such questions, and the President, Vice-President, 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.

LIV.—(1) If the Governor is of opinion that the passing of any Bill or of 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. Such declaration may be made by the Governor or by an *ex officio* Member of the Council acting by the authority and on the instructions of the Governor either before or after the votes of the Members are taken.

(2) In any such case only the votes of the *ex officio* Members and Nominated Official Members shall be taken into consideration, and any such Bill, clause, 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.

LV.—(1) 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 Article 54 of this Order with the reasons for his opinion.

(2) If any Member objects to any such declaration of opinion, he may, within seven days of the making thereof, submit to the Governor a statement in writing of his reasons for so objecting, and a copy of such statement shall be appended to the report of the Governor required by this article.

LVI.—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.

LVII.—No business, except that of adjournment, shall be transacted unless there shall be present six Members, besides the President, Vice-President, or Presiding Member.

LVIII.—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 Eleventh day of September, 1920, 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.

LIX.—(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.

LX.—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 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 two months of the holding of the first general election of Members of the Council hereinafter referred to.

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

LXII.—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.

LXIII.—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 four months, if, in his opinion, it is not practicable to hold the same within the period of six months hereinbefore provided.

* The word " amendment " has been inadvertently omitted from this place, but the omission will be shortly supplied by an amending Order-in-Council.

Voting.

Questions of paramount importance.

Governor to report measures passed under powers conferred under Article 54.

Council may transact business notwithstanding vacancies.

Quorum.

Rules to be observed by Council.

Standing orders.

Sessions of Council.

Prorogation or dissolution of Council.

Duration of Council.

Times of first and subsequent general elections.

Power to supplement rules in Schedules I. and II. and as to publication and confirmation of rules.

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

(2) All rules made under this article or under Article 37 or 38 of this Order shall be published in the *Government Gazette*, and shall, thereupon, subject to the provisions of the next following clause, be as legal, valid, effectual, and binding as if they had been enacted in this Order.

(3) All rules made under this article or under Article 37 or 38 of this Order 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 rules 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.

LXV.—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.

LXVI.—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.

LXVII.—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.

M. P. A. HANKEY.

SCHEDULE I.

Rules for the Preparation of Register of Voters.

(Article 23.)

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, and Colombo Town 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, his nationality, and sex.
- (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 electorates and electoral districts to prepare a separate register of voters for each of such electorates or 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 Article 22 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, 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 and objector, and to each person objected to, and shall also fix such notice in some conspicuous place in 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 and Commercial Electorates, 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 grounds of appeal. The revising officer shall hear such appeals in manner provided by rule 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 shall then 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, 1925, 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 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 no longer resides in 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.

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 qualifications:—

Name in full: _____.

Nationality and sex: _____.

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 have resided in the electoral district of Colombo for the whole of a period of six months immediately prior to the _____ day of _____ 19—†

2. I am possessed of a clear annual income of not less than Rs. 600, and have possessed and enjoyed the same for the whole of the period of six months immediately prior to the said date.

3. I am able to read and write English.

† Here insert date of notification in *Government Gazette* calling upon persons to send in claims for registration under Rule 1.

SCHEDULE II.

Rules for the Election of Members.

(Article 36.)

1. Any person not ineligible for election under this order may be nominated as a candidate for election.

2. (a) 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 electorate for which the candidate seeks election, as proposer and seconder respectively: Provided that in the case of the Commercial Electorate, the duly appointed representative of any company or firm under Rule 21 of this Schedule may sign a nomination paper as proposer or seconder, and shall thereupon be deemed, for the purpose of these rules, to be proposer or seconder, as the case may be.

(b) The written consent of the candidate must be annexed to, or endorsed on, the nomination paper.

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 Article 35 of this Order and one o'clock in the afternoon of the day of election, supply a form of 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 between 12 noon and 1 P.M.; and nomination papers which are not duly delivered within 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 a 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 to the returning officer or by some 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, or if, in the case of the Burgher Electorate, there are two vacant seats, and only two candidates are duly nominated, the returning officer shall forthwith declare such candidate or candidates 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, or if, in the case of the Burgher Electorate, there are two vacant seats, and more than two candidates are duly nominated, 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 shall 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 Article 35 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 one or more persons, in these rules called "presiding officers," to preside at each polling station. Each presiding officer shall be supplied with a copy of the register of 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, an agent for each candidate, 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 (i.), (ii.), and (iii.) of Article 19 (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. (1) 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.

(2) 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. (1) Immediately before a ballot paper is delivered to a voter it shall be stamped on the back or perforated with an official mark; 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.

(2) In the case of a poll for the election of a Member for the Commercial Electorate, the ballot paper shall be delivered, on his applying for the same, to the duly appointed representative of any company or firm which is registered as an elector for such constituency, and such representatives shall, for the purposes of any of the provisions of these rules as to the manner of voting, be deemed to be an elector. The appointment of every such representative shall be in writing under the common seal of the company or under the name of the firm, as the case may be.

22. (1) 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 put his paper into the ballot box.

(2) In the case of the Burgher Electorate, if there are two seats to be filled, the elector may give a vote to each one of the two candidates whom he prefers or may only vote for one candidate and give two votes for such candidate.

23. A voter who has inadvertently dealt with his ballot paper in such a 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 paper 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, making and subscribing a declaration in the form hereinafter 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. _____.

(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 dispatch 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 an agent for each candidate 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 agent of each candidate 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, except as provided by rule 22 (2), 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 Article 37 of this Order.

30. The decision of the returning officer 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 or members elected to be published in the *Government Gazette*.

FORM A (Rule 4).

Nomination Paper for*_____.

1. Name of candidate in full : _____.
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 a 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.

(Article 59.)

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 Thursday and Friday 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 be ordinarily 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, Vice-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, Vice-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, Vice-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. (a) 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.

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

PETITIONS.

10. (a) 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.

(b) 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 motion formally.

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

QUESTIONS.

11. (a) 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.

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

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

(d) 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.

(e) Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given; provided that the President, Vice-President, or Presiding Member shall disallow any supplementary question, if, in his opinion, it infringes the rules as to the subject matter of questions, and in that case the question shall not appear on the record of the Proceedings of Council.

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. (a) 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.

(b) 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, Vice-President, or Presiding Member.

(c) 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.

(d) A motion for the adjournment of the business of the Council for the purpose of discussing a matter of urgent public business may be made with the consent of the President, Vice-President, or Presiding Member.

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: Provided that in Committee of the whole Council or in Select Committee an amendment may be proposed without being seconded.

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 OR VICE-PRESIDENT.

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

VOTING.

Votes how taken. Casting Vote of President, Vice-President, or Presiding Member.

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

(2) The President, Vice-President, or Presiding Member shall have an original vote in common with the other members, and 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 votes are equal.

PROCEDURE AS TO BILLS.

Introduction of Bills.

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

(2) 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.

(3) 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.

(4) 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, Vice-President, or Presiding Member shall 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. (1) On the second reading of a Bill the measure may be debated.

(2) 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. The record of dissent shall be handed to the Clerk at a subsequent meeting of the Council, if possible within two weeks of the second reading of the measure, and shall be entered at the end of the minutes of the proceedings of the day on which it is handed in.

Committee on Bill.

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

(2) 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. 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.

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.

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. (1) 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.

(2) 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.

(3) 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 then stand as taken down, and not be altered afterwards.

STANDING COMMITTEE.

FINANCE.

Finance Committee.

41. There shall be a Standing Committee on Finance, on 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. (1) 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.

(2) 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. (1) The member moving for the appointment of a Select Committee shall, in the absence of any special appointment, by the President, Vice-President, or Presiding Member, be Chairman, and the Committee shall consist of such members as may be appointed by the President, Vice-President, or Presiding Member.

(2) Any member may suggest the addition of any other member or members to the Select Committee.

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

(4) Unless the President, Vice-President, or Presiding Member 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 the 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 to the Council and of a shorthand writer.

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, Vice-President, Presiding Member, or Chairman to preserve Order.

52. It shall be the duty of the President, Vice-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, Vice-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, Vice-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 such motion be carried and any member be suspended under this rule, his suspension on the first occasion shall continue for one week, on the second occasion for two weeks, and on the third or any subsequent occasion for one month.

(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, Vice-President, Presiding Member, or Chairman to withdraw from the precincts of the Council Chamber; the President, Vice-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, Vice-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, Vice-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, Vice-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, Vice-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.

Rule 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, Vice-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, Vice-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 discussion.
- (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, Vice-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.

Motion or Amendment to be Seconded.

60. The mover of any motion or amendment may speak in support thereof; but no further debate shall be allowed, unless the Council be in Committee, until the motion or amendment be duly seconded.

Amendments to be in Writing.

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

Debate ceases when Question fully put.

62. No member may speak to any question after the same has been fully put by the President, Vice-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.

63. (1) 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.

(2) In the event of any member stating that he declines to vote, the Clerk shall enter his name upon the minute as having declined to vote.

Member not Explaining or Retracting.

64. 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.

65. 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.

66. 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.

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

Withdrawal of Motion.

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

Re-introduction of Motion.

69. 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.

70. 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.

71. 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, Vice-President, Presiding Member, or Chairman, shall rise till the President, Vice-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, Vice-President, Presiding Member, or Chairman speaking.

72. When the President, Vice-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.

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

UNOFFICIAL MEMBERS' BILLS.

74. 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.

75. 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.

76. 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.

77. 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.