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PART II.—LEGAL.

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

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DRAFT ORDINANCES:

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—CF. 3/44 M/LA.—CV/DR—KAT
TP 105.

An Ordinance to amend the Land Acquisition (War Purposes) (Assessment of Compensation) Ordinance, No. 21 of 1944.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1. This Ordinance may be cited as the Land Acquisition (War Purposes) (Assessment of Compensation) Amendment Ordinance, No. of 1946.

Short title.

2. Section 3 of the Land Acquisition (War Purposes) (Assessment of Compensation) Ordinance, No. 21 of 1944, is hereby amended, in the definition of "emergency powers", by the addition at the end of that definition, of the following :—

Amendment of section 3 of Ordinance No. 21 of 1944.

"and includes any power conferred by any such regulation continued or kept in force after the twenty-fourth day of February, 1946, under or by virtue of any Act of the Imperial Parliament applicable to Ceylon ;"

Objects and Reasons.

The Land Acquisition (War Purposes) (Assessment of Compensation) Ordinance, No. 21 of 1944, (which makes special provision as to the assessment of compensation to be paid in the event of the acquisition, under the Land Acquisition Ordinance, of land of which possession has been taken for war purposes) applies only in the case of land which is in the possession of any authority under emergency powers. The expression "emergency powers" is defined in section 3 of the Ordinance to mean Defence Regulations made under the Emergency Powers (Defence) Acts. When these Acts expire, certain of the relevant Defence Regulations will be continued in force under powers to be conferred in that behalf by another Imperial Act.

2. The object of this Bill is to amend the definition of "emergency powers" in section 3 of the principal Ordinance by including therein reference to Defence Regulations which are so continued in force. With this amendment, the principal Ordinance will become applicable in the case of acquisitions which take place while land is in possession under such Regulations.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, March 2, 1946.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

L. D.—O. 46/44.

Chapter 176.
(Vol IV. P.
405).

An Ordinance to amend the Medical Wants Ordinance.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as the Medical Wants (Amendment) Ordinance, No. of 1946.

Amendment of
section 12 of
Chapter 176.

2. Section 12 of the Medical Wants Ordinance is hereby amended, in sub-section (1) thereof, as follows :—

(1) in paragraph (f), by the substitution, for the words "with sufficient food and lodging", of the words "with such food and lodging as may be prescribed by rules made under section 32 of this Ordinance,";

(2) by the addition, at the end of that sub-section, of the following proviso :—

"Provided that such superintendent shall be exempt from the obligation, imposed on him by paragraph (f), of supplying food to such female labourer for one month, if such labourer is granted under the Maternity Benefits Ordinance, the maternity benefit referred to in sub-section (1) of section 5 of that Ordinance, or the alternative maternity benefits referred to in sub-section (3) of that section, in respect of that confinement."

No. 32 of
1939.

Objects and Reasons.

Under section 12 (1) (f) of the Medical Wants Ordinance (Chapter 176), the superintendent of an estate is obliged to provide every resident female labourer, giving birth to a child on the estate, with sufficient food and lodging for one month, at the cost of such estate.

The phrase "sufficient food and lodging" in that section is vague and has given rise to a variety of interpretations. It is, therefore proposed to amend the section so as to empower the Governor to prescribe, by rules made under the Ordinance, the nature of the food and lodging that is to be provided to such labourers.

2. The obligation imposed on superintendents of estates by the aforesaid section 12 (1) (f) of providing resident female labourers with food during the month immediately following their confinements is eventually borne by the employers of those estates. Under the provisions of the Maternity Benefits Ordinance, No. 32 of 1939, money payments are made to such labourers to enable them to provide themselves with food and other necessaries during the four weeks immediately following their confinements. As these two Ordinances cast a double liability on employers in respect of the same service, it is proposed by this Bill to exempt superintendents from the former obligation, if such labourers are provided with benefits under the Maternity Benefits Ordinance.

Colombo, March 4, 1946.

GEO. E. DE SILVA,
Minister for Health.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Western Circuit will be holden at the Court-house at Hulftsdorp, on Wednesday, March 20, 1946, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Colombo, February 26, 1946.

N. A. W. DE SILVA,
for Fiscal:

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Kalutara, will be holden at the Town Hall at Kalutara, on Thursday, March 21, 1946, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Colombo, February 26, 1946.

N. A. W. DE SILVA,
for Fiscal. W. P.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,696. In the matter of the insolvency of James Allanson Koelmeyer of Station road, Hunupitiya, Insolvent.

WHEREAS the above-named James Allanson Koelmeyer has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Edward Henry of Fort, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said James Allanson Koelmeyer insolvent accordingly; and that two public sittings of the court, to wit, on March 29th 1946, and on April 12, 1946, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance of which creditors are hereby required to take notice.

District Court, By order of court, M. N. PIERIS,
Colombo, February 25, 1946. Secretary.

In the District Court of Colombo.

No. 5,697. In the matter of the insolvency of Garrett Charles Bertram Weinman of 37th lane, Wellawatta, Colombo, Insolvent.

WHEREAS the above-named Garrett Charles Bertram Weinman has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by A. Piche Kanni Musahir of 257, Ferry street, Colombo, under the Ordinance No. 7 of 1853:

Notice is hereby given that the said court has adjudged the said Garrett Charles Bertram Weinman insolvent accordingly; and that two public sittings of the court, to wit, on March 29, 1946, and on April 12, 1946, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, M. N. PIERIS,
District Court, Secretary.
Colombo, February 25, 1946.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Mampage Abraham Perera of Colombo Plaintiff
No. 6,459/S. Vs.

(1) E. M. C. Pieris, (2) Felix Reginald Pieris, (3) Hubert Pieris
all of Malwatta Walawwa, Grandpass, Colombo Defendants.

NOTICE is hereby given that on Wednesday, April 3, 1946, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following properties for the recovery of the sum of Rs. 1,099, together with legal interest thereon from May 23, 1945, till payment in full and costs taxed at Rs. 380 26, to wit:—Rs. 208 69 incurred costs and Rs. 171 57 prospective costs, viz.:—

1. At 3 p.m.—All that lot A of the land called and known as Eldemaya estate and all the rubber and other plantations and buildings thereon, situated at Mahara Suripaluwa in the Adicari pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by lands of R. Podiappuhamy, B. Baron Singho and others, S. Hendrick Singho and others now of K. Carols Appu, east and north-east by lands of K. Carols Perera and others, T. P. No. 55,333, lands of K. Mango Hamy and Nono Hamy, lands of R. Jango Fernando, lands formerly of H. Babuncha Fernando and others now of Samaneri and others, land of Julius Fernando and others, south-east and south by land of H. Lewis Fernando and others, high road leading to Kandy, lands formerly of H. Pedoris Fernando and others now of Charles Fernando, lot B of this land and formerly of H. Pedoris Fernando and others now of H. John Fernando and others, the land of S. Podina and others and land of N. Arnolis Fernando and others, west by wela; containing in extent 18 acres 2 roods and 29 perches.

2. At 3 30 p.m.—An undivided $\frac{1}{2}$ part or share of all that land called Kandanpittawatta and of the rubber and other plantations and buildings thereon, situated at Ranmutugala in the Adicari pattu aforesaid; and bounded on the north by high road leading to Kandy, east by cemetery, south by field, west by land claimed by Rajapaksapathirage Jalenhi Appu and others; containing in extent about one bushel of paddy sowing. Prior registration C240/335, 252/324.

Fiscal's Office, N. A. W. DE SILVA,
Colombo, March 5, 1946. Deputy Fiscal.

In the District Court of Colombo.

(1) Nana Muthupalaniappa Chettiar and two others, all
carrying on business under the name, style, firm and Vilasam
of Nana Moona Awanna Roona or "N. M. A. R." of 285, Sea
street, Colombo Plaintiffs.
No. 6,597/S. Vs.

(1) Arthur Clement Weerasekera of 139, Dutugemunu road,
Kohuwala, Nugegoda Defendant.

NOTICE is hereby given that on Friday, April 5, 1946, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following properties for the recovery of the sum of Rs. 673 76, together with interest thereon at 18 per cent. per annum from October 11, 1945, up to the date of decree (November 28, 1945), and thereafter legal interest on the aggregate amount till payment in full, viz.:—

1. At 3 p.m.—An undivided half share of Dawatagahawatta, situated at Nugegoda, within the Kotte Urban Council in the Palle pattu of Salpiti korale in the District of Colombo, Western Province, bearing assessment No. 648 and presently bearing No. 66; and bounded on the north by Nawalaroad and old ela, east by Abraham Costa's land, south by Nugegoda Cotta road, and west by land of W. A. Haramani Appu; containing in extent about one rood.

2. At 3 30 p.m.—An undivided half share of Parangyakumbura alias Kaluwak Kimbura, bearing lot No. C, situated at Nawala in the Palle pattu aforesaid; and bounded on the north by field belonging to the Crown and land belonging to Andris Appu, east by field of Baron Cooray and garden of Bempy Perera and others, south by garden of Pablis Cooray, Helena Cooray, and William Botejue and high road, and west by field of N. Kumaris Cooray and L. D. Arnolis Appuhamy; containing in extent 20 acres 1 rood and 7 perches.

Fiscal's Office, N. A. W. DE SILVA,
Colombo, March 5, 1946. Deputy Fiscal.

In the Court of Requests of Colombo.

A. V. Perera, Auctioneer and Broker, Colombo Plaintiff.
No. 96,634. Vs.

Mrs. R. G. Wickrematunga of 557/9, Havelock road,
Pamankada, Wellawatta, Colombo Administratrix.

NOTICE is hereby given that on Tuesday, April 2, 1946, at 4 p.m., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 300, with interest thereon at 5 per cent. per annum from October 19, 1944, till October 8,

1945, and thereafter legal interest on the aggregate amount till payment in full and costs of suit Rs. 30 47 being incurred costs and Rs. 10 50 being prospective costs, viz.:—

The right title and interest of the defendant as administratrix of the estate of the late William de Silva Wickrematunga in and to the following property to wit:—

All that house and premises formerly bearing assessment No. 40 later No. 74 and presently bearing assessment No. 111, Wall street situated at Kotahena within the Municipality and District of Colombo, W. P.; bounded on the north-east and south-west by the other part of this garden, on the south-east and north-east by the roads containing in extent 9 6/100 perches according to the figure of survey thereof No. 2,402 dated May 3, 1877 made by F. J. Smith, Surveyor and which said premises is according to a survey plan dated March 14, 1921 made by C. H. Ohlmus, Licensed Surveyor and Leveller, described as follows:—

An allotment of land bearing assessment No. 74 situated at Wall street, Kotahena, aforesaid bounded as follows:—North-east by premises bearing assessment No. 73 the property of Mr. S. D. Peris, south-east by Wall street, south-west by premises bearing assessment No. 75 the property of Mrs. Jane de Zoysa nee Mendis, north-west by Wasala road; containing in extent 9 6/100 perches. Registered at the Land Registry, Colombo A 252/96. Subject to a mortgage for a sum of Rs. 5,000 and interest thereon in favour of Mr. R. Arunachalam due on bond No. 1479 dated July 24, 1944, and attested by Mr. H. V. Ram Isweers, Notary Public, Colombo.

Fiscal's Office, N. A. W. DE SILVA,
Colombo, March 5, 1946. Deputy Fiscal.

In the District Court of Negombo.

(1) Subasinghe Aratchige Don John Lucius Wijesekera Abey-
gooneratne, (2) Siyambalapitige Charlotte Sopaya Wi-
jeseera Abeyagoonaratne nee de Silva Gunasekera, both of
Udugampola Plaintiffs.
No. 12,227. Vs.

(1) Subasinghe Aratchige Dona Johana Engaltina Wijesekera
Abeyagoonaratne, (2) ditto Dona Johana Sopaya Wi-
jeseera Abeyagoonaratne, (3) ditto Don Paulie, (4) Stephen
Perera Jayasinghe, all of Udugampola, (5) Subasinghe
Aratchige Dona Clara Gerrude Wijesekera Abeyagoonaratne,
(6) John Emmanuel Perera Rupasinghe, School Master, both
of Pahala Yagoda, Ganimulla, (7) Kapurubandara Aratchige
Don Egonis Kapurubandara of Diulapitiya, (8) John Albert
Ratnayake (dead), (9) Pitipangge Davith Silva of Kehl-
baddara Defendants.

(8a) Hettiaratchige Dona Adliet Ratnaysake, (8b) Percy Arnolda
Ratnayake, (8c) Pearl Bandara Menike Ratnayake, all of
Bank Hill estate, Talangama, being minors by their guardian
ad litem 8d defendant, (8d) Hettiaratchige Don Herath of Pili-
yandara, substituted in place of the 8th defendant. Deceased.

NOTICE is hereby given that on Saturday April 6, 1946, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title and interest of the said plaintiffs in the following properties for the recovery of a sum of Rs. 56 and poundage, viz.:—

An undivided 2/5 shares of the land called Nagahawatta and of the tiled house standing thereon, situated at Udugampola in Dasiya pattu of the Aluth Kuru korale in the District of Negombo, Western Province; and bounded on the north by the land belonging to Subasinghe Aratchige Singhappuhamy and others, east by the land belonging to D. J. L. W. Abeyagoonaratne, south by the land formerly of Don Carols Appuhamy and now of Don Juwanis Jayawardena, and west by the land of Don John Lucius Wijesekera Abeyagoonaratne and others containing in extent within these boundaries about one acre belonging to the 2nd plaintiff.

The divided 2/5 share of the field called Kekunagahakumbura, situated at Udugampola aforesaid; and bounded on the north by the field belonging to the Temple, east by high land belonging to the 2nd plaintiff and others, south by the field belonging to Stephen Perera Jayasinghe and others, and west by high land belonging to Gilbert Perera Jayasinghe; containing in extent within these boundaries about one berrah of paddy sowing ground, belonging to the 2nd plaintiff.

Deputy Fiscal's Office,
Negombo, March 5, 1946.

I. L. M. SHERIFF,
Deputy Fiscal.

Southern Province.

In the District Court of Matara.

(1) Pallimulle Kapugamage Harmanis de Silva, husband of
(2) ditto Yasohamy, both of Wewa Thalagoda, Judgment-creditors.
No. 16,654. Vs.

Pallimulle Kapugamage David Silva of Wewa
Thalagoda Judgment-debtor.

NOTICE is hereby given that on Friday, March 29, 1946, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said Pallimulle Kapugamage David Silva in the following property for the recovery of a sum of Rs. 202 09, viz.:—

The divided and separated lot D of the land called Etambahenawatta, situated at Wewa Thalagoda in the Four Gravets of Matara, Matara District, Southern Province; and bounded on the north by Mahawewa, east by lot B of the same land, south by Uruwalahena, and on the west by lot C of the same land; and containing in extent 2 acres, 0 roods, and 38 3/4 perches.

Deputy Fiscal's Office,
Matara, March 1, 1946.

F. P. W. GUNASEKERA,
Additional Deputy Fiscal.

In the District Court of Tangalla.

The Commissioner of Income Tax, Colombo Plaintiff.
No. 5,374. Vs.

N. W. de Z. G. Siriwardena alias Wilfred Soysa of Walas-mulla Defendant.

NOTICE is hereby given that on Friday, March 29, 1946, commencing at 3.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,827, viz. —

1. Undivided $\frac{1}{4}$ share of the soil and of the plantations of the land called Kebellagahamada, situated at Buwelligoda; in extent 13 acres and bounded on the north by Kekiri-oya, east by Welimiyampalahena, south by Wolbediwetiya, and west by Upasakayakoratuwa, Baduwatta and Dangahakoratuwa.

2. Undivided $\frac{1}{4}$ share of the soil and of the plantations and of the 9 cubit tiled building standing thereon of the land called Tennembandiyehena, situated at Buwelligoda and bounded on the north by Kekiri-oya, east by Kebellagahamada, south by Kiragewatta, and west Kokiri-ara; in extent 2 acres and 2 roods.

3. Undivided $\frac{1}{4}$ share of the soil and of the plantations of the land called Dodangahakoratuwa, situated at Buwelligoda; and bounded on the north by Muttettuwattepela, east and south by Kunupura-ela, and west by Egodawatta, containing in extent 1 acre and 3 roods.

4. Undivided $\frac{1}{4}$ share of the soil and of the plantations of the land called Mekaralehena, situated at Buwelligoda; and bounded on the north by Welbediwetiya, east by Palugoda, south by Palugoda and Julgahadeniya, and west by Medadeniya and Dangahakelle; containing in extent 1 acre and 3 roods.

5. Undivided $\frac{1}{4}$ share of the soil and of plantations and of the buildings standing thereon of the land called Sapugahahena, situated at Walgammulla; and bounded on the north, and east by Woodland estate, south by Sagopadinchiwatta, and west by the High road

Deputy Fiscal's Office,
Tangalla, February 28, 1946.

A. WICKRAMASURIYA,
Additional Deputy Fiscal.

Province of Uva.

In the District Court of Badulla.

D. M. Sudumy of Yahalabedda, Haputale Plaintiff.
No. 7,908. Vs.

J. B. M. Bandaranayake of Badulla Defendant.

NOTICE is hereby given that on Saturday, March 30, 1946, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant to obtain a re-transfer of the following property as created by deed No. 1321 attested by F. Sebastian, Notary Public, Badulla, for the recovery of rupees one thousand with legal interest thereon from February 2, 1945, till payment in full and costs of suit Rs. 146.43, viz. —

All that Estate called Ben View estate together with the buildings and plantations thereon comprising of the following: —

1. Millagahawatta of 6 acres 2 roods and 4 perches situated at Hegoda in Rilpola korale, Yatukinda Division, Badulla District of the Province of Uva; and bounded on the north by reservation along footpath and lot 2020 in P. P. 598, east by Malakandura, south by lot M. 68 in P. P. 598 and T. P. 18170 and west by footpath, lot G. 68 in P. P. 598 and T. Ps. 18180 and 181782.

2. Wewewatthena of 3 acres, 0 roods and 20 perches situated at Hegoda aforesaid; and bounded on the north by lot 3 in P. P. 111 and T. P. 78985, east by lot 21 in P. P. 111, south by T. P. 238120 and west by T. Ps. 184111 and 189620; which said 2 lands are now shown as lots 1, 2 and 3 in plan No. 425 of May 30, 1940, made by E. de Z. Gunawardena, Licensed Surveyor, situated at Hegoda, aforesaid; and together bounded on the north by Agala and Malakandura, east by Kandura and stone-fence, south by live-fence and west by Gansabhawa road; and containing in extent 9 acres 2 roods and 25 perches.

Fiscal's Office,
Badulla, February 27, 1946.

T. KANDIAH,
Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Colombo.

M. S. M. Mashoor, carrying on business under the name and style and firm of W. M. Sheriff & Co., 105, Maliban street, Pettah, Colombo Plaintiff.
No. 4,529/S. Vs.

T. J. S. Peiris of Saitsberg, Moratuwa Defendant.

NOTICE is hereby given that on Friday, March 29, 1946, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 76 25, with interest of Rs. 630 at 15 per centum per annum from August 29, 1940, to September 20, 1941, and thereafter on the aggregate amount of the decree at 9 per centum per annum till payment in full and poundage, viz. —

An allotment of land called Tennapitahenewatta together with all the plantations, rubber coupons and $\frac{1}{4}$ rd share of the gemming rights, situate at Ellawala Ihalgama in the Uda pattu north, Kuruwiti korale in the District of Ratnapura of the Province of Sabaragamuwa; and bounded on the north by T. P. 415,811, east by lot 220, south by lot 220 and T. P. 407,832, west by T. P. 407,830 and 409, 196; and containing in extent two acres, two roods and

sixteen perches according to the survey and description thereof authenticated by G. K. Thornhill, Esq., Surveyor-General, bearing No. 17,760 dated September 28, 1936, and registered under title Ratnapura A. 227/275.

Fiscal's Office,
Ratnapura, February 27, 1946.

A. B. KARALLIADDE,
Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Hetti Aratchige Edward de Silva of Caroline No. 11,741. Villa, Alutmawatta road, Mutwal, Colombo, deceased.

Manikkage Mary Caroline de Silva of Caroline Villa, Alutmawatta road, Mutwal, Colombo Petitioner.

And

(1) H. C. de Silva, Old Police Bungalow, Rilaula, Kandana, (2) H. A. de Silva of No. 3, Paspatal road, Mutwal, (3) C. J. de Silva of No. 663, Alutmawatta road, Mutwal, (4) N. de Silva of No. 668, Alutmawatta road, Mutwal, (5) Miss M. Mildred de Silva, of No. 662, Alutmawatta road, Mutwal, (6) Daisy Siriwardena (nee Silva) of Silva Town, Madampe, (7) Charlotte Karunaratne (nee Silva) of Moragalle in Beruwala, (8) Mrs. Letticia de Silva of No. 662, Alutmawatta road, Mutwal, (9) Thomas de Silva of No. 662, Alutmawatta road, Mutwal Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on January 28, 1946, in the presence of Messrs. De Silva & Mendis, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 24, 1946, having been read: —

It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before March 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 1, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Jayamaha Mudalige Don Anthony No. 11,744. Appuhamy of Weliketiya in the Ragam Pattu of Alut Kuru Korale, deceased.

Istedu Koralalage Dona Elizabeth Hamine of Weliketiya aforesaid Petitioner.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on January 30, 1946, in the presence of Messrs. Moonesinghe and Jayamaha, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 22, 1945, and the affidavit of one of the attesting witnesses dated November 4, 1945, having been read: —

It is ordered that the last will and testament of Jayamahamudalige Don Anthony Appuhamy, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved, and the petitioner is the executrix named in the said will and the said petitioner be and she is hereby declared entitled, as the executrix to have probate of the said will issued to her accordingly, unless any person or persons interested shall, on or before March 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 28, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Robert Crawford Stevenson of 15, Stanford Court, Kensington, London, S.W. 7, formerly of the Army and Navy Club, Pall Mall, London, S.W. 1, a Brigadier-General (Retired) in His Majesty's Army, deceased. No. 11,764.

And

In the Matter of the British Courts Probates Re-sealing Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of fourteen days from the date hereof application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of probate of the will of Robert Crawford Stevenson of 15, Stanford Court, Kensington, London, S.W. 7, formerly of the Army and Navy Club, Pall Mall, London, S.W. 1, a Brigadier-General (Retired) in His Majesty's Army, deceased granted by the Principal Probate Registry at Llandudno of His Majesty's High Court of Justice in England, on May 3, 1945.

V. GNANARATNAM COOKE,
Proctor for Henrietta Josephine Stevenson the sole executrix named in the will.
Colombo, March 8, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Charles Llewellyn Penrhyn Neville otherwise Penrhyn Neville of Sussex Mansions, Sussex Square, Brighton, Sussex and care of The National Provincial Bank, Limited, 1, Princes street, in the City of London, deceased.

And in the matter of the British Courts Probates (Re-sealing) Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of twenty one days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the Sealing of a Photostate copy of Probate of the last will and testament of Charles Llewellyn Penrhyn Neville otherwise Penrhyn Neville of Sussex Mansions, Sussex Square, Brighton, Sussex and care of The National Provincial Bank Limited, 1, Princes street in the City of London, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice at Llandudno on the 8th day of June, 1945.

F. C. ROWAN,
Attorney for National Provincial Bank, Limited,
the sole Executor of the Last Will and Testament
of Charles Llewellyn Penrhyn Neville, deceased.

February 14, 1946.

In the District Court of Colombo.

Order Nisi

Testamentary Jurisdiction. In the Matter of the Intestate Estate of George Noel D'Esterre Stockdale of Kellie Group, No. 11,772. Dolosbage in the Island of Ceylon, deceased.

Frederick Claude Rowan of Colombo Petitioner.

Vs.

(1) Anthony John Norman Stockdale, presently of Elpitiya, a minor by his guardian *ad litem* Geoffrey Thomas Hale of Colombo Respondent.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on February 16, 1946, in the presence of Beram Kaikisheroo Billimoria of Colombo, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 13, 1946, Certificate of Death of the above-named deceased and Power of Attorney in favour of the petitioner having been read:

It is ordered (a) that Geoffrey Thomas Hale be and he is hereby appointed guardian *ad litem* of the minor respondent above named to represent him for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as an Attorney of the widow of the said deceased and that he is entitled to have letters of administration to the intestate estate of the said deceased issued to him accordingly, unless any person or persons interested shall on or before March 28, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 26, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Leon George Samuel James Northway, late of 26, Franklin street, Leederville in the State of Western Australia, deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on February 16, 1946, in the presence of, Beram Kaikisheroo Billimoria of Colombo, Proctor, on the part of the petitioner, Frederick Claude Rowan of Colombo; and the affidavit of the said petitioner dated February 13, 1946, exemplification of probate of the last will and testament of the above-named deceased, Power of Attorney in favour of the petitioner and Supreme Court's order dated January 31, 1946, having been read: It is ordered that the will of the said deceased dated January 7, 1941, of which an exemplification of probate has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said petitioner is one of the attorneys of two of the executors named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before March 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 20, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament (with codicil) of Arthur Edward Maddock of 7 Clyde Park, Redland in the City of Bristol, England, formerly of 13 Julian Road, Sneyd Park in the said City, deceased.

And

In the Matter of the British Courts Probates (Re-sealing) Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of fourteen days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of Probate of the will and codicil of Arthur Edward Maddock of 7, Clyde Park, Redland in the City of Bristol, England, formerly of 13 Julian road, Sneyd Park in the

said City, deceased, granted by the District Probate Registry at Bristol of His Majesty's High Court of Justice in England, on March 21, 1945.

F. J. & G. DE SARAM,

Proctors for Henrietta Isabel Maddock and Ethel Dolores Maddock the executrices named in the will and codicil.
Colombo, March 8, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament (with codicil) of Mary Elizabeth Lawrence of Merlewood Mornish Road, Bournemouth West Hampshire, England (formerly of 15 Thurloe Court, London, S.W. 3, England, widow, deceased).

And

In the Matter of the British Courts Probates (Re-sealing) Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of fourteen days from the date hereof, application will be made to the District Court of Colombo, under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of Probate of the will and codicil of Mary Elizabeth Lawrence of Merlewood, Mornish road, Bournemouth West, Hampshire, England, (formerly of 15 Thurloe Court, London, S.W. 3, England), widow, deceased, granted by the Principal Probate Registry at Llandudno of His Majesty's High Court of Justice in England, on August 18, 1945.

F. J. & G. DE SARAM,

Proctors for Alexander Erskine Lawrence and William Henry Wiggin the executors named in the will.
Colombo, March 8, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Glencora Selvamani Muttammal Gnanapragasam of Havelock road, Colombo, deceased.

Edward Gnanapragasam of 736, Havelock road, Colombo Petitioner.

Vs.

Thangamma Gnanapragasam of 756, Havelock road, Colombo Respondent.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on February 18, 1946, in the presence of Mr. T. Devarajan, Proctor, on the part of the petitioner; above named and the affidavit of the said petitioner dated February 16, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the father of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before April 4, 1946, show sufficient cause to the satisfaction of this court, to the contrary.

February 22, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Diyagubadathurugei Daniel Silva of St. Sebastian street, Colombo, deceased.

(1) Diyagubadathurugei Arlis Silva of Dalugama, Kelaniya, and (2) Payagala Liyanage Ariyaratna of Campbell avenue, Colombo Petitioners.

Vs.

(1) Diyagubadathurugei Somawathie Silva of Weligama, (2) Diyagubadathurugei Karunadasa Silva, (3) Diyagubadathurugei Dharmadasa Silva, (4) Diyagubadathurugei Karunawathie Silva, (5) Diyagubadathurugei Leelawathie Silva, all of St. Sebastian street, Colombo Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on February 19, 1946, in the presence of Mr. R. Muttasamy, Proctor, on the part of the petitioners above named; and the affidavit of the said petitioners dated February 15, 1946, the affidavit of the attesting notary dated February 18, 1946, and the affidavit of one of the attesting witnesses dated February 19, 1946, having been read:

It is ordered that the last will and testament of Diyagubadathurugei Daniel Silva, the deceased above-named, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved and the petitioners are the executors named in the said will and the said petitioners be and they are hereby declared entitled to have probate of the said will issued to them accordingly, unless the respondents above named or any person or persons interested shall, on or before April 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 23, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Fanny Henriette Jumeaux of Monklands, Sidford in the County of Devon, England, Spinster, deceased.

And

In the Matter of the British Courts Probates (Re-sealing) Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of fourteen days from the date hereof, application will be made to the District

Court of Colombo, under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of Probate of the will of Fanny Henriette Juneaux of Monkland, Sidford in the County of Devon, England, Spinard, deceased, granted by the Principal Probate Registry at Llandudno of His Majesty's High Court of Justice in England, on September 15, 1945.

V. GNANARATNAM COOKE,
Proctor for Benjamin Cyril Juneaux the proving executor named in the Will.

Colombo, March 8, 1946.

In the District Court of Colombo.
Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Stanley Hartop Dyer of Cobo estate, Badulla in
No. 11,785. the Island of Ceylon, Planter, deceased.

and

In the Matter of the Civil Procedure Code (Cap. 86)
Chapter XXXVIII.

James Aubrey Martensz of Messrs. F. J. & G. de Saram,
Colombo Petitioner.

THIS matter coming on for final determination before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on February 21, 1946, in the presence of Victor Gnanaratnam Cooke, Proctor, on the part of the petitioner, James Aubrey Martensz of Messrs. F. J. & G. de Saram, Colombo, and (1) the affidavit of the said petitioner dated February 19, 1946, and (2) the affidavit of the attesting notary of the will dated February 11, 1946, having been read: It is ordered that the last will and testament of the above named Stanley Hartop Dyer, deceased, bearing No. 745 dated August 6, 1936 and attested by Stanley Frederick de Saram of Colombo, Notary Public, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said James Aubrey Martensz is one of the executors named in the said will and that he is entitled to have probate thereof issued to him accordingly, with power reserved to the other executor named therein at any time hereafter to come in and obtain a similar grant subject to his tendering the usual oath.

February 25, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.
Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Dora Jane Campbell Drieberg of 8, MacCarthy
No. 11,786. road, Colombo, in the Island of Ceylon, widow,
deceased.

And

In the Matter of the Civil Procedure Code (Cap. 86)
Chapter XXXVIII.

Dora Elizabeth Campbell Welsh of 8, MacCarthy road,
Colombo Petitioner.

THIS matter coming on for final determination before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on February 21, 1946, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Dora Elizabeth Campbell Welsh of 8, MacCarthy road, Colombo; and (1) the affidavit of the said petitioner dated February 17, 1946, and (2) the affidavit of the attesting notary of the will dated February 7, 1946, having been read: It is ordered that the will of the said Dora Jane Campbell Drieberg, deceased, bearing No. 2,787 dated October 29, 1945, and attested by James Aubrey Martensz of Colombo, Notary Public, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Dora Elizabeth Campbell Welsh is the sole executrix named in the said will and that she is entitled, to have probate thereof issued to her accordingly subject to her tendering the usual oath.

February 25, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Abeyasekaragama Arachchige James of 211/26,
No. 11,798. Messenger street, Colombo, deceased.

Jayasingha Arachchige Podinona of 211/26, Messenger street,
Colombo Petitioner.

(1) Abeyasekaragama Arachchige Aslin Nona, (2) Abeyasekaragama Arachchige Dharmasena James, and (3) Abeyasekaragama Arachchige Freddy James, all of 211/26, Messenger street, Colombo Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on February 27, 1946, in the presence of Mr. R. Muttusamy, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 27, 1946, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before April 4, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Avissawella.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Patti Vidanelage Seduhs Appuhamy of Thoranakada,
No. 362. deceased.

Iddamalagodage Karunawathie of Thoranakanda Petitioner
between

(1) Patti Vidanelage Don Kullaratna (minor) (2) Patti Vidanelage Don Senaratna (minor), (3) Iddamalagodage Hendrick Appuhamy, (as guardian *ad litem*), all of Thoranakada Respondents.

THIS matter coming on for disposal before C. X. Martyn, Esq., District Judge of Avissawella, on January 29, 1946, in the presence of Mr. O. M. E. George, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 29, 1946, having been read:

It is ordered and decreed that the 3rd respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st and 2nd respondents above named, to represent them for all the purposes of these testamentary proceedings, and the petitioner above named be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to the estate of the deceased, Seduhs Appuhamy, issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before February 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

January 29, 1946.

C. X. MARTYN,
District Judge.

This *Order Nisi* is extended and reissued for March 22, 1946,

C. X. MARTYN,
District Judge.

In the District Court of Negombo.

Order Nisi.

No. 3,359/ In the Matter of the Intestate Estate of the Late
Testy. Francis Joseph Aloysius Tewelapperuma of 4th
Division Tammitta, Negombo, deceased.

Lipinaga Mary Caroline Silva *nee* Tewelapperuma of 4th
Division, Tammitta, Negombo Petitioner.

Vs.

(1) Mary Josephine Tewelapperuma now known as Sister Mary Paulin of Bolawalana Convent, Negombo, (2) Ernest Peter Tewelapperuma, (3) Anisita Leena Tewelapperuma, (4) Janet Francis Tewelapperuma, all of 4th Division, Tammitta, Negombo; (5) John Emmanuel Tewelapperuma of the Seminary of the Redeemptorist Fathers, Wattegama, (6) Theresa Margaret Tewelapperuma of 4th Division, Tammitta, Negombo Respondents.

THIS matter coming on for disposal before H. S. Roberts, Esq., District Judge of Negombo, on February 19, 1946, in the presence of Mr. F. W. Gooneratne, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated November 22, 1945, having been read:

It is ordered that the 2nd respondent above named be appointed guardian *ad litem* over the 5th and 6th respondents above named minors, to represent them for all the purposes of this action and that the petitioner above named be and she is hereby declared entitled, as the mother of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 12, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 19, 1946.

H. S. ROBERTS,
District Judge

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of Tittawelagedera
No. T-572. Naina Saibo's son Ismail Lobbe of Pattiayagama,
Udagama, deceased.

Ismail Lobbe's daughter Naggor Umma of Pattiayagama,
Udagama Petitioner.

Vs.

(1) Ismail Lobbe's son Ibrahim Saibo, (2) ditto Sulaiman, (3) ditto daughter Pattiayamma, (4) ditto son Jaufer, (5) ditto daughter Marjam Beebee, (6) ditto Rahamath Beebee, (7) ditto Jainambu Beebee, (8) ditto son Yooseof, (9) ditto son Abdul Rahim, all of Pattiayagama, Udagama Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on January 15, 1946, in the presence of Messrs. Marikar and Marikar, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 10, 1946, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the daughter of the deceased above named, to have letters of administration to the estate of the said deceased issued to her, unless the respondents above named or any other person or persons interested shall, on or before March 14, 1946, show sufficient cause to the satisfaction of this court to the contrary.

January 15, 1946.

H. A. DE SILVA,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of the late Jurisdiction. Balapitiya Liyanage Jayatuhamy, deceased, of No. T. 492. Delpitiya in Udapalata, Kandy.

THIS action coming on for disposal before H. A. de Silva, Esq., District Judge Kandy, on July 23, 1945, in the presence of Mr. S. B. Yatawara, Proctor, on the part of the petitioner, Balapitiya Liyanage Wilham Silva of Wattedena, Gampola; and the affidavit of the said petitioner dated July 23, 1945, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the nephew of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) B. L. Hendrick Singho of Polatumodera, Mirissa, (2) B. L. Amaradas Silva of Delpitiya, Gampola, (3) B. L. Saradas Silva of Wattedena, Gampola, (4) B. L. Simon Silva of Atabage, Gampola, (5) S. H. James Ratnayake of Delpitiya, Gampola, (6) K. P. Sopinona of Weligama, (7) S. H. Balahamy of Wellegedera in Mirissa, (8) A. M. P. Sopinona of Weligama, (9) B. L. Hendrick Silva of Polatumodera, Mirissa, (10) B. L. Puchohamy of Polatumodera, Mirissa, (11) B. L. Carluhahamy of Polatumodera, Mirissa, (12) B. L. Puchi Nona of Polatumodera, Mirissa, (13) M. S. H. James Appu of Beliatta, and (14) B. L. Sopinona of Polatumodera, Mirissa—or any other person interested shall, on or before September 24, 1945, show sufficient cause to the satisfaction of this court to the contrary.

July 23, 1945.

H. A. DE SILVA,
District Judge.

The date for showing cause is extended for November 15, 1945.

September 24, 1945.

H. A. DE SILVA,
District Judge.

The date for showing cause is extended for January 24, 1946.

November 15, 1945.

H. A. DE SILVA,
District Judge.

The date for showing cause is extended for March 21, 1946.

January 24, 1946.

H. A. DE SILVA,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of the late Jurisdiction. Boraluwegedera Disanayake Mudiyanseleage No. T 566. Abeykoon of Ukuwela, deceased.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on December 17, 1945, in the presence of Mr. S. M. Musthapha, Proctor, on the part of the petitioner, Boraluwegedera Nawaratna Disanayake of Ukuwela aforesaid; and the affidavit of the said petitioner dated December 17, 1945, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the above-named deceased, to have letters of administration of the estate of the said deceased issued to him, unless the respondents—(1) Boraluwegedera Danawathie Disanayake of Ukuwela, (2) ditto Bisomenika Disanayake of Udugoda, Panwila, (3) Ranthethgedera Muthumenika of Urugala—or any other person or persons interested shall, on or before March 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

December 17, 1946.

H. A. DE SILVA,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of No. T-573. Kurundugolle Ihala Gurunnanselegedera Thamby Lebbe's son Abdul Cader Lebbe of Akurana in Udagampaha of Harisipattu, deceased.

Pangaragammana Muhandramalagedera Mahumudu Lebbe's son Omerdeen Lebbe of Akurana aforesaid Petitioner.

Vs.

(1) Desegurunnanselegedera Shahul Hanif Lebbe's daughter Sabura Umma, (2) Abdul Cader Lebbe's children Latifa Umma, (3) Rahumath Umma, (4) Pathumma Natchoya, (5) Jainambu Natchiya, (6) Kadira Umma, (7) Hamjath Umma, (8) Sithy Zuhaira, (9) Sithy Zulaiha, (10) Jezima Umma, (11) Mohamadu Mohmdeen, and (12) Abdul Rahuman, all of Akurana aforesaid Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on January 15, 1946, in the presence of Messrs. Marikar and Marikar, Proctors, on the part of the petitioner; and the affidavit of the above-named petitioner dated December 12, 1945, and that of the attesting witnesses also dated December 12, 1945.

It is ordered that the will of the said Abdul Cader Lebbe bearing date July 12, 1945, be and the same is hereby declared proved, unless the respondents above named or some other person or persons interested shall, on or before March 14, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 1st respondent be appointed guardian *ad litem* over the 5th to 11th respondents and that the said Omerdeen Lebbe be the executor named in the said will is entitled to have probate of the same issued to him accordingly, unless the respondents or others interested shall, on or before March 14, 1946, show sufficient cause to the satisfaction of this court to the contrary.

January 15, 1946.

H. A. DE SILVA,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of the late Jurisdiction. Narampanawe Herath Mudiyanseleage Kiribanda of Narampanawa, deceased.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on January 9, 1946, in the presence of Mr. S. M. Musthapha, Proctor, on the part of the petitioner, Narampanawe Herath Mudiyanseleage Puncihirada of Nattarnpotha; and the affidavit of the said petitioner dated January 8, 1946, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the above-named deceased, to have letters of administration of the estate of the said deceased issued to him, unless the respondents—(1) Narampanawe Herath Mudiyanseleage Kalubanda, (2) ditto Dingiribanda, (3) ditto Rambanda, (4) ditto Muthumenika, all of Nattarnpotha or any other person or persons interested shall, on or before March 14, 1946, show sufficient cause to the satisfaction of this court to the contrary.

January 9, 1946.

H. A. DE SILVA,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Henry Jurisdiction. Paul Kumarasiri Jayawardena of Maitipe, Galle, No. 8,159. deceased.

Lilly Kumarasiri Jayawardena of Maitipe, Galle Petitioner.

Vs.

(1) Violet Kumarasiri Jayawardena, (2) Girle Kumarasiri Jayawardena, for herself and as guardian and manager of the 1st respondent, (3) Piellet Kumarasiri Jayawardena, all of Maitipe, Galle Respondents.

THIS matter coming on for disposal before T. F. C. Roberts, Esq., District Judge of Galle, on February 8, 1946, in the presence of Mr. D. A. Wickramasinghe, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated December 19, 1945, having been read:

It is ordered that the above-named petitioner be and she is hereby declared, as a daughter of the deceased, entitled to have letters of administration to the estate of the above-named deceased issued to her, unless the above-named respondents or any person or persons interested shall, on or before March 25, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered and adjudged that the 2nd respondent be appointed as guardian and manager over the 1st respondent, who is now of unsound mind, unless any person or persons interested shall, on or before March 25, 1946, show sufficient cause to the contrary.

February 8, 1946.

S. J. C. SCHOKMAN,
District Judge.

In the District Court of Galle

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Freddie Jurisdiction. Weeraman of Miliduwa in Galle, deceased. No. 8,165.

Alexander Weeraman of Labudoowa in Galle Petitioner.

Vs.

(1) Caroline Wickramasinghe of Heenatigala, presently of "New Heaven", Hulangamuwa road, Matale, (2) Nandawathie Weeraman, (3) Dhotti Weeraman, (4) Monica Piyaseel Weeraman, (5) Marshal Weeraman, all of Miliduwa in Galle, the 2nd to 5th respondents appearing by their guardian, (6) George Liyanage of Kithulampitiya, Galle Respondents.

THIS matter coming on for disposal before T. F. C. Roberts, Esq., District Judge of Galle, on January 28, 1946, in the presence of Mr. D. A. Wickramasinghe, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated January 25, 1946, having been read:

It is ordered that the above-named petitioner be and he is hereby declared, as brother of the deceased, entitled to have letters of administration to the estate of the above-named deceased issued to him, unless the above-named respondent or any person or persons interested shall, on or before March 15, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered and adjudged that the 6th respondent be and he is hereby appointed as guardian *ad litem* over the 2nd to 5th respondents, unless any person or persons interested shall, on or before March 15, 1946, show sufficient cause to the contrary.

And it is further ordered that the 6th respondent do produce the 2nd to 5th minor respondents before this court on the said date.

January 28, 1946.

S. J. C. SCHOKMAN,
District Judge.

In the District Court of Galle.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testament and Jurisdiction. Codicil of Walpita Gamage Sadris de Silva of Habaraduwa, deceased. No. 8,166.

Alexander Jayasinghe of 38th lane, Bullers' road, Colombo Petitioner.

Vs.

(1) Walpita Gamage Piyadasa Nandisena of 10, Pettigallwatta, Galle, (2) Walpita Gamage Ratnapala, (3) Walpita Gamage Dayawathie, (4) Walpita Gamage Dassawathie, all of Habaraduwa Respondents.

THIS matter coming on for disposal before T. F. C. Roberts, Esq., District Judge of Galle, on January 28, 1946, in the presence of

Mr. D. A. Wickramasinghe, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated January 18, 1946 and (2) of the attesting witnesses, viz.: Jagodage Arnelis Appuhamy, Umagulyage Andreas Ariyasena, both of Unawatuna and Bambarawane Liyanage Guneris Gunewanta of Panagamuwa, dated January 21, 1946, having been read:

It is ordered that the Last Will and Codicil of Walpita Gamage Sadiris de Silva, deceased, of which the originals have been produced and are now deposited in this court, be and the same are hereby declared proved.

And it is further declared that the petitioner is entitled to have probate with copy of the will annexed thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 15, 1946, show sufficient cause to the satisfaction of the court to the contrary.

January 28, 1946.

S. J. C. SCHORMAN,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Thangammah, widow of Kailasam of Sandilipay, No. 516. deceased.

Kailasam Sivakadamsam of Vannarponnai East Petitioner.

Vs.

Kailasam Sivakolunthu of Kamalapanam, Sandilipay Respondent.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on January 10, 1946, in the presence of Mr. M. R. Karalasingham, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that the petitioner, as the elder son of the deceased, is entitled to have letters of administration to the estate of the said deceased and that letters of administration to the estate of the said deceased be issued to the petitioner, unless the respondent or any others interested shall, appear before this court, on February 6, 1946, and show sufficient cause to the satisfaction of this court to the contrary.

January 10, 1946.

R. R. SELVADURAI,
District Judge.

Time to show cause is extended till March 26, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

No. 518 T In the Matter of the Intestate Estate of the late Archimuthu, wife of R. Veluppillai of Deltota, deceased.

Ramalingam Veluppillai of Alavedi in Jaffna, presently of Deltota Petitioner.

Vs.

(1) Veluppillai Saraswathi of Alavedi, (2) Veluppillai Rajeswarammal of ditto, both minors appearing by their guardian *ad litem* the 3rd respondent, (3) Kandapper Arumugam of Karativu East Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on February 5, 1946, in the presence of Mr. S. T. Natarajah, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated October 4, 1945, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the deceased, to have letters of administration issued to him, unless the respondents or any other persons shall, on or before March 11, 1946, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the 3rd respondent be appointed guardian *ad litem* over the 1st and 2nd minor respondents, unless the respondents or any other person or persons interested shall, on or before March 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 5, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Ponniah Sivapragasam of Kankesanturai, deceased.

Neelayathadchy, widow of Ponniah Sivapragasam of Kankesanturai Petitioner.

Vs.

(1) Rajeswari, daughter of Ponniah Sivapragasam of Kankesanturai, (2) Kandasamy Ramachandran of Kankesanturai Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on January 30, 1946, in the presence of Mr. S. Ilayatambi, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated January 26 and 28, 1946, respectively, having been read:

It is ordered that the above named 2nd respondent, be appointed guardian *ad litem* over the above named 1st respondent minor for the purpose of representing her in the testamentary proceedings and of protecting her interests and that the petitioner be declared entitled to the grant of letters of administration in respect of the estate of the said deceased and that letters of administration be

granted to her accordingly, unless the above named respondents or any other person shall, on or before March 15, 1946, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

January 30, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Velauther Mootatamby Velauthapillai of Vannarponnai East, deceased.

Velauthapillai Ponnudurai of Kanthermadam, Jaffna, presently of Kandy Petitioner.

Vs.

V. M. Velauthapillai Pannukone of Kanthermadam, Jaffna Respondents.

THIS matter of the petition of the petitioner coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on February 7, 1946, in the presence of Mr. M. R. Karalasingham, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that the petitioner, as the elder son of the deceased, is entitled to have letters of administration to the estate of the said deceased, and that letters of administration to the estate of the said deceased, be issued to the petitioner, unless the respondent or any other person or persons interested in the matter shall appear before this court on March 8, 1946, and show sufficient cause to the satisfaction of this court to the contrary.

February 7, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Murugesu Stephen Chellappah of Karaveddy No. 293/P.T. East, deceased.

Chellappah Winslow Vethanavagam of Karaveddy East, presently of St. Thomas College, Welmade Petitioner.

Vs.

(1) Mary Alice Gnahanmalar, daughter of Chellappah, (2) Samuel Arulanayagam Chellappah, (3) Lilly Pavalamalar, daughter of Chellappah, (4) Beatrice Yogamalar, daughter of Chellappah (minors); (5) Murugesu Mathubalasingham, and (6) wife, Grace Jewamalar, all of Karaveddy East, the 1st to 4th respondents are minors by their guardian *ad litem* the 6th respondent Respondents.

THIS matter of the petition of the petitioner praying for letters of administration to the estate of the above-named deceased, Murugesu Stephen Chellappah, coming on for disposal on December 21, 1945, before E. Wijewardene, Esq., Additional District Judge in the presence of Mr. K. Sivasankaram, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read: It is ordered that the petitioner be declared entitled to take out letters of administration, as the son of the deceased and that letters of administration be accordingly issued to the petitioner, unless the respondents or any other person shall, on or before February 22, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 1, 1946.

E. WIJEWARDENE,
Additional District Judge.

Extended and reissued for March 22, 1946.

February 22, 1946.

E. WIJEWARDENE,
Additional District Judge.

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late No. 793. Wappa Saibo Marikar Ponnimuttu Marikar *alias* Assan Neina Marikar also known as A. V. A. Ponn Muttu Marikar of Thehi in Puttalam District, (deceased)

Assan Neina Marikar Mohammed Jawfer Marikar of Thehi in Puttalam District Petitioner.

Vs.

Levvai Thanby Marikar Levvai Cader Ibrahim Meera Natchiya widow of Ponn Muttu Marikar Respondent.

THIS matter coming on for disposal before V. H. Wijeyaratne, Esq., District Judge of Puttalam, on February 18, 1946, on the motion of Mr. H. S. Ismail, Proctor, on the part of the petitioner and the petition of the petitioner dated February 18, 1946, and affidavit dated February 18, 1946, having been read: It is ordered that the above-named petitioner, Assan Naina Marikar Mohammed Jawfer Marikar be and he is hereby appointed administrator of the intestate estate of the above-named deceased, A. V. A. Ponn Muttu Marikar and that letters of administration be accordingly issued to him, unless the respondent above named or any other person or persons interested in the matter of this application shall, on or before March 25, 1946, show sufficient cause to the contrary.

February 25, 1946.

V. H. WIJEWARATNE,
District Judge.

In the District Court of Ratnapura.

Order Nisi

Testamentary In the Matter of the Estate of the Late Siyane
Jurisdiction. Korale Kankanamalaye Chandanahamy of
No. 1,196. Moratota, deceased.

Between
Siyane Korale Kankanamalaye Podiappahamy of
Moratota Petitioner.

And

(1) Siyane Korale Kankanamalaye Gunapala of Moratota,
(2) ditto Gunatilake Menike of Godakawela, (3) ditto
Mudiyanse, (4) ditto Kirimudiyanse, (5) ditto Gunawardane,
(6) ditto Somatilake Podimenike, (7) ditto Somawardane,
(8) ditto Wijewardane, (9) ditto Dassanayake, (10) Wickrama
Arachchillage Yasohamy, all of Moratota, the 5th to 9th
respondents being minors by their guardian *ad litem*, the
10th respondent Respondents.

THIS matter coming on for disposal before Spencer Rajaratnam,
Esq., District Judge, Ratnapura, on February 14, 1946, in the

presence of Mr. H. Abeyratne, Proctor, on the part of the
petitioner and the petition and affidavit of the petitioner dated
January 10, 1946, having being read: It is ordered that the
petitioner above named, as the elder son of the deceased above
named, is hereby declared entitled to have letters of administration
to the estate of the deceased above named issued to him accordingly,
unless the respondent above named or any other person or persons
interested shall show sufficient cause to the satisfaction of this
court to the contrary on or before March 14, 1946.

It is further ordered that Wickrama Arachchillage Yasohamy
of Moratota, the 10th respondent above named is appointed
guardian *ad litem* over the 5th, 6th, 7th, 8th and 9th respondents
above named, unless the respondents above named or any other
person or persons interested shall show sufficient cause to the
satisfaction of this court to the contrary on or before March 14, 1946

February 14, 1946.

SPENCER RAJARATNAM,
District Judge.

PASSED ORDINANCES.

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

No. 3 of 1946.

L. D.—O. 27/39.—M. L. A.—BA. 525.

An Ordinance to make provision for the establishment of
Town Councils for the purposes of Local Government
in Ceylon.

HENRY MOORE.

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EIGHTH SCHEDULE.

**An Ordinance to make provision for the establishment of
Town Councils for the purposes of Local Government
in Ceylon.**

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

Short title
and date of
operation.

1. This Ordinance may be cited as the Town Councils Ordinance, No. 3 of 1946, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

Part I.

CONSTITUTION OF TOWN COUNCILS.

Areas for which Town Councils are constituted.

Power to
declare
towns and to
define their
administrative
limits.

2. (1) The Governor may, by Proclamation published in the *Gazette*, declare any area, which by reason of its development or its amenities is urban in character, to be a town for the purposes of this Ordinance, and may define the administrative limits of the town so declared. The Governor may, by the same or any subsequent Proclamation, assign a name and designation to the Town Council to be constituted under this Ordinance for the town so declared.

(2) A declaration under sub-section (1) may be made by the Governor in respect of two or more areas jointly, notwithstanding that such areas are not contiguous; and the areas in respect of which any such declaration is made shall accordingly be deemed to constitute jointly one single town for all the purposes of this Ordinance.

Town Council
to be consti-
tuted for each
town.

3. A Town Council in accordance with the provisions of this Ordinance shall be constituted for every urban area declared to be a town by Proclamation under section 2.

Functions of
Town Councils.

4. The Town Council constituted for each town shall, subject to the powers reserved to or vested in any other authority by this Ordinance or by any other written law, be the local authority, within the administrative limits of the town, charged with the regulation, control and administration of all matters relating to the public health, public utility services and public thoroughfares, and generally with the protection and promotion of the comfort, convenience and welfare of the people and the amenities of the town.

Composition
of Town
Councils.

5. Each Town Council shall consist of such number of members, being not less than three nor more than eight, as the Governor may, for the purposes of the constitution of the Council, prescribe by Order published in the *Gazette*.

Electoral Divisions and Lists of Voters.

Electoral
divisions.

6. Each town for which a Town Council is to be constituted under this Ordinance shall be divided by the Governor, by Order published in the *Gazette*, into electoral divisions with such limits as may be defined in the Order and equal in number to the number of the members to be elected for that Council under section 5, and one member shall be elected to represent each such electoral division in the Council.

Qualifications
of voters.

7. (1) No person shall be qualified to vote at the election of a member for any electoral division of a town under this Ordinance unless the name of such person appears in the list of voters prepared and certified as hereinafter provided and for the time being in force.

(2) No person shall be entitled to have his name placed on the list of voters, unless such person on the date of the commencement of the preparation of such list—

- (a) is a British subject; and
- (b) is not less than twenty-one years of age; and
- (c) is not serving a sentence of penal servitude or imprisonment imposed by any court in any part of the British Empire, for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months; and is not under sentence of death imposed by any such court, and is not serving any term of imprisonment awarded in lieu of execution of such sentence; and
- (d) has not been adjudged by a competent court to be of unsound mind; and
- (e) has not within a period of five years immediately prior to the said date been convicted of an election offence in respect of any election held under the provisions of this Ordinance; and
- (f) has paid all rates and taxes due from him under the provisions of this Ordinance; and

- (g) is resident within the limits of any electoral division of the town and has been resident within any such electoral division for a continuous period of at least six months in the period of eighteen months immediately prior to the said date, and in addition—
- (i) is the occupier, under any contract of letting or hiring, of any land, house, building or tenement, or part thereof, within the electoral division, in respect of which he pays a monthly rent of not less than one rupee, or
 - (ii) is the owner of any land, house, building or tenement within the electoral division, which bears a separate assessment number and is assessed at an annual value of not less than ten rupees, or
 - (iii) has an income of not less than sixty rupees a year ;
- (h) not being or having been so resident, is the owner of any land, house, building, or tenement within the electoral division which bears a separate assessment number and is assessed at an annual value of not less than six hundred rupees.
- (3) For the purposes of this section, a company which—
- (a) has been incorporated or registered in Ceylon or in any other part of the British Empire under any law for the time being in force therein in that behalf ; and
 - (b) has been in occupation of any house, warehouse, counting house, shop or other premises in any electoral division of a town for a continuous period of not less than six months during the period of eighteen months immediately preceding the date on which the preparation of the list of voters of that division is commenced in any year, or is the owner of property situated within such electoral division and assessed at an annual value of not less than six hundred rupees,

shall be deemed to be a person qualified and entitled to be included in the list of voters prepared in that year for that electoral division, and the registered name of that company may accordingly be entered in such list.

Any person authorised in that behalf by a company whose name has been so entered in such list, either by a general power of attorney or by a special resolution of the directors of the company, shall be entitled to vote on behalf of the company at any election of a member for that electoral division :

Provided that nothing in this section shall be construed or deemed, for the purposes of section 8, to confer on any company or any person authorised thereto by the company any qualification or right to be a candidate for election or to be elected as the member for any electoral division.

8. (1) No person shall be qualified to be a candidate for election or to be elected as the member for any electoral division of a town or to sit or to vote as a member in the Town Council of that town, unless the name of that person—

Qualifications
of members.

- (a) appears in the list, for the time being in force, of the voters of any electoral division of that town, and
 - (b) is marked in such list with an asterisk or other suitable distinguishing mark (hereinafter referred to as "the double qualification mark").
- (2) No person shall be entitled to have his name marked with the double qualification mark in any list of voters, who—
- (a) on the date of the commencement of the preparation of such list—
 - (i) is unable to read or write English or Sinhalese or Tamil ; or
 - (ii) is an uncertificated or undischarged bankrupt or insolvent ; or
 - (iii) holds any pensionable office under the Crown in Ceylon ; or
 - (iv) is an officer or servant in the actual employment of, and in receipt of a salary from, the Council ; or
 - (v) directly or indirectly, himself or by any other person whatsoever in trust for him or for his use or benefit or on his account, holds or enjoys, in the whole or in part, any contract or agreement or commission made or entered into with or accepted from any person for or on account of the Council : Provided that nothing herein contained shall extend to any pension or gratuity granted by the Council

in respect of past service, nor to any contract, agreement or commission entered into or accepted in its corporate capacity by any incorporated trading company in which such person may be a member or a shareholder ; or

- (b) at any time during the period of seven years immediately preceding that date has served the whole or a part of a sentence of imprisonment of either description for a period of three months or any longer period or on conviction of any crime within the meaning of the Prevention of Crimes Ordinance.

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Preparation of lists of voters.

9. (1) For the purpose of every general election of members of a Town Council, the Government Agent shall prepare for each electoral division, in English, and according to the requirements of the area, in Sinhalese or in Tamil or both in Sinhalese and in Tamil, a list containing the names of persons possessing the qualifications specified in section 7, and in such list shall mark with the double qualification mark the name of each person who is entitled, under section 8 (2), to have his name so marked, and shall on a date not later than three months before such election exhibit a notice in the said languages at the office of the Town Council and at such other conspicuous places in the electoral division as the Government Agent may think fit, indicating—

- (a) that such lists are open for inspection during office hours at such office or other specified place ; and
 (b) that at a time and date specified in the notice (not being later than two months before the holding of the said election) he will attend at such office or at such other place as he may specify in the notice, for the purpose of hearing all claims for the insertion of any name or double qualification mark in the lists, and of all objections to any name or double qualification mark inserted or to be inserted therein.

(2) The Government Agent or some person deputed by him in writing on his behalf shall attend at the time and place indicated in the notice required by sub-section (1) and shall decide all claims and objections referred to in that sub-section in a summary manner after such inquiry as he may deem necessary, either on that date or within the period of seven days next succeeding that date. Every such decision shall be final and conclusive.

(3) No claim for the insertion of any name or double qualification mark in any of the lists shall be entertained unless the claimant shall have submitted the claim in writing not less than fourteen days before the date specified in the notice exhibited under sub-section (1) as the date for the hearing of such claims. The Government Agent shall cause the name of each such claimant to be posted up on the notice board of the Council not less than ten days before that date.

(4) No objection to any name or double qualification mark inserted or to be inserted in any of the lists shall be entertained unless the objector shall have given three days' notice in writing of the objection through the Government Agent to the person against whom, whether in respect of the insertion of his name or of the double qualification mark in the list the objection is to be taken. The Government Agent shall cause such notice to be served on such person in accordance with the provisions of section 227.

(5) For the purpose of his decision on any claim or objection under this section, the Government Agent or person deputed by him may administer an oath or affirmation, and any person knowingly making any false statement upon such oath or affirmation shall be guilty of an offence and shall be liable to the penalties prescribed by the Penal Code for the offence of giving false evidence in a judicial proceeding.

(6) Upon the determination of all claims and objections the Government Agent or person deputed by him shall revise the lists accordingly, and shall cause copies of the revised lists, certified under the hand of the Government Agent, to be exhibited at the office of the Town Council for inspection at all reasonable hours.

(7) The lists certified under sub-section (6) shall be final and shall be conclusive of the question whether or not any person is qualified to vote or to be a candidate for election at the general election referred to in sub-section (1) or at any by-election that may be necessary for the purpose of filling any casual vacancy in the Council at any time before the preparation and certification of new lists for purposes of the next succeeding general election.

(8) No person shall be entitled to have his name entered in the list of voters of more than one electoral division of a town, and in the event of any person's name being entered in the lists of more than one electoral division, the Government

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Agent may at any time, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, in what list of voters he desires his name to appear, and in default of such declaration being made, the Government Agent may himself determine in what list of voters the name of such person shall appear, and may correct all other lists of voters accordingly.

Election of Members.

10. (1) Not less than one month before the date appointed for the election of the members or any member of a Town Council under this Ordinance, the Government Agent shall publish a notice of the intention to hold such election.

Notice of election.

(2) Every notice under sub-section (1) shall—

- (a) be in English and, according to the requirements of the area, in Sinhalese or in Tamil or both in Sinhalese and in Tamil;
- (b) state the date on which, the hours between which, and the place at which, the nomination papers of candidates for election must be delivered, and the time and place at which a poll will be taken if more than one candidate is duly nominated; and
- (c) be exhibited at the office of the Town Council, and otherwise published in such manner as the Government Agent may consider best calculated to give publicity thereto, or as the Council may by by-law prescribe.

(3) The date specified in the notice under sub-section (1) as the date on which the nomination papers of candidates must be delivered shall—

- (a) in the case of a general election, be a date between the first day and the fifteenth day of November; and
- (b) in the case of a by-election, be a date not less than ten days prior to the date specified in that notice as the date on which any poll that may be necessary will be taken.

(4) The date specified in the notice under sub-section (1) as the date on which a poll will be taken if more than one candidate is duly nominated, shall in every case be a date within the period of one month next succeeding the date specified in that notice as the date on which the nomination papers of candidates must be delivered.

11. (1) No person shall be entitled to be a candidate for election as member for any electoral division, unless he is qualified within the meaning of section 8 to be a candidate and unless he has been nominated as a candidate by means of one or more nomination papers—

Mode of election.

- (a) each signed by at least two persons whose names appear in the list of voters of the electoral division; and
- (b) delivered, with the written consent of the candidate endorsed thereon or annexed thereto, to the Government Agent on the date and between the hours and at the place specified for the delivery of the nomination papers of candidates in the notice under section 10.

(2) No person shall be deemed to be duly nominated as a candidate for election as member for any electoral division unless, in respect of his candidature, a sum of one hundred rupees is deposited with the Government Agent before the hour specified in the notice under section 10 as the time limit for the delivery of the nomination papers of candidates for election.

(3) Any duly qualified voter may object to the nomination of any candidate on the ground that the candidate is not duly qualified within the meaning of section 8 or that the nomination paper or papers of that candidate have not been signed or delivered in accordance with the provisions of sub-section (1) or that the deposit required by sub-section (2) has not been made in respect of his candidature. The Government Agent shall have power to decide any such objection after such inquiry as he may deem necessary, and his decision shall be final.

(4) A candidate nominated for election may, before the hour specified in the notice under section 10 as the time limit for the delivery of nomination papers, but not afterwards, withdraw from his candidature by a writing under his hand addressed to the Government Agent. The Government Agent shall forthwith announce every such withdrawal and cause written notice thereof to be posted up in a conspicuous position outside the place appointed for the delivery of nomination papers.

(5) If only one duly qualified candidate is duly nominated or remains for election after the withdrawal of any other candidate or candidates or the rejection of the nomination

papers of any other candidate or candidates the Government Agent shall declare such candidate to be elected and shall as soon as may be notify the fact of such election in the *Gazette*.

(6) If more than one duly qualified candidate is duly nominated, a poll shall be held in manner prescribed by the rules in the First Schedule, subject to such modifications or amendments as may from time to time be made by rules made under section 206.

Disposal of deposits.

12. (1) Every deposit made under section 11 shall forthwith be credited by the Government Agent to a deposit account and shall be disposed of in accordance with the provisions of the sub-sections next following.

(2) Where the person in respect of whose candidature a deposit has been made is not nominated as a candidate for election or withdraws from his candidature before the time limit specified for such withdrawal in section 11, the deposit shall—

- (a) if it was made by him, be returned to him, or
- (b) if it was made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making the deposit, be returned to such other person.

(3) Where the person in respect of whose candidature a deposit has been made is nominated as a candidate for election but dies before the time fixed for the poll, the deposit shall either—

- (a) be returned to the executor of his last will or the administrator of his estate or, where his estate is not required by law to be administered, to his heir-at-law; or
- (b) if the deposit was made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making the deposit, be returned to such other person.

(4) Where the person, in respect of whose candidature a deposit has been made, is not elected, in every case where the number of votes polled by him does not exceed one-eighth of the total number of votes polled at that election, the deposit shall be declared forfeit and shall be transferred by the Government Agent from the deposit account to the general revenue and in every other case the deposit shall be returned to that person as soon as may be after the result of the election is declared.

(5) Where the person, in respect of whose candidature a deposit has been made, is elected, the deposit shall be returned to him as soon as may be after he assumes office as a member.

(6) For the purposes of this section, the number of votes polled at any election shall be deemed to be the number of votes actually counted and shall not include any votes rejected as void.

First general election of members.

13. The first general election of the members of the Town Council to be constituted for any town under this Ordinance shall be held in the month of November or December of the year preceding the year in which the Council is to come into office.

Arrangements preliminary to constitution of Town Council.

14. For the purposes of any preliminary arrangements in connexion with the constitution of any Town Council under this Ordinance or for the purposes of the first general election of the members of any such Council, it shall be lawful for the Governor, by an Order or Orders published in the *Gazette*, to issue all such directions as may be necessary or appropriate, or to modify or supplement any of the provisions of this Ordinance in such manner and to such extent as may be specified by him in such Order; and every such Order shall have the same effect in relation to such purposes as if it had been embodied in this Ordinance.

Commencement of term of office of Town Councils and date of constitution of such Councils.

15. Upon the completion of the first general election of the members of any Town Council to be constituted under this Ordinance, the Governor may, by Order published in the *Gazette*, declare that the term of office of such Council shall commence on a date to be specified in the Order. Such date shall be deemed to be the date of the constitution of the Council for all the purposes of this Ordinance; and the Council shall be deemed to be duly constituted on that date notwithstanding that the full number of members prescribed under section 5 may not have been duly elected.

Term of office of members elected at the first and each subsequent general election.

16. The term of office of each member of a Town Council elected at a general election shall commence—

- (a) in the case of the first general election, on the date specified by the Governor by Order under section 15, and

(b) in the case of any general election subsequent to the first general election, on the first day of January next succeeding the date of the election, and shall expire on the thirty-first day of December of the third year thereafter.

17. In the month of November or December of the year in which the term of office of the members elected at the first or any subsequent general election of the members of a Town Council is due to expire under section 16, in place of such members, new members shall be elected at a general election held by the Government Agent in the manner hereinbefore provided.

Subsequent general elections.

18. (1) Where any person who is elected as a member of a Town Council decides for any reason not to serve as a member thereof, he may relinquish the office—

Refusal, resignation or vacation of office.

- (a) by a written communication of his refusal of office to the Government Agent, at any time before the date fixed for the first meeting of the Council to be held after his election, or
 - (b) by a written communication of his resignation of office to the Government Agent, either direct or through the Chairman, at any time after such first meeting.
- (2) Any member of a Town Council who—
- (a) ceases to be a British subject; or
 - (b) is convicted of an offence in connexion with an election, under this Ordinance or under the Penal Code, such conviction not being set aside in appeal; or
 - (c) is absent without leave of the Council from more than three consecutive ordinary meetings of the Council; or
 - (d) is adjudicated an insolvent; or
 - (e) is convicted of a crime within the meaning of the Prevention of Crimes Ordinance and is sentenced to imprisonment of either description for a period of three months or any longer period, such sentence not being set aside or reduced to a period of less than three months in appeal; or
 - (f) is sentenced outside Ceylon to imprisonment of the description referred to in sub-section (2) (c) of section 7, such sentence not being set aside in appeal; or
 - (g) is adjudged to be of unsound mind or becomes incapacitated from fulfilling the duties of his office by bodily infirmity or disease; or
 - (h) accepts any pensionable office under the Crown in Ceylon; or
 - (i) accepts any office of emolument under the Council; or
 - (j) becomes either directly or indirectly concerned or acquires a financial interest in any contract with the Council (except as a shareholder in any incorporated company),

shall *ipso facto* vacate his office.

(3) If any person elected as a member of a Town Council refuses or resigns his office, or dies, or vacates the office under sub-section (2), or if a casual vacancy occurs in any other manner in such office, the Government Agent shall hold an election in the manner hereinbefore provided for the purpose of filling up such vacancy, and the person thereupon elected shall serve as a member until the expiry of the term of office of the members of that Council elected at the next preceding general election.

Irregular Elections.

19. (1) Where by reason of any failure or neglect, or any other cause whatsoever, any election required by this Ordinance is not held or is found to have not been duly and regularly held, or where any person declared to be elected at any such election is subsequently found to have not been duly elected, then and in every such case the Government Agent, as soon as may be after any such failure or neglect is notified to him or upon being satisfied that such election was not held or was not duly and regularly held or that any person was not duly elected, shall declare any election that may have been held to be null and void, and shall hold another election in the manner hereinbefore provided.

Irregular election to be held again.

(2) No objection to any election shall be entertained by the Government Agent after the lapse of fourteen days from the date on which it was held.

20. (1) In any case where, after due notice of election has been given as provided by this Ordinance, no candidate is duly nominated, or where, by reason of the withdrawal of any person who has been nominated, no person is elected on the day fixed for the poll, it shall be lawful for the Governor

Power to appoint member on failure of nomination or election.

to appoint any person, not holding any pensionable office under Government to be a member, in order to make up the number of members required for the Council.

(2) Every member appointed under sub-section (1) shall be deemed to be an elected member for the purposes of this Ordinance.

Special provisions as to unforeseen difficulties.

Electoral rules.

21. All matters connected with an election under this Ordinance for which no provision is made by this Ordinance or in respect of which the arrangements made by this Ordinance require to be supplemented or modified so as to meet unforeseen or special circumstances, may be provided for by rules made under section 206, or in the absence of such rules, by Order of the Governor published in the *Gazette*.

Non-compliance with Ordinance not to be an invalidating cause.

22. No election shall be deemed to be invalid by reason of any failure to comply with any of the provisions of this Ordinance relating to elections, if it appears that the election was conducted in accordance with the principles laid down in such provisions and that such failure did not affect the result of the election.

Election offences, penalties, &c.

Election offences: giving or receiving gratification.

23. (1) Whoever being qualified to vote, or claiming to be qualified to vote at any election under this Ordinance, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any person any gratification whatever as an inducement or reward for giving or forbearing to give his vote at any such election, shall be guilty of an offence, punishable with a fine not exceeding one hundred rupees, and shall be disqualified for five years from voting at any such election, or from being elected a member of any Council under this Ordinance.

(2) Whoever gives or offers to give any gratification whatsoever to any person as an inducement or reward for giving or forbearing to give his vote in favour of any person at any election under this Ordinance shall be guilty of an offence, punishable with a fine not exceeding one hundred rupees, or with imprisonment of either description for a period not exceeding six months, or with both such fine and such imprisonment, and shall be disqualified as provided by sub-section (1).

Election offences: bribery, personation, &c.

24. Every person who, at any election held under this Ordinance, commits the offence of bribery (including bribery by treating), or undue influence, or personation at an election, within the meaning of Chapter IXA of the Penal Code, shall, upon conviction of any such offence, and in addition to the penalties to which he may be liable under that Chapter, be disqualified for a period of five years reckoned from the date of such conviction, from voting at any such election and from being elected or from holding office as a member of a Town Council.

Unlawful voting.

25. Any person who knowingly votes at any election without possessing the necessary qualifications, or while he is disqualified as provided in this Ordinance, shall, notwithstanding that his name appears in the list of persons qualified to vote, be guilty of an offence punishable with a fine not exceeding one hundred rupees.

Personation.

26. Whoever falsely personates any voter at any election under this Ordinance shall be guilty of an offence punishable with a fine not exceeding one hundred rupees, or with imprisonment of either description for a period not exceeding six months, or with both such fine and such imprisonment.

Offences at elections.

27. If any person at any election under this Ordinance votes in more than one ward or asks for a ballot paper for the purpose of so voting, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding three hundred rupees, and shall upon such conviction become incapable for a period of five years from the date of conviction of being registered as a voter or of voting at any election or of being elected as a member of a Town Council; and if on that date he has already been elected as a member, his office as member shall be deemed to be vacated from the date of such conviction.

Offences relating to nomination and ballot papers, &c.

28. (1) Every person who—

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the presiding 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
- (c) without due authority supplies any ballot paper to any person; or
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person; or

- (e) not being a person entitled under this Ordinance to be in possession of any ballot paper which has been marked with the official mark in accordance with the provisions of the First Schedule, has any such ballot paper in his possession ; or
- (f) puts into any ballot box anything other than the ballot paper which he is authorised to put into that ballot box under this Ordinance ; or
- (g) without due authority takes out of the polling station any ballot paper ; or
- (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election ; or
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election held under this Ordinance ; or
- (j) manufactures, constructs, imports into the Island, has in his possession, supplies or uses for the purpose of an election, or causes to be manufactured, constructed, imported into the Island, supplied or used for the purpose of any election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election held under this Ordinance,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be disqualified from voting at any election held under this Ordinance for a term of five years thereafter and shall be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and such imprisonment.

(2) Every person who aids or abets or attempts to commit an offence specified in this section shall be liable to the punishment provided for the offence.

(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 counter-foils.

29. Every person who knowingly acts in the office of member of a Town Council, after his office as member is vacated or deemed to be vacated under the provisions of this Ordinance, shall be guilty of an offence punishable with a fine not exceeding one hundred rupees in respect of each day on which he so acts as member.

Penalty for acting as member while disqualified.

Alteration of limits of town, or of electoral divisions and number of members, &c.

30. The Governor may at any time by Order published in the *Gazette*—

- (a) vary the limits of any town or of any of the electoral divisions of a town ;
- (b) vary the number of members prescribed for any Town Council ;
- (c) dissolve any existing Town Council and direct that it shall be replaced by a new Town Council to be constituted in lieu of such existing Council, whenever it appears to him to be expedient so to do upon any variation of the limits of the town for which the existing Council was constituted ;
- (d) dissolve any Town Council for the purpose of constituting any other local authority in its place.

Power of Governor to vary limits of town or electoral division and number of members, and to dissolve and replace Council.

31. (1) If the Governor at any time, by Order under section 30, enlarges or curtails the area of any of the electoral divisions of a town, the member elected for that division shall thereupon vacate his office and an election shall be held in such division in the manner provided by this Ordinance :

Effect of alteration made by Order under section 30.

Provided that this sub-section shall not apply in any case where the Governor declares, by such Order or any subsequent Order, that the change made in the electoral list of the division so enlarged or curtailed is such that a fresh election is unnecessary.

(2) If the effect of an Order under section 30 is to create one or more new electoral divisions which were not in existence before the date of the Order, an election shall be held in the manner provided by this Ordinance for each of the electoral divisions so created.

(2A) If the effect of an Order under section 30 is to abolish any electoral division which was in existence before the date of the Order, the member elected for that division shall thereupon vacate his office, and no election shall be held for the purpose of electing a member in his place.

(3) Every election under sub-section (2) shall be held at such time as the Governor may appoint by Order published in the *Gazette* and in accordance with any directions contained therein as to the preparation of lists of voters or as to any other matters, connected with the elections or incidental thereto, for which the Governor may deem it necessary to make special provision.

(4) The member or members elected at any election held under sub-section (1) or sub-section (2) shall hold office only until the expiry of the current term of office of the members elected for the other electoral divisions of the town at the next preceding general election.

New Town Council to be successor of existing Council.

32. Where any new Town Council is constituted under section 30 in lieu of any Town Council which is dissolved—

- (a) the new Council shall, from the date of the constitution thereof, be the successor of the dissolved Council for all purposes relating to the town or any part of the town for which the dissolved Council was constituted, in so far as such town or part of such town is included within the administrative limits of the town for which the new Council is constituted ;
- (b) all the property of such dissolved Council situated within the administrative limits of the new Council, and all the rights, powers, duties, debts, liabilities, and obligations of such dissolved Council in so far as the same relate to any area within the administrative limits of the new Council, shall, as from the date of the constitution of the new Council, be deemed to be transferred to the new Council ;
- (c) all references in any Ordinance, or in any Order, rule, regulation, or by-law made thereunder, or any document or instrument executed or issued in pursuance thereof, to such dissolved Council, shall, for the purpose of any area within the administrative limits of such dissolved Council which shall be included within the administrative limits of the new Council, be construed as though they were references to the new Council ;
- (d) all the provisions of sections 24§ to 256 shall apply to the case of the constitution of the new Council, in the same manner as if all references to any local authority or authorities in such sections were references to the dissolved Council.

Meetings and Proceedings.

First meeting and election of Chairman and Vice-Chairman of a Town Council.

33. (1) As soon as may be after the commencement of the term of office of the members elected at the first or any subsequent general election of the members of a Town Council, the Government Agent shall convene the first meeting of the Council by notice in writing addressed to and served upon each of the members of the Council not less than five days before the date appointed by him for the meeting.

(2) Where for any reason the first meeting of a Town Council after a general election is not held on the date appointed by the Government Agent under sub-section (1), the Government Agent may, by a further notice or notices in accordance with the requirements of that sub-section, appoint as often as may be necessary any other date for that meeting, but so however that such other date is within the period of two months next succeeding the date first appointed by him. The failure to hold a meeting within the aforesaid period of two months shall be deemed to be sufficient ground for the removal of the members from office or the dissolution of the Council under section 197.

(3) Every meeting under this section shall be held at the time and place and on the date specified in the notice issued under sub-section (1) or sub-section (2) ; and at such meeting the members shall elect one of their own number to be the Chairman of the Council. The Government Agent shall preside at that meeting until the election of a Chairman, but shall not be entitled to vote on any question coming up for decision thereat.

(4) On the date of the meeting referred to in sub-section (3) or at a meeting duly held as soon as may be thereafter, the members shall elect another of their own number to be the Vice-Chairman of the Council. The Chairman elected under sub-section (3) shall preside over all proceedings held for the election of the Vice-Chairman.

(5) Whenever the office of Chairman of a Town Council falls vacant in any manner other than by the removal of the Chairman from office under section 35—

- (a) information of the occurrence of the vacancy shall forthwith be given to the Government Agent in writing by the Secretary of the Council ;

(b) upon the receipt of such information, the Government Agent shall forthwith convene a meeting of the Council in the manner prescribed under sub-section (1); and

(c) at the meeting so convened, the members shall elect a new Chairman.

At such meeting the Government Agent shall preside until the election of the new Chairman, but shall not be entitled to vote on any question coming up for decision thereat.

(6) Whenever the office of Vice-Chairman of a Town Council falls vacant, a new Vice-Chairman shall be elected by the members at the next succeeding ordinary meeting of the Council.

34. (1) The Chairman of a Town Council shall, unless he earlier resigns or is removed from that office or vacates the office of a member of the Council hold office until the date on which his term of office as a member of the Council is due to expire.

Term of office and functions of Chairman.

(2) The Chairman of a Town Council shall be the executive officer of the Council, and all executive acts and responsibilities which are by this or any other Ordinance directed or empowered to be done or discharged by the Council may, unless the contrary intention appears from the context, be done or discharged by the Chairman :

Provided that the Chairman in the exercise of his powers under this section (except as regards matters expressly committed to him) shall act in conformity with such resolutions as may from time to time be passed by the Council.

35. (1) The Chairman of a Town Council may be removed from the office of Chairman on a resolution for such removal duly passed by not less than two-thirds of the total number of members of the Council at a special meeting of the Council convened for the purpose by the Government Agent.

Removal of Chairman from office by resolution of the Council.

(2) The Government Agent shall, whenever requested in writing by not less than one-half of the total number of members of a Town Council to convene a special meeting of the Council for the purpose of considering a resolution for the removal from office of the Chairman under sub-section (1), forthwith convene a special meeting of the Council for such purpose.

(3) If, at any special meeting of a Town Council convened under this section, a resolution for the removal of the Chairman from the office of Chairman is passed by a number not less than the minimum number of members required by sub-section (1), then, the Chairman affected by such resolution shall be deemed to have resigned such office ; and the members shall at that meeting forthwith proceed to the election of, and shall elect, one of their own number to be the Chairman of the Council :

Provided that where in any such case a Chairman is not, for any reason, elected at that meeting, the Government Agent shall by notice in accordance with the requirements of sub-section (8), forthwith convene a special meeting of the Council for the purposes of such election.

(4) Where at any special meeting of a Town Council convened under this section, a resolution for the removal of the Chairman from the office of Chairman is negatived or is passed by any number less than the minimum number of members required by sub-section (1), then no other meeting for the purpose of considering a resolution for the removal from office of that Chairman shall be convened by the Government Agent within six months from the date on which the first-mentioned resolution was negatived or passed, anything in sub-section (2) to the contrary notwithstanding.

(5) The Government Agent shall preside at every special meeting convened by him under this section, but shall not be entitled to vote on any question coming up for decision thereat.

(6) The Government Agent shall, on the termination of every special meeting convened by him under this section, cause the minutes of such meeting to be entered in the book kept for that purpose under section 42, and shall sign such minutes. A copy of such minutes shall be forthwith sent by the Secretary of the Council to the Commissioner.

(7) Where for any reason a special meeting convened by the Government Agent under this section is not held on the date appointed by him, he may by further notice in accordance with the requirements of sub-section (8) appoint, as often as may be necessary, any other date for such meeting.

(8) Every special meeting of a Town Council under this section shall be convened by the Government Agent by notice in writing addressed to and served upon each member of the Council not less than two days before the date of the meeting. Where service of any such notice cannot for any reason be effected personally on any member, the notice

shall be deemed to have been duly served, if it is sent by post to, or left at the last known place of abode of, that member, and every such notice which is sent by post shall be deemed to have been served at the time at which it would have been received in the ordinary course of post. Every notice shall specify the date, time and place of the meeting.

(9) In any case where the total number of members of a Town Council is such that the two-thirds of that number required by sub-section (1) or the one-half of that number required by sub-section (2) would be an integer and a fraction, then, for the purposes of this section the next highest integer shall be deemed to be the minimum number required by sub-section (1) or sub-section (2), as the case may be.

Power to
nominate
Chairman
when not
elected by
Council.

36. Where for any reason the members of a Town Council fail to elect a Chairman in accordance with the provisions of this Ordinance, the Governor may, in lieu of removing the members from office or dissolving that Council under section 197, authorise the Executive Committee to nominate one of the members of that Council to be the Chairman, and the member so nominated shall be entitled to exercise the like powers, shall perform the like duties, and shall hold office for the like term, as a Chairman duly elected by that Council.

Term of
office and
functions of
Vice-Chairman.

37. (1) The Vice-Chairman of a Town Council shall, unless he earlier resigns or is removed from that office or vacates his office as a member of the Council, hold office for one year from the date of his election to the office of Vice-Chairman. A Vice-Chairman whose term of office expires in accordance with this sub-section shall be eligible for re-election.

(2) The Vice-Chairman may during his year of office exercise any power or perform any duty of the Chairman on being authorised by writing under the hand of the Chairman to exercise such power or perform such duty on behalf of the Chairman, or, in the event of the death or resignation of the Chairman, until the election of a new Chairman.

Presidency
at meetings.

38. The Chairman of a Town Council shall preside at all meetings of the Council. In the absence of the Chairman, the Vice-Chairman shall preside, and in the absence of the Vice-Chairman, such member as may be elected by the other members present to be the presiding member for that meeting.

Meetings of
the Council
how and when
convened.

39. (1) The ordinary meetings of a Town Council shall be held for the despatch of business upon such day or days in every month as may be fixed by the Council.

(2) The Chairman may convene a special meeting of the Council whenever he may consider it desirable and shall, whenever requested in writing by any two or more members of the Council to convene a special meeting for any purpose specified in such writing, forthwith convene a special meeting for that purpose. Two days' notice of the day appointed for any such special meeting shall be given to, or left at the residence of, each member of the Council.

Powers of
Council to be
vested in the
majority.
Quorum.

40. (1) The quorum for the meetings of a Town Council shall be prescribed by a by-law made by the Council under this Ordinance. Until such by-law is made by a Council, the quorum for any meeting of the Council shall be not less than two-thirds of the members of the Council in office on the date of such meeting. The Executive Committee may by rule made under section 206 alter from time to time the quorum prescribed by or under this sub-section for the meetings of any Council.

(2) All acts whatsoever authorised or required by this Ordinance or any other written law to be done by any Town Council may and shall be decided upon and done by the majority of members present and voting at any duly convened meeting thereof, the members present being not less in number than the quorum prescribed by or under this Ordinance.

(3) Where the votes of the members present at any meeting are equally divided in regard to any question, the Chairman, Vice-Chairman or other member presiding at the meeting shall, in addition to his vote as a member, have a casting vote:

Provided that in every case where the votes of the members are equally divided on the question of the election of a Chairman, such question shall be determined by lot and for the purpose of such determination lots shall be cast or drawn in such manner as the Government Agent in his sole discretion may decide.

Appointment,
powers and
duties of
Secretary.

41. (1) Every Town Council shall appoint a fit and proper person to be or to act as the Secretary of the Council.

(2) The Secretary of a Town Council shall exercise, perform and discharge such powers, duties and functions as are conferred or imposed upon him by this Ordinance or by rules made under section 206 or by any other written law for the time being in force.

(3) During the period intervening between the expiry of the term of office of the members of a Town Council under section 16 and the election of a Chairman after the ensuing general election of members to that Council, and, in the event of the vacation of the offices of both the Chairman and the Vice-Chairman by the death, resignation, removal or disqualification of the holders thereof, then, during the period intervening between the vacation of the office of Vice-Chairman and the election of a new Chairman, the Secretary of the Council shall, in addition to the powers referred to in sub-section (2), have authority, subject to the approval of the Commissioner and subject to such limitations and conditions as may be prescribed by rules under section 206, to incur expenditure on behalf of the Council, to make payments out of the local fund, and to exercise and perform such of the powers, duties and functions of the Chairman as may be specified by the Commissioner or prescribed by rules as aforesaid.

42. All acts, orders, and proceedings of a Town Council shall be entered in a book to be kept by it for that purpose, and shall be signed by the Chairman for the time being; and all such acts, orders, and proceedings shall then be deemed and taken to be original acts, orders, and proceedings, and any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, provided that it purport to be signed and certified as a true copy or extract by the Chairman or Secretary of the Council.

Minutes of proceedings of Council to be entered in a book.

43. (1) A Town Council may from time to time appoint committees consisting either of members of the Council or partly of members of the Council and partly of other inhabitants of the town, for the purpose of advising the Council with reference to any of its powers, duties, or responsibilities, or any matter under the consideration of the Council, and may from time to time, subject to such instructions or conditions as it may determine, delegate any of its powers or duties to such committees other than the power to raise any loan, to levy any rate, or to impose any tax.

Committees.

(2) For the purpose of any matter in which any Town Council is jointly interested with any other Town Council or with any Urban Council or Municipal Council, it may make arrangements by mutual consent with such other Town Council or with such Urban Council or Municipal Council for the constitution of a joint committee, for the appointment of members of the Council upon such joint committee, and for the delegation to such joint committee of any of its powers or duties other than the power to raise any loan, to levy any rate, or to impose any tax.

44. Subject to the provisions of section 40 as to the quorum, nothing which is done or determined by a Town Council, under this Ordinance or any other written law, shall be or be deemed to be invalid by reason only of the fact that the full number of members prescribed for that Council under section 5 had not been elected, or that any member was absent from the Council, or that there was any vacancy in the number of the members, at the time such thing was done or determined.

Acts of Council not to be invalidated by vacancies or absence of members.

Part II.

STATUS, POWERS AND DUTIES OF TOWN COUNCILS.

45. Every Town Council shall be a corporation with perpetual succession and a common seal, and may sue and be sued by such name as may be assigned to it under this Ordinance.

Town Councils to be corporations.

46. There shall be vested in the Town Council of each town all such immovable property of the following classes, namely:—

Lands vested in Town Council.

- (a) waste lands and open spaces;
- (b) stone, cabook, and gravel quarries;
- (c) public lakes and streams;
- (d) public tanks, ponds, and channels;
- (e) Crown lands whether with or without buildings;

as may be situate within the limits of the town and may be or have been handed over, with the sanction of the Governor, to the Council, or to any local authority of which the Council is the successor, in the manner described in section 47.

47. (1) A vesting order, certificate or other record signed by the person or persons authorised to hand over any immovable property referred to in section 46, and by the Chairman of the Town Council or of any local authority of which the Council is the successor, shall be sufficient, and shall be deemed at all times to have been sufficient, to vest such property and all right, title, and interest in such property in the Town Council, or the local authority, as the case may be:

Method of vesting, administration, &c., of such lands.

Provided that nothing in this or the last preceding section shall be deemed—

- (i) to affect or prejudice any right or title of the Crown to any such immovable property, or the right of the Crown at any time to resume or dispose of such property for public purposes ; or
- (ii) to affect or prejudice any right, title, or interest which any military authority, in which lands are vested on behalf of the Crown, has or may have in any such property ; or
- (iii) to empower the Council to dispose of any such property otherwise than in accordance with such terms and conditions as may be set out in the aforesaid vesting order, certificate or other record relating to such property ; or
- (iv) to prevent the Council from surrendering to the Crown at any time any such immovable property.

(2) All immovable property vested in a Town Council shall be administered, and the revenue thereof shall be employed and made use of for the purposes of this Ordinance.

Other property
vested in the
Council.

48. There shall be further vested in each Town Council, for the purposes of this Ordinance, the following classes of property :—

- (a) all public parks, gardens, and open spaces acquired by or otherwise transferred to the Council or any other local authority of which the Council is the successor, and all erections and structures therein and the equipment thereof, subject always to the terms of any trust or the conditions in any instrument by which any such property may have been transferred to the Council or any local authority of which the Council is the successor ;
- (b) all public roads, streets, canals, and bridges, (except such roads, streets, canals, or bridges as may be vested in any other authority under any other Ordinance, or may be specially exempted from the provisions of this section by the Governor by Proclamation published in the *Gazette*), together with the lands used for the purposes thereof and all the pavements, stones, or other materials thereof, and also all erections, materials, implements, and other things provided therefor ;
- (c) all public markets and all works, erections or structures for the benefit or convenience of the public which may be constructed, erected, or provided under this Ordinance, or which may have been constructed, provided, or erected under any Ordinance, hereby repealed, or which may be otherwise transferred or have been transferred to the Council or to any local authority of which the Council is the successor, and all the sites, reservations, appurtenances, materials, furniture, and equipment provided therefor, subject always to any such trust or conditions as aforesaid ;
- (d) all other public buildings constructed or provided in whole or in part out of the local fund of the Council or of any other local authority of which the Council is the successor, or which may be otherwise transferred to the Council, and all the sites, appurtenances, materials, furniture, and equipment thereof, subject always to any such trust or condition as aforesaid ;
- (e) the property of and in all the lamps, lamp-irons, lamp-posts, sluices, dams, pipes, posts, chains, piles, rails and other similar erections and things in, about, or belonging to the roads, streets, and public places vested in the Council, and of and in all the materials, furniture, and things belonging thereto, except in so far as the same shall be otherwise regulated by contract with the Council, or shall be otherwise shown to be private property or subject to private rights.

General
duties.

49. The Town Council of each town shall within the administrative limits of the town have the following duties :—

- (a) to maintain and cleanse all public thoroughfares and open spaces vested in the Council or committed to its management ;
- (b) to enforce the proper maintenance, cleanliness, and repair of all private streets ;
- (c) to abate all nuisances ;

50. For the purposes of this Ordinance, a Town Council (without prejudice to any other powers specially conferred upon it) shall have the following powers :—

General powers.

- (a) to appoint all necessary officers and servants, subject, however, to the previous approval of the Commissioner in every case where an appointment necessitates the creation of a salaried office in the service of the Council, and subject to the provisions of section 240, from time to time remove any such officer or servant ;
- (b) to assign to any office or service such salary, allowances or remuneration as to the Council may seem fit, subject, however, to the previous approval of the Commissioner in every case of the assignment to any office or service of any salary, allowance, or remuneration which, either separately or in the aggregate, shall exceed in value the rate of fifty rupees a month ;
- (c) to spend any part of the local fund on maternity and child-welfare services, the training of midwives for the purposes of any maternity service established by the Council, housing schemes, such charities, or such measures for the relief of distress caused by rain, floods, fire, earthquake, famine or epidemics as may be approved by the Executive Committee ;
- (d) to enter into any arrangement with any other authority for the employment and remuneration of any officer or servant for the several purposes of the Council and such authority ;
- (e) to take any land or building on lease, or to purchase any land or building, subject to the prior approval of the Executive Committee ;
- (f) (i) to sell or exchange, subject to the prior approval of the Executive Committee, any land or building belonging to the Council, or vested in it otherwise than by virtue of the provisions of section 46 or section 48 ;
- (ii) to let or give out on lease, subject to the prior approval of the Executive Committee, any land or building belonging to the Council, or vested in it otherwise than by virtue of the provisions of section 46 or section 48 ;
- (iii) to let or give out on lease any land or building vested in it by virtue of the provisions of section 46 or section 48 and not required for any public purpose for the time being, subject to the prior approval of the Executive Committee and subject always to such terms and conditions as may be set out in the vesting order, certificate or record issued or made under section 47, or the will, or the deed or instrument of gift or trust executed by the donor, in respect of such land or building ;
- (g) subject to the express provisions of this Ordinance, to enter into any contract with any person for any work to be done, or services to be rendered, or goods or materials to be supplied ;
- (h) to make by its officers authorised in that behalf and the servants or workmen accompanying them all such entries into lands and buildings and inspections thereon as may be necessary for the detection and abatement of nuisances, the detection, prevention, and abatement of all contraventions of this Ordinance or of by-laws or rules made thereunder, or for the performance of acts required to be done under this Ordinance in respect of which the owner or occupier of such premises is, or may be deemed to be, in default ;
- (i) by its Chairman or other officer authorised by him, to hold all inquiries which the Chairman may deem necessary for any of the purposes of this Ordinance and for the purpose of all such inquiries, to administer oaths and summon witnesses ;
- (j) to institute or defend any legal proceedings which the Council may deem necessary to institute or defend for the purpose of enforcing or protecting the rights of the Council or of the public or of protecting its officers or members in the execution or intended execution of their duties ;
- (k) generally to do all things necessary for the effective exercise of the powers and duties of the Council.

51. (1) Whenever it appears to the Chairman of any Town Council that an examination or survey of any private lands, buildings, or premises is necessary for any local public purpose, it shall be lawful for the Chairman to direct any officer or servant of the Council to make such survey, and

Power to authorise surveys.

it shall thereupon be lawful for such officer or servant and his workmen to enter upon such premises and to do thereon any of the following acts :—

- (a) to survey and take levels of such land ;
- (b) to dig or bore into the sub-soil ;
- (c) to do all other acts necessary to ascertain whether the land is adapted for such public purpose ;
- (d) to set out the boundaries of any land which is to be acquired, or street lines, or the lines of any work proposed to be carried out ;
- (e) to mark such levels, boundaries, or lines by placing permanent marks on existing buildings, trees, posts, walls, fences, or other fixed objects, or by fixing new marks, or by cutting trenches, as the case may require ;
- (f) and where otherwise a survey cannot be completed, or levels taken, or the boundaries and lines marked, to cut down and clear away any obstructions interfering with the execution of such work :

Provided that full compensation shall be paid for any damage done :

Provided, further, that no person shall enter any building or any enclosure attached to a dwelling house, except with the written consent of the occupant, or if such consent is withheld, with the sanction of the Chairman.

(2) Every mark fixed on any land under this section shall be deemed to be the property of the Council.

Contracts.

52. Any contract for any of the purposes of this Ordinance involving an expenditure exceeding five hundred rupees shall be reduced to writing, shall be signed by the Chairman, and shall specify—

- (a) the work to be done, the services to be rendered or the goods to be delivered ;
- (b) the materials to be used ;
- (c) the price to be paid for such work, service, goods, or materials ;
- (d) the time or times within which the work or service is to be done, or the goods or materials are to be furnished ; and
- (e) the penalty to be imposed in case of a breach of the contract.

**Consent of
Town Council.**

53. The Chairman of a Town Council shall not, on behalf of the Council, enter into any contract which involves an expenditure exceeding two hundred and fifty rupees for the execution of any work, for the rendering of any service, or for the supply of any goods or materials, or any contract enduring for a longer period than the time elapsing between the making of such contract and the end of the financial year, without the previous consent of the Council :

Provided that the Council may by resolution require the Chairman to obtain such previous consent in respect of any contract which involves an expenditure exceeding one hundred rupees for the execution of any work, for the rendering of any service, or for the supply of any goods or materials.

**Consent of
Commissioner.**

54. A Town Council shall not, under section 53, give its consent to the Chairman of the Council to enter into any contract on behalf of the Council which involves an expenditure exceeding two thousand rupees for the execution of any work, for the rendering of any service, or for the supply of any goods or materials, without the previous sanction of the Commissioner. If the Commissioner refuses to give his sanction, the Council may appeal against such refusal to the Executive Committee. The Executive Committee may, on such appeal, confirm the decision of the Commissioner or order him to give his sanction, as the Committee may think fit, and it shall be the duty of the Commissioner to comply with such order.

**Advertisement
for tenders.**

55. Before entering into any contract which involves an expenditure exceeding five hundred rupees for the execution of any work, for the rendering of any service, for the supply of any goods or materials, or for any other matter necessary for the purposes of this Ordinance, the Chairman shall call for tenders by advertisement, unless otherwise authorised by a resolution of the Council.

**Acquisition of
lands or
buildings for
general public
purposes.**

56. A Town Council may acquire lands or buildings for the general purposes of the Council without indicating the purposes for which any land or building is to be applied ; and any land or building, as to which the Governor declares that he is satisfied that such land or building is required for the general purposes of the Council, shall be deemed to be land or building required for a public purpose within the meaning of the next succeeding section and of the Land Acquisition Ordinance.

57. (1) In any case in which the assistance of Government is desired by a Town Council for the purpose of the acquisition of any land or building required for the purposes of this Ordinance, the Governor, upon the application of the Town Council and after such inquiry as to him may seem necessary, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested according to the provisions of the Land Acquisition Ordinance; and the Governor may authorise such land or building to be handed over to the Council under section 47 on its paying the compensation so determined.

Acquisition
of land.

(2) The provisions of sections 46 and 47 of the Land Acquisition Ordinance, relating to the acquisition of land by way of exchange or gift, shall, with the necessary modifications, apply to any proceedings under this section.

58. A Town Council may receive and hold any property in trust for the benefit of the inhabitants of the town for which it is constituted, or any section of such inhabitants, or for the purpose of any public service administered by the Council, and may otherwise act as trustee for any public purpose.

Power of
Town Council
to act as
trustee for
any public
purpose.

PART III.

POWERS AND DUTIES AS TO THOROUGHFARES.

Thoroughfares.

59. (1) Subject to the powers and responsibilities by law committed to any other authority, the Town Council of each town shall be the general administrative authority for the purpose of all thoroughfares and communications, other than principal thoroughfares, within the administrative limits of the town, with all such powers as are vested in it under this Ordinance, the Housing and Town Improvement Ordinance, and any other Ordinance from time to time enacted in that behalf.

Town Council
to be the
general
authority for
thoroughfares
and communi-
cations.

Cap 199.

(2) Subject to such directions as may be given by the Governor from time to time by Order published in the *Gazette*, the Town Council of each town shall be the administrative authority for the purposes of the protection of any principal thoroughfare that may be situate within the town, and shall be entitled for such purposes to exercise or perform in relation to any such principal thoroughfare any of the powers or duties conferred or imposed by sections 85 to 105 (both inclusive) relating to buildings along thoroughfares, obstructions to thoroughfares, encroachments on thoroughfares, injuries to thoroughfares and nuisances on thoroughfares.

60. Subject to the powers and responsibilities by law belonging to any other authority, it shall be the duty of the Town Council of every town, and every such Council is hereby empowered, to take all necessary measures for securing and maintaining all public rights, interests, and amenities arising out of or in connection with all thoroughfares or open spaces within the town, and for utilising, regulating, adapting, and developing such thoroughfares or open spaces for public purposes.

General
powers of
Council with
regard to
thoroughfares
and open
spaces.

61. All thoroughfares within a town, other than principal thoroughfares, except in so far as such thoroughfares are already so vested by virtue of any other enactment, shall be deemed to be vested in the Town Council of that town.

Thoroughfares
vested in
Town Council.

62. Neither the provisions of the Prescription Ordinance, nor those of any other law relating to the acquisition of rights by virtue of possession or user, shall apply in the case of the roads within any town; and no person shall be entitled to any exclusive rights of ownership, possession or user over or in respect of any such road or any portion thereof by reason of his having, either before or after the coming into operation of this Ordinance, had possession, or use of any description whatsoever, of such road or portion thereof.

Prescription.
Cap. 55.

63. All notices required to be given under this Part shall be in the English, Sinhalese, or Tamil language, in the discretion of the Town Council.

Language of
notices

Notices how served.

64. Every notice required to be given under this Part to any person may be served either personally upon such person, or by leaving it with some member of his household, or by affixing it to some conspicuous part of his residence.

Control of roads and paths in charge of minor local authority

65. It shall be the duty of the Town Council of every town, and every such Council is hereby empowered, to supervise and control the course and development of all public roads and paths within the town.

Power of Town Council to construct new, and improve existing, thoroughfares.

66. The Town Council of each town may within that town—

- (a) with the sanction of the Executive Committee lay out and construct new roads, streets, bridges, or other thoroughfares ;
- (b) widen, open, or enlarge any street or other thoroughfare (not being a principal thoroughfare) ;
- (c) with the sanction of the Executive Committee, turn, divert, discontinue, or stop up, whether in whole or in part, any public street or other thoroughfare (not being a principal thoroughfare) ;

making due compensation to the owners or occupiers of any property required for such purposes, or any person whose legal rights are thereby infringed.

Acquisition of lands required for diversions or enlargements.

67. (1) If in connection with the turning, diversion, widening, opening, enlargement, or improvement of any thoroughfare, it becomes necessary for any Town Council to take possession, for public use, of the land of any person, it shall be lawful for such Council to make an agreement with the owner for the compensation to be paid for such land, and for any building, boundary wall, gateway, fence or tree standing thereon, either by allowing him to possess the ground, or part of the ground, of the former thoroughfare, or by the grant, of other land in exchange or by payment of money or by any two or more of such methods.

(2) Any land of which possession is taken by a Town Council in pursuance of any agreement under sub-section (1) shall vest in the Council without any formal transfer thereof, and the certificate of the Government Agent or the Chairman of the Council that any person has been allowed by the Council to possess any part of the ground of any former road or any land given in exchange under sub-section (1), together with a survey thereof, shall be a sufficient proof of the right of such person to such ground or land.

(3) Where a Town Council cannot agree with the owner on any land as to the compensation to be made under sub-section (1), or where such owner cannot be found, or where the Council does not deem it advisable to enter into any agreement with the owner of any land, then proceedings may be taken to obtain possession of such land, and for compensating the owner, in the manner prescribed by section 57.

Cap. 57.

(4) Every agreement under sub-section (1) shall be in writing but section 2 of the Prevention of Frauds Ordinance shall not apply to any such agreement or to any certificate issued under sub-section (2).

Gifts of land required for diversion or enlargement of thoroughfares.

68. If in connection with the turning, diversion, widening, opening, enlargement or improvement of any thoroughfare, it becomes necessary for any Town Council to take possession of the land of any person for public use, and if the person claiming to be the owner of the land desires to make a free gift of the land to the Council for such purpose and to renounce all claim to compensation therefor, a record in writing to that effect duly signed by such person in the presence of the Chairman or of a person authorised by the Chairman in writing in that behalf shall be sufficient to vest the land in the Council. No such record shall be deemed to be invalid or of no effect in law by reason only that the requirements of section 2 of the Prevention of Frauds Ordinance have not been complied with as to attestation by a notary public and by witnesses.

Power to dispose of discontinued street.

69. Whenever any street or other thoroughfare or any part of any street or thoroughfare vested in a Town Council ceases to be used as a street or thoroughfare, the Council, with the prior approval of the Executive Committee, may sell, lease, or exchange such street or other thoroughfare or part thereof.

Power to take land adjoining new street for building purposes.

70. In laying out or constructing any new street or thoroughfare, or in turning, diverting, widening, opening, enlarging, or otherwise improving any street or thoroughfare, a Town Council may, with the prior approval of the Executive Committee, in addition to the land required for the purposes

of the carriageways and footways thereof, also purchase the land necessary for houses and buildings to form the said street or thoroughfare and may, with the like approval, sell, lease, or otherwise dispose of the same, subject to such stipulations and conditions as to the class and description of houses or buildings to be erected thereon as the Council may think fit.

71. It shall be lawful for the Town Council of any town, without prejudice to any other powers vested in it, to do any of the following acts :—

Other powers
of Town
Council.

- (1) to water the streets ;
- (2) to remove encroachments and obstructions in or upon any street or thoroughfare subject to the conditions that where the person responsible therefor is known to the Council, such action shall be taken by the Council only after notice has been given to him, and he fails to remove such encroachments or obstructions within such time as may be specified in the notice or with due diligence ;
- (3) to name or re-name streets ; and to paint up the names of streets and the numbers of houses or tenements on any private property ;
- (4) to shut up and secure deserted houses ;
- (5) to recover in manner hereinafter provided the expenses incurred by any action taken under paragraphs (2) and (4) hereof from the person whose act or neglect shall have rendered such action necessary.

72. The Town Council of any town, with the prior approval of the Executive Committee, may, at the request of the owner or owners of any one or more estates or industrial enterprises situated within the town, in any case in which the Council is of opinion that the public interests would not otherwise justify the construction or maintenance of a road in such a locality, contract with such owner or owners for the construction or maintenance of a road for the service of the estate or estates, or the enterprise or enterprises in question, subject to the payment of such contribution towards the expenses of such construction or maintenance as may be approved by the Council, and all such agreed contributions shall be deemed to be special rates imposed upon the lands benefited, and shall be recoverable in the same manner as a rate imposed under this Ordinance, and all the provisions of this Ordinance relating to rates shall apply thereto.

Roads for
benefit of
individual
property
owners.

73. If any house, building, boundary wall or gateway adjoining any street or thoroughfare in any town, or anything affixed thereon, be deemed by the Town Council of that town to be in a ruinous state, whether dangerous or not, or to be likely to fall, the Council shall immediately, if it appears to be necessary, cause a proper hoarding or fence to be put up for the protection of persons using such street or thoroughfare, and shall cause notice in writing to be served on the owner or occupier forthwith to take down, secure, or repair such house, building, boundary wall, gateway, or thing affixed thereon, as the case may require.

Houses in a
ruinous and
dangerous
state.

74. If any person, on whom a notice is served by or on behalf of a Town Council under section 73, does not begin to comply with such notice within three days of the service thereof or does not complete the work with due diligence, the Council shall cause all or so much of the work as it may think necessary to be carried out, and all the expenses incurred by the Council shall be paid by such person and shall be recoverable as hereinafter provided.

Failure to
comply with
notice.

75. If any house, building, or wall, or any part thereof be pulled down by any Town Council under section 74, the Council may sell the materials thereof, or so much of the materials as may have been taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand pay any surplus arising from such sale to the owner of such house, building, or wall :

Sale of
materials
of ruinous
houses.

Provided always that, in case no demand for such surplus is made within twelve months by any person entitled to make such demand, the Council shall be at liberty to pay the amount of such surplus to the credit of the local fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed surplus :

Provided, further, that the Council, notwithstanding that it may have sold such materials for the purposes aforesaid shall have the same remedies for compelling the payment of so much of the expenses as may remain due after the application of the proceeds of the sale, as by this Ordinance are given to it for compelling the payment of the entirety of the expenses.

Maintenance and Repair of Thoroughfares.

Proper officers empowered to enter upon lands for repair, &c., of thoroughfares.

76. It shall be lawful for the proper officer of the Town Council of any town and for the servants, workmen, and labourers employed by or under him, at all times, and with all necessary and proper carriages, carts, animals and other means, to enter upon any land adjacent or near to any existing or intended thoroughfare within that town, and there severally to do and perform all acts, matters, and things necessary for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any such thoroughfare, or for building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, or for performing any act, matter, or thing, under the provisions of this Ordinance.

Power to take materials.

77. It shall be lawful for the proper officer of the Town Council of any town, and for the servants, workmen, and labourers employed by or under him, at all reasonable times, and with all necessary and proper carriages, animals, and other means, to search for, dig, cut, take, and carry away any water, timber, brushwood, stone, gravel, clay, or any other materials whatsoever, for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing, or in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any existing or intended thoroughfare in that town; or of building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith; or for the construction or repair of any lines or any buildings whatsoever required on or near any such thoroughfare for the use of any officer as aforesaid, or any workmen, animals, carriages, persons, or things employed in his service, in and from any land adjacent or near to any such thoroughfare, and to carry away the same through the land of any person, without being deemed a trespasser:

Provided that no such materials shall be dug for, cut, or taken away, upon or from any yard, avenue to a house, or lawn or any inclosed garden, plantation, field, or wood, without the consent of the owner thereof, unless sufficient materials cannot conveniently be obtained from the neighbouring waste lands or common or abandoned grounds, in which case the said officer may take any of such materials where he can conveniently procure them:

Provided also that reasonable compensation for all materials so taken, and for the damage done in taking and carrying away the materials, shall be made to the owner thereof:

Provided, further, that such officer shall rail or fence off any quarry or pit from which any such materials may be taken, so that it may not be dangerous to any person or animal.

Power to erect buildings and keep cattle, &c.

78. It shall be lawful for the proper officer of the Town Council of any town when tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended thoroughfare within the town, or building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon or in any way connected therewith—

- (a) to make and erect temporary buildings on any land adjacent or near thereto for the accommodation of such officer, or for the accommodation of the servants, workmen, labourers, animals, carriages, or things employed by him during the progress of the work; and
- (b) to keep all such animals as may be employed by him duly tethered and stabled upon any lands near or adjacent thereto, and to continue so to keep the animals on such lands for such time as may be necessary:

Provided that no such building shall be erected, nor any such animal kept on any land which is under cultivation or is situated in any area where there are neighbouring waste lands or common or abandoned grounds available for the purpose:

Provided, further, that reasonable compensation for any damage done to the land shall in all cases be made to the owner thereof.

Power to throw rubbish upon adjacent lands.

79. In the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving of any existing or intended thoroughfare within any town, or building, excavating, repairing, clearing, or improving any bridge, fence,

drain, dam, or ditch thereupon or in any way connected therewith, it shall be lawful for the proper officer of the Town Council of the town to throw upon any lands adjacent or near to the thoroughfare such earth, rubbish, or materials as it may be necessary to remove from the place of any such work :

Provided that all earth, rubbish or materials thrown upon any such land by the proper officer shall be removed by him from such land within a reasonable time.

80. It shall be lawful for the proper officer of the Town Council of any town to make a temporary road through the grounds adjacent or near to any existing or intended thoroughfare in the town during the execution of any work thereupon or any work in any connected therewith: Provided that such road shall not be made over any ground whereon any building stands or over an inclosed garden or yard.

Power to
make tem-
porary road.

81. It shall be lawful for the proper officer of the Town Council of any town to cut and remove, and place upon any adjacent or neighbouring land, all trees, bushes, or shrubs and all leaves or branches or roots of trees that shall grow in or overhang any thoroughfare within the town, or cause any obstruction therein, and for that purpose to enter upon any land or premises with such persons, animals, and instruments as may be necessary, and to proceed to do therein all such things as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots :

Power to
cut trees.

Provided that all trees, bushes, or shrubs, and all leaves or branches or roots of trees placed upon any such land by the proper officer shall be removed by him from such land within a reasonable time.

82. It shall be lawful for the proper officer of the Town Council of any town to put up or make fences, hedges, ditches, drains, or banks by the side of any thoroughfare within the town, whenever to him it shall appear necessary, and the owner or occupier of each land adjoining such fences, hedges, ditches, drains, or banks shall and he is hereby required to keep them in good and substantial repair and order.

Power to
put up
fences.

83. The proper officer of the Town Council of any town shall have power to make, scour, cleanse, and keep open all ditches, gutters, drains, or water-courses along any thoroughfare within the town, and also to make and lay such drains, water-courses, trunks, tunnels, plats, or bridges, as he may deem necessary for the protection, preservation, improvement, repair or construction of any thoroughfare or intended thoroughfare, in and through any lands or grounds adjoining or lying near to such thoroughfare or intended thoroughfare.

Power to make
and keep
open ditches,
&c., and to
lay trunks, &c.

84. The proper officer of the Town Council of any town shall have power to lay any heap of stone or gravel, or any log of wood, or any other matter or thing whatsoever, upon any thoroughfare within the town, and to allow such matter to remain there during the time such road is under repair, and for such time before the repairs are commenced and after the repairs are completed, as may be necessary for facilitating the making of such repairs or for preventing damage to such recently repaired road, but he shall take due and reasonable precaution for preventing danger or injury to persons passing along such road.

Power to lay
stones, &c.

Buildings along Thoroughfares.

85. (1) It shall not be lawful for any person to commence any building, boundary wall, gateway or fence along any thoroughfare within any town, or to erect any temporary fence or inclosure on any such thoroughfare for the purpose of commencing or repairing any such building, boundary wall, or gateway without giving one calendar month's previous notice in writing to the Town Council of that town.

Notice of
intended
building
along a
thoroughfare.

(2) Any person neglecting to give the notice prescribed by sub-section (1), or to remove any building, boundary wall, gateway or fence erected without such notice when he is required in writing to do so by the Town Council under this sub-section, shall be guilty of an offence, punishable with a fine not exceeding fifty rupees, and with a further fine not exceeding twenty rupees for each day he suffers or allows such building, boundary wall, gateway or fence to remain after he is required to remove it as aforesaid.

(3) It shall be lawful for the Town Council to remove or cause to be removed any building, boundary wall, gateway, fence, or inclosure, commenced or erected without the notice prescribed by sub-section (1), and to recover the costs of such removal in the manner provided in section 97 for the recovery of the costs therein mentioned.

(4) Nothing herein contained shall be deemed to deprive any Town Council of the power, hereinafter conferred on such

Council, of removing any such building, boundary wall, gateway, fence, or inclosure, which may subsequently be discovered to be an encroachment on a thoroughfare, notwithstanding that no proceedings may have been taken by the Council on the notice given in respect of such building, boundary wall, gateway, fence or inclosure under sub-section (1).

Erection of temporary fences and inclosures.

86. (1) Nothing contained in section 85 shall be construed to prevent any public officer, duly authorised in that behalf, from making temporary use of any part of any thoroughfare for the public service, or to prevent the Town Council of any town from granting a licence to the inhabitants of the town for the erection of temporary fences and inclosures on any thoroughfare, in connexion with the building, pulling down, or repairing of their houses and other buildings, or for temporary decorations within the town, on such terms and conditions as the Council may deem proper, including conditions as to—

- (a) the length, breadth and height of such inclosures ;
- (b) the space to be allowed for carriages and carts, or boats, to pass along the thoroughfare ; and
- (c) the exhibition by the person obtaining such licence, daily between sunset and sunrise throughout the period during which the fence or inclosure is maintained or continued by him, of a light sufficient to indicate clearly the exact situation of the fence or inclosure or any obstruction caused thereby.

(2) Every holder of a licence granted under sub-section (1) who commits a breach of any of the conditions of such licence, and every person who removes or extinguishes any light placed and kept in accordance with the requirements of the conditions of such licence, shall be guilty of an offence, punishable with a fine not exceeding ten rupees.

Building limits along roads.

87. (1) Notwithstanding anything contained in the Housing and Town Improvement Ordinance, it shall not be lawful for any person—

- (a) to erect any building, boundary wall or gateway within a limit (hereinafter referred to as the "building limit") of twenty-five feet from the centre of any road which is used or intended for vehicular traffic within any town and in respect of which street lines providing for a roadway exceeding fifty feet in width have not been defined under section 19 of the Housing and Town Improvement Ordinance ; or
- (b) except under the authority of a licence granted by the Town Council of the town, to re-erect or to make any addition to any such building, boundary wall or gateway within such limit :

Provided always that nothing in this sub-section contained shall apply to any repairs effected in any building, boundary wall or gateway existing at the date of the constitution of the Town Council, or in the case of—

- (i) any street which is intended for foot traffic only and is not less than twenty feet in width ; or
- (ii) any back lane or other service passage which is intended only for the purposes of scavenging or conservancy or other special sanitary purpose and is not less than ten feet in width,

where such street, lane or passage has been defined or approved by the Town Council.

For the purposes of the foregoing provisions of this sub-section, "repairs" shall not be deemed to include any work of re-erection or re-construction or the addition of any new part.

(2) It shall be the duty of every Town Council, within three years after the date of the constitution thereof or within such further period as may in the special circumstances of any case be allowed by the Executive Committee—

- (a) to demarcate by permanent marks the building limit prescribed by sub-section (1) on every road referred to in that sub-section ;
- (b) in the case of each road on which the building limit has been so demarcated, to ascertain and record the value of each building, boundary wall, or gateway or part thereof situate or extending within such limit ; and
- (c) in the case of any road on which the building limit has not been demarcated, to ascertain and record the value of each building, boundary wall or gateway in respect of which a licence under sub-section (1) is granted by the Council for the purposes of any re-erection or addition.

(3) The value of any building, boundary wall or gateway shall, for the purposes of sub-section (2)—

- (a) be fixed by agreement between the Town Council and the owner or owners of the building, boundary wall or gateway; or
- (b) where it is not so fixed by agreement, be determined by the arbitration of two arbitrators, one nominated by the owner or owners of the building, boundary wall or gateway, and the other by the Town Council, or if such arbitrators cannot agree upon the said value, by an umpire chosen jointly by the two arbitrators.

(4) In determining the value of any building, boundary wall or gateway or any part thereof for the purposes of sub-section (2), the following principles shall be followed:—

- (a) where any building, boundary wall or gateway, or any part thereof the removal of which would render the remaining part useless, is situated within the building limit of any road, and where, for that reason, at the time of the widening of the road the removal of the entire building, boundary wall or gateway will become necessary, the value of the entire building, boundary wall or gateway shall be determined; and such value shall be the difference between the market value of the premises, that is to say, of the building, boundary wall or gateway together with the land attached thereto, at the time of the demarcation of the building limit, and the market value at that time of the land as distinct from the building, boundary wall or gateway;
- (b) where only a part of a building, boundary wall or gateway is situated within the building limit of any road, and after the severance and removal of such part the remaining part will be capable of adaptation either to the original purpose of the building, boundary wall or gateway or to any other purpose permitted by law, the value of the part within the building limit shall alone be determined; and such value shall be the aggregate of—
 - (i) the estimated cost of the severance and removal of that part of the building, boundary wall or gateway; and
 - (ii) the estimated cost, in the case of a building, of adapting the part of the building which will then remain to the purpose for which the building is used at the time of the demarcation of the building limit, and in the case of a boundary wall or gateway, of completing such additions or repairs as may be necessary;
- (c) where, at the time of the demarcation of the building limit on any road, the value of any building, boundary wall or gateway is found to have been increased by any alteration or improvement effected in the building, boundary wall or gateway after the date of the constitution of the Town Council, then notwithstanding that the alteration or improvement may have been authorised by a licence under sub-section (1), the amount of the increase shall not be taken into account unless the alteration or improvement was necessary for the maintenance of the building, boundary wall or gateway in a proper state of repair.

(5) The value of each building, boundary wall or gateway or part thereof situate within a building limit, fixed or determined as provided in sub-section (3) shall be recorded in the office of the Town Council together with all agreements or awards by which the value so recorded may be verified; and the value so recorded shall be deemed to be the value of such building, boundary wall, gateway, or part, for the purposes of section 91 relating to the compensation payable in respect of any subsequent acquisition thereof.

(6) For the purpose of demarcating the building limit of any road it shall be lawful for any officer, servant or workman of the Town Council to enter upon any private land adjoining the road and to erect permanent marks at convenient places, taking all such precautions as may be necessary to ensure that as little damage as possible is caused to the land. Compensation shall be paid by the Council for any damage so occasioned.

(7) Where the building limit of any road has been demarcated under this section, nothing in any of the other provisions of this Ordinance shall be deemed to preclude the Town

Council from letting or leasing any part of the road not included within such building limit for the purpose of affording building facilities along the road, or from using or permitting the use of any such part for any public purpose.

(8) Nothing in this section shall apply to, or in the case of, any road in respect of which street lines providing for a roadway exceeding fifty feet in width have been defined under section 19 of the Housing and Town Improvement Ordinance.

Power of Executive Committee to modify building limit.

88. (1) Upon application made in that behalf by the owner or occupier of any property affected by the building limit specified in section 87, it shall be lawful for the Executive Committee, by notification published in the *Gazette*, to modify the building limit in respect of the road, or the part of a road upon which such property abuts; and for the purposes of the provisions of this Ordinance relating to the building limit along roads, the building limit along such road or part of a road shall be the building limit so modified by the Executive Committee.

(2) Where after the values of the buildings, boundary walls or gateways or part thereof situated within the building limits of any road are ascertained and recorded by a Town Council, the Executive Committee modifies the building limit under sub-section (1) in respect of the whole road or any part thereof, it shall be the duty of the Council to vary or adjust the values so recorded in such manner as may be rendered necessary by such modification of the building limit; and every variation or adjustment of such values shall be made in accordance with the provisions of section 87.

Condition to be attached to all licences under section 87.

89. (1) It shall be a condition of any licence granted by a Town Council under section 87 for the re-erection of or for any addition to any building, boundary wall or gateway within the building limit of any road that in the event of the land on which the building, boundary wall or gateway is situated being acquired at any time thereafter for the purpose of the widening of the road, the compensation payable in respect of such building, boundary wall or gateway shall be the value thereof as ascertained and recorded under that section. The value so recorded shall be set out in the condition in each such case.

(2) (a) Full particulars of every licence containing a condition of the description set out in sub-section (1), and of the land and the building, boundary wall or gateway to which the condition relates, shall be entered by the Council in a register to be kept for that purpose at the office of the Council and the Chairman shall cause a certified copy of the entry so made in respect of each land and building, boundary wall or gateway, and the conditions of the licence relating thereto, to be registered in the office of the Registrar of Lands. The Registrar of Lands shall register all such copies free of any charge or duty.

(b) Upon the registration of any entry under this sub-section, the condition of the licence set out in such entry shall be binding upon the land or building or boundary wall or gateway affected thereby, in accordance with the tenor of such condition, into whatsoever ownership or possession the land or building or boundary wall or gateway may at any time pass.

(c) The register kept at the office of the Council shall be made available for inspection to any person interested, at any time when the office is open for the transaction of business.

(d) The provisions of section 2 of the Prevention of Frauds Ordinance shall not apply to any entry or copy of an entry referred to in this sub-section.

(3) Subject to the condition referred to in sub-section (2), any person who is otherwise entitled to re-erect or make any addition to any building, boundary wall or gateway shall be entitled to a licence to re-erect or make such addition to such building, boundary wall or gateway within the building limit specified in section 87:

Provided that no part of the building, boundary wall or gateway so re-erected or added to shall, upon such re-erection or addition, extend nearer to the centre of the road than it so extended in its original condition.

(4) The expression "re-erect", with reference to a building, includes the restoration of any wall forming part of the building or of any support to the building which has been demolished or otherwise destroyed to or within a distance of five feet from the ground, but does not include any operation which, in the opinion of the Town Council, may reasonably be considered to be a repair to the wall or support.

90. If any person erects or re-erects any building, boundary wall or gateway, or makes any addition to any building, boundary wall or gateway within any town in contravention of any of the provisions of section 87, the Town Council of that town, shall be entitled to cause such building, boundary wall or gateway, or such addition, to be demolished or removed by any officer or servant, and for that purpose the Town Council shall have the same rights of entry and survey, and shall have the same powers of removal, abatement, and recovery of costs as are vested by this Part in a Town Council for the purposes of the abatement or removal of any obstruction or encroachment or a supposed obstruction or encroachment upon a thoroughfare, and all the provisions of this Part relating to such obstructions or encroachments, so far as they are applicable, shall apply accordingly with such modifications as may be necessary.

Power of Town Council to deal with building, boundary wall or gateway erected or re-erected in contravention of Ordinance.

91. (1) Where any land which is situated within the building limit demarcated on a road, and which has been developed by the erection of any building wholly or partly within that building limit, is acquired for the purposes of the widening of that road, the determination of the compensation payable in such case under the Land Acquisition Ordinance, shall be subject to the following special provisions, notwithstanding anything to the contrary contained in that Ordinance :—

Principles of assessing compensation in respect of land developed by building.

- (a) the value assigned to the building or part thereof, or any boundary wall or gateway, as distinct from the land, shall be the value recorded under section 87 at the time of the demarcation of the building limit ;
- (b) no compensation shall be allowed in respect of any building, boundary wall or gateway which at any time after the date of the constitution of the Council has been erected in contravention of section 87 or re-erected or added to without the licence required by that section ;
- (c) the value assigned to the land as distinct from the buildings thereon shall be the market value of the land at the time of the acquisition ;
- (d) where the land is only a portion of any premises belonging to any one person or group of persons—
 - (i) if the remaining portion of such premises is of sufficient depth to admit of its being used as a site for a building of the same character as the building which is to be acquired, the market value assigned to the land shall be one half of the value at that time of similar land in the vicinity possessing a road frontage ; and
 - (ii) if the remaining portion of such premises is not of sufficient depth for the purpose mentioned in paragraph (i), the market value assigned to the land shall be the value at that time of similar land in the vicinity possessing a road frontage ;
- (e) regard shall be had to any increase, in the value of any other land or building belonging to the same owner or owners, which is likely to accrue from any widening of the road carried out after the acquisition of the land or the demolition of any building, boundary wall or gateway situated thereon ;
- (f) no additional compensation shall be allowed in respect of the compulsory nature of the acquisition whether in the case of the building or in the case of the land.

(2) In case referred to in paragraph (d) (ii) of sub-section (1), the owner shall have the option of requiring the Town Council to acquire the entirety of his premises at the rate at which the portion which the Council originally proposed to acquire was valued under that paragraph.

92. The Town Council of a town may, at the request of any person whose right to build upon any land abutting upon a road within that town is restricted by the building limit demarcated on that road, and who desires to erect a building upon the land, acquire for such owner at his expense any land, situate at the rear of such first-mentioned land and of sufficient extent to afford him building facilities of the same nature as he would have enjoyed but for such restriction. All lands required for any such purpose shall be deemed to be required for a public purpose, and the provisions of section 91 shall apply to the valuation of such land.

Power of Town Council to acquire adjacent land for owner of land within building limit.

Obstructions to Thoroughfares.

Power to demand production of title deeds.

93. (1) Whenever it appears to any Town Council that any building, inclosure, or obstruction has been raised or made in any thoroughfare under the control of the Town Council, or on any waste or other land immediately adjoining such road and belonging to the Crown, it shall be lawful for the Town Council by written notice served on the person claiming to be the owner of the premises on which such building, inclosure, or obstruction has been raised or made, to demand the production of every deed, document, and instrument upon which such person founds such claim.

(2) In any of the following cases, that is to say—

- (a) where the occupier of any premises, not being himself the alleged owner, refuses to give full information respecting the name and residence of the alleged owner upon being requested so to do by the Town Council; or
- (b) where the alleged owner of any premises refuses to produce within ten days, after being requested so to do, every deed, document, and instrument upon which he founds his claim to the premises and which is in his possession; or
- (c) where the alleged owner of any premises, not being in possession of any such deed, document, or instrument, refuses to give full information to the Town Council, upon being requested so to do, of the name and residence of the person in whose possession they are; or
- (d) where any person having in his possession any such deed, document, or instrument refuses to produce it within ten days after having been requested so to do in writing by the Town Council,

every such occupier, alleged owner, or person so refusing shall be guilty of an offence, punishable with a fine not exceeding fifty rupees.

Demand of production of deed to include power of examination.

94. (1) Every deed, document or instrument the production of which is demanded by a Town Council under section 93 shall be produced on the premises to which it relates, or at such other place as the Town Council may require; and the power given by that section to demand the production thereof, shall be deemed to include the power to make such examination and copies of such deeds, documents, and instruments as may be necessary.

(2) Every person refusing or failing to permit any person authorised by the Town Council to examine any deed, document, or instrument, or to take copies thereof, shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

Power to make survey of premises.

95. In any case referred to in section 93 (1), it shall be lawful for any person authorised thereto by the Town Council to make such survey of the premises, on which the building, inclosure, or obstruction has been raised or made, as may be necessary to enable the Town Council to ascertain whether an encroachment has been made thereby upon any thoroughfare or on any Crown land adjoining a thoroughfare, and for the purposes of such survey to enter upon such premises and upon any other premises whatsoever which it may in his opinion be necessary to enter.

Proof of right to apparent encroachment to rest upon the owner.

96. (1) Whenever it appears to any Town Council that the line of any thoroughfare under the control of the Council has been altered without proper authority, or has been stopped up, or obstructed, or encroached upon, the Council shall give notice in writing to the occupier of the land from off which the thoroughfare is alleged or suspected to have been turned, or upon which such stoppage or obstruction or encroachment is alleged or suspected to have been made, that a survey of the premises has been made by the direction of the Council, and is open to the inspection of such occupier at a place to be mentioned in the notice, and that unless within one month from the service of the notice he, or the person under whom he holds, takes legal proceedings for establishing his title to such land, and for preventing the removal of any such obstruction or encroachment, the Council will proceed with the removal thereof in manner provided by section 97.

(2) If no legal proceedings are taken within the time specified in sub-section (1) or being taken are not duly prosecuted, it shall be the duty of the Council to cause any such obstruction or encroachment to be forthwith removed as provided by section 97.

(3) Where legal proceedings are taken, it shall be incumbent on the party claiming to be the owner of the land from off which the line of any thoroughfare is alleged to have been altered or turned, or upon which the stoppage or obstruction or encroachment is alleged to have been made, to prove his title to such land.

97. (1) It shall be lawful for any Town Council, through any person authorised by the Council in that behalf, to give order verbally, or by notice in writing, to any person obstructing or encroaching upon any thoroughfare under the control of the Council, forthwith to remove or abate the obstruction or encroachment; and if any person to whom such order is given refuses or neglects to comply therewith within a reasonable time, or if there be any doubt as to who is the proper person to whom such order should be given, after such notice has been affixed for a reasonable time to such obstruction or encroachment, it shall be lawful for the Council to cause any such obstruction or encroachment to be forthwith removed or abated.

Removal of
obstructions or
encroachments.

(2) For the purpose of removing or abating any obstruction or encroachment under sub-section (1), it shall be lawful for the Town Council, or any person authorised in writing by the Council to enter into any house, garden, inclosure, or other premises, together with such persons and with such implements and materials as may be necessary, and to proceed to do or take therein or cause to be done or taken all such acts or measures as may be necessary for such removal or abatement.

(3) The costs incurred by the Town Council in the removal or abatement of any obstruction or encroachment shall be payable by the person whose failure to comply with an order under sub-section (1) caused such costs to be incurred; and such costs, where they are not paid by such person on demand, shall be certified by the Chairman of the Council to the Magistrate's Court having jurisdiction over the area where such person resides and shall be recovered by that Court in like manner as a fine imposed by the Court. All moneys so recovered shall be paid by the Court into the local fund of the Council.

(4) Where the removal or abatement of any obstruction or encroachment is effected after the due production of all deeds, documents, and instruments affecting the title to such premises, and such premises are nevertheless adjudged to be the property of the party laying claim to the same, such party shall be entitled to compensation from the Town Council for all loss and injury occasioned thereby; but if the party claiming to be the owner of such premises shall refuse or neglect to produce all such deeds, documents, and instruments, or if such deeds, documents, and instruments shall not be produced within ten days after application in that behalf, and any such Town Council shall nevertheless have caused the removal of such building, inclosure, or encroachment, then, in the event of such premises being adjudged to be the property of the party claiming to be the owner thereof, such party shall not be entitled to any compensation for any loss or injury occasioned thereby.

Injuries to Thoroughfares, &c.

98. Every person who—

- (1) wilfully or negligently destroys, pulls up, defaces, throws down, breaks, or injures any milestone, milestone, demarcation stone, demarcation post, lamp post, or direction post, or any bridge, culvert, parapet, arch, wall, dam, drain, sluice, lock, bank, abutment, mound, prop, post, lamp, railing, chain, or fence belonging to any thoroughfare, or erected at or near any pit or quarry opened or used for getting road materials; or
- (2) wilfully and unnecessarily removes any fence, post, stone, log, or other thing laid or erected by the direction of any competent authority on or in any thoroughfare, for the temporary prevention of the use thereof, or for preventing danger or injury to persons passing along the same whilst undergoing repair; or
- (3) without the permission of a competent authority, gathers or heaps up, or takes away, any stones, gravel, sand, or other material, or any sludge, dirt, drift, or soil from any thoroughfare; or
- (4) leads or drives any elephant, ox, horse, pig, or other animal or any vehicle from or off or on or into any thoroughfare in such manner as to cause injury to the thoroughfare or shall suffer any such animal to damage the thoroughfare; or
- (5) being the owner or occupier of any land contiguous to any road, suffers the passage through or into his land of the water from such road, or from any ditch or drain leading therefrom, to be obstructed, or suffers any water, filth, or other substance or thing to flow or run from such land or house into or upon

Destroying
milestone,
bridge, &c.

any such road, or suffers any accumulation of dirt or rubbish in any drain opposite to his house or land to impede the flow of water ; or

- (6) without the previous consent of the Town Council, by any act on his land interferes with the free passage of water along or from any drain or culvert of any road ; or
- (7) hauls or draws upon any thoroughfare any timber stone, or other thing, otherwise than upon a wheeled carriage, or suffers any timber, stone, or other thing carried principally or in part upon a wheeled carriage to drag or trail upon such thoroughfare to the damage thereof ; or
- (8) makes or causes to be made any dam, ditch, drain, or water-course upon or across, or otherwise breaks up, or injures, the surface of any road ; or
- (9) erects, sets up, lays down, or constructs, either permanently or temporarily in, along, under, or over any thoroughfare, any post, pillar, lamp, wire, pipe, rails, or other plant, material, or works without the permission of the Town Council, or otherwise than in accordance with the terms and conditions of such permission ; or
- (10) attaches additions to his house so as to project over the outer edge of the side drain of any road, or by means of temporary supports or otherwise exposes goods or wares of any description over any portion of a road or its side drain, or by causing carts to be loaded or unloaded in front of his dwelling in any way injures the side drain,

shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

Using new road for certain time after making.

99. Upon the construction of a new thoroughfare or upon the execution of any repair to an existing thoroughfare, it shall be lawful for the Town Council having control of such thoroughfare, by notice exhibited upon or so as to be visible from the thoroughfare, to prohibit the riding or driving of any animal or vehicle on the thoroughfare for a specified period not exceeding one month after the completion of the work of construction or repair ; and every person doing any act in contravention of such notice shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

Owner or occupier bound to have bridge, &c., over drain leading to his house.

100. If the owner or occupier of any house or premises adjoining any thoroughfare, by the side of which a drain has been made or excavated, requires means of access to such house or premises from such thoroughfare, he shall be bound to place over the drain, to the satisfaction of the Town Council, a bridge, platform, or arch, which shall in no case cover less than three feet of the length of such drain ; and it shall be lawful for the Town Council on being satisfied that any person has access from such thoroughfare to any house or premises so situated and that such bridge, platform, or arch should be provided, to call upon the owner or occupier of the house or premises forthwith to construct such bridge, platform, or arch, and if he fails to do so within a reasonable time, to cause the work to be done, and to recover the costs thereof in the manner provided by section 97 for the recovery of the costs therein mentioned.

Allowing trees to grow in such a way as to injure thoroughfares.

101. Any person who allows any tree, upon any premises of which he is the owner or of which he is in occupation, to grow in such a way as to cause injury to any thoroughfare, after the service of a notice upon him by the Town Council calling upon him to take the necessary measures to abate such injury, and after the expiration of such reasonable time as may be specified in the notice for the purpose, shall be guilty of an offence, punishable with a fine not exceeding fifty rupees, and in any such case the Magistrate before whom the offender is convicted may, in default of the necessary measures being taken by the offender, direct that such measures shall be taken by the Town Council, and that the costs thereof shall be recovered in the manner provided in section 97 for the recovery of the costs therein mentioned.

Damage to thoroughfare through clearing, draining or opening up neighbouring land.

102. (1) It shall be the duty of every person who proposes to undertake any such operations for clearing, draining, or opening up any land in the vicinity of any thoroughfare as are likely to cause injury to the thoroughfare, or to impair the condition thereof by reason of any outflow or increased outflow of water or silt—

- (a) to give notice in writing to the Town Council of his proposed operations, and

- (b) in addition to such measures as may be taken by the Town Council, to take at his own expense all such measures as may be reasonably necessary to prevent such injury to or such impairment of the condition of such thoroughfare.

(2) Any person who undertakes any of the operations referred to in sub-section (1) without giving the notice required by that sub-section, or who otherwise makes default in compliance with the requirements thereof, shall be responsible for any damage occasioned by such operations, and for any expenses incurred by the Town Council for the purpose of preventing or remedying any damage that may be occasioned or apprehended in consequence of such operations, and the amount of any such damage or expenses may be recovered in manner provided in section 97 for the recovery of the costs therein mentioned.

Nuisances on Thoroughfares, &c.

103. (1) Every person who within a town turns loose or suffers to be turned loose any elephant, ox, buffalo, horse, sheep, goat, or other animal on to or into any thoroughfare, or so that it makes its way on to or into any thoroughfare; or ties or tethers or suffers to be tied or tethered any animal of any description in any manner which permits it to make its way on to or into any thoroughfare, unless such animal is so tied or tethered during the time required for loading or unloading it, or for the loading or unloading of any cart or boat to which it may belong, shall be guilty of an offence punishable with a fine not exceeding fifty rupees :

Offences.

Provided that where any such animal is found on or in any thoroughfare, or tied or tethered in such a way that it can make its way on to or into any thoroughfare, such animal shall be deemed to have been turned loose, or suffered to be turned loose, or to have been tied or tethered, or suffered to be tied or tethered, as the case may be, by the owner thereof, unless he satisfies the court to the contrary.

(2) The owner of any pig found tied, straying, burrowing, or wallowing in any road or canal within a town shall be guilty of an offence punishable with a fine not exceeding five rupees; and it shall be lawful for any person to seize or shoot or otherwise destroy any pig that he may find tied, straying, burrowing, or wallowing in any such road or canal; and such person may, if he choose, take such pig to any peace or police officer of the area in which the offence was committed, and such officer shall forthwith sell the pig, and pay the proceeds of such sale to such person.

(3) Every person who within a town—

- (a) hangs up or otherwise exposes any mats, clothes, or any substances of any nature whatever on or at the side of any road in a manner calculated to obstruct the use of the road;
- (b) leaves or permits to be left, on any road any cart or other carriage, without the oxen, horses, or other animal being yoked or harnessed thereto, unless such cart or carriage has accidentally broken down there, and, in case of such accident, for a longer time than may be necessary for its removal;
- (c) suffers any vehicle to remain in any road between a quarter of an hour after sunset and a quarter of an hour before sunrise without having attached thereto the lights required by the Vehicles Ordinance, or the Motor Car Ordinance, No. 45 of 1938;
- (d) leaves any boat or raft in any canal in such a way as to obstruct the use of such canal;
- (e) leaves or throws any stones, bricks, raft, timber, sand lime, dung, straw, rubbish, or scourings of any ditch or drain, or other article or thing, on or in any road, river, or canal, and allows such article or thing to remain there, except for such period as may be absolutely necessary for the removal thereof;
- (f) leads or drives on any road any cart or other carriage with timber, boards, iron, or other goods so that either end of any such goods projects beyond the wheels or sides thereof;
- (g) encroaches on any thoroughfare by making or causing to be made any building, platform, hedge, ditch or fence, or other obstruction upon or in any thoroughfare;
- (h) after having blocked or stopped any cart or other carriage in going up or down a hill or rising ground

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causes or suffers to be or to remain on any road the stone, timber, or other thing with which such cart or other carriage may have been blocked or stopped;

- (i) in any manner wilfully prevents any other person, or any carriage, boat, raft, or other conveyance under his care, from passing along any thoroughfare, shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

(4) Every person who within a town places or continues any kraal or fence or any other obstruction in any canal or river so as to impede or in any way interfere with the convenient navigation thereof, shall be guilty of an offence punishable with a fine not exceeding fifty rupees. It shall be lawful for the Town Council to cause any such kraal, fence, or obstruction so placed or continued to be pulled up or otherwise destroyed, and to recover the cost thereof in the manner provided in section 97 for the recovery of the costs therein mentioned.

Seizure of
stray cattle.

104. (1) It shall be lawful for any person thereto authorised by the Chairman of the Town Council of a town to seize any ox, buffalo, horse, sheep, goat or pig which he may find tied, tethered, or straying on or about any thoroughfare within the administrative limits of the town, unless such animal belongs to any cart or boat to which it is tied or tethered whilst the cart or boat is being loaded or unloaded, and to place every animal so seized in the pound established by the Council for the purpose.

(2) No animal seized under sub-section (1) shall be delivered to the owner thereof unless upon payment of the sum of one rupee, or such other sum as the Governor, by notification in the *Gazette*, may fix from time to time, for the use of the person by whom the animal may have been seized, and of a further sum of thirty cents for each day during which the animal may have been kept in the pound.

(3) If no person claims any animal placed in the pound or pays the dues required by sub-section (2) within ten days after the seizure of the animal, it shall be lawful for the Council to sell it by public auction, and after payment of two rupees, or such other sum as the Governor, by notification in the *Gazette*, may fix from time to time, to the person by whom the animal was seized and of a sum calculated at the rate of fifteen cents a day for the custody and maintenance of the animal in the pound, to pay any balance of the proceeds of such sale into the local fund established by the Council, and if such balance is not claimed and payment thereof is not obtained by any person entitled thereto within a period of one year from the date of the sale, to pay such balance into the local fund.

(4) The provisions of this section shall have effect in every town to which this Ordinance applies, notwithstanding anything contained in the Cattle Trespass Ordinance.

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reference
with cattle
seizers or
pig seizers.

105. Any person who removes any animal from the lawful custody of any person authorised to seize it under the last preceding section, or under sub-section (2) of section 103, or who in any way molests or obstructs such person in the exercise or discharge of his powers or duties, shall be guilty of an offence, and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty rupees.

Special User of Thoroughfares.

Power of Town
Council to
authorise the
user of public
thoroughfares
for special
purposes.

106. Any Town Council may from time to time, and either independently or in combination with any other Town Council, subject to the terms of any special enactment in that behalf, and subject to the approval of the Executive Committee, enter into an agreement with any person or body of persons or any local authority constituted by law (hereinafter referred to as "the promoters"), to authorise such promoters, for the purpose of any supply of gas, electrical energy, water, or other public service (not being a tramway service or any other public vehicular communication service), or any private enterprise or object, to make such user of thoroughfares under the control of the Council, and to execute all such works and to set up or maintain all such erections or plant thereon or therein as may in the opinion of the Council be necessary for the purpose of the effective establishment or maintenance or the modification or development of such public service or such enterprise or object.

By-laws.

107. (1) For the purpose of any agreement referred to in section 106, and for the purpose of securing the observance of the respective rights and obligations of the public, the Town Council and the promoters in connexion with any public

service or any private enterprise or object to which the agreement relates, the Town Council (except in so far as provision is made by any special enactment in that behalf) may make by-laws—

- (a) authorising the promoters and their agents, servants or workmen, or the agents, servants, or workmen of the Council, subject to such conditions as may be prescribed in the by-laws—
- (i) to break up the soil, metal, and pavement of any thoroughfare vested in the Council ;
 - (ii) to open and break up any sewers, drains, or tunnels within or under such thoroughfare ;
 - (iii) to erect, set up, or lay down, either permanently or temporarily in, along, under, or over such thoroughfare, any post, pillar, lamp, wire, pipe, rails or other plant, material, or works ;
 - (iv) to alter the position of any public line, wire, or other apparatus or plant in or about such thoroughfare for the purpose of any other public service ;
- (b) requiring the promoters to do as little damage as may be in the execution of the powers granted by the said by-laws, and to make compensation for any damage which may be done in the execution of such powers ;
- (c) requiring the promoters to complete any work which they may be authorised to execute under such by-laws with all convenient speed, and to reconstruct, repair or restore any thoroughfare, sewer, drain, tunnel, or any plant or apparatus which they may be authorised to remove, alter or interfere with in pursuance of such by-laws ;
- (d) requiring the promoters to remove and carry away all rubbish occasioned by their operations, and to cause proper precaution to be taken for the safety of the public in connection therewith ;
- (e) prohibiting any interference with or obstruction to any operations authorised by any by-law under this section.

(2) No by-law under this section shall authorise or empower any entry to be made, any material or plant to be erected, or deposited, or any work to be executed upon any building or land which is not vested in the Council, without the consent of the owners and occupiers thereof first had and obtained.

108. (1) Where it appears to any Town Council that, having regard to the average expense of maintaining thoroughfares in the neighbourhood, extraordinary expenses have been incurred by the Council in maintaining any thoroughfare of which it has control, by reason of the damage caused or likely to be caused by the carriage of any excessive weight or the passing of any extraordinary traffic thereon, the Council shall be entitled to recover from any person by whose order, or in consequence of whose order, such weight or traffic was carried or caused, the amount of such expenses as may be proved to the satisfaction of a competent court to have been incurred by the Council by reason of the damage arising or likely to arise from such excessive weight or extraordinary traffic, or, where more than one person is responsible for such excessive weight or extraordinary traffic, may recover from each of such persons such proportion of the amount of the expenses so incurred, as in the opinion of the court may fairly be assigned to him.

(2) Any person against whom expenses are or may be recoverable by a Town Council under this section may enter into an agreement with the Council for making payment to the Council by way of composition in respect of such weight or traffic and, where payment is made in accordance with such agreement, no proceedings under this section shall be instituted or maintained against such person.

(3) Proceedings for the recovery of any expenses under this section shall be commenced within twelve months of the time at which such expenses were incurred, or where any expenses incurred are the consequence of any particular contract or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

Powers, Duties, and Responsibilities of Officers, &c.

109. In respect of all thoroughfares other than principal thoroughfares within the limits of the town for which a Town Council is constituted, the Chairman of the Council and all persons authorised in writing by him in that behalf, shall and may by themselves, their servants, workmen, and labourers, exercise the several powers and authorities conferred by this Part on officers in charge of works to which this Part is applicable.

Expenses caused by extraordinary traffic.

Powers conferred on officers in charge of public works by whom to be exercised.

(2) Where any notice served under sub-section (1) is not complied with to the satisfaction of the Chairman within the period specified in that sub-section, the Council shall be at liberty to cause such latrine or latrines to be constructed, and the expenses incurred in such construction shall be payable by the person making default in complying with the notice, and shall be recoverable as hereinafter provided.

Council may cause persons employing men to provide and maintain latrine or latrines, &c.

125. (1) It shall be lawful for a Town Council by written notice to direct any person employing workmen or labourers in the town to provide and maintain such latrine or latrines as may to it seem fit, and to cause the latrine or latrines so provided to be kept in proper order and to be daily cleaned.

(2) Where any notice served under sub-section (1) is not complied with, the Council may construct the necessary latrine or latrines or cause the latrine or latrines to be kept in good order and daily cleaned, and the expenses incurred therein by the Council shall be paid by the person making default in complying with the notice, and shall be recoverable as hereinafter provided.

Neglecting to enclose private latrine.

126. (1) The owner or occupier of any house or building or land on which a latrine is situated shall have such latrine shut out by a sufficient roof and a wall or fence from the view of persons residing in the neighbourhood or passing by, and it shall not be lawful for any such owner or occupier to keep any open latrine or a latrine with a door or trapdoor opening on to any street.

(2) The owner or occupier of any house or building or land who fails to comply with, or shall commit any breach of, any of the provisions of sub-section (1) shall be guilty of an offence punishable with a fine of five rupees for each day during which such breach is continued :

Provided that the Town Council of the town may in its discretion permit the continuance for such time as it may think fit of any open latrine or any latrine with a door or trapdoor opening on to any street in any case where such latrine already exists and does not create a nuisance.

General control of latrines.

127. (1) All latrines and cesspits within any town shall be under the survey and the control of the Town Council of the town and shall be altered, repaired, or kept in proper order as the Council may require, at the cost and charges of the respective owners of the houses, buildings or lands to which the latrines belong, or for the use of which they are constructed or maintained.

(2) If the owner or occupier of any house, building or land to which any latrine or cesspit belongs neglects, during one month after service of notice in writing for that purpose by the Town Council, or within such other period as may be prescribed by the notice, to alter, repair, and put the latrine or cesspit in good order in the manner required by the Council, the Council may cause such latrine or cesspit to be altered, repaired, or put in good order in the manner required, and the expenses incurred by the Council in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Penalty for persons making or altering latrines, &c., contrary to the directions or by-laws of Town Council.

128. (1) If any person within any town—

- (a) constructs any latrine or cesspit contrary to the directions of the Town Council of the town or contrary to the provisions of this Ordinance or any by-law made thereunder, or
- (b) continues the use of any latrine or cesspit which has been ordered by the Council to be removed or closed, or
- (c) neglects to construct, provide, or maintain any latrine ordered to be constructed, provided, or maintained under sections 124 and 125,

such person shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

(2) In any case falling within paragraph (a) or paragraph (b) of sub-section (1), the Council shall cause such alteration to be made in the latrine or cesspit as it may think fit, and the expenses thereof shall be paid by the persons by whom such latrine or cesspit was improperly constructed or made, and shall be recoverable from him as hereinafter provided.

Inspection of latrines, &c.

129. (1) The Town Council of a town or any officer authorised by the Council for that purpose may, subject to the other provisions of this Ordinance, inspect any latrine or cesspit within the town, and may for that purpose at any time enter upon any house, building or land, with such assistants and workmen as are necessary, and cause the ground to be opened, where such Council or officer may think fit, doing as little damage as may be.

(2) If upon any inspection under sub-section (1) it appears that any latrine or cesspit is not in good order and condition, or that it has been constructed after the date of the constitution of the Council in any manner contravening the provisions of this Ordinance or the by-laws made thereunder or contrary to the directions of the Council, the expenses of such inspection shall be paid by the person to whom such latrine or cesspit may belong, and shall be recoverable as hereinafter provided.

(3) If any latrine or cesspit is found to be in proper order and condition, and not to have been constructed in contravention of the provisions of this Ordinance or of the by-laws made thereunder or the directions of the Council, the Council or the authorised officer of the Council shall cause the ground to be closed and made good as soon as may be, and the expenses incurred thereby shall in that case be defrayed by the Council.

130. (1) The Town Council of a town or any officer authorised by the Council for that purpose may by written notice require the owner or occupier of any house or building or land within the town, on which is situated a latrine or cesspit which, in the opinion of the Council or the officer, is structurally defective or unsuitable for the purpose to which it is put, or is liable to give rise to a nuisance, to repair, alter, reconstruct, or remove the latrine or cesspit, or to substitute an earth-closet therefor.

Power of Town Council to direct removal of latrine or closure of cesspit.

(2) If any owner or occupier neglects for a period of one month after service of notice in that behalf under sub-section (1), or within such other period as may be specified in the notice, to repair, alter, reconstruct, or remove the latrine or cesspit, to which the notice relates, or to substitute an earth-closet therefor, he shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

(3) The Town Council or the authorised officer may cause the latrine or cesspit referred to in sub-section (2) to be repaired, altered, reconstructed, or to be removed and an earth-closet to be substituted therefor, and the expenses incurred by the Council or the officer in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Conservancy and Scavenging.

131. It shall be the duty of the Town Council of each town, so far as is reasonably practicable, to take all necessary measures in every part of the town—

Duty of Council as to conservancy and scavenging.

- (a) for properly sweeping and cleansing the streets, including the footways, and for collecting and removing all street refuse;
- (b) for securing the due removal at proper periods of all house refuse, and the due cleansing and emptying at proper periods of all latrines and cesspits; and
- (c) for the proper disposal of all street refuse, house refuse, and night soil.

132. All street refuse, house refuse, night soil, or other similar matter collected by any Town Council under the provisions of this Part shall be the property of the Council, and the Council shall have full power to sell or dispose of all such matter.

All refuse collected to be the property of Council.

133. Every Town Council shall from time to time provide places convenient for the proper disposal of all street refuse, house refuse, night soil, and similar matter removed in accordance with the provisions of this Part, and for keeping all vehicles, animals, implements, and other things required for that purpose or for any of the other purposes of this Ordinance, and shall take all such measures and precautions as may be necessary to ensure that no such refuse, night soil, or similar matter removed in accordance with the provisions of this Part is disposed of in such a way as to cause a nuisance.

Places for disposal of refuse and keeping equipment.

Insanitary Buildings.

134. It shall be the duty of the Town Council of each town to cause to be made from time to time an inspection of every part of the town with a view to securing that the houses or buildings in the town are kept in such sanitary condition as is required by the provisions of this or any other Ordinance, and to undertake all necessary measures to enforce such provisions within the town.

Duty of Council as to insanitary buildings.

135. (1) Whenever the Town Council of any town is satisfied that any buildings or blocks of buildings situated within the town, whether existing at the date of the constitution of the Council or subsequently erected, are, by reason of the occurrence of an epidemic, or of the manner in which such buildings are crowded together, or of the want of drainage or the impracticability of scavenging, attended with risk to

Power of Council as to existing buildings.

the health of the inhabitants thereof or of the neighbourhood, the Council shall serve a notice on the owners or occupiers thereof, or at its option, on the owner of the land on which such buildings are constructed, within such reasonable time as may be fixed by the Council for that purpose, to execute such operations, including alteration of such buildings, as the Council may deem necessary for the avoidance of such risk.

(2) In any case where an owner or occupier served with a notice under sub-section (1) refuses or neglects to execute such operations within the time fixed by the Council, any officer authorised by the Council in that behalf may cause the buildings to be taken down, or such operations to be performed in respect thereof, as the Council may deem necessary to prevent such risk.

(3) Where any buildings are taken down under sub-section (2), the Council or the authorised officer shall cause the materials of each building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the building, or if the owner be unknown or the title disputed, shall be held in deposit by the Council, until the person entitled thereto obtains the order of a competent court for the payment of such proceeds.

Overcrowding
of houses.

136. Whenever it appears to the Town Council of any town that any house within the town is so overcrowded as to be dangerous or prejudicial to the health of the occupiers thereof, or of the neighbourhood, and the occupiers consist of more than one family, the Council shall cause proceedings to be taken before the Magistrate's Court having jurisdiction to abate such overcrowding, and the Court shall thereupon make such order as it may think fit; and each of the persons permitting such overcrowding shall be guilty of an offence punishable with a fine not exceeding ten rupees for each day after the date of such order during which such overcrowding shall continue.

Power of
Council to
inspect and
limewash
houses.

137. It shall be lawful for the Town Council of any town by any of its officers at any time between sunrise and sunset to enter into and inspect any house or building within the town, and by an order in writing to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleaned; and if the owner or occupier of such house or building neglects to comply with such direction within seven days from the time when the order shall have been served upon him, the Council may cause the work to be done and the expenses incurred shall be paid by the owner, and shall be recoverable as hereinafter provided.

Houses or
huts not to
be built or
roofed with
cadjan without
permission.

138. (1) In any town for which a Town Council is constituted it shall not be lawful for any person to erect or construct any house, hut, shed, or other building, (whether to be used as a dwelling or as a stable or for any other purpose) having its external roof or walls made of grass, leaves, thatch, cadjans, mats, or other such inflammable material, without first obtaining the permission of the Chairman of the Council.

(2) The permission given by the Chairman under sub-section (1) shall in every case be subject to a specified time limit and such conditions as he may impose in writing for the purpose of ensuring that such inflammable material as may be used for the roof or walls of the building to which the permission relates will be replaced at the earliest convenient opportunity by such non-inflammable or durable material as may be approved by the Chairman.

(3) If any house, hut, shed, or other building of the description referred to in sub-section (1) is built without the permission required by that sub-section, the Chairman shall give notice to the owner thereof, or of the ground upon which such building is erected or constructed, or is being erected or constructed, by affixing a notice to some conspicuous part of such house, hut, shed, or other building, to take down and remove the building forthwith or within such time as the Chairman may specify in the notice.

(4) If any house, hut, shed, or other building is not taken down and removed forthwith or within the time specified in any notice under sub-section (3), the Chairman shall cause the building to be taken down and removed, and the expenses incurred by the Chairman in doing so shall be paid by the owner of the building or of the ground upon which it is built, and shall be recoverable as hereinafter provided.

Nuisances.

Inspection
of nuisances.

139. It shall be the duty of the Town Council of each town to cause to be made from time to time an inspection of the town with a view to ascertaining what nuisances exist calling for abatement under the powers conferred by this or any other Ordinance, and to the enforcement of the provisions of this or such other Ordinance in order to abate such nuisances.

140. (1) Where in any town for which a Town Council is constituted, any private tank or low marshy ground or any waste or stagnant water, situated on any private land, appears to the Council to be injurious to health or to be offensive to the neighbourhood, the Council shall, by notice in writing require the owner of that land to cleanse or fill up such tank or marshy ground, or to drain off or remove such waste or stagnant water.

Power to fill up unwholesome tanks on private premises.

(2) If any owner on whom a notice under sub-section (1) is served refuses or neglects to comply with the notice within such period as may be specified therein, the Council or its officers and workmen may enter into the land and do all necessary acts for all or any of the purposes referred to in sub-section (1), and the expenses incurred thereby shall be paid by the owner of the land, and shall be recoverable as hereinafter provided.

(3) Where the land referred to in sub-section (2) is owned by more than one person, the expenses referred to in that sub-section shall be apportioned among, and recoverable from, the several owners in such proportions as may be determined by the Council.

141. (1) No place in any town, other than a place provided by the Town Council of that town, shall be used as a slaughter-house, unless a licence for the use thereof as a slaughter-house has been obtained from the Chairman of the Council, who is hereby empowered at his discretion from time to time to grant such licence, and such licence to suspend or revoke as to him may seem necessary.

Licensing of slaughter-houses.

(2) Every person who uses as a slaughter-house any place (other than a place provided by the Town Council) which is not licensed under sub-section (1), or in respect of which any licence given has been suspended or revoked, shall be guilty of an offence punishable with a fine not exceeding two hundred rupees and with a further fine not exceeding fifty rupees for every day during which such offence is continued after notice has been served upon him by the Chairman requiring him to discontinue the use of such slaughter-house.

Part V.

PUBLIC UTILITY SERVICES.

142. The Town Council of a town may, for the purpose of any place or area within the town, either independently or in conjunction with any other local authority, and either directly (with or without the assistance of Government) or through any promoter or body of promoters, establish and maintain, with the prior approval of the Executive Committee, for the benefit of the persons inhabiting or resorting to such place or area any of the following public utility services :

Power of Town Council to establish and maintain public utility services.

- (a) water supply ;
- (b) the lighting of streets, public places, and public buildings ;
- (c) the supply of electric light or power ;
- (d) markets ;
- (e) public baths and bathing places ;
- (f) the manufacture and supply at cost price of squatting plates for latrines ;
- (g) the provision of housing accommodation for the poorer classes ;
- (h) any other form of public service which the Council is authorised to establish, maintain, or provide under any other provision of this Ordinance, or under any other written law ;
- (i) any other form of public service not specified above.

143. For the purpose of the establishment or maintenance of any public utility service which a Town Council is authorised to establish or maintain under this Part, the Council may—

Manner of defraying expenses of public utility services.

- (a) provide for any expenses involved out of the revenue of the Council ; or
- (b) subject to the sanction of the Executive Committee, impose and levy upon the area benefited by such service, in addition to any rate imposed and levied under section 173, a special rate not exceeding six per centum of the annual value of all immovable property situated within such area, subject to such limits and exemptions as may be prescribed by by-laws ; or
- (c) contract with the owners or occupiers of premises benefited by such service for the supply of the service, and charge and enforce such rates in respect of such service as may be prescribed by by laws under this Ordinance ; or
- (d) charge such fees as it may deem reasonable to persons deriving benefit from such service ; or

(e) where any such public service is established or maintained through any promoter or body of promoters in pursuance of any agreement made with the Council or under any licence issued by the Council, authorise such promoter or promoters to charge such fees as may be approved by the Council to persons deriving benefit from such service.

Supply to premises in adjacent areas.

144. The Town Council of any town may, with the approval of the Executive Committee, and subject to the consent of the local authority of any area adjacent to the town, contract with the owners or occupiers of any premises situated in any such adjacent area for the supply of any public utility service to such premises, and may charge and enforce rates in respect of such supply.

General powers of Council.

145. For the purposes of the establishment or maintenance of any public utility service which it is authorised to establish or maintain under this Ordinance, any Town Council may enter into any contract, and may, subject to the provisions of this Ordinance, purchase, take upon lease, hire, construct, or maintain all premises, machinery, and apparatus required for such purposes, and do and execute all such works, matters, and things as may be necessary in that behalf.

Water Supply.

Ratepayer entitled to free water supply from public standpipes for domestic purposes.

146. Where the Town Council of a town establishes or maintains a public water supply for the benefit of the inhabitants of any area within the town, the owner or occupier of any premises in such area in respect of which the Council levies a special water-rate for the purposes of such water supply, shall be entitled to have free of further charge a supply of water from the public standpipes for the domestic purposes of himself and his household or of his tenants or other persons occupying the said premises.

Meaning of "domestic purposes".

147. A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Contract for private service.

148. A Town Council may supply water for other than domestic purposes, or allow a private service of water to any premises for domestic purposes, in such quantities and upon such terms and conditions as may be agreed upon between the Council and the persons desirous of being so supplied, or as may be prescribed by by-laws in that behalf.

Markets.

Duty of Council as to markets.

149. It shall be the duty of the Town Council of each town—

- (a) to establish and maintain within the town all such public markets as are required for the service of the inhabitants, and to secure the proper scavenging, washing, disinfecting, and conservancy of all such markets;
- (b) to regulate, supervise, and control all private markets within the town which are licensed under this Ordinance.

Licensing of new private markets.

150. No new private market shall be established within any town for which a Town Council has been constituted, except under and in accordance with the conditions of a licence issued by the Chairman of the Council.

Licensing of existing private markets.

151. (1) After the expiration of a period of six months from the date of the constitution of a Town Council for any town, no private market in existence at that date within that town shall continue to be maintained except under and in accordance with the conditions of a licence issued by the Chairman of the Council.

(2) Every application for a licence for an existing private market shall—

- (a) be substantially in Form A set out in the Second Schedule, and be accompanied by the declaration, for which provision is made in that Form, and by such plans and specifications as may be prescribed by the by-laws of the Council for the time being in force, or, in the absence of any such by-law, as may be required by the Chairman; and
- (b) be made under the hand of the owner of the private market within a period of three months from the date of the constitution of the Council.

(3) Every declaration required by sub-section (1) shall be conclusive evidence, as against the owner by whom it

is made with respect to all particulars therein contained in all questions that may arise as to assessment of annual value, fees for licences, compensation, or acquisition.

152. (1) Every licence issued for a private market by a Town Council shall be substantially in the Form B set out in the Second Schedule and shall be subject to the provisions of this Ordinance, to the by-laws of the Council for the time being in force, and to such special conditions, not inconsistent with such by-laws, as the Chairman may deem it necessary to impose in the circumstances of each case.

Licence to be annual and subject to stamp duty.

(2) Every licence for a private market shall expire on the thirty-first day of December of the year for which it is granted.

(3) Every licence for a private market shall be renewable annually, and on the occasion of the issue and of every renewal of such licence, there shall be paid to the Council a licence duty of such amount as may be imposed under section 175.

153. No licence shall be granted for any new private market, unless such market conforms to the standards prescribed in the Third Schedule, subject to such modifications or additions as may be prescribed by by-laws under this Ordinance.

New private markets to conform to prescribed standards

154. No licence for a private market shall be issued until the Chairman is satisfied that the owner has made satisfactory provision for the scavenging, washing, disinfecting, and conservancy of the market premises.

Cleansing and scavenging of markets.

155. Every licence granted under this Ordinance for any new private market shall be upon the condition that should the Council at any time decide that it is in the public interest to establish a public market in place of such private market, the Chairman of the Council may refuse to renew the licence of such private market, and that the owner of such private market shall not be entitled to any compensation in respect of such refusal.

New private markets to acquire no vested interests.

156. The Chairman of a Town Council may refuse to issue a licence for any new private market, or to issue or renew any licence in respect of any private market established within one year prior to the date of the constitution of the Council, if he is satisfied that the wants of the locality are sufficiently provided for by the public and the private markets already in existence or in contemplation.

Power of Chairman to refuse new Licence.

157. The Chairman of a Town Council may refuse to licence or to renew the licence for any private market existing at the date of the constitution of the Council (not being a market established within one year prior to such date) without the payment of compensation in the following cases, that is to say :

Refusal of licences to existing private markets.

- (a) where such market does not conform to the standards prescribed in the Third Schedule, and its owner or occupier neglects or refuses, within such reasonable time as may be fixed by the Chairman, to carry out such alterations, additions, or improvements as are, in the opinion of the Chairman, necessary to bring such market into conformity with the aforesaid standards, subject to such modifications, if any, of those standards as in the circumstances of the case the Town Council may sanction ;
- (b) where the Town Council is satisfied that owing to the inherent defects of such market or for any other reason such market cannot be so improved as to bring it into conformity with the aforesaid standards or such modification of those standards as the Council may be prepared to sanction ;
- (c) where the Town Council is satisfied with regard to any private market that owing to its position or for any other reason such market is objectionable from the point of view of sanitation or of the safety or convenience of the public ;

Provided that any person aggrieved by any decision of the Chairman or the Town Council under this section may appeal to the Executive Committee ; and upon such appeal the Executive Committee may confirm the decision of the Chairman or Town Council, or may order the issue of a licence, subject to the market being brought into conformity with such modification of the aforesaid standards as the Executive Committee in the circumstances of the case may deem to be reasonable and consistent with the public interest, or may make such other order as the Executive Committee may deem just.

Special provisions with regard to markets established over thirty years.

158. (1) In the case of any market which is of the description referred to in paragraph (b) or paragraph (c) of section 157 and which is proved to the satisfaction of the Town Council to have been carried on for a period of over thirty years prior to the date of the constitution of the Council, the Council may in its discretion, and shall if so directed by the Executive Committee, proceed as follows :—

- (a) the Council may provide in any local public market already established, or to be established under this Ordinance, satisfactory accommodation for the business hitherto carried on in such private market, and may thereupon direct the owner or occupier of such private market to close that market and transfer its business to the new accommodation so provided ; and
- (b) if the directions given by the Council under paragraph (a) are complied with, the Council may grant to such owner or occupier a lease of such accommodation for a period not exceeding fifty years, subject to the condition that such owner or occupier and his successors, executors, administrators, or assigns observe the by-laws of the Council for the time being in force and the conditions of the lease, and subject to the payment of the rent therein reserved.

(2) The rent payable under any lease referred to in sub-section (1) shall be such reasonable sum as may be determined by the Council, and shall be revised every five years. For the first period of five years such rent shall not exceed ten per centum of the cost of providing such accommodation, and in the case of every subsequent period of five years, it shall not exceed ten per centum of the average nett annual profits derived from the accommodation leased for the previous five years.

(3) If any dispute arises as to the amount of such annual profits, the question shall be determined by the Chairman, subject to an appeal to the Executive Committee.

(4) Should the rent due under any lease referred to in sub-section (1) not be paid in accordance with the terms of the lease, or should the lessee or the person for the time being in control of the accommodation leased persistently fail to comply with the conditions of the lease or with any by-laws made under this Ordinance, the Council may, after affording, by notice in writing, the person entitled to the lease an opportunity of being heard, cancel such lease : Provided that any person aggrieved by any order of the Council under this sub-section may appeal to the Executive Committee, and the Executive Committee upon such appeal shall have power to make such order as it shall deem just.

Power to license market provisionally.

159. Where any Town Council is unable immediately to make suitable provision for the public requirements in a public market, such Council may, if it appears necessary for the public convenience, allow any existing private market to continue provisionally, although such private market does not conform to the standards prescribed in the Third Schedule or to any authorised modification thereof, and may issue a temporary licence to such private market without prejudice to its rights to proceed at some future date under the provisions of this Ordinance.

Compensation for discontinuance of private market.

160. (1) Where a Town Council is satisfied that it is in the public interest that any private market licensed, or qualified to be licensed, under this Ordinance (not being a market to which section 158 applies) should be either—

- (a) discontinued altogether as a market ; or
- (b) taken over by the Council as a public market, the Council may either direct the discontinuance of such market, or may take it over and maintain it as a public market, subject in either case to the payment of compensation in accordance with the provisions of this section.

(2) Where any market referred to in sub-section (1) is discontinued as a market, the compensation payable, unless otherwise settled by agreement, shall be the difference between the value of the premises if used as a market under this Ordinance and the value of the same premises if used, not as a market, but for any other local purposes to which similar premises in the same locality are or might be put to the best advantage, together with an allowance in respect of the cost of adapting the existing market buildings for any such purpose.

(3) Where any market referred to in sub-section (1) is taken over by the Town Council to be maintained as a public market, the compensation payable shall be the value of the premises when used as a market under this Ordinance.

(4) In estimating the value of market premises used as a market under this Ordinance, regard shall be had to the depreciation likely to occur in the value of such premises in the event of a public market or a new private market being established in the same neighbourhood.

161. Upon any place, in which any village market has been established under any Ordinance relating to Village Communities, being declared to be a town under this Ordinance such market shall vest in the Town Council of the town, and shall become subject to this Ordinance.

Vesting of village markets in Town Councils.

162. A Town Council may by arrangement with any Village Committee transfer to the Village Committee the management of any public market administered by the Council under this Ordinance.

Transfer of markets.

163. Where a licence has been granted by a Town Council, for a private market under this Ordinance, and the licensee at any time during the currency of such licence fails to conform to the standards and by-laws applicable to private markets under this Ordinance, after his attention has been directed to such failure by means of a notice in writing served upon him by or under the authority of the Town Council and setting out a period within which such failure must be rectified it shall be lawful for the Chairman to suspend the licence of such market until the licensee shall have made good the default.

Power to suspend licence of private markets.

164. Any person who after the expiration of a period of six months from the date of the constitution of a Town Council in any town uses as a private market any premises in that town for which a licence has not been granted under this Ordinance, or the licence for which has been suspended shall be guilty of an offence, punishable with a fine not exceeding one hundred rupees, and with a further fine of fifty rupees, for every day during which such offence shall have been continued after written notice of the suspension of the licence is served upon such person.

Penalty for keeping unauthorised market.

165. (1) In any place within a town in which any public market is established under the control of the Town Council of the town, the Council may by by-law made under this Ordinance assign an area to such market (hereinafter referred to as "the market area"), and may prohibit the sale, otherwise than in accordance with licences issued by the Chairman, of meat, poultry, fish, fruit, or vegetables within such area.

Market areas.

(2) In any case referred to in sub-section (1) the Chairman may issue a licence for the sale of meat, poultry, fish, fruit, or vegetables, within the market area, at authorised premises other than such market, and may fix and levy such fees in respect of that licence as may be prescribed by by-law.

(3) In any case in which the Town Council is satisfied that sufficient facilities are afforded for the public requirements of the market area by the public market, or by such market together with other premises earlier authorised under sub-section (2), the Council may by by-law made under this Ordinance, prohibit the sale of meat, poultry, fish, fruit, or vegetables within the market area, except at such public market, or, if the Council so determines, except at such market and such other authorised premises.

(4) In any case referred to in sub-section (3), the Council may by by-law direct that no licence, or no further licence (as the case may be), shall be issued for the sale of meat, poultry, fish, fruit, or vegetables within the market area, and if the Council determines that no such licence shall be issued, it may (on providing adequate accommodation for the purposes in the public market) require that any person carrying on the sale of any of the said articles within the market area at premises other than the public market, shall transfer such sale to the public market.

(5) Nothing in this section shall be deemed to authorise a Town Council by by-law or otherwise to restrict the sale of poultry, fruit, or vegetables by itinerant vendors who do not sell at fixed places, or do not for the purposes of such sale establish themselves on the public roads or other public places.

Part VI.

BY-LAWS.

166. (1) Every Town Council shall have power to make from time to time such by-laws, not inconsistent with the provisions of this Ordinance, as may be authorised or required by this Ordinance, or may appear to the Council to be necessary for the purposes of the exercise of its powers and the discharge of its duties under this Ordinance, and to amend, vary or rescind any by-law so made.

Power of Council to make by-laws.

(2) A by-law made by any Town Council may provide the penalty of a fine for any contravention thereof, such fine not exceeding fifty rupees for any one act or omission constituting such contravention, and in the case of a continuing contravention, an additional fine not exceeding twenty-five rupees for every day during which the contravention is continued after a conviction thereof by a court of competent jurisdiction or after service of a written notice from the Chairman or other authorised officer directing attention to such contravention.

Approval and ratification and publication of by-laws.

167. (1) No by-law, and no amendment, variation or rescission of any by-law under this Ordinance shall have effect until it has been approved by the Executive Committee and confirmed by the Governor, and notification of such approval and confirmation is published in the *Gazette*.

(2) Every by-law made under this Ordinance shall be published in the *Gazette* with the notification required by sub-section (1) and upon such publication, every such by-law purporting so to be made shall, subject to the provisions of section 169, be as valid and effectual as if it had been enacted in this Ordinance, and every contravention thereof shall be an offence under this Ordinance.

Supply of copies of by-laws.

168. Copies of all by-laws made under this Ordinance in English and in either or both of the Sinhalese and Tamil languages shall be kept at the office of the Town Council of the town to which they relate and at the office of the Commissioner, and shall be open for inspection and be available for sale to the public.

By-laws to be subject to disallowance or amendment by State Council.

169. Every by-law made under this Ordinance shall, as soon as conveniently may be after the publication thereof under section 167, be brought before the State Council by a motion that such by-law be not disallowed, and may, by resolution of the Council, be rescinded or amended. Notification of the rescission or amendment of a by-law by the State Council shall be published forthwith in the *Gazette*; and such rescission or amendment shall take effect from the date of such publication but without prejudice to anything that may have been done or any proceedings that may have been instituted under that by-law prior to that date.

Subjects of by-laws.

170. The power of any Town Council to make by-laws under this Part shall, without prejudice to the generality of the powers thereby conferred, include power to make by-laws for or with respect to all or any of the following purposes, namely:—

(1) Procedure, including—

- (a) the regulation of the meetings of the Council, and of its committees;
- (b) the form in which estimates, budgets, statements, and returns incidental to the business of the Council shall be drawn up;
- (c) the form in which the accounts of the Council shall be kept.

(2) Officers, including—

- (a) the creation of offices, the appointment of officers and servants, the payment of salaries, allowances or other remuneration, the payment of contributions to any scheme established for the purpose of granting relief or assistance to officers or servants in cases of illness, distress or indebtedness, the provision of pensions and gratuities, and the granting of leave of absence to such officers and servants, and the provision of pensions and gratuities to the widows, children, next of kin or dependants of deceased officers or servants;
- (b) the due performance of their several duties by all officers and servants.

(3) Taxation, including the recovery of any tax, payable under this Ordinance, for which no other express provision is made, and the rendering of all returns and information that may be required for the purposes of any such tax.

(4) Loans, including—

- (a) the form and manner of execution of securities;
- (b) the arrangements for liquidation;
- (c) the mode and order of repayment of loans or discharge or redemption of securities;
- (d) the conditions of any loan and the appropriation of the sums borrowed.

- (5) The imposition, levy and recovery of rates and charges, including—
- (a) the assessment of buildings, lands, and tenements;
 - (b) the rendering of returns and information required for the purpose of such assessment;
 - (c) the hearing and determination of objections;
 - (d) the registration at the office of the Council of mortgages over immovable property situated within the administrative limits of the Council and of the addresses of mortgagees, and the imposition and recovery of fees for such registration;
 - (e) the posting of notices in writing to such registered mortgagees of the sale of immovable property seized for the recovery of rates, taxes, or charges.
- (6) Land and property, including—
- (a) the provision, regulation, and management of open spaces, and places for public recreation;
 - (b) the care of waste or public land;
 - (c) the maintenance and management of immovable property vested in, or under the control of the Town Council, the regulation of the removal of sand, gravel, stones, cabook, or other matter from such property, and the charging of fees for any permits issued in that connexion;
 - (d) the care, regulation, and provision of common pasture grounds, and the levy of fees for the use of the same;
 - (e) the putting up and preservation of boundaries and of fences of lands, whether private or public;
 - (f) the authorisation of entry upon private lands for the purpose of the prevention of damage to, or the repairing or remedying of defects in, any wires, pipes, fixtures or apparatus or the supports thereof maintained for the purpose of any public service.
- (7) Thoroughfares, including—
- (a) the alignment, level, width, and construction of new streets;
 - (b) the cleaning, watering, and lighting of streets;
 - (c) the use of, and the regulation of traffic in, streets and thoroughfares, including the limitation of the weight and speed of vehicles, and the prevention or restriction of the use of vehicles upon any bridge, road, or street, or in any place where such use may be attended with danger to the public, or may be likely to damage such bridge, road, or street;
 - (d) the regulation of processions and assemblages and of the performance of music in thoroughfares;
 - (e) the prevention, abatement, supervision, and regulation of obstructions, encroachments, projections, and other interferences with thoroughfares;
 - (f) the erection of hoardings and other temporary structures, and the charging of fees for any permits issued in that connexion;
 - (g) the protection of the public against dangers resulting from building and other operations in or about thoroughfares.
- (8) Buildings, building operations, and works including—
- (a) the regulation of the material of such buildings with a view to securing stability, preventing fires and safeguarding health;
 - (b) the space to be left about any building or block of buildings to secure free circulation of air and to facilitate scavenging;
 - (c) the dimensions of doors and windows, the level of the floor, the height of the roof, general ventilation; and drainage;
 - (d) the number and nature of latrines;
 - (e) the foundation and stability of structure;
 - (f) the line of building frontage.
- (9) Public health and amenities, including—
- (a) drainage;
 - (b) conservancy and scavenging, and the charging of fees for the same;

- (c) the inspection, regulation, maintenance and cleansing of all drains, privies, cesspits, ashpits, and sanitary conveniences and appliances;
- (d) the regulation and management of public sanitary conveniences;
- (e) the regulation, supervision, inspection, and control of lodging-houses and tenement buildings;
- (f) the abatement of nuisances;
- (g) the seizure, forfeiture, removal and destruction of unwholesome articles of food and drink, and the prevention of the sale or exposure for sale thereof;
- (h) the regulation, supervision, inspection, and control of hotels, bakeries, eating-houses, restaurants, and tea and coffee boutiques;
- (i) the regulation, supervision, inspection and control of hairdressing saloons and barbers' shops;
- (j) the regulation, supervision, inspection, and control of dairies, and the sale of milk;
- (k) the definition of the prescribed standard of milk that may be sold, and the prevention of the sale of milk below the prescribed standard;
- (l) in the case of any sample of milk, cream, butter or cheese, the determination of—
 - (i) the deficiency in any of the normal constituents of genuine milk (including condensed and curdled milk), cream, butter, or cheese, or,
 - (ii) the proportion of water or other extraneous matter discovered in any such sample, which shall, for the purposes of any Ordinance, or by-law for the time being in force, raise a presumption until the contrary is proved that the milk, cream, butter, or cheese from which such sample was taken is not genuine or pure or is injurious to health;
- (m) the regulation, supervision, inspection, and control of the sale of articles of food or drink including the sale of such articles by itinerant vendors and at hotels, shops and places other than markets;
- (n) the regulation, supervision, inspection, and control of trades deemed to be offensive or dangerous by the Town Council;
- (o) the regulation of the dimensions and use of kraals in public lakes, rivers, lagoons, and estuaries for soaking coir husks, and the charging of fees for permits for the use of such kraals;
- (p) the regulation, supervision, inspection, and control of wells on private lands;
- (q) the regulation, supervision, inspection, and control of breweries, ice factories and aerated water manufactories;
- (r) the compelling of owners and occupiers in urban areas to keep their lands free of undergrowth and rubbish, and their dwelling compounds in a clean and sanitary condition;
- (s) the prevention of malaria and the destruction of mosquitoes and disease-bearing insects;
- (t) the draining, cleansing, covering, or filling up of ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature or likely to be prejudicial to health;
- (u) the cleansing, purifying, ventilating, and disinfecting of houses, dwellings, and places of assembly or worship by the owners or occupiers or persons having the care or control thereof;
- (v) the prevention or mitigation of epidemic, endemic, or contagious diseases, and the speedy interment of the dead during the prevalence of such diseases;
- (w) washing and bathing, including the establishment, maintenance, and regulation of public bathing-places and places for washing animals and clothes;
- (x) all such other purposes, not specially provided for by this Ordinance, as may be necessary for the preservation or promotion of the public health and the suppression of nuisances.

(10) Animals, including—

- (a) the regulation, supervision, inspection, and control of slaughter-houses, and the levy and recovery of fees for the use thereof;
- (b) the housing and penning of cattle, horses, sheep, goats, and pigs;
- (c) stray cattle, sheep, goats, and pigs, and the fixing, levying and recovery of charges for the occupation of pounds, and the cost of the keep of the animals impounded;
- (d) the control of epidemic diseases among animals, the maintenance and regulation of quarantine stations for animals, and the levying of fees for the occupation of such stations;
- (e) the protection and preservation of game and wild birds;
- (f) the destruction of stray dogs;
- (g) the prevention of cruelty to animals (including the restriction of the exposure for sale of live animals in any manner likely to cause unnecessary pain or suffering);
- (h) the regulation and supervision of cattle sheds, galas, and halting places, and the control of the location thereof.

(11) Markets and fairs, public and private, including—

- (a) their establishment, maintenance, and improvement;
- (b) their regulation, supervision, inspection, and control, including the regulation of the prices of articles sold therein;
- (c) their conservancy and scavenging, and prevention of nuisances in connexion with them;
- (d) the control of traffic, and the preservation of order within them and in their immediate vicinity;
- (e) the provision, inspection, and control of latrines, bathing-places, slaughter-houses, water supply and lighting in markets;
- (f) the allotment of stalls and stands;
- (g) the inspection of food and the seizure of unwholesome articles of food;
- (h) the prohibition of the introduction or sale of any article or articles of food in cases where there exists good reason for such prohibition;
- (i) the prohibition, either absolutely or subject to special licences, of the sale of any specified article, and the charging of fees for such special licences;
- (j) the provision of security against fires;
- (k) the temporary closing of any market or fair;
- (l) the due performance of their duties by market keepers and other employees;
- (m) in the case of public markets, the fixing and recovery of fees or rents for the use of the market premises or any part thereof, and of the buildings and bathing-places connected therewith, and for the leasing of the right to collect any such fees or rents;
- (n) in the case of public markets, the declaration of a market area, and the licensing, restriction or prohibition of sales within such area in accordance with section 165;
- (o) in the case of private markets or of fairs, the licensing of such markets or fairs, the conditions of the licence, and the fees payable in respect thereof;
- (p) in the case of private markets or of fairs, the standards to be observed in respect of accommodation, drainage, roads, air spaces, equipment, and sanitary requirements;
- (q) in the case of private markets or of fairs, the renovation, alteration, enlargement, and improvement of existing buildings, and the erection of all new buildings in accordance with approved plans and after notice to the Town Council.

(12) Waterworks, including—

- (a) the prevention of waste, misuse, undue consumption, or contamination of the water supplied for public or private use;
- (b) the size, nature, strength, and materials, and the mode of arrangement, position, alteration, removal, renewal, and repair of the pipes,

- valves, cocks, cisterns, soil pans, water-closets, and other apparatus and receptacle to be used respectively for carrying, delivering, regulating, and storing water ;
- (c) the regulation of the public supply of water by standpipes, and the use of the same ;
 - (d) the regulation of the supply of water by private services, and the materials and fittings to be used ;
 - (e) the regulation of the supply of water by measurement, and the materials, meters, appliances, and fittings used for such a purpose or in connection therewith ;
 - (f) the regulation of the terms and conditions subject to which water will be supplied by private services or for other than domestic purposes, and the price to be paid for water so supplied ;
 - (g) the recovery of charges due in respect of any water so supplied in the same manner as a fine ; and
 - (h) every other purpose, relating to the supply or the control of the supply of water from the waterworks, for which by-laws may appear to be necessary.
- (13) Public services, including all matters necessary for their establishment, maintenance, working, and supply, and for the recovery of charges in connection therewith.
 - (14) The measure or dimension of bread, and the regulation of its manufacture and quality.
 - (15) The regulation of weights and measures.
 - (16) The regulation and control of advertisements displayed or exhibited so as to be visible from any thoroughfare and the charging of fees in respect of advertisements so displayed or exhibited.
 - (17) All other purposes, whether of the same nature as those above enumerated or otherwise, for which by-laws may be necessary for the protection or promotion of the local public interests, conveniences, and amenities.

Part VII.

FINANCE.

Local Fund.

Local fund
and its
constituents.

171. (1) Every Town Council for its general financial purposes shall establish a local fund.

(2) There shall be payable into the local fund—

- (a) the fines and penalties enumerated in the Fifth Schedule ;
- (b) the amount of all stamp duties enumerated in the Sixth Schedule ;
- (c) subject to any special appropriation made by the Executive Committee, all grants allocated to the Council by the Executive Committee ;
- (d) all rates, taxes, duties, fees, and other charges levied under the authority of this Ordinance ;
- (e) all sums realised by sales, leases, or other transactions of the Council ;
- (f) all revenue derived by the Council from any property vested in the Council, or by the administration of any public service ;
- (g) all sums derived from any source of revenue made over to any local authority to which the Council is the successor in pursuance or in supposed pursuance of any Ordinance hereby repealed ;
- (h) all sums and all sources of revenue from time to time appropriated or made over to the Council by the State Council, whether by resolution or otherwise ;
- (i) all sums otherwise accruing to the Council in the course of the exercise of its powers and duties.

(3) All moneys received by a Town Council and payable into the local fund shall be deposited at the nearest Kachcheri or placed to the credit of an account bearing the name of that fund at such of the banks in Ceylon as may be selected by the Council with the sanction of the Governor.

(4) Such part of the local fund as may not be immediately required for the purposes of the Council may be invested on any of the securities specified in section 20 of the Trusts Ordinance.

172. (1) There shall be paid out of the local fund established by each Town Council—

Application of local fund.

- (a) all expenses incurred by the Council in the exercise of its powers and the discharge of its functions and duties under this or any other Ordinance or any by-law or rule made thereunder; and
- (b) all sums payable by the Council in respect of any liability under the Workmen's Compensation Ordinance; and
- (c) all sums payable by the Council as premium for the insurance of any property belonging to or vested in the Council, or for insurance against any liability that may be incurred by the Council under the Workmen's Compensation Ordinance; and
- (d) all sums received by the Council, which the Council is authorised or required by any written law to refund to the persons by whom they were paid; and
- (e) all expenses incurred by the Council, with the prior approval of the Executive Committee, in connection with civic receptions or the celebration or observance of any event or occasion of public interest; and
- (f) all contributions voted by the Council with the prior approval of the Executive Committee, towards the cost of public ceremonies, recreations or entertainments, or towards the support of any library or any educational, scientific, charitable or benevolent institution; and
- (g) all sums voted by the Council to meet the travelling expenses of members or officers of the Council attending any meeting or conference of members or officers of Town Councils for the consideration of matters relating to local administration.

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(2) All cheques or orders for payment of moneys out of the local fund shall be signed and issued in such manner as may be prescribed by rules made under section 206.

Imposition of Rates and Taxes.

173. (1) The Town Council of a town may, subject to such limitations, qualifications, and conditions as may be prescribed by the Council, and subject to the approval of the Executive Committee and of the Governor, impose and levy a rate not exceeding nine per centum of the annual value of any immovable property, or any species of immovable property, situated within the town.

Power to impose and levy rates.

(2) Where the Council, in imposing any rate for any year, resolves to levy without alteration the same rate as was in force during the preceding year, the approval of the Executive Committee or of the Governor shall not be required for the imposition and levy of such rate.

174. There shall be exempt from any rate imposed under section 173—

Exemption from rates.

- (a) all lands or buildings wholly or mainly used for religious, educational, or charitable purposes;
- (b) all buildings in charge of military sentries;
- (c) all burial and cremation grounds;
- (d) any immovable property which the Council may specially exempt from such rate on the ground of the poverty of the owner;

175. (1) The Town Council of a town may, subject to such limitations, qualifications, and conditions as may be prescribed by the Council, and subject to the approval of the Governor, impose and levy any of the following taxes and licence duties within the town:—

Power of Council to impose taxes and licence duties.

- (a) a tax on vehicles and animals;
- (b) a duty in respect of licences issued by the Council; and
- (c) any other form of tax approved by the Governor.

(2) Where the Council, in imposing any tax under this section for any year, resolves to levy without alteration the same tax as was in force during the preceding year, the approval of the Governor shall not be required for the imposition and levy of such tax.

176. (1) The tax on vehicles and animals which a Town Council is authorised to impose by section 175 shall be an annual tax in respect of all or any of the vehicles and animals specified in the Fourth Schedule, and ordinarily used or to be used within the town for which the Council is constituted, and shall not exceed the respective amounts specified in that Schedule.

Vehicles and animals tax.

(2) The tax on vehicles and animals shall not be leviable or payable in respect of—

- (a) any vehicle or animal which is the property of the Crown or of the Council; or

- (b) the authorised number of horses belonging to military officers doing staff, regimental, or other public duty within the town ; or
- (c) vehicles kept for sale by *bona fide* dealers in such vehicles and not used for any other purpose ; or
- (d) vehicles subject to a licence duty under section 3 of the Vehicles Ordinance, or to a tax under any Ordinance for the time being in force relating to motor cars.

(3) The tax on vehicles and animals shall be payable annually in advance on such date as may be ordered by the Council or prescribed by by-laws.

(4) The tax on vehicles and animals shall be payable by each person in whose possession or custody or control any vehicle or animal liable to the tax may be found so soon as it has been for thirty days used or kept for use within the administrative limits of the town, but no person shall be liable under this section in respect of any vehicle or animal which has been in his possession for less than thirty days.

(5) No person by reason of the transfer of ownership shall be liable to pay tax on any vehicle or animal on which the tax has already been paid for the year in which the ownership was transferred.

(6) The Chairman may, in respect of any period not exceeding one year at any one time, accept from any livery stable keeper or other person keeping or using animals for hire such sum as may be determined by the Chairman, in composition of the tax payable in accordance with the Fourth Schedule on the vehicles or animals kept in such stable or by such person.

(7) Where any vehicle or animal liable to any tax under this Ordinance, is used or to be used within the administrative limits of more than one town, such vehicle or animal shall only be liable to one such tax in respect of the town within which it is principally used or to be used, and if any question arises as to the administrative limits within which any vehicle or animal liable to any such tax is principally used or to be used, the question shall be determined by the Commissioner.

(8) Where any vehicle or animal is ordinarily liable to both the tax imposed under section 175 of this Ordinance, and the tax imposed under section 128 of the Municipal Councils Ordinance, or section 175 of the Urban Councils Ordinance, No. 61 of 1939, such vehicle or animal shall be liable to only one such tax which shall be payable—

- (a) where the vehicle or animal is kept within the administrative limits of a Town Council or a Municipal Council or an Urban Council, to such Town Council or Municipal Council or Urban Council, as the case may be ; or
- (b) where the vehicle or animal is not kept within the administrative limits of a Town Council or a Municipal Council or an Urban Council, to the Town Council or Municipal Council or Urban Council within whose administrative limits it is principally used.

(9) If any person liable to pay the tax leviable under this section fails to pay such tax within seven days after demand, the Chairman shall report the failure to the Magistrate's Court, and the Court shall proceed to recover the amount due as if it were a fine imposed by the Court and shall pay the amount so recovered into the local fund.

Licence
duty.

177. (1) The licence duty which a Town Council is authorised to impose by section 175 shall be in respect of each licence granted by the Council authorising the use of any premises or place for any special purpose in pursuance of this Ordinance or any by-law made thereunder.

(2) The amount of the licence duty shall be such as may from time to time be determined by the Council, subject to the approval of the Executive Committee ;

Provided that no such duty shall exceed the sum of two hundred and fifty rupees per annum.

By-laws
relating to
taxes.

178. Any tax imposed under section 175 other than the tax on vehicles and animals shall be of such amount, and subject to such conditions as may be prescribed by by-laws made under this Ordinance.

Assessment and Recovery of Rates and Taxes.

Assessment of
rates and
taxes.

179. The assessment of any immovable property for the purpose of any rate under this Ordinance shall, with the necessary modifications, be made in manner prescribed by section 117 of the Municipal Councils Ordinance, with respect to immovable property within municipal limits, and all the provisions of the said section, together with those of sections 116, 118, 119 and 121, to 126, shall, with the necessary modifications, apply with respect to every such assessment made for the purposes of this Ordinance:

Provided that, pending the making of any such assessment, any valuation of any immovable property made for the purposes of the assessment tax under the Police Ordinance, or any Ordinance passed in amendment thereof, shall be deemed to be the valuation of such property for the purpose of any rate on the annual value thereof under this Ordinance.

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180. (1) For the purpose of the ascertainment of any information which, in the opinion of the Chairman of a Town Council, may be necessary for the due imposition or levy of any rate or tax within the town for which the Town Council is constituted, the Chairman may, by notice in writing, require all persons who are liable or may be supposed to be liable to such rate or tax, or who may be the owners or occupiers or supposed owners or occupiers of any property with respect to which any rate or tax is imposed or may be imposed under this Ordinance, or if the Chairman shall so think fit, every householder within the town, to render all such returns, and make all such declarations of such particulars and in such form as may be prescribed by by-laws under this Ordinance, or, pending the making of such by-laws, as may be directed by the Council.

Power of
Chairman
to require
returns.

(2) All persons on whom any notice under sub-section (1) may be served shall fill up in writing, sign, date, and deliver or transmit to the office of the Council any form served with such notice, or furnish any information required thereby, within fourteen days, or such longer time as may be prescribed by by-laws or specified in such notice.

(3) Any person who refuses to accept or who refuses, neglects, or omits duly to fill up and deliver or transmit any form or to furnish any information referred to in sub-section (2) within the time prescribed or specified in that behalf, or who negligently renders a return or furnishes any information which is in any material respect inaccurate to the advantage of such person, shall be guilty of an offence punishable with a fine not exceeding one hundred rupees.

181. (1) The Chairman of a Town Council may, by notice in writing, summon before him, or before any officer appointed by him in that behalf, any person whom he has reason to believe to be liable to the payment of any rate or tax, or who may be the owner or supposed owner of any property with respect to which any rate or tax is imposed or may be imposed under this Ordinance, or any other person whom he has reason to believe to be able to give any information with respect to any such property, and the Chairman or the officers so appointed may thereupon examine any such person on oath with reference to the said liability, and it shall be the duty of every person so examined to answer, truly, all questions addressed to him.

Power of
Chairman to
summon
persons
before him.

(2) Any person who, being summoned under this section, fails without lawful excuse to appear or submit to examination in obedience to the summons, shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

(3) Any statement or declaration made by any person under this or the last preceding section with reference to the value of any property in which such person is interested, or as to the value of the interest of such person therein, shall be conclusive evidence in any proceeding or matter in which the value of such property or such interest is in question, as against the person making the statement or declaration, that at the date at, or with reference to, which the statement or declaration was made, the said property or the interest of such person in the said property was of the value attributed thereto in such statement or declaration.

182. (1) The Chairman of a Town Council, or any officer authorised by him in that behalf, may, for the purpose of ascertaining or verifying any information as to the liability of any person to any rate or tax, at any time between sunrise and sunset enter upon and inspect any premises liable or supposed to be liable to the said rate or tax, or any premises on which any vehicle, animal, or other thing in respect of which any tax is payable is situate, or may be supposed to be situate.

Chairman's
powers of
inspection.

(2) Any person who, without lawful excuse, obstructs the Chairman or officer appointed for the purpose while acting in pursuance of this section shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

183. (1) All rates and taxes imposed and levied by a Town Council under this Ordinance, all rents due in respect of any premises let by a Council, and all fees leviable under any by-law made by a Council, shall, where no other method of recovery is specifically provided by or under this or any other Ordinance, be recoverable in the same manner as rates, taxes and rents are recoverable under the Municipal Councils

Recovery of
rates and
taxes.

Ordinance; and all the provisions of sections 135 to 148 of that Ordinance relating to the recovery or the waiver of rates, taxes and rents, and the termination of the tenancy of tenants of the Council shall, with the necessary modifications, apply accordingly.

(2) Where the lessee or occupier of any immovable property belonging to the Crown and situated within the limits of any town makes default in the payment of any rates imposed in respect of such property under this Ordinance by the Town Council of that town, and a warrant is issued, in accordance with such of the provisions of law as are made applicable in such case by sub-section (1), for the seizure and sale of the movable or immovable property of such lessee or occupier, the officer to whom the warrant is issued may, notwithstanding anything contained in any other written law to the contrary, execute the warrant in any area in which any movable or immovable property of such lessee or occupier may be found, whether such area is within or outside the limits of that town.

Waiver of sums due to the Council.

184. A Town Council may by resolution waive the whole or any part of any sum of money (not being a sum for the waiver of which provision is made by section 183) due to the Council from any person if it appears to the Council that the amount to be waived is inconsiderable or is irrecoverable or that it should be written off on the ground of the poverty of the person liable therefor. Every such resolution relating to the waiver of an amount exceeding fifty rupees shall be subject to the approval of the Executive Committee.

Assessment &c., not to be impeached for want of form.

185. No assessment or valuation, and no charge or demand of rate or tax under the authority of this Ordinance, and no seizure and sale, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to rate or tax, or any mistake in the amount of assessment or the mode of seizure and sale, or any other formal defect.

Loans.

Power of Town Council to borrow on the security of rates and taxes.

186. (1) It shall be lawful for a Town Council, subject to the approval of the Executive Committee, to borrow from the Ceylon Government, or any person or persons or body of persons, whether incorporated or not, such sum or sums of money as may be necessary for any of the purposes of the Council.

(2) Every loan raised by a Town Council shall be subject to such rate of interest and to such conditions for the repayment thereof as the Executive Committee may approve.

(3) For the purpose of securing the repayment of the sum or sums borrowed by a Town Council and the interest accruing thereon, the Council may mortgage and assign to the lender or lenders, by or on whose behalf such sum or sums or any part thereof may be lent, the proceeds of any rate or tax levied or imposed under this Ordinance or any portion thereof, or any property belonging to the Council or any other source of income accruing to the Council or any portion thereof.

Limitation of borrowing powers.

187. (1) The amount at any time outstanding in respect of all loans due from any Town Council (whether raised under the authority of this or any other Ordinance) shall not exceed in the aggregate ten times the fair average annual income received by the Council from all rates, taxes, properties, and other sources of income for the preceding five years, or, in the case of a Town Council which has not been in existence for five years, ten times its income for one year as appraised by the Council, subject to the approval of the Executive Committee:

Provided that in any case in which the liabilities of any Town Council in respect of its loans are wholly or mainly due to the Ceylon Government, the Governor may, on the recommendation of the Executive Committee, by Order published in the *Gazette*, authorise the limit prescribed by this section to be exceeded to such extent as may be stated in the Order.

(2) All securities given in respect of loans under this Part shall be free of stamp duty.

Form of security, &c.

188. The form and manner of execution of any security given for the purpose of any loan under this Part, the mode and order of repayment of any sums borrowed, and the arrangements for the liquidation of any loan, shall, subject to the provisions of the Local Loans and Development Ordinance, be such as may be prescribed by by-laws or regulations made under this Ordinance, and, in the absence of any such by-laws or regulations shall be in accordance with sections 249 to 252 of the Municipal Councils Ordinance, and the said sections, with the necessary modifications, shall in such circumstances apply to any loan made to any Town Council under this Ordinance.

Cap. 281.

Accounts, Estimates, and Budget.

189. (1) Every Town Council shall from time to time order and direct a book or books, in such form as may be prescribed by the Commissioner, to be provided and kept at its office and true and regular accounts to be entered therein of all sums of money received by the Council and expended for or on account of the purposes of this Ordinance, and of the several articles, matters, and things for which sums of money shall have been disbursed and paid.

Books of accounts to be kept by Council.

(2) The book or books of accounts of a Town Council shall not for any reason or under any pretence whatsoever be taken from the office of the Council, except by process of a competent court.

(3) The book or books of accounts of a Town Council shall at all reasonable times be open to the inspection of the members of the Council, and every householder resident within the town administered by the Council, and any member of the Council or any such householder may take copies of or extracts from such book or books free of all charges.

190. (1) Every Town Council shall cause to be prepared in writing, in the month of January in each year, or within such other period as the Council, with the sanction of the Commissioner may direct, a true account of all the moneys received and paid by virtue of this Ordinance during the year ending on the thirty-first day of December next preceding or such other period of twelve months as the Council, with the sanction of the Commissioner, may direct, and a statement of the assets and liabilities existing at the said date, and a copy or duplicate of such account and statement verified on oath before any Justice of the Peace by the Chairman of the Council, or such other officer of the Council as it may appoint for the purpose, and certified by one of the members to be correct, shall be deposited with the Council, and shall be open to the inspection of any householder resident within the town administered by the Council or any party interested.

Preparation and publication of annual accounts.

(2) An abstract of the account and statement referred to in sub-section (1) shall be published in the *Gazette* for general information before the first day of March following, or before such other date as the Council, with the sanction of the Commissioner, may direct.

191. (1) The Chairman of every Town Council shall, each year, on or before such date as may be fixed by by-laws of the Council or by rules made under section 206, prepare and submit to the Council a budget for the next succeeding year in such form as may be prescribed by the Commissioner, and containing—

Budget.

- (a) the details of the proposed expenditure set out in items under appropriate heads;
- (b) an estimate of the available income of the Council from sources other than rates;
- (c) an estimate of the rate or rates necessary for the purpose of providing for the proposed expenditure.

(2) Whenever it is necessary to introduce any new item or items of expenditure during the course of any year, the Chairman shall prepare and submit to the Council a supplementary budget containing details of the proposed expenditure.

(3) Every annual budget or supplementary budget of a Town Council shall be published in the *Gazette* in the form in which such budget is finally settled and adopted by the Council.

192. A Town Council may, in case of necessity during the course of any year, reduce or increase the expenditure under any head, or transfer the moneys appropriated under one head to any other head, in the budget or in any supplementary budget adopted for that year, but so, however, that the total amount of expenditure sanctioned by such budget or supplementary budget is not exceeded.

Variation of expenditure proposed in budget.

193. (1) The Chairman of every Town Council shall, as soon as may be after the close of each financial year, prepare a detailed report of the administration of the Council during such financial year, with a statement showing the nature and amount of receipts and disbursements on account of the local fund during that year.

Annual administration report.

(2) The report and statement required by sub-section (1) shall be in such form as may be prescribed by the Commissioner, and shall be submitted to the Council, and, together with any resolutions that may have been passed thereon by the Council, shall be submitted to the Executive Committee through the Commissioner within six weeks of the date when they were first submitted to the Council, or within such other period as the Council, with the approval of the Commissioner, may determine.

*Audit.***Audit.**

194. (1) The accounts of every Town Council shall be audited during each half of the financial year by Government, and every Town Council shall, in respect of such audit for any half of any financial year, pay to Government as a contribution towards the cost of such audit a fee computed in the manner following, that is to say—

- (a) where the aggregate amount of the revenue of a Town Council for any half of any such financial year is equal to or less than seventy-five thousand rupees, one per centum of the amount of such revenue; and
- (b) where the aggregate amount of the revenue of a Town Council for any half of any such financial year is more than seventy-five thousand rupees, one per centum of the first seventy-five thousand rupees of such revenue and one-half per centum of the amount by which such revenue exceeds seventy-five thousand rupees.

(2) For the purposes of any audit and examination of accounts under this Ordinance, the auditor may, by notice in writing, require the production before him of any books, deeds, contracts, accounts, vouchers, and any other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration in respect of the same.

(3) If any person neglects or refuses to produce any book, deed, contract, account, voucher, document, or papers, or to make or sign any declaration when required so to do under sub-section (2), he shall be guilty of an offence punishable with a fine not exceeding one hundred rupees, and a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence.

Recovery of surcharges.

195. (1) Every auditor acting in pursuance of this Part shall disallow every item of account contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct, of that person and any sum which ought to have been, but is not, brought into account by that person, and shall in every case certify the amount due from such person.

(2) Before making any surcharge or disallowance, the auditor shall afford an opportunity to the person against whom such surcharge or disallowance is made, to be heard or to make any representations with reference to any matter which he may think fit, and shall, in the event of his making such surcharge or disallowance, on application by any such person, state in writing the reason for his decision in respect of such disallowance or surcharge.

Appeal and enforcement of surcharges, &c.

196. (1) Any person aggrieved by any disallowance or surcharge may appeal against such decision to the Supreme Court, and the Supreme Court may either confirm such disallowance or surcharge, or, if it is of opinion that such disallowance or surcharge is not in accordance with law, may modify or set aside such disallowance or surcharge accordingly.

(2) Every appeal under sub-section (1) shall be presented, prosecuted, and enforced within the time and in the manner and subject to the rules prescribed for and observed in appeal from interlocutory orders of District Courts, and all proceedings in connection therewith shall be subject to the same stamp duties as appeals from District Courts.

(3) In lieu of an appeal under sub-section (1) any person aggrieved may, within thirty days of the date of the decision of the auditor duly communicated to him, appeal from such decision to the Executive Committee, and it shall be lawful for the Committee, upon any such appeal, to decide the question at issue according to the merits of the case, and if the Committee finds that any disallowance or surcharge has been lawfully made, but that the subject matter thereof was incurred under such circumstances as to make it fair and equitable that the disallowance or surcharge should be remitted, the Committee may direct that such disallowance or surcharge shall be remitted on payment of the costs, if any, which may have been incurred by the auditor in the enforcing of such disallowance or surcharge. Any amount directed to be recovered from any such person under any order made by the Committee may forthwith be recovered by the Commissioner or any person authorised in writing in that behalf by the Commissioner in the same manner as any sum certified to be due by an auditor is recoverable under the provisions of this section.

(4) No expenses paid by any Town Council shall be disallowed by the auditor, if such expenses have been sanctioned by the Executive Committee.

(5) Every sum certified to be due from any person by an auditor under this Ordinance shall be paid by such person to the Commissioner within fourteen days after the sum has been so certified, unless there is an appeal against the decision, and if such sum is not so paid and there is no such appeal, it shall be the duty of the Commissioner or any person authorised in writing in that behalf by the Commissioner to recover the sum from the person against whom the sum has been certified to be due, and any sum so certified to be due may, on application to the Magistrate having local jurisdiction, be recovered in the same manner as a fine imposed by such Magistrate, together with all costs and expenses incurred in connexion with the enforcement thereof.

(6) Every sum paid or recovered under this section, other than any sum so paid or recovered as costs and expenses incurred in the enforcement of any disallowance or surcharge, shall be credited to the local fund of the Council.

Part VIII.

CENTRAL CONTROL.

197. (1) If at any time the Governor is satisfied that there is sufficient proof of—

- (a) persistent refusal to hold or attend meetings or to vote or to transact business at any meetings that may be held; or
- (b) wilful neglect, or misconduct in the performance, of the duties imposed by this Ordinance; or
- (c) persistent disobedience to or disregard of the directions, instructions or recommendations of the Executive Committee or of the Commissioner; or
- (d) incompetence and mismanagement; or
- (e) abuse of the powers conferred by this Ordinance,

on the part of the Chairman or on the part of any Town, Council or any of the members thereof, the Governor may, as the circumstances of each case may require, by Order published in the *Gazette*—

- (i) remove the Chairman from office; or
- (ii) remove all or any of the members of the Council from office, and direct the Government Agent to take steps for the election of a new member in place of each member so removed; or
- (iii) dissolve the Council.

(2) Every Order made under sub-section (1) shall contain such directions and such supplemental, consequential and incidental provisions as may be necessary for the purpose of giving effect to the Order, and shall, on publication in the *Gazette*, have the force of law.

(3) Where the Governor removes the Chairman of a Town Council from office by Order under sub-section (1), the Chairman shall be deemed to vacate forthwith the office of member of the Council as well as the office of Chairman, and the provisions of section 18 (3) shall thereupon apply.

(4) Where the Governor removes any member of a Town Council from office by Order under sub-section (1), and a new member in pursuance of such Order is elected in place of the member so removed, the new member shall go out of office on the date on which the original member would have gone out of office if he had not been removed from office by the Governor.

(5) Where the Governor dissolves a Town Council by Order under sub-section (1), he may by the same or any subsequent Order—

- (a) appoint for a stated period, or from time to time, a special commissioner or commissioners to administer the affairs of the town for which the Town Council was constituted, and, for that purpose and subject to such conditions or limitations as may be specified in the Order, to exercise the powers and perform the duties of a Town Council under this Ordinance, and
- (b) either give such directions as may be necessary for constituting for that town a new Town Council consisting of a larger or a smaller number of members, as to him may seem expedient, or
- (c) reduce or enlarge or otherwise redefine the limits of the town, and give such directions as may be necessary for constituting a Town Council for the redefined town.

(6) Where the Governor appoints any special commissioner or commissioners to administer the affairs of a town upon the dissolution of the Town Council of that town, all the property and the rights under contracts and all the powers vested in the Town Council shall be deemed to be vested in such special commissioner or commissioners, and all the liabilities and

Removal of
Chairman and
dissolution
of Town
Council.

duties of the Council shall be deemed to be transferred to and shall be discharged by such special commissioner or commissioners until the end of the period stated in the Order or until the Governor otherwise directs.

Inquiries.

198. (1) The Executive Committee may from time to time cause to be made all such inquiries as may appear to be necessary in relation to any matters concerning public health in any town or any matters with respect to which its sanction, approval, or consent is required under this Ordinance.

(2) For the purpose of any inquiry under this section, the person appointed by the Executive Committee and holding the inquiry shall have, in relation to witnesses and their examination and production of papers and accounts, the same powers as those accorded to Commissioners under the Commissions of Inquiry Ordinance, and all such powers of inspection of places and matters required to be inspected as may be necessary for the purpose of the inquiry.

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Costs of inquiries and proceedings.

199. The Executive Committee may make orders as to the costs of inquiries or proceedings instituted by, or of appeals or references to, the Committee under this Ordinance, and as to the parties by whom or the funds out of which such costs shall be borne, and every such order may be registered in the District Court, and may be enforced in the same manner as a judgment of the court on the application of any person named in that behalf in the order.

Power of Executive Committee to make inquiry as to default in duty by Town Councils.

200. (1) If at any time it appears to the Executive Committee that any Town Council is omitting to fulfil any duty or to carry out any work imposed upon the Council by this or any other Ordinance, or that the Council has otherwise made default in the discharge of any of its duties or responsibilities under this or any other Ordinance, the Executive Committee may give notice to the Council that unless within a time specified in the notice the Council show cause to the contrary, the Committee will appoint a person or persons to inquire into and report upon the facts of the case to the Committee and to make recommendations as to the measures that should be taken for the purpose of fulfilling such duty or carrying out such work or making good such default.

(2) Where any cause or sufficient cause is not shown by any Council to which notice is given under sub-section (1), the Executive Committee shall appoint a person or persons to hold the inquiry referred to in the notice. Such inquiry shall be held as far as practicable in public.

Power of Executive Committee to give and enforce order requiring Council to do necessary work.

201. (1) On the receipt of the report of the person or persons appointed to hold an inquiry under section 200, the Executive Committee shall determine what measures shall be taken for the purpose of fulfilling any duty or carrying out any work in respect of which the Town Council may have made default, and make an order requiring the Council within a time specified in the order to take such measures accordingly, and to raise the funds necessary for the purpose by some one or more of the rates or taxes provided for by this Ordinance, or by means of a loan on the security of any such rate or tax.

(2) If the Council fails to comply with the order made under sub-section (1) within the specified time, the Executive Committee may appoint some person to take the measures specified in the order, and may fix the remuneration to be paid to such person, and may direct that such remuneration and the cost of the measures taken in accordance with the order of the Committee shall be defrayed out of the local fund, and that, if necessary, any one or more of the rates or taxes provided for by this Ordinance shall be imposed, or increased, and levied.

(3) Any person appointed under sub-section (2) shall have the same power of levying or imposing any such rate or tax and requiring all officers of the Council to pay over any moneys in their hands as the Council would have in the case of expenses legally payable out of the local fund, and such person, after paying all sums of money due in respect of the order, shall pay the surplus, if any, to or to the order of the Council.

Power to direct loan to be raised.

202. The Executive Committee, in addition to levying, imposing or increasing any rate or tax, or in lieu thereof, may direct a loan to be raised on the security of any local rate or tax for the purpose of fulfilling any duty, or carrying out any work, or making good any default under section 201.

Power of Executive Committee to certify expenses.

203. The Executive Committee may from time to time certify the amount of the expenses that have been incurred, or an estimate of the expenses about to be incurred, by any person appointed under section 201, and the amount of any loan required to be raised for the purpose of defraying the expenses that have been so incurred, or are estimated as about to be incurred, and a certificate of the Executive Committee shall be conclusive as to all matters to which it relates.

201. (1) Whenever the Executive Committee under section 203 certifies a loan to be necessary, the Local Loans and Development Commissioners may advance to the Commissioner or any person appointed under section 201 the amount of the loan so certified to be required on the security of any local rate or tax without requiring any other security.

Power of
Local Loan
Commissioners
to advance
loan.

(2) The Commissioner or the person appointed under section 201 may, by any instrument duly executed, charge any local rate or tax with the repayment of the principal and interest due in respect of the loan referred to in sub-section (1); and every such charge shall have the same effect as if the Council were empowered to raise such loan on the security of such local rate or tax, and had duly executed an instrument mortgaging such rate or tax.

205. (1) The principal moneys or interest for the time being due in respect of any loan raised for payment of any expenses incurred or to be incurred under this Part shall be taken to be a debt due from the Council, and, in addition to any other remedies, may be recovered in manner provided by the Local Loans and Development Ordinance.

Recovery of
principal
and interest
from the
Council.

(2) The surplus of any loan, after payment of the expenses referred to in sub-section (1), shall, on the amount thereof being certified by the Executive Committee, be paid into the local fund of the Council.

206. (1) The Executive Committee may make rules of procedure not inconsistent with the provisions of this Ordinance, for the guidance of Town Councils and of their officers on any matter connected with the execution or enforcement of the provisions of this Ordinance, or any other written law relating to the powers and duties of Town Councils.

Power of
Executive
Committee to
make general
rules of
procedure.

(2) Without prejudice to the generality of its powers under the last preceding section, the Executive Committee may under this section make rules applicable to all Town Councils or to one or more specified Town Councils for all or any of the following purposes:—

- (a) for modifying, amending, supplementing or replacing any of the rules contained in the First Schedule as to the procedure to be followed at any poll held for the purposes of an election under this Ordinance;
- (b) for prescribing the procedure to be followed in the preparation of the annual budget and supplemental budgets;
- (c) for requiring the preparation of plans and estimates and prescribing the details that should be shown in such plans and estimates;
- (d) for requiring the rendering of periodical returns by the several Councils to the Executive Committee and prescribing the form and contents of such returns;
- (e) for prescribing the form of the several books of accounts to be kept by Town Councils and the manner of auditing such accounts;
- (f) for prescribing the form of the returns and declarations to be used under section 180 for the purposes of the imposition and levy of any rate or tax;
- (g) for prescribing the principles and procedure to be followed in assessing the annual value of any immovable property for the purposes of any rate;
- (h) for prescribing in the case of officers and servants of a Town Council—
 - (i) the qualifications necessary for appointment to each post or class or grade of posts;
 - (ii) the scales of the salaries to be attached to each post or class or grade of posts;
 - (iii) the terms and conditions and the duration of any leave of absence that may be granted;
 - (iv) the rates of subsistence or travelling allowances payable by way of reimbursement of expenses incurred in the performance of any duty;
- (i) for prescribing the rates of the travelling or other allowances payable to members of Town Councils by way of reimbursement of expenses incurred in the performance of any duty under this Ordinance;
- (j) for prescribing the powers, duties and functions of the Chairman in his capacity of chief executive officer of a Town Council;
- (k) for prescribing the officers by whom and the manner in which cheques or orders for payment may be signed and issued on behalf of a Town Council;
- (l) for prescribing the quorum for the meetings of a Town Council;
- (m) for declaring an officer of a Town Council to be an executive officer for the purposes of section 240;
- (n) for any other purpose connected with or incidental to the purposes set out in the foregoing paragraphs of this sub-section.

Approval and ratification of rules.

207. (1) Every rule made by the Executive Committee under section 206 shall be published in the *Gazette* and shall be brought before the State Council, as soon as may be after such publication, by a motion that such rule shall be approved by the Council, and, if so approved, shall be submitted to the Governor for ratification. Notification of such approval and ratification shall be published in the *Gazette*.

(2) Every rule made by the Executive Committee shall, when approved by the State Council and ratified by the Governor, be as valid and effectual as if it were herein enacted, and shall prevail over any by-law made by a Town Council in respect of the same matter or for the same purpose.

Power to make recommendations as to policy.

208. The Executive Committee or the Commissioner may—

(a) bring to the notice of any Town Council any measure which, in the opinion of the Committee or the Commissioner, ought to be taken within the town administered by the Council in the interests of public health or safety; or

(b) bring to the notice of any Town Council any general question of administrative policy as to which it is desirable, in the opinion of the Committee or the Commissioner, that the Council should co-ordinate its policy with the policy generally in force in Ceylon or in any part of Ceylon.

Power to inspect books, &c., of Town Councils.

209. The Executive Committee or the Commissioner, or any person generally or specially authorised in that behalf by the Executive Committee or the Commissioner may—

(a) inspect any public building, immovable property or institution used, occupied, or carried on, by or under the control of a Town Council, or any work in progress under the direction of a Town Council;

(b) call for and inspect any book or document in the possession or under the control of a Town Council;

(c) require any Town Council to furnish such statements, accounts, reports, or copies of documents relating to the proceedings or duties of the Council, or any committee of the Council.

Power of Commissioner and authorised officers.

210. The Commissioner or any officer of Government authorised in that behalf shall, within the town administered by any Town Council, have the same powers of entry and inspection, and all other powers and authorities required for the due exercise and discharge of their respective functions as the officers of the Town Council:

Provided that the Commissioner or the authorised officer of Government in the exercise of his powers under this section shall act in consultation with the Chairman of the Town Council:

Provided, further, that it shall be the duty of the officers of the Town Council to afford to the Commissioner or the authorised officer of Government all such reasonable assistance as he may require for the exercise of his powers under this section.

Budgets to be submitted to the Commissioner.

211. The annual or any supplementary budget of every Town Council and every variation thereof shall be communicated to the Commissioner, and every Town Council shall furnish to the Commissioner all such reports, particulars, or explanations with regard to any such budget or variation thereof as the Commissioner may require.

Power of Commissioner to exercise control over budget of Town Council.

212. Where, in the opinion of the Executive Committee, the financial position of any Town Council is such as to make the control of the Commissioner over its budget desirable, the Executive Committee may direct that in the case of such Council the annual and every supplementary budget of that Council and any variation thereof shall, until the Committee otherwise directs, be subject to the sanction of the Commissioner; and in any such case it shall be the duty of the Council to conform to any directions of the Commissioner with respect to any such budget or variation thereof.

Determination of disputes.

213. If any question arises between two or more Town Councils, or between any Town Council or Councils, and any other local authority, with reference to the rights, powers, duties, or obligations of any such Town Council or authority, or as to any question arising out of the exercise or intended exercise or enforcement of any such right, power, duty or obligation, such dispute may, if all parties consent, or if all parties do not consent, on the application of any party to the Executive Committee, be referred by the Committee to the Commissioner, and any order made by the Commissioner with reference to such dispute shall be deemed to be a final settlement of all matters in issue.

214. The Executive Committee may, on the application of any Town Council or of any person affected, and after making such inquiries as it may think necessary, extend the time or postpone the date fixed for any act or proceeding (not being a judicial proceeding) under this Ordinance, or any by-law, rule, or regulation made thereunder, and may make such consequential order as may be necessary to give effect to such extension.

Power to extend time, &c.

215. The Governor may, by Order published in the *Gazette*, transfer to the Commissioner any power vested in the Governor by or under any Ordinance other than this Ordinance in respect of any matter within the competence of any Town Council, or may direct that any such power shall be exercised by a Town Council after consultation with the Executive Committee and all enactments with reference to such powers shall be construed accordingly :

Delegation of powers to Commissioner.

Provided that every Order made under this section shall be subject to the confirmation of the State Council.

Part IX.

GENERAL.

Recovery of Charges and Expenses.

216. Whenever under the provisions of this or any other Ordinance, or any by-law, rule, or regulation made thereunder, a Town Council requires any work to be executed by the owner or occupier of any house, building, or land, and default is made in the execution of such work, the Town Council, whether or not any penalty is provided for such default, may cause such work to be executed, and the expenses therein incurred by the Council shall be paid by the person by whom such work ought to have been executed, and shall be recoverable as provided by this Part.

Power of Town Council on default made by owner or occupier to execute works and recover expenses.

217. (1) If the person making any default referred to in section 216 is the owner of the house, building, or land the Council may, by way of additional remedy, whether or not an action or proceeding has been brought or taken against such owner, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the house, building, or land under such owner.

Power to levy charges on occupier, who may deduct the same from his rent.

(2) The whole or any part of any expenses referred to in sub-section (1) shall, in default of payment by the occupier on demand, be levied by distress of the goods and chattels of such occupier.

(3) Where any sum in respect of expenses incurred by the Council is paid by or recovered from the occupier under sub-section (1) or sub-section (2), the occupier shall be entitled to deduct such sum from the rent payable by him to the owner and to retain possession of the house, building or land until such sum is fully reimbursed to him.

218. (1) No occupier of any house, building, or land shall be liable to pay more money in respect of any expenses charged by this or any other Ordinance, or any by-law, rule, or regulation made thereunder, on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Council, truly to disclose the amount of his rent and the address of the person to whom such rent is payable.

Occupiers not to be liable to more than the amount of rent due.

(2) The burden of proof that the sum demanded of any occupier is greater than the rent which was due by him at the time of such demand or which has since accrued, shall be upon such occupier.

(3) Nothing herein contained shall be taken to affect any special contract made between any owner and occupier respecting the payment of the expense of any such works as aforesaid.

219. (1) Whenever default is made by the owner of any house, building, or land in the execution of any work required to be executed by him, the occupier of such house, building, or land may, with the approval of the Council, cause such work to be executed, and the expenses thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupier in default of owner may execute works and deduct expenses from rent.

(2) The owner of any house, building, or land shall not be entitled to eject the occupier thereof until any expenses incurred by the occupier under sub-section (1) shall have been fully paid or deducted as provided by that sub-section.

Obstruction
by occupiers.

220. If the occupier of any house, building, or land prevents the owner thereof from carrying into effect, in respect of such house, building, or land, any of the provisions of this Ordinance or of any by-law, or regulation made thereunder, after notice of his intention so to do has been given by the owner to such occupier, the Council, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such house, building, or land as may be necessary for carrying into effect the provisions of this Ordinance, or of any by-law or regulation made thereunder, and may also, if it thinks fit, order the occupier to pay to the owner the costs relating to such application or order, and if, after the expiration of eight days from the date of the order, such occupier continues to refuse to permit such owner to execute such works, such occupier shall be guilty of an offence punishable with a fine not exceeding fifty rupees for every day during which he so continues to refuse, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Remedy if
neither the
owner nor
occupier be
able to pay.

221. If neither the owner nor the occupier of any house, building, or land pays the expenses incurred by the Council, the amount of the expenses shall be a charge upon the house, building, or land in respect of which the expenses were incurred, and payable as a debt due to the Council.

Determina-
tion and
recovery of
damages,
costs, &c.

222. (1) Except as herein otherwise provided, in all cases where damages, costs, or expenses are payable under the provisions of this or any other Ordinance, or of any by-law, rule, or regulation made thereunder, the amount, in case of dispute, and, if necessary, the apportionment of the same shall be ascertained and determined in manner following:—

- (a) where the amount claimed does not exceed one hundred rupees, by a Magistrate after a summary inquiry into the claim;
- (b) where the amount claimed exceeds one hundred rupees and does not exceed three hundred rupees, by the Commissioner of the Court of Requests having local jurisdiction;
- (c) where the amount claimed exceeds three hundred rupees, by the District Judge having local jurisdiction.

(2) In the cases referred to in paragraphs (b) and (c) of sub-section (1), the claim shall be made by instituting a civil action therefor. Such action shall be heard and determined according to the procedure prescribed by the law for the time being in force regulating the hearing and determination of actions brought in Courts of Requests and District Courts respectively.

(3) Any person aggrieved by a decision of a Magistrate under paragraph (a) of sub-section (1) may appeal therefrom to the Supreme Court in accordance with the provisions of section 338 of the Criminal Procedure Code.

(4) Any person aggrieved by a decision under paragraphs (b) and (c) of sub-section (1) may appeal therefrom to the Supreme Court. Such appeals shall be subject to the provisions of the Civil Procedure Code, relating to appeals to the Supreme Court.

Cap. 16.

Cap. 86.

Recovery of
damages.

223. If the amount of damages, costs, or expenses determined by the Magistrate under section 222 is not paid by the person liable to pay the same within seven days after demand, the default may be reported to such Magistrate, and the amount thereof shall be recovered in the same manner as if it were a fine imposed by such Magistrate.

Recovery of
expenses on
account of
improvement
to private
property.

224. Where a Town Council incurs any expenses in executing any of the works or performing any of the acts which under this or any other Ordinance, or any by-law, rule, or regulation made thereunder, the owner of any house, building, or land is required to execute or perform, the Council may either recover the amount of such expenses in the manner provided by section 222, or, if it thinks fit, may accept any undertaking given by the owner for the payment by instalments of such sums as will be sufficient to defray the whole amount of the expenses, with interest thereon at the rate of nine per centum per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates payable under this Ordinance may be recovered.

Payment of Compensation.

225. A Town Council may make compensation out of the local fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Council, its officers, or servants under and by virtue of this Ordinance, or any by-law made thereunder.

Council may make compensation out of local fund.

226. Except as herein otherwise provided, in all cases where compensation is by this Ordinance, or by any by-law made thereunder, directed to be paid, the amount and, if necessary, the apportionment of such compensation in case of dispute, shall be determined in the same manner as a claim for damages, costs or expenses under section 222, and all the provisions of that section shall, with the necessary modifications, apply to the determination of all questions under this section.

Determination and payment of compensation.

Procedure and Legal Proceedings.

227. (1) Any notice, order or other document required or authorised to be served under this Ordinance, or any by-law made thereunder, may be served by delivering the document to or at the residence of the person to whom it is addressed, or when addressed to the owner or occupier of any premises, by delivering the document or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by affixing the document on some conspicuous part of the premises :

Service of notices.

Provided always that where a Town Council has made provision for the registration of owners of property and any owner of property has registered his name and address in accordance therewith, every such notice, order or document shall be served upon him by registered letter at such address.

(2) Any notice, order or other document may also be served by post by registered letter, and if so served, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service, it shall be sufficient to prove that the notice, order or other document was properly addressed and put into the post.

(3) Any notice, order or other document required by this Ordinance to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

228. All notices which a Town Council or any officer thereof is empowered or required to give or receive and all notices for the giving or receipt of which by the Council occasion may otherwise arise, may be given or received by the Secretary of the Council or any other of its officers authorised by by-law for the purpose.

Notices may be given or received by secretary or any other officer authorised thereunto.

229. Every offence under this Ordinance shall be triable summarily by the Magistrate having local jurisdiction, and any penalty prescribed by this Ordinance may be imposed by such Magistrate, notwithstanding that such penalty may exceed the limits placed on his jurisdiction by any other written law.

Offences to be tried by Magistrate.

230. No person shall be liable to any fine or penalty under this Ordinance, or any by-law made thereunder, for any offence triable by a Magistrate, unless the complaint respecting such offence shall have been made within three months next after the commission of such offence.

Limitation of prosecutions.

231. (1) No action shall be instituted against any Town Council or any member or any officer of the Council or any person acting under the direction of the Council for anything done or intended to be done under the powers conferred by this Ordinance, or any by-law made thereunder, until the expiration of one month next after notice in writing shall have been given to the Council or to the defendant, stating with reasonable certainty the cause of such action and the name and the place of abode of the intended plaintiff and of his proctor or agent, if any, in such action.

No action to be instituted against Council until after one month's notice, nor after six months after cause of action.

(2) Every action referred to in sub-section (1) shall be commenced within six months next after the accrual of the cause of action and not afterwards.

(3) If any person to whom notice of action is given under sub-section (1) shall before action is brought tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought, and the defendant shall be entitled to be paid his costs by the plaintiff.

(4) If no tender of amends is made under sub-section (3), it shall be lawful for the defendant by leave of the court before which such action is pending, at any time before issue

is joined, to pay into court such sum of money as he may think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

(5) Upon the trial of any action referred to in sub-section (1), the plaintiff shall not be permitted to prove any cause of action other than the cause of action stated in the notice given by him under that sub-section; and unless such notice be proved, the court shall find for the defendant.

Protection of Council and its officers.

232. (1) No matter or thing done and no contract entered into by any Town Council, and no matter or thing done under the direction of any Town Council by any member or officer of such Council or by any other person whomsoever, shall, if the matter or thing so done or the contract so entered into was done or entered into *bona fide* for the purposes of this Ordinance or any other Ordinance relating to the powers and duties of a Town Council, or any by-law, or rule made thereunder, subject any member of the Council or any such officer or other person, in his private capacity, to any action, liability, claim, or demand whatsoever; and any expenses incurred by any such Council or by any member, officer, or other person acting as aforesaid, shall be borne and repaid out of the local fund:

Provided that nothing in this section shall exempt any member of any Town Council from liability to be surcharged with the amount of any payment which may be disallowed upon the audit of the accounts of such Council, and which such member authorised or joined in authorising.

(2) Subject and without prejudice to any other powers, a Town Council in any case where the defendant in any action, prosecution, or other proceeding is a member of the Council, or its officer, agent, or servant, may, if it thinks fit, except so far as the court before which the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the local fund all or any part of any sums payable by the defendant in or in consequence of the action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fines, or otherwise.

Relief against informalities.

233. If the directions of this Ordinance, or of any by-law made thereunder, are in substance and effect complied with, no proceedings under this Ordinance, or under such by-law shall be quashed or set aside for want of form in any court of justice.

Powers and Responsibilities of Officers.

Delegation of powers of Chairman to officers of Council.

234. All duties and powers which the Chairman of a Town Council is empowered to perform and exercise by this or by any other Ordinance, or any by-law, rule or regulation made thereunder, may be performed and exercised by any officer of the Council generally or specially authorised thereto in writing by the Chairman, subject to the directions and control of the Chairman, for such period and to such extent, if any, as may be specified in such written authority.

Power of Council to grant general authorities to its officers.

235. A Town Council may, by resolution, grant a general authority to any officer of the Council to do, give, or receive, as may be necessary, from time to time, subject to the general control of the Chairman, all acts, receipts, and approvals which the Council is empowered to do, give, or receive by this or any other Ordinance, or by any by-law, rule, or regulation made thereunder, and all acts, receipts, and approvals done or given or received by such officer, so long as such resolution remains in force, shall be as binding and valid, as if such acts, receipts, and approvals were done or given by the Council.

Punishment for obstructing officers of Council.

236. Whoever shall wilfully obstruct any officer of a Town Council in the performance of any duty or in the exercise of any authority vested in or conferred upon him under or by virtue of any of the provisions of this or any other Ordinance, or any by-law, rule, or regulation made thereunder, shall be guilty of an offence, and liable, upon conviction after summary trial before a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment of either description for any term not exceeding three months.

Penalty for misuse of power by officers of Council.

237. Any officer of a Town Council who, under pretence of performing any act under the authority of this Ordinance, or any by-law or rule made thereunder, uses any unnecessary violence or causes any vexation or annoyance to any person, shall be guilty of an offence, and liable on conviction thereof after summary trial before a Magistrate to a fine not exceeding fifty rupees.

Officers and servants of Council not to be interested in contracts.

238. (1) No member, officer, or servant of any Town Council shall, whether directly or indirectly, be concerned or have any financial interest in any contract or work made with or executed for the Council.

(2) If any member, officer, or servant of a Town Council is concerned or has any financial interest in any contract or work made with or executed for the Council, he shall be guilty of an offence punishable with a fine not exceeding five hundred rupees, and shall, as the case may be, be disqualified from sitting as a member of the Council or from holding any office or employment under the Council: Provided, however, that no person being a share-holder of any incorporated company shall be liable to such fine by reason only of any contract between such company and the Council or of any work executed by such company for the Council.

239. Every officer or servant of a Town Council who is paid out of the local fund, and every contractor or agent to whom the collection of any tax or of any payment on account of any land or building of a Town Council is entrusted by or under the authority of a Town Council, and every servant or other person employed by such contractor or agent for the collection of such tax or payment, shall be deemed to be a public servant within the meaning of that term as used in the Penal Code.

Officers and servants of Town Council to be public servants.

240. (1) No executive officer of a Town Council shall be removed or dismissed from his office except for misconduct or for neglect of, or incapacity for, his duties, and except on a resolution passed by not less than two-thirds of the total number of members of the Council.

Disciplinary action against officers of Town Council.

(2) No executive officer of a Town Council shall be suspended or fined or reduced in status nor shall the increments to his salary be withheld for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duty or other misconduct except on a resolution passed by not less than two-thirds of the total number of members of the Council.

(3) In this section, "executive officer" means any officer appointed to be or to act as the Secretary, the Electrical Superintendent or the Superintendent of Works of a Town Council and includes any other officer declared by the Executive Committee, by rule made under section 206, to be an executive officer for the purposes of this section.

Part X.

REPEAL, APPLICATION OF EXISTING LAWS, TRANSITIONAL ARRANGEMENTS AND MISCELLANEOUS PROVISIONS.

241. All expenses incurred by a Government Agent in the preparation of lists of voters for the purpose of the general election of members to a Town Council, in connexion with the nomination of candidates for the purpose of such election, and in the conduct of such election and of by-elections shall be defrayed out of the general revenue of this Island.

Expenses of elections.

242. For the purposes of any town for which a Town Council is constituted under this Ordinance, and no further, the Ordinances enumerated in the Seventh Schedule shall be repealed as from the date on which such Council is declared to be constituted by Order of the Governor under section 15 of this Ordinance:

Repeal.

Provided that nothing in this section contained shall be deemed to affect or in any way derogate from such of the rights, powers, and duties of the Governor as are not otherwise expressly provided for in this Ordinance, in respect of principal thoroughfares or any portions thereof situated within any town for which any Town Council is constituted.

243. The provisions of law enumerated in the first column of the Eighth Schedule shall, for the purposes of their application to a Town Council or to a town for which a Town Council is constituted under this Ordinance, be read and construed respectively in the manner specified in the second column of that Schedule.

Construction and application of existing laws.

244. After the commencement of this Ordinance no further roads within any town for which an Urban Council is constituted under this Ordinance shall be constructed under the provisions of the Branch Roads Ordinance, 1896, or the Estate Roads Ordinance, nor shall any action be taken under section 42 of the Branch Roads Ordinance, 1896, or under section 37 of the Estate Roads Ordinance, in order to extend the respective Ordinances to any road or bridge within such town.

No further roads to be constructed under Branch Roads Ordinance or Estate Roads Ordinance.

Cap. 149.

245. Pending the vesting in a Town Council of any branch or estate road situated within any town for which the Council is constituted, the provisions of the Branch Roads Ordinance,

Adaptation of Branch Roads Ordinance and Estate Roads Ordinance.

1896, and of the Estate Roads Ordinance, shall continue to apply to such branch or estate road, with the following modifications, that is to say—

- (a) all references to the Provincial Road Committee shall be construed as references to the Town Council;
- (b) all references to a Province shall be construed as references to the town;
- (c) in any case in which any district defined under either of the said Ordinances falls within two or more towns for which Town Councils have been constituted, the Governor may, by notification published in the *Gazette*, declare which of such Councils shall have administrative control over such district, and all references to the Provincial Road Committee and to the Province in connexion with such district shall be construed accordingly.

On imposition of new taxation, contributions under Estates and Branch Roads Ordinance to cease.

Cap. 148.

Consequences of imposition of new tax in areas under operation of Village Communities Ordinance.

Cap. 198.

Town Councils to be successors of local authorities.

246. From and after the date on which any new rate or tax imposed by a Town Council under this Ordinance and affecting the estates comprised in any district defined under the Branch Roads Ordinance, 1896, or the Estate Roads Ordinance, becomes payable in respect of such estates, no contributions (other than contributions already due) shall be payable in respect of any of such estates under either of those Ordinances, but all branch or estate roads in such district which are not declared principal thoroughfares under the Thoroughfares Ordinance, shall be vested in and shall be maintainable and repairable by the Town Council.

247. On and after the date on which any new rate or tax imposed by the Town Council of a town under this Ordinance becomes payable by the inhabitants of any part of the town which is a Divisional Revenue Officer's Division or any part thereof within the operation of the Village Communities Ordinance, the Village Committee constituted for any area which includes that part of the town shall not levy a tax, or appropriate or apply any part of the funds at its disposal, for the purposes of the construction or maintenance of roads in that part of the town.

248. (1) In any case where a town for which a Town Council is constituted under this Ordinance comprises the whole or any part of the administrative area under the control of any local authority established under any Ordinance hereby repealed, the Town Council shall be the successor of such local authority for all purposes relating to such administrative area or part thereof from the date of the constitution of the Council.

(2) With effect from the date on which a Town Council is constituted for the town referred to in sub-section (1), there shall be deemed to be transferred to that Council—

- (a) all such property of the local authority referred to in that sub-section as may be situated within the town;
- (b) the whole of the funds of such authority, or in any case where the town comprises a part only of the administrative area of such authority, such part of the funds aforesaid as the Minister may determine and
- (c) all the rights, powers, duties, debts, liabilities and obligations of such authority, in so far as they relate to any area within the town.

(3) Except in so far as provision is otherwise made by this Ordinance, all references in any Ordinance, or in any order, rule, regulation, or by-law made thereunder, or in any document or instrument executed or issued in pursuance thereof, to any class of local authorities, or to any particular local authority, shall be construed as though they were references to the Town Councils constituted under this Ordinance, or in the case of a reference to any particular local authority, to the Town Council which is the successor to such local authority for the purposes of the matter in question as from the date of the constitution of any such Councils or Council.

(4) For the purposes of this section and the succeeding sections, the expression "local authority" means any Municipal Council, Urban Council, Local Board, Village Committee, Sanitary Board, Provincial Road Committee, or District Road Committee.

Saving for existing securities and discharge of debts.

249. (1) Nothing in this Ordinance shall prejudicially affect any loans raised by a local authority on the security of any rate or tax or of any property by this Ordinance transferred to any Town Council; and all debts so secured, as well as all unsecured debts, liabilities, and obligations incurred by any local authority in the exercise of any of the powers in relation to any property transferred from such local authority to a Town Council by or under this Ordinance, shall be discharged, paid, and satisfied by such Town Council.

(2) It shall be the duty of every local authority whose powers, duties, and liabilities are to be transferred to any Town Council by this Ordinance to liquidate so far as practicable, before the date of such transfer, all current debts and liabilities incurred by such local authority.

250. All such proclamations, orders, notifications, rules, regulations, and by-laws of or affecting any local authority whose powers and duties are transferred under this Ordinance to any Town Council, as are in force at the time of the transfer, shall, so far as they relate to or are in pursuance of the powers and duties transferred, or so far as they relate to any matter or thing within any area comprised in the town for which the Town Council is constituted, and so far as they are not in conflict with the provisions of this Ordinance, continue in force as if they had been made with relation to or in the exercise of the powers of the Town Council under this Ordinance, subject, nevertheless, to revocation or alteration by the Governor or by the Town Council, as the case may be, and subject also to any exceptions or modifications which may in pursuance of this Ordinance be made at the time of, or with reference to, the transfer.

251. (1) Any action or proceeding, or any cause of action or proceeding, pending or existing at the date of the constitution of any Town Council in the interest of or against any local authority in relation to any powers, duties, liabilities, or property by this Ordinance transferred to the Town Council, shall not be in anywise prejudicially affected by reason of the constitution of such Town Council, but may be continued, prosecuted and enforced by or against such Council as successor of the local authority in like manner as it would have been continued, prosecuted and enforced by the local authority as if such Council had not been constituted.

(2) All contracts, deeds, bonds, agreements, notices, or other instruments entered into, issued, or made by any local authority and subsisting at the time of the constitution of a Town Council for the administrative area of such local authority, and affecting any such powers, duties, liabilities, obligations, or property as are by this Ordinance transferred to the Town Council, shall be of as full force and effect against or in favour of the Council, and may be enforced or acted upon as fully and effectually as if the said Council had been a party to or had made or issued such contracts, deeds, bonds, agreements, notices or other instruments.

252. (1) The officers and servants of every local authority to which any Town Council constituted under this Ordinance is the successor shall, subject to the provisions of this section, upon the constitution of the Council, become officers and servants of the Council, and shall hold their offices as nearly as practicable by the same tenor and upon the same terms and conditions as under the local authority, and while performing the same or the corresponding duties shall as nearly as practicable receive not less salary or remuneration or allowances and be entitled to receive not less pensions and gratuities, if any, than they would have been entitled to receive from the local authority.

(2) The Town Council may distribute the business to be performed by any officers or servants referred to in subsection (1) in such manner as the Council may think just, and every such officer or servant shall perform such duties in relation to that business as may be directed by the Council.

253. For the purpose of the adjustment of salaries, remuneration, allowances, pensions, gratuities, or duties of any officer or servant referred to in section 252, with a view to meeting the new conditions consequent upon any transfer of liabilities or obligations referred to in section 251, a Town Council may by resolution make such provision as it may deem to be just and equitable in all the circumstances of the case:

Provided that any officer or servant aggrieved by any such resolution may appeal therefrom to the Commissioner, and the Commissioner on any such appeal may by order make any such provision as under this section might have been made by the Town Council.

254. A Town Council may, upon any transfer of liabilities or obligations referred to in section 251, abolish any office which it may deem unnecessary, subject to payment of such compensation to the holder of the office at the time of the abolition, as he would have been entitled to receive in the like circumstances if his office had been abolished by the local authority under whom he was employed before the constitution of the Town Council.

255. (1) All such rates and taxes imposed by any local authority to which any Town Council is the successor as

Proclamations,
orders, rules,
and notifica-
tions continued
in force.

Saving for
pending
actions,
contracts, &c.

Officers and
servants.

Adjustment
of salaries,
&c.

Abolition
of offices.

Rates and
assessments.

may be due at the date of the constitution of the Council, may be enforced and recovered in the same manner as the rates and taxes imposed by the Council.

(2) All assessments made or adopted by the local authority for the purpose of any rate referred to in sub-section (1) shall continue in force until revised by the Town Council in manner provided by this Ordinance.

Equitable adjustment of property, debts, &c., on transfer.

256. (1) Where for the purposes of the constitution of any Town Council or Councils under this Ordinance any subdivision is made of the area comprised in the administrative limits of any local authority or authorities to which any such Council or Councils are to be the successor or successors, or any variation is otherwise made in the respective boundaries of the administrative limits of two or more such local authorities assigned to any Town Council or Councils, an equitable adjustment shall be made of all matters relating to the respective property, rights, debts, liabilities, and obligations transferred from any such local authority or authorities to any such Town Council, either by agreement between the Town Councils affected, or if such agreement shall not prove practicable, by order of the Executive Committee.

(2) Every agreement between two or more Town Councils, and every order made by the Executive Committee under this section, shall be published in the *Gazette*. Every order made by the Executive Committee shall, upon such publication, take effect as though it had been embodied in this Ordinance.

Adjustment of questions not provided for.

257. In connexion with the preliminary arrangements necessary for bringing this Ordinance into operation, either generally or with reference to any special matter or matters, either throughout the Island or in any specified place or area, the Governor, by Order published in the *Gazette*, may issue all such directions as he may deem necessary with a view to providing for any unforeseen or special circumstances, or to determining or adjusting any question or matter, for the determination or adjustment of which no provision or no effective provision is made by this Ordinance.

Power to exclude application of specified provision of Ordinance within specified limits.

258. The Governor, by Order published in the *Gazette*, may declare that any specified provision of this Ordinance shall not apply, either in whole or in part, within the administrative limits of any town for which a Town Council is constituted under this Ordinance, or within any specified area comprised in such administrative limits.

Interpretation.

259. In this Ordinance, unless the context otherwise requires—

“annual value” means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any house, building, land, or tenement if the tenant undertook to pay all public rates and taxes, and if the landlord undertook to bear the cost of insurance, repairs, maintenance, and upkeep, if any, necessary to maintain the house, building, land or tenement in a state to command that rent: provided that in the computation and assessment of annual value, no allowance or reduction shall be made for any period of non-tenancy whatsoever;

“appointed date” means the date appointed under section I as the date on which this Ordinance comes into operation;

“building” includes any house, garage, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall and in any context relating to a thoroughfare which is a canal or a river, includes any pier, landing-stage or bridge and any structure attached thereto or connected therewith;

“canal” means any public canal, and includes the full extent of waterway from bank to bank, together with the sides, towing-paths, embankments, drains, and ditches thereto belonging, and all land adjoining such canal which has been reserved for its protection or benefit;

“Chairman” means the person elected as Chairman of a Town Council under this Ordinance;

“Commissioner” means the Commissioner of Local Government;

“Executive Committee” means the Executive Committee of Local Administration;

“Government Agent” means the Government Agent of the Province or the Assistant Government Agent of the Revenue District within which any town is situated;

- “householder” means the owner or part owner, or lessee, or principal occupant of the house in which a person resides;
- “inhabitant” means a person who, being in the Island, has resided therein for three months or upwards;
- “local fund” in relation to any town means the fund established by the Town Council of that town under section 171;
- “nuisance” includes any act, omission, or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger, or damage to the sense of sight, smell, or hearing, or which is likely to be dangerous or injurious to health or property;
- “owner” includes the person for the time being receiving the rent of the premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the same if such premises were let to a tenant;
- “premises” includes all messuages, buildings, lands, and servitudes being considered to be part of the property to which they appertain, or in connexion with which they are enjoyed;
- “principal thoroughfare” means any thoroughfare declared a principal thoroughfare by the Governor by any Proclamation under any Ordinance dealing with principal thoroughfares, and not cancelled by a subsequent Proclamation;
- “proper officer” means the officer in charge of any work executed or to be executed on or in connexion with any thoroughfare by direction of a Town Council;
- “public street” means any street over which the public have a right of way, which is or has been usually repaired or maintained in whole or in part by any public authority, or which has been conveyed to them or has become vested in them under any Ordinance or by operation of law;
- “repealed Ordinance” means any Ordinance repealed by this Ordinance;
- “river” includes all public navigable streams, lakes, estuaries, creeks, and inlets of the sea, and all towing-paths and embankments thereto belonging;
- “road” includes—
- (a) all public carriageways, cartways, and pathways, as well as all bridges, drains, and embankments, causeways, and ditches belonging or appertaining to a road;
 - (b) all land adjoining any road which has been reserved for its protection or benefit;
 - (c) all land which has been marked off and reserved for the construction of any road;
 - (d) all waste land which, not being private property, lies within a distance of thirty-three feet of the centre of public carriageways and cartways and ten feet of the centre of public pathways, the burden of proving that such waste land is private property lying on the person asserting the same; and
 - (e) all public squares, greens, market places, and other public places other than public buildings;
- “rule” means a rule made by the Executive Committee under section 206 for the guidance of Town Councils;
- “Secretary” means the officer appointed by a Town Council to be or to act for the time being as the Secretary of the Council;
- “small town” means a town which has been brought under the operation of the Small Towns Sanitary Ordinance;
- “street” includes any road, footway, or passage used or intended to be used as a means of access to two or more houses or sites of houses, whether the public have a right of way thereover or not, and includes all channels, drains, ditches, side walks, and reservations at the side thereof;
- “thoroughfare” means any road, canal, or river and includes a *cul de sac*;
- “town” means an urban area declared to be a town for the purposes of this Ordinance.

FIRST SCHEDULE.

RULES FOR THE HOLDING OF A POLL.

(Section 11.)

1. If two or more qualified candidates are duly nominated for any election under section 11, the Government Agent shall forthwith allot to each of the candidates a colour or combination of colours by which the ballot boxes for the reception of ballot

papers in his favour at the poll are to be distinguished, and without undue delay cause to be published in the *Gazette* the names of such candidates and the colour allotted to each.

2. The Government Agent shall provide one or more polling stations for each electoral division, and shall either himself preside or appoint a person to preside at each polling station. The Government Agent may, in his discretion, nominate a substitute to act for any presiding officer in the event of the Officer's absence from the polling station, and may also appoint one or more persons to assist any presiding officer in the performance of his duties. Every candidate and one other person selected by himself shall be entitled to attend the proceedings during the time appointed for the election.

3. (1) At each polling station there shall be provided such number of compartments for the deposit of ballot boxes as the Government Agent may consider necessary. In each compartment there shall be one ballot box for each candidate for election. Each compartment shall be so constructed, and ballot boxes shall be so placed therein, that a voter can without being observed insert his ballot paper in any such box.

(2) Each candidate's ballot box shall be clearly marked with his name in English, Sinhalese, and Tamil and shall be coloured with the colour or combination of colours allotted to that candidate under rule 1.

(3) The presiding officer shall before the commencement of the poll affix in a conspicuous place outside each polling station a notice showing—

- (a) the name of each candidate in English, Sinhalese and Tamil, and
- (b) the colour or combination of colours with which his ballot box is coloured.

(4) Every ballot box shall be so constructed that when it is locked ballot papers can be introduced therein but cannot be withdrawn therefrom.

(5) The presiding officer shall immediately before the commencement of the poll—

- (a) display the empty ballot boxes to be used at his polling station to such person as may be present in the polling station;
- (b) lock the empty boxes and place his seal thereon in such manner that it cannot be opened without breaking the seal; and
- (c) place each of the boxes so locked and sealed in one of the compartments referred to in paragraph (1) of this rule.

4. The poll shall open and close at such times as may be publicly notified by the Government Agent.

5. (1) At every election, the votes shall be given by ballot.

(2) Every voter on presenting himself shall be given a ballot paper by the presiding officer.

(3) Each ballot paper shall be in the form prescribed by the Government Agent and shall have a number printed on the back and a counterfoil with the same number printed on the face.

(4) At the time of voting, the ballot paper shall be marked on the back with an official mark, and delivered to the voter within the polling station and a number corresponding to the number of the voter on the list of voters for the ward shall be entered on the counterfoil.

6. (1) Every voter shall on receiving a ballot paper forthwith proceed to the compartment containing ballot boxes to which he is directed by the presiding officer or by any person acting under such officer's authority, and he shall there insert his ballot paper in the ballot box of the colour or combination of colours and bearing the name of the candidate whom he prefers. He shall so vote without undue delay and shall quit the polling station as soon as he has inserted his ballot paper into a ballot box.

(2) The presiding officer or any person authorised by the presiding officer may, on the application of a voter who, in the opinion of the presiding officer, is incapacitated by blindness or other physical cause from voting in the manner prescribed by these rules, himself give such assistance to the voter as may be required to enable him to vote, or direct any other person to give such assistance.

(3) The presiding officer, or any person authorised by the presiding officer, may, on the application of a voter, explain to him the method of voting in accordance with these rules, but in so doing he shall not do any act which is liable to be construed by the voter as a direction or advice to vote for any particular candidate.

(4) The presiding officer may at any time while a poll is proceeding enter any compartment in which ballot boxes are deposited, and he may take all steps that may be necessary to ensure—

- (a) that the ballot boxes are conveniently placed for the reception of ballot papers in accordance with these rules;
- (b) that no voter delays unduly in any such compartment, and
- (c) that not more than one voter at a time is in any such compartment.

7. If at any poll any question arises as to the identity of any person claiming to be a person whose name is on the electoral roll, the presiding officer shall have power to inquire into such question and, if it appears expedient to him, to administer an oath or affirmation to any person whom he may think fit to examine with reference to such question; and it shall be the duty of any person so examined to answer truly all questions put to him. The decision of the presiding officer on any such claim shall be final.

8. If as a result of any decision under the last preceding rule it should appear that a person by falsely personating another voter recorded a vote, the person entitled to vote shall be permitted to exercise his right, and the Government Agent shall declare the vote recorded by the false personation void, and on the opening of the ballot box shall, on tracing the ballot paper, have the same removed, so as to ensure that it shall not be counted among the votes recorded.

9. After the close of the poll the ballot boxes shall be sealed by the presiding officer so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the Government Agent.

10. Each candidate may appoint an agent for the purpose of attending at the opening of the ballot boxes and the checking and counting of the votes.

11. The Government Agent shall, in the presence of any such agents of the candidates as may be in attendance, open the ballot boxes and ascertain the result of the poll by counting or causing to be counted the votes given to each candidate, and shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given.

12. The decision of the Government Agent as to any question arising in respect of any ballot paper shall be final.

13. In the event of the election being rendered indecisive by reason of an equality of votes, the matter shall be decided by the casting vote of the Government Agent, or, at the option of the Government Agent, by lot cast or drawn in such manner as he may in his sole discretion determine.

SECOND SCHEDULE.

MARKET FORMS.

(Sections 151 and 152.)

FORM A.

1. I, _____, of _____, being desirous of obtaining a licence for the private market belonging to me at _____, do hereby apply, under section _____ of the Town Councils Ordinance, for a licence to hold the said market at _____ on* _____, for the period from _____ to _____, in accordance with the by-laws framed under the said Ordinance.

2. I further append a site plan and _____ plans to scale and specifications as required by the local by-laws (or, the order of the Chairman, as the case may be).

3. I further declare that the statements regarding the said market contained in the declaration overleaf are true and accurate.

Signature of Applicant.

Date: _____, 19____.

* Here insert the name of the day or days on which the market is to be held, or substitute the word "daily" if the market is to be held every day.

(On back of above Form.)

Declaration under section 151 of the Town Councils Ordinance.

Private Market at _____.

1. Situation:—
Province: _____, Korale: _____,
District: _____, Village: _____.
2. Situation with regard to roads, railroads, and canals: _____.
3. Distance from nearest public markets, the names of which should be given: _____.
4. Distance from nearest private markets, the names of which should be given: _____.
5. Name of owner of the market: _____.
6. Name of manager or lessee of the market: _____.
7. Area and value of land set apart for the market: _____.
8. Nature of the buildings, the purpose for which each is used, and their value: _____.
9. Whether any drains, latrines, or water supply exist: _____.
10. Date when the market was established: _____.
11. On which days, and how often is it held: _____.
12. The average attendance of—
(a) Vendors: _____, (b) Purchasers: _____.
13. The gross receipts during the last twelve months were: _____.
14. The nett receipts during the last twelve months were: _____.

Signature of Declarant.

FORM B.

Licence to Maintain a Private Market.

No. _____ Fee of Rs. _____ paid
on the _____, 19__.

Name: _____, of _____, is hereby licensed under section _____ of the Town Councils Ordinance to maintain a market in the premises described below, subject to the provisions of the said Ordinance and the by-laws made thereunder, and to the special conditions contained overleaf.

Place: _____.

Date: _____.

Chairman of the Town Council.

(On back of above Form.)

Description of Premises: _____.

Special Conditions on which this Licence is granted: _____

THIRD SCHEDULE.

STANDARDS FOR ALL MARKETS TO BE ESTABLISHED OR
LICENSED UNDER THIS ORDINANCE.

(Section 153.)

*Standards for General Markets (i.e., Markets adapted for the
Sale of Two or more Classes of Goods.)*

1. Every General Market must have an area of not less than one quarter of an acre.
2. Every general market must be enclosed by a wall or fence not less than 4 feet and not more than 6 feet in height, and must be provided with an entrance not less than 12 feet in width.
3. Every road within the market premises which is intended for the use of vehicles must be not less than 15 feet in width, and must have a surface of screened gravel or metal.

*Standards for all Markets, whether General Markets or Special
Markets (i.e., Markets reserved for the Sale of some Special
Class of Goods.)*

4. No new market building or boundary wall or part thereof shall be erected within 25 feet of the centre of any road, or within any street line which has been defined by the Town Council.
5. Every market site must have a clear space, not less than 7 feet in width and free of buildings, on all sides, except any side which abuts on a street.
6. Between the eaves of any two market buildings within any market premises there must be left a minimum space of 15 feet.
7. Every market building must—
 - (a) be constructed of brick, stone, or cabook masonry;
 - (b) be at least 7 feet high at its eaves; and
 - (c) have its roof covered with tiles or other material approved by the Chairman.
8. The floor of every market building must be of concrete or of other impervious material.
9. All angles and junctions of walls with walls or walls with floors must be rounded off so as to facilitate cleansing.
10. Every market building must be raised at least 1 foot above the surrounding ground level.
11. Masonry or concrete drains with a proper fall must be provided round all market buildings, and in any other parts of the market premises which the Chairman may specify.
12. All pillars in a market building must be of masonry iron, or dressed timber.
13. In every market where the sale of meat is to be carried on, there must be set apart one or more special meat stalls or spaces exclusively reserved for the sale of meat. Every such meat stall or space must (besides conforming to the foregoing requirements in respect of buildings) have the inner surface of its walls covered with glazed tiles or cemented to a height of not less than 4 feet from the floor, and must be provided with—
 - (a) a dust-proof ceiling;
 - (b) beams and hooks for suspending meat;
 - (c) such fly-proof ventilation in the doors, windows, and walls as the Chairman may require;
 - (d) tables covered with impermeable tops of zinc, marble, or other substance approved by the Chairman;
 - (e) chopping blocks with surfaces smoothed so as to prevent the lodgment of dirt.
14. In every market where the sale of fresh fish is to be carried on, there must be set apart and exclusively reserved for the purpose a special space which must, besides conforming to the foregoing requirements in respect of buildings, be open on all sides. The drains immediately surrounding such special space must lead to a movable receptacle, and all the washings from such special space must be conducted into such receptacle. Such special space must also be provided with solidly constructed wooden tables with impermeable tops or with masonry tables with cemented tops.
15. Every well in a private market must be constructed in accordance with a plan and specifications and on a site, approved by the Chairman, and must in no case be constructed within 100 feet of a cess pit or cattle shed.

16. Every latrine in a private market must be of the dry-earth type, or such other type as may be approved by the Chairman, and must be built on a site, and in accordance with a plan and specifications, approved by the Chairman.

17. Every slaughter-house within the premises of a private market or used in connexion with such premises must be provided with a cemented or concrete floor sloped so as to conduct the blood into a movable receptacle. A built receptacle must also be provided for the storage of the offal until its removal from the premises. The building must be fitted with beams and tackle for suspending carcases, and must either be surrounded by an enclosure or be secured in such a way that the slaughter of animals may not be visible from outside.

FOURTH SCHEDULE.

VEHICLES AND ANIMALS TAX.

(Section 176.)

	Rs. c.
For every vehicle other than a motor car, motor tricar, motor lorry, motor bicycle, cart, handcart, jinricksha, bicycle, or tricycle ..	5 0
For every bicycle or tricycle, or bicycle car or cart, or tricycle car or cart—	
(a) if used for trade purposes ..	5 0
(b) if used for other than trade purposes ..	1 0
For every cart ..	4 0
For every handcart ..	4 0
For every jinricksha ..	2 50
For every horse, pony, or mule ..	5 0
For every bullock or ass ..	1 0

Children's vehicles the wheels of which do not exceed 26 inches in diameter, wheelbarrows, handcarts used for trade purposes solely within private premises, and handcarts not used for trade purposes, are exempted from payment.

In this Schedule, "trade purposes" includes the carriage or transport, in connexion with any business or trade and whether for sale or otherwise of any articles or goods or of any written or printed matter.

FIFTH SCHEDULE.

FINES AND PENALTIES ACCORDED TO TOWN COUNCILS.

(Section 171.)

All fines and penalties recovered within the administrative limits of the Council—

- | | |
|---|-----------|
| (a) under this Ordinance or any other Ordinance thereby repealed; | |
| (b) in the performance of the duties or exercise of the powers of the Council under this Ordinance or any Ordinance thereby repealed; | |
| (c) under the Nuisances Ordinance; | Cap. 180. |
| (d) under the Housing and Town Improvement Ordinance; | Cap. 199. |
| (e) under the Quarantine and Prevention of Diseases Ordinance. | Cap. 173. |

SIXTH SCHEDULE.

STAMP DUTIES AND FEES ACCORDED TO TOWN COUNCILS.

(Section 171.)

1. All stamp duties and fees—

(a) paid in respect of boats and vehicles ordinarily used or to be used within the limits of a town under the Boats Ordinance and the Vehicles Ordinance;	
(b) paid by the inhabitants of a town in respect of licences under the Butchers Ordinance;	
(c) assigned to Town Councils by any Ordinance by which any special provision is made in that behalf.	Cap. 201.

2. All sums paid as fees or stamp duties in respect of licences authorising the exercise of any right or privilege within the administrative limits of any Town Council under—

(a) the Masters Attendant Ordinance;	Cap. 262.
(b) the Petroleum Ordinance;	Cap. 141.
(c) the Poisons, Opium, and Dangerous Drugs Ordinance;	Cap. 172.
(d) the Explosives Ordinance;	Cap. 140.
(e) the Firearms Ordinance.	Cap. 139.

3. All stamp duties paid by the inhabitants of a town—

(a) being advocates or proctors, on certificates of admission under section 2 of the Legal Practitioners Ordinance;	
(b) being proctors, on the annual certificates and declarations made under sections 3 and 4 of the said Ordinance;	Cap. 89.
(c) being notaries, on warrants, certificates, and declarations issued under sections 5, 26, and 27 of the Notaries Ordinance;	Cap. 91.
(d) in respect of articles of apprenticeship or upon any contract whereby any person shall first become bound in order to qualify himself as a notary.	

SEVENTH SCHEDULE.

REPEALS.

(Section 242.)

Cap. 148.	1. The Thoroughfares Ordinance, and all Ordinances passed in amendment thereof.
Cap. 197.	2. The Small Towns Sanitary Ordinance, and all Ordinances passed in amendment thereof.
Cap. 196.	3. The Local Boards Ordinance, and all Ordinances passed in amendment thereof.
Cap. 174.	4. The Contagious Diseases Ordinance, and all Ordinances passed in amendment thereof.
Cap. 200.	5. The Northern Province, Markets Ordinance and all Ordinances passed in amendment thereof.
Cap. 193.	6. The Municipal Councils Ordinance, and all Ordinances passed in amendment thereof.
	7. The Urban Councils Ordinance, No. 61 of 1939, and all Ordinances passed in amendment thereof.
Cap. 198.	8. The Village Communities Ordinance, and all Ordinance passed in amendment thereof.

EIGHTH SCHEDULE

CONSTRUCTION OF EXISTING LAWS.

(Section 243.)

	Column I. Existing Laws.	Column II. Construction.
Cap. 180.	1. The Nuisances Ordinance	1. As if every reference therein contained to a Board of Health or to a province were a reference to a Town Council or to the Town for which a Town Council is constituted under this Ordinance.
Cap. 150.	2. The Tolls Ordinance	2. As if the reference in section 24 thereof to a Provincial Road Committee or to a District Road Committee included a reference to a Town Council constituted under this Ordinance.
Cap. 181.	3. The Cemeteries and Burials Ordinance	3. As if the reference in section 6 thereof to a Local Board and a Local Board town included a reference to a Town Council and to a town for which a Town Council is constituted under this Ordinance.
Cap. 158.	4. The Electricity Ordinance	4. As if the reference in section 6 thereof to the Government or to a public officer included a reference to a Town Council constituted under this Ordinance or to an officer of such Council.

Passed in Council the First day of March, One thousand Nine hundred and Forty-six.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Seventh day of March, One thousand Nine hundred and Forty-six.

J. A. MULHALL,
Acting Secretary to the Governor.