



THE  
CEYLON GOVERNMENT  
GAZETTE  
EXTRAORDINARY.

No. 7,884 — MONDAY, SEPTEMBER 28, 1931.

*Published by Authority.*

PART I.—GENERAL.

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

**GOVERNMENT NOTIFICATION.**

**Arrack Rent Sale Conditions, 1931-32.**

THE Governor has, under section 18 of "The Excise Ordinance, No. 8 of 1912," directed that the following are the conditions on which the exclusive privilege of selling arrack by retail within any local area is granted and that these conditions are applicable to such exclusive privileges of selling arrack by retail as are granted after September 9, 1931:—

1. The privilege will be granted for the period from October 1, 1931, to September 30, 1932, on application by way of tender or by auction in the form and manner prescribed in these conditions. Provided that in the event of the rejection by the Government Agent of all tenders or bids, the privilege may be granted to any person who is approved by the Government Agent and agrees to pay an amount as rent fixed by him.
2. No tender will be accepted from any person—
  - (a) whose name appears on the list of defaulting contractors, or on the list of defaulters in respect of toll, arrack, or toddy rents, or on the list of persons precluded for other reasons from having any concern in any Government Rent; or
  - (b) whose name is on the Excise Register of Offenders; or
  - (c) who is a habitual criminal or who has been convicted of any crime or of any Excise offence; or
  - (d) whose licence has been cancelled under section 26 of the Excise Ordinance, No. 8 of 1912.
3. The Government Agent may refuse to accept any tender or bid.
4. Every tender shall be made on the prescribed form (which may be obtained from the Government Agent or Assistant Government Agent of the district within which the tavern in respect of which the tender is to be made is situated), and shall bear affixed to it an uncanceled revenue stamp of Rs. 10. The value of this stamp will not be refunded, whether the tender is or is not accepted.
5. The privilege may be granted for the local area of an individual tavern, or for the area of a group of taverns as the Government Agent may decide.

Tenders which  
will not be  
accepted.

Government Agent's  
power to reject tenders.  
Tender forms.

Tenders to be in tenderer's own name.

6. Every tender or bid must be made by the tenderer or bidder in his own name. No tender or bid will be accepted if made through an agent.

t receipt company

7. (i.) Every tender shall be accompanied by a Treasury or Kachcheri receipt acknowledging the deposit of a sum of Rs. 500, and the number and date of the receipt must be entered on the face of the tender form.

7. (ii.) No person shall be allowed to bid who fails to produce a Treasury or Kacheheri receipt acknowledging the deposit of Rs. 500 in respect of each exclusive privilege for which he desires to bid.

the deposit.

8. If any tenderer or bidder, on being declared to be the purchaser of the privilege, declines to sign these conditions of sale or fails to furnish the required security when called upon to do so, the deposit of Rs. 500 made under condition 7 will be declared to be forfeited and the defaulter will render himself liable to have his name entered in the list of defaulters in respect of toll, arrack, or toddy rents. Subject to this exception the deposits of all tenderers will be returned after the conditions of sale have been signed by the successful tenderer.

Delivery of tender forms.

9. Every tender must be placed in a sealed envelope clearly marked in the top left hand corner with the name of the tavern in respect of which the tender is made and its number on the list of sanctioned taverns. The envelope shall be (a) deposited in the Kachcheri Tender Box, or (b) handed to the Government Agent or to the Assistant Government Agent or to his Office Assistant, or (c) sent by registered post so as to reach the Kachcheri before the time fixed for closing the tenders.

Privilege will be sold to person making the highest tender.

10. (a) Subject to conditions 1, 2, and 3 above the privilege will be granted to the person offering the highest rent (exclusive of duty and cost price) in respect thereof.

No remission of rent.

(b) No remission of rent payable in respect of the privilege will be granted on any plea of the grantee's having over-estimated the value of any tavern or on any other ground.

Transfer of the privilege.

(c) The privilege shall not be transferable otherwise than with the sanction of the Governor first had and obtained.

(d) The successful tenderer or bidder or approved person (hereinafter referred to as "the grantee") shall pay the rent to the Government Agent in twelve equal monthly instalments. The first instalment of the rent shall be deemed to be due and payable on September 30, 19—, and succeeding instalments shall be deemed to be severally due and payable on the last day of each succeeding month. Interest at the rate of 9 per centum per annum shall be payable in respect of all arrears.

Duty and cost price.

11. (a) In addition to the rent the grantee shall pay in respect of every gallon of arrack (at 33 degrees, or not more than 35 degrees, underproof) removed from the Government Warehouse the cost price and duty at the rates shown in Schedule A.

(b) In respect of "Special Matured Pot Still Arrack" at 27 degrees underproof, sold in white sealed bottles, the grantee shall pay, in addition to the rent, duty at the rate prescribed for sealed bottles in Schedule A, and cost price at the rate of Rs. 5.90 per gallon. This arrack is available only in Warehouse No. 2, Kalutara, and in Kandy Warehouse.

(c) In respect of a quantity of about 911 gallons only of old arrack bought from the stores of Messrs. Wijewardene and Abeysekere, sold in white bottles, the grantee shall pay, in addition to the rent, duty at the rate prescribed for sealed bottles in Schedule A, and cost price at the rate of Rs. 7 per gallon. This arrack will be available only at Warehouse No. 2, Kalutara.

Signing of conditions and of bond and deposit of security.

12. (a) The grantee shall, immediately on being granted the privilege, sign these conditions and pay to the Government Agent as a security deposit a sum equivalent to six weeks' rent of the privilege which amount shall be liable to be confiscated by the Government Agent for breach of any of these conditions or for non-payment of instalments and such confiscation shall be in addition to any other penalty prescribed by these conditions for such breach. The grantee shall also within fourteen days of the sale of the privilege enter into a bond with the Government Agent for the full amount for which he has purchased it and he shall specially hypothecate by such bond the said security deposit.

Warrant of attorney.

(b) The grantee shall at the same time execute, if so required by the Government Agent, a power of attorney in the form sanctioned by law to confess judgment in any action which may be instituted against him for the realization of the said sum as liquidated damages.

Postal address for notices.

(c) The grantee shall, on signing these conditions, elect and signify under his hand a Post Office or postal address to which all notices and processes whatever in connection with the privilege may be addressed under registered cover; and all such notices or processes as aforesaid, so addressed to such post office or so directed to such postal address, and posted in the due course, shall be deemed to be good and effectual for all purposes as if they had been served upon the grantee in person upon the day on which any such notice or process was so posted.

Consequence of failure to pay instalments, &c., when due.

(d) If any instalment or part of any instalment of the purchase money, or rent or any duty, fee, cost price or other sum due to the Crown from the grantee remains unpaid after the same shall have become due and payable, the Government Agent shall have power, after fourteen days' notice to the grantee of his intention to do so, without further process to law, to cancel the licence or licences issued to the grantee, and to resell this privilege at the risk and loss of the grantee. Such notice may be given in such manner as the Government Agent thinks fit.

Prohibition of "Off Sales."

13. The grantee shall not sell any arrack under the privilege in the tavern specified in Schedule B hereto for removal from such tavern.

Toddy excluded.

14. The grantee shall have no concern or interest direct or indirect, (a) in the sale of fermented toddy, or (b) in the purchase of any privilege of selling toddy; or (c) in the sale of foreign liquor within the area to which the privilege of selling arrack relates.

Purchase from Government Warehouse minimum quantities.

15. The grantee shall purchase arrack only from the Government Warehouse specified in respect of the district within which the tavern is situated in Schedule C hereto, and in quantities not less than those prescribed in the said schedule.

Such arrack as is available to be accepted.

16. The grantee shall accept such arrack as is available at the Government Warehouse, whether in bulk or in bottles.

Proportion in sealed bottles.

17. The grantee shall draw such proportion of each consignment drawn by him as the Excise Commissioner or his Deputy or Assistant may require in sealed bottles.

Payment at Kacheheri.

18. The grantee shall pay all sums due to the Crown on account of duty, cost price, and the extra cost for bottled arrack at the Kacheheri of the district within which the area to which the privilege relates is situated and shall obtain a receipt therefor. Such receipt shall be delivered to the officer in charge of the warehouse, not later than 12 noon on the day on which the grantee wants to take delivery of the arrack. The Warehouse Officer will deliver to the grantee the quantity of arrack in respect of which the duty, cost price, and extra cost for bottled arrack, if any, have been paid.

Refund in respect of quantity paid for and not delivered.

19. The grantee shall have no claim against the Crown for compensation (beyond a proportionate refund of the amount paid) in respect of any failure by the Crown for any reason whatsoever to deliver the full quantity for which the grantee has made payment at the Kacheheri as aforesaid.

20. No payment of any sum due by the grantee to the Crown shall be deemed to have been duly made, unless the grantee shall produce a Kachcheri receipt in respect thereof.

Kachcheri receipts alone valid.

21. The Government Agent shall have power, at his discretion, to refuse to issue any order on the Warehouse for the supply of arrack to the grantee till all arrears of rent in respect of the privilege have been settled with interest.

Power of Government Agent to refuse order for arrack.

22. The grantee shall open the tavern or taverns on a day to be fixed by the Government Agent.

Taverns to be opened on date fixed by Government Agent.

23. If the grantee, or any agent of, or person employed by the grantee, is, during the continuance of the privilege, convicted of an offence under Chapter XIII. of the Ceylon Penal Code, the Government Agent may, without notice to the grantee, cancel the privilege.

Short measure, consequences.

24. The grantee shall be responsible for all acts of his agents and employees in relation to the privilege.

Responsibility for agents' acts.

25. The grantee shall not have or make any claim to any reduction, or to the remission, of any sum due and owing by him to the Crown by reason of any loss alleged to have been sustained by him, whether on account of any closing of the tavern during the passage of troops or during the encampment of troops in the vicinity of the tavern or during the holding of any poll, or through any other cause whatsoever.

26. The grantee shall take over from the out-going grantee and pay to him an amount, which may be agreed on, equal to the cost of—

- (a) The balance of arrack remaining in a tavern, after the closing hour of the date of expiry of the privilege of the out-going grantee, and
- (b) Any bottled arrack, and
- (c) Transport, wastage, and other miscellaneous charges.

27. Where the in-coming and out-going grantee cannot agree with regard to the sum to be paid as aforesaid the out-going grantee shall forthwith remove the balance of arrack of a strength not below 35 degrees underproof on a permit, to the nearest Excise Warehouse, and deliver it to the Excise Warehouse Officer in charge thereof and obtain a receipt.

The out-going grantee shall present such receipt to the Excise Commissioner who shall pay to such grantee the value of the arrack as delivered at the rates of duty, cost price, and extra cost of bottled arrack, if any, at which such grantee purchased such arrack.

If the sum payable as duty and cost price by the in-coming grantee on arrack so taken over by him is higher than the sum paid for the said arrack by the out-going grantee, the in-coming grantee, shall, within fourteen days of the commencement of his privilege, pay such difference to the nearest Kachcheri.

28. (A) The rent shall be determined by (a) the expiry of the term for which the privilege shall have been granted; (b) the death of the grantee; (c) or breach of any of the conditions governing it.

The grantee to

(B) The grantee shall account for all arrack purchased by him from time to time. The allowance made on account of wastage will under no circumstances exceed two per centum of the total quantity purchased.

account for all arrack purchase. Termination.

SCHEDULE A.

(Vide Condition 11.)

District.	Cost Price per Gallon. Rs. c.	Duty.	
		Bulk. Rs. c.	Sealed. Rs. c.
Colombo, Negombo, Kalutara, Kandy, Nuwara Eliya, Matale, Galle, Hambantota, Ratnapura, Kegalla, Kurunegala, Chilaw, Puttalam, Jaffna, Vavuniya, Mannar, Mullaittivu, Anuradhapura ..	.. 3 0	} 10 0	.. 7 0
Batticaloa, Trincomalee, Badulla ..	.. 3 50		

Additional cost price over and above the rates quoted above will be recovered in respect of arrack supplied in sealed bottles at the rate of Rs. 2 per gallon bottled in white bottles and at the rate of Re. 1.50 per gallon bottled in black bottles.

SCHEDULE B.

(Vide Condition 13.)

Taverns at which "Off Sales" are prohibited.  
Holbrook tavern in Nuwara Eliya District.

SCHEDULE C.

(Vide Condition 15.)

Situation of Warehouse.	Province, District, or Tavern served.	Minimum to be Purchased at any One Time.
Kalutara ..	(1) Colombo Municipality ..	} 10 gallons
	(2) Colombo District outside Municipality and south of the Kelaniya river ..	
	(3) Kalutara District ..	
	(4) Galle District ..	
	(5) Ratnapura District ..	
Negombo ..	(1) Colombo District outside Municipality and north of the Kelaniya river ..	} 10 gallons
	(2) Kurunegala District (excluding Muina and Ganegoda arrack taverns and Nottingham estate Canteen) ..	
	(3) Puttalam District ..	
	(4) Chilaw District ..	
Kandy ..	(1) Central Province ..	} 10 gallons
	(2) Kegalla District ..	
	(3) Muina and Ganegoda arrack taverns and Nottingham estate Canteen in Kurunegala District ..	
Batticaloa ..	Batticaloa District ..	} 10 gallons
Bandarawela ..	Province of Uva ..	
Trincomalee ..	Trincomalee District ..	
Jaffna ..	Northern Province ..	
Anuradhapura tavern will draw its supply from Kalutara, Trincomalee or Jaffna, whichever the renter finds more convenient ..	..	

I (We), \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ do hereby acknowledge that I (we) have this day been granted the hereinbefore-mentioned exclusive privilege for the sum of rupees \_\_\_\_\_ on the conditions set forth above and I (we) do hereby bind myself (ourselves) to perform the said conditions.

Witnesses : \_\_\_\_\_, Grantee(s) \_\_\_\_\_,

I hereby acknowledge receipt of the sum of rupees \_\_\_\_\_ paid by \_\_\_\_\_ and as security deposit under condition 12 (a) of these conditions.

Government Agent.

I (We), the undersigned, do hereby, as required by condition 12 (c) appoint the under-mentioned Post Office (postal address) as the Post Office (postal address) to which all notices and processes whatever in connection with the hereinbefore-mentioned privilege may be addressed to me (us) under registered cover.

Witnesses : \_\_\_\_\_, Grantee(s) \_\_\_\_\_.

**Government of Ceylon.**

**ARRACK RENT TENDER FORM.**

Tender for the purchase of the exclusive privilege of selling arrack by retail within the local area of\* \_\_\_\_\_ in the † \_\_\_\_\_ District.

To the Government Agent,

I, the undersigned, hereby tender the sum of Rupees \_\_\_\_\_ only (exclusive of duty and cost price) for the purchase of the exclusive privilege of selling arrack by retail within the above-mentioned local area for the period of one year from October 1, \_\_\_\_\_, to September 30, \_\_\_\_\_, in accordance with your advertisement dated \_\_\_\_\_.

I have deposited the sum of Rs. 500 only in the General Treasury \_\_\_\_\_ Kacheheri, and subjoin hereto receipt No. \_\_\_\_\_ dated \_\_\_\_\_ in respect thereof.

Rs. 10 stamp.

Witnesses :

(1) \_\_\_\_\_.

(2) \_\_\_\_\_.

\* Insert name of tavern.

† Insert name of district.

**Reverse side of Tender Form.**

**NOTES.**

*N.B.*—An uncanceled revenue stamp of Rs. 10 is to be affixed in the space provided overleaf.

No unstamped tender will be accepted.

2. A deposit receipt for Rs. 500 is to be annexed to this tender. No tender unaccompanied by a deposit receipt will be accepted. The deposit of Rs. 500 will, subject to the provisions of arrack rent sale condition No. 9, be refunded.

3. This form must be enclosed in a sealed envelope bearing on its left hand top corner the name and number of the arrack tavern concerned and must be deposited in the Kacheheri tender box or handed to the Government Agent or to the Assistant Government Agent or to the Office Assistant or posted by registered post in time for delivery at the Kacheheri before the time fixed for closing tenders.

4. A separate form must be used in respect of each tavern, or when taverns are sold in groups, for any such group.

*Group of Arrack Taverns referred to.*

*Colombo District—*

- |                     |   |
|---------------------|---|
| (1) Udayartoppu     | } |
| Bolawalana          |   |
| Kudapaduwa          |   |
| Kurana              |   |
| Periyamulla         | } |
| (2) Etgala          |   |
| Kandewela           |   |
| Palangature         |   |
| Daluwakotuwa        | } |
| Kochchikada         |   |
| Henmulla            |   |
| (3) Pitipana        |   |
| Kepungoda           | } |
| Basiyawatta         |   |
| Uswetakeiyawa       |   |
| Bopitiya            |   |
| Mahawatta           | } |
| (4) Katunayake      |   |
| Siduwa              |   |
| (5) Kanuwana        |   |
| Kergahapokuna       | } |
| Kandana             |   |
| Weligampitiya       |   |
| Danagama            |   |
| Timbirigasyaya      | } |
| Keragahamuna Pahala |   |

*Colombo Municipality—*  
All taverns in one Group.

*Kalutara District—*

- |            |   |
|------------|---|
| Kalamulla  | } |
| Diyalagoda |   |

*Galle District—*

- |             |   |
|-------------|---|
| Katugoda    | } |
| Heenatigala |   |

*Kandy District—*

- |                    |   |
|--------------------|---|
| (1) Colombo street | } |
| Katukele           |   |
| (2) Wahugepitiya   | } |
| Pussellawa         |   |

*Kurunegala District—*

All taverns in one Group.

*Puttalam District—*

All taverns in one Group.

*Chilaw District—*

- |   |
|---|
| (1) All taverns in Pitigal korale north in one Group. |
| (2) All taverns in Pitigal korale south in one Group. |

*Kegalla District—*

- |           |   |
|-----------|---|
| Olagama   | } |
| Yattogoda |   |

*Trincomalee District—*

All taverns in one Group.

All other arrack taverns in the Island to be sold singly.

By His Excellency's command,

C. C. WOOLLEY,  
Secretary to the Governor.

Queen's House,  
Colombo, September 22, 1931.