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and General Government Notifications.

PART II.—Legal and Judicial.

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PASSED ORDINANCES.

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

No. 19 of 1896.

An Ordinance to declare certain By-laws to be in force within the Municipality of Kandy.

WEST RIDGEWAY.

Preamble.

WHEREAS the Municipal Council of Kandy is desirous that the by-laws set forth in the schedule hereto shall be declared to be in force within the Municipality of Kandy: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Ordinance to be read as one with Ordinances Nos. 7 of 1887, 26 of 1890, and 1 of 1890.

Interpretation clause.

1 This Ordinance shall be in force within the Municipality of Kandy, and shall be read as one with the Municipal Councils' Ordinances, 1887, 1890, and 1896.

2 (1) In this Ordinance, unless the context otherwise requires—

"The municipality."

"The municipality" means the Municipality of Kandy.

"The council."

"The council" means the Municipal Council of Kandy for the time being.

"The chairman."

"The chairman" means the Chairman of the Municipal Council of Kandy for the time being.

"The standing committee."	"The standing committee" means the Standing Committee of the Municipal Council of Kandy for the time being.
"The health officer."	"The health officer" means the Health Officer of the Municipal Council of Kandy for the time being.
"The secretary."	"The secretary" means the Secretary of the Municipal Council of Kandy for the time being.
"The superintendent of works."	"The superintendent of works" means the superintendent of works of the Municipal Council of Kandy for the time being.
"The magistrate."	"The magistrate" means the Magistrate or Municipal Magistrate having jurisdiction within the Municipality of Kandy.
"Municipal inspector."	"Municipal inspector" means an inspector of the Municipal Council of Kandy.
"Animal."	(2) In by-laws 20 and 21 of chapter VI. and whenever used in chapter VII. "animal" means cattle, sheep, and goats.
"Cattle" and "licensed butcher."	"Cattle" and "licensed butcher" shall have the meaning assigned to them respectively by "The Butchers' Ordinance, 1893," and the interpretations in section 3 of "The Municipal Councils' Ordinance, 1887," and in section 1 of Ordinance No. 26 of 1890, shall be applicable to the respective words and expressions therein specified when used in this Ordinance.

By-laws set out in schedule to be legal.

3 The by-laws of the Municipal Council of Kandy are hereby repealed, and the by-laws set forth in the schedule hereto shall be in force within the Municipality of Kandy. Provided, however, that nothing herein contained shall be held or construed to prevent the making, approval, and publication in respect of the Municipality of Kandy of further by-laws or by-laws in amendment, repeal of, or in addition to, such by-laws in the same and the like manner as is empowered to be done by the provisions of the said Municipal Councils' Ordinances, 1887, 1890, and 1896, or any other Ordinance.

Service of notices.

4 When any notice is required by this Ordinance to be given to the owner or to the occupier of any house, building, or land, such notice addressed to the owner or occupier, as the case may require, may be served on the occupier of such house, building, or land, or left with some adult member or servant of his family, or if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such house, building, or land; and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that when the owner and his residence are known to the chairman, it shall be his duty, if such owner be residing within the municipality, to cause every notice to be given to the owner, and if he be not resident within the town, the chairman shall send every such notice by post addressed to his residence.

Penalty for unnecessary violence by an officer.

5 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding twenty rupees.

Penalty for obstructing officers of the council.

6 Every person who shall resist, obstruct, hinder, or molest any officer of the municipal council, acting under the authority of any by-law hereby enacted, in the discharge of any duty or the performance of any act which such officer shall be authorized or required to perform by such by-law, shall be guilty of an offence, and be liable on conviction to be punished with simple or rigorous imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Penalty for
breach of by-laws.

7 Whoever shall commit any breach of any of the by-laws hereby enacted, or any by-laws hereafter lawfully made, by doing any act prohibited or declared to be an offence by any such by-laws, or by neglecting to do any act directed to be done by any such by-laws, or in anywise howsoever, shall on conviction be liable to a penalty not exceeding twenty rupees, and in case of a continued infringement, to a further penalty not exceeding ten rupees a day for every day after notice from the chairman of such infringement. Provided that no complaint shall be preferred in any court for any breach of any by-law except with the previous sanction of the chairman.

SCHEDULE.

BY-LAWS OF THE MUNICIPAL COUNCIL OF KANDY.

CHAPTER I.

Establishment.

Offices and
salaries.

1. It shall be lawful for the council from time to time, by resolution, to create offices, and to assign to each office so created such salary as it shall deem right. The chairman may fix the salary to be paid to any officer whom he is by law authorized to appoint, provided that the amount shall not exceed the amount assigned to the office by the council.

Nothing herein contained shall prevent one person from holding more than one office should the council so direct, or the chairman from employing, with the consent of the standing committee, such other officers as may be required in case of any emergency, on such salary as the standing committee shall deem fit.

Duties of officers.

2. The secretary and other officers and servants of the council shall perform such duties during such hours as the chairman shall from time to time direct.

CHAPTER II.

Conduct of Business, &c.

Precedence of
councillors.

1. For all purposes connected with the council, the precedence and seniority of councillors shall be regulated as follows:

After the chairman shall rank the councillors in the order of the priority of their nomination or election, and in the case of former councillors re-elected or re-nominated, of the priority of their continuous membership of council.

Duties of
chairman.

2. The chairman shall preserve order, and shall decide on all points of order.

Order of
business.

3. The business of the council at its meetings shall be taken in the following order, viz.:

Minutes.

(a) The minutes of the previous meeting shall be read and (if need be) corrected and confirmed.

Statements.

(b) Monthly statement of receipts and disbursements, bank pass-book, progress reports of revenue collected and of works, return of work by the municipal magistrate, the health officer's report, and reports of other municipal officers, shall be submitted to the council.

Memorials,
petitions, &c.

(c) Memorials, petitions, complaints, and communications addressed to the council shall be laid before the council and orders made thereon.

Questions.

(d) Questions of which previous notice has been given shall be asked.

Notices of
motions.

(e) Notices of motions shall be given.

Motions.

(f) Motions shall be made.

Reports of
committees.

(g) Reports of committees shall be brought up and a day fixed for their consideration, unless the council shall resolve to proceed to their consideration at once.

Other business of
the day.

(h) Any other matter set down in the notice of meeting shall be proceeded with, provided that the council may, if it see fit, deviate from the order herein prescribed.

Committee of council.	4. The council may at any time resolve itself into a committee of the whole council, and, on resuming, the resolutions of the committee shall be dealt with by the council.
Petitions to be respectful.	5. Any councillor presenting a petition or other communication shall be responsible for its contents being throughout respectful.
Presenting petitions.	6. When a petition or other communication is presented, the purport thereof shall be concisely stated; on the motion of any councillor, duly seconded, the question shall be put whether the document shall be read.
Hearing petitioners.	7. In any case where individual rights or interests may be affected by any act, order, or proceeding of the council, all parties so affected may be heard upon petition before the council in committee, either in person or by counsel.
List of witnesses.	8. When it is intended to examine any witnesses, the petitioner or councillor requiring such witnesses shall deliver to the secretary, three days at least before the day appointed for their examination, a list containing the names, residences, and occupations of such witnesses.
* Summoning witnesses.	9. The secretary shall thereupon, under the sanction of the chairman, issue to each of the witnesses a summons in the form A in the appendix hereto, and such summons shall be served by some person appointed in that behalf by the chairman, either by delivery thereof to the witness, or by leaving it at his residence forty-eight hours at least before the time appointed for his attendance. Every witness summoned shall be bound to obey such summons.
Evidence on petitions.	10. The evidence of every witness shall be recorded by the secretary and read over to the witness, who may then desire any correction to be made; and in case no correction shall be made, the evidence shall stand as taken down, and not be altered afterwards.
Notices of motions and questions.	11. Any councillor desiring to ask a question, or make a motion, shall (unless by leave of the council) give notice of such question or motion, either at some previous sitting of the council or by a letter to the secretary at least three days before the day on which he intends to ask such question or make such motion.
Notices how given.	12. Every councillor giving such notice shall deliver to the secretary a copy of the proposed question or motion.
Asking questions.	13. In asking any question no argument or opinion shall be offered, nor any fact stated, except in so far as may be necessary to explain such question; and no councillor may debate the matter to which the question refers.
Putting the question.	14. When a motion has been made and seconded and the debate thereon concluded, the question thereupon shall be put to the vote by the chairman.
Motion not seconded.	15. Any motion not seconded may not be debated, and no entry thereof shall be made in the minutes.
Routine resolutions.	16. Routine resolutions, such as recording periodical statements or confirming minutes of proceedings, may be put to the meeting by the chairman without their having been moved or seconded. Motions regarding the choice of a presiding chairman, the precedence of certain business, adjournments, and the like must be seconded, but need not be in writing.
Withdrawing motions.	17. A councillor who has made a motion may withdraw the same by leave of the Council.
Rules of debate.	18. Every councillor, while speaking, shall address the chair, and shall stand while so doing. The speaker may refer to notes, but will not be allowed to read a written or printed speech.
Two members rising to speak.	19. The councillor who first rises has the right to be heard. If two or more councillors rise to speak at the same time, the chairman shall call on the person entitled in his opinion to pre-audience.
Members to speak once only on motion, except in explanation, &c	20. In discussing any motion, no councillor shall be at liberty to speak more than once, except in explanation, or when any matter is under discussion in committee; but a reply shall be allowed to a councillor who has made a substantive motion, not being an amendment. Immediately after such reply the motion shall be put.
No imputations of improper motives.	21. All imputations of improper motives shall be considered as being highly disorderly, and such conduct shall be minuted in the minute book if it shall appear to a majority of the council to be necessary.
Adjournment of discussion.	22. An adjournment of a discussion of any question may be moved by a councillor at any time, and, if seconded, shall be forthwith put to the vote.
Motions and amendments in writing.	23. Every motion and amendment shall be reduced to writing and handed to the secretary by the councillor proposing the same.
No amendment on amendment.	24. No amendment shall be proposed upon an amendment under discussion; but so soon as the amendment shall have become a substantive motion, a subsequent amendment may be moved, and, if seconded, discussed.

Members bound to vote.

25. On any question being put every councillor present shall be bound to give his vote, beginning with the junior councillor present, the secretary minuting each vote, after which the chairman shall declare the number of votes for and against the motion.

Member in minority may record dissent.

26. It shall be competent for any councillor who is in the minority to record the reasons of his dissent from the opinion of the majority, and such written dissent shall be sent to the secretary within one week, and shall be filed by the secretary.

Quorum of committees.

27. In every special or sub-committee the quorum thereof shall be three, unless specially fixed.

Meetings of committees.

28. Upon the appointment of a special or sub-committee they shall (provided the chairman of the council be not a member, or in case of his absence) proceed to elect their own chairman. The chairman of the committee shall fix an early day for their first meeting. Every subsequent meeting shall be by adjournment from the next previous meeting; or if there be no such adjournment, then by appointment to be made by the chairman of the committee.

Proceedings of committee.

29. When a special or sub-committee shall have agreed to a report, the same shall be brought up by the chairman of the committee or some other member thereto appointed, and be read by the secretary, or otherwise dealt with as may then be directed. By leave of the council a special or sub-committee may from time to time report their opinions or observations, or the minutes of evidence only, or the proceedings.

Division in committees.

30. In the event of any division taking place in a special or sub-committee, it shall be entered in the minutes, together with the motion or resolution proposed, the name of the proposer, and the respective votes of the members present, and such minutes shall be submitted to the council with the report of such committee.

Power of committees respecting witnesses.

31. The standing committee and all special and sub-committees shall have like powers with the council to summon witnesses, as provided in by-law 9 of this chapter, and every witness summoned shall be bound to obey such summons.

Complaint book.

32. The secretary shall keep and submit to the council at every meeting a book, to be called the Complaint Book, in which shall be entered by the parties themselves or by their authorized agents any complaint made, and shall provide that the book shall be accessible to the public at the municipal office between the hours of 11 A.M. and 4 P.M. on every week day, excepting Saturdays and holidays, and excepting also on such days as the council may sit. Every inhabitant of the municipality may have access to the book on furnishing the secretary with his correct name and address.

CHAPTER III.

Accounts and Taxes.

Form of accounts.

1. The accounts of the municipality shall be kept on the system of double entry. There shall be a cash book, a ledger, a journal, and cheque and receipt books, for payments and receipts respectively.

Bank pass-book to be laid on table.

2. The bank pass-book, written up to the close of the preceding month, shall be laid on the table at every general meeting of the council.

Returns under section 138.

3. The return to be furnished by the owners or occupiers of houses, buildings, or lands under section 138 of "The Municipal Councils' Ordinance, 1887," shall be in the form B in the appendix hereto, which form shall be supplied by the council, and shall be filled up and returned by the person to whom it is addressed.

Returns under section 146.

4. The schedule required to be filled up under section 146 of the said Ordinance shall be in the form C in the appendix hereto.

Special notice required from persons acquiring further vehicles and animals.

5. If any person, after having filled up and returned the schedule referred to in the preceding by-law, shall acquire, keep, or use any carriage, cart, rickshaw, hackery, horse, pony, mule, bullock, or ass not mentioned in such schedule, he shall be bound, within one month of acquiring any such vehicle or animal, to send written notice thereof to the secretary containing true and correct information in respect of every such vehicle or animal so acquired, kept, or used.

Returns by notaries.

6. The secretary shall from time to time, whenever directed by the chairman, cause a copy of the form D in the appendix hereto to be served on every notary within the municipality, in order to ascertain whether any, and, if any, how many clerks have been articulated under him during the current year, or any previous year subsequent to the establishment of the council, the date of the articles, and the period of their services. Every notary shall within fifteen days from the service of such form fill up the same correctly with the information thereby required and return it to the secretary.

Carts and hackeries to bear metal plates.

7. Every cart and hackery kept or used within the municipality shall, besides any other plates that may be required by law, after July 1 in every year, have a metal plate, which shall be furnished by the council, affixed on such cart or hackery. Such plate shall bear the design of the letter K, with figures representing the year and a number corresponding with the number assigned to such cart or hackery in the register kept in the municipal office; and shall in the case of carts licensed to ply for hire be taken as proof of payment of the tax due on the bullocks employed in drawing such cart, under section 128 of Ordinance No. 7 of 1887. Before issuing the plate last-mentioned the chairman may require the year and the registered number of the cart or hackery to be painted in a conspicuous part thereof.

Vehicles without plates may be seized.

8. No person shall keep, use, or drive any cart or hackery within the municipality without the plate required by the preceding clause affixed to it; and every cart or hackery kept, used, or driven without such plate affixed to it shall be liable to be detained by any municipal inspector or police officer until such plate shall be, after payment of any tax due, obtained and affixed to such cart or hackery.

CHAPTER IV.

Construction of Drains, Buildings, &c.

Householders to build proper approaches over road drains.

1. The owner or occupier of any house or premises adjoining any street by the side of which a drain shall have been made or excavated, shall, subject to such conditions as the chairman shall impose, provide the necessary means of access to such house or premises from such street by constructing over such drain a bridge, platform, or arch which shall in no case cover less than four feet, or without the sanction of the council more than six feet of the length of such drain, and which shall be so constructed as not to impede the flow of water in such drain, and the drain under such bridge, platform, or arch shall be paved with bricks or stones, and such owner or occupier shall maintain such bridge, platform, or arch and the drain thereunder in good order to the satisfaction of the council; and it shall be lawful for the council, if it shall come to its knowledge that any parties have access to any house or premises so situated without such bridge, platform, or arch as aforesaid, or by some bridge, platform, or arch not constructed as aforesaid, to give notice to the owner or occupier thereof forthwith to construct or alter the same, and have the drain in the manner aforesaid, or in the event of his failing to maintain in good order such bridge, platform, or arch, or the drain thereunder, to give notice to the said owner or occupier to put the same in good order; and if he shall fail to fulfil the requirements of any notice so given within fourteen days from the service of the said notice, the chairman may cause the work to be done, and the costs thereof shall be paid by such owner or occupier.

Chairman may require yard or alley to be drained.

2. It shall be lawful for the chairman, should he deem it necessary, to require, by notice in writing, the owner of any yard or ground adjoining a dwelling-house, or the owner of any alley, to have such yard, ground, or alley paved in such manner as the chairman shall direct, and to lay sufficient drains or pipes to the nearest municipal sewer or drain for the purpose of draining such yard, ground, or alley. Such drains or pipes shall be of such materials, of such size, of such level, and with such fall, and shall be carried to such point of junction with the said municipal sewer or drain as the chairman shall appoint, provided that the council shall supply to such owner on application, at cost price, the materials necessary for the drains or pipes which he is required to lay. If such owner shall fail to comply with the requirements of such notice within the time appointed, the chairman and any officers or workmen authorized by him may enter upon the premises and cause the required work to be done, and the costs thereof shall be paid by the owner.

And private sewers to be ventilated.

3. It shall be lawful for the chairman to require, by notice in writing, the owner of any private sewer or house drain, whether under his house or without the house, to fix such pipes as the chairman may consider necessary for the proper ventilation of such private sewer or drain. Such ventilation pipes shall be of such size and materials and shall be carried up to such height as the chairman shall direct. If such owner shall fail to comply with the requirements of such notice within the time appointed, the chairman and any officers and workmen authorized by him may enter upon the premises and cause the required work to be done; and the costs thereof shall be paid by such owner. The amount of the costs payable under this or any of the preceding by-laws of this chapter shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if the same were costs directed to be paid by the said Ordinance.

Construction of a drain through land intervening between land to be drained and public drain or sewer.

4. When it shall be found necessary under section 195 of Ordinance No. 7 of 1887 to construct or lay a covered drain or pipe communicating with some sewer or drain, and it is requisite for the construction or laying of such drain or pipe to carry the same through any land or lands intervening between the house or building required to be drained and a public drain or sewer, it shall be lawful for the chairman, or for an officer of the municipality acting under his written authority in that behalf, to enter into or upon such intervening land or lands, and to carry on and complete the construction or laying of such drain or pipe after giving two days' notice to the owner or occupiers of such intervening land or lands of the chairman's intention to do so.

Owners of new buildings, &c., to give notice to chairman of completion thereof.

5. The owner of any new building sanctioned by the chairman, or any person or persons who may obtain permission from the chairman to build any drain, privy, or cesspool, or any person or persons who may be required by the chairman, by virtue of powers conferred on him by law, to build, alter, or repair any drain, privy, or cesspool, shall give notice in writing of the completion of the work to the chairman within fourteen days after completion thereof.

CHAPTER V.

Execution of Works.

Persons authorized by chairman empowered to enter upon lands for repair, &c., of roads within the municipality.

1. It shall be lawful for any person or persons thereunto authorized in writing by the chairman at all reasonable times, with all necessary and proper servants, labourers, workmen, carriages, and animals, and other means, to enter upon any land adjacent or near to any existing or intended street within the limits of the municipality, and there severally to do and perform all acts, matters, and things necessary for the purposes of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any such street, 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 "The Municipal Councils' Ordinance, 1887."

And to take materials.

2. It shall be lawful for any such person or persons authorized as aforesaid with 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 material 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 street, or of building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or repairing any lines, or any buildings whatsoever, required on or near any such thoroughfare for the use of any officer of the council employed on any work connected with such street, or any workmen, carriages, persons, or things employed in his service, in and from any land adjacent or near to any such street, and to carry away the same through the ground 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 enclosed 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 person or persons authorized as aforesaid may take any of such materials where they can be conveniently procured; provided also that reasonable compensation for all materials so taken, and for the damages done by the getting and carrying away the same, shall be made to the owner thereof; and provided further that such person or persons shall rail or fence off any quarries or pits from which any such materials shall be taken, so that the same shall not be dangerous to any person or animal.

And to throw rubbish on adjacent lands.

3. In the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended street, or building, excavating, repairing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, it shall and may be lawful for the person or persons authorized as aforesaid to throw upon any lands adjacent or near thereto such earth, rubbish, or materials as it shall or may be necessary to remove from the place of any such work; provided that such earth, rubbish, and materials shall be removed within a reasonable time.

And make temporary roads

4. It shall be lawful for any person or persons authorized as aforesaid to make a road through the grounds adjacent or near to any existing or intended street during the execution of any work thereupon or in any way connected therewith; provided that such road shall not run over any ground whereon any building stands, or over an enclosed garden or yard.

- And cut trees. 5. It shall be lawful for the person or persons authorized as aforesaid to cut and remove and place upon any ground adjacent or near thereto all trees, bushes, or shrubs, and all leaves or branches or roots of trees that grow in or overhang any street within the limits of the municipality, or cause any obstruction therein, and for that purpose to enter upon any lands or premises with such persons, animals, and instruments as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots.
- And put up fences. 6. It shall be lawful for any person or persons authorized as aforesaid to put up or make fences, hedges, ditches, drains, or banks by the side of any street whenever it shall appear to him or them necessary, and the owners or occupiers of lands adjoining such fences, hedges, ditches, drains, or banks shall and are hereby required to keep the same in good substantial repair and order.
- And to make and keep open ditches, &c., and to lay trunks, &c. 7. The superintendent of works and every person authorized in writing by the chairman shall have power to make, scour, cleanse, and keep open all ditches, gutters, and drains or water-courses, and also to make and lay such trunks, tunnels, plats, or bridges as he shall deem necessary for the protection, preservation, improvement, repair, or construction of any street or road in and through any lands or grounds adjoining or lying near to such street or road or intended street or road.
- And to lay stones, &c., on roads. 8. The superintendent of works and every person authorized as aforesaid 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 street or road, and to allow the same to remain there during the time such street or 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 street or road; but he shall take due and reasonable precaution for preventing danger or injury to persons passing along the road.
- Compensation for damages. 9. Every person who shall sustain any loss or damage by reason of the exercise of any of the powers and authorities conferred by the by-laws in this chapter upon the superintendent of works or other persons authorized by the chairman, shall be entitled to receive compensation for the same; provided such person shall make application in that behalf to the chairman at any time before the expiration of three months after the act, matter, or thing, in respect of which such damage is claimed, shall be alleged to have been done; and if he shall fail to make such application within the aforesaid period, his claim to compensation for the alleged injury shall be disallowed, and he shall be barred from recovering the same; and the amount of compensation, if the same cannot be agreed to, may be decided by arbitration, the chairman naming one arbitrator and the person claiming compensation another. If the two arbitrators cannot agree, they shall appoint an umpire, and the award of the arbitrators or umpire, to be given in terms of the reference to be agreed to by the parties, shall be final.

CHAPTER VI.

Markets

- Public markets. 1. The market established at Bogambra is hereby declared a "public market." The by-laws in this chapter, so far as they relate to public markets, shall apply to the said public market and to any other place hereafter declared to be a public market by the chairman with the concurrence of the standing committee.
- Hours of business. Every public market shall be opened for use daily at 5.30 A.M. and closed at 9.30 o'clock P.M. each day.
- Lease of stall rents. 2. It shall be lawful for the council to demise or let to farm for any term all or any of the rents, tolls, and fees from time to time payable in any public market under section 227 of "The Municipal Councils' Ordinance, 1887."
- Disputes as regards rents how determined. 3. If any dispute arise concerning any such rents, tolls, or fees, it shall be competent for the standing committee to determine the same and make such order thereon as to them may seem proper.
- List of rents. 4. The council, or their lessee, shall from time to time cause to be put up conspicuously on every public market a list of the several rents, tolls, and fees from time to time payable in such market.
- Sale of meat, &c., in places other than a public market forbidden. 5. No person shall sell, or expose or hawk about for sale, any beef, mutton, or other meat or fish, in any place or street within the municipality (except at a public market provided by the council) without a special license from the council, or contrary to the tenour of such license.

- Inspector may seize meat, &c., improperly exposed for sale. 6. It shall be lawful for any municipal inspector or police officer to seize any such beef, mutton, or other meat, or fish, exposed or hawked about for sale contrary to the provisions of the preceding by-law, and to remove the same to the municipal office to be disposed of as may be ordered by the chairman or the magistrate.
- Fee for special license. 7. It shall be lawful for the council to levy a fee not exceeding fifty cents a month for every special license mentioned in by-law 5 of this chapter.
- Meat and fish to be sold in stalls respectively set apart for that purpose. 8. No person shall keep or sell in a public market any article or thing other than meat in any stall set apart for the sale of meat, or any article or thing other than fish in any stall set apart for the sale of fish.
- Public market not to be occupied without license. 9. No person shall hold, use, or occupy a stall in any public market without a license (which license shall be in the form E in appendix hereto annexed, and shall be signed by the secretary), nor shall he contravene any of the conditions of the license.
- Spaces for sale of vegetables, fruits, &c. 10. Spaces six feet by four feet in extent, or of other dimensions containing not less than twenty-four square feet, properly marked and numbered, shall be set apart in every public market for the sale of vegetables, fruits, and other articles, by persons paying such daily fee as the council may from time to time determine. No person shall occupy any such space without having obtained a ticket. A ticket signed by the market-keeper employed by the council shall be issued to each person who pays such fee.
- No person to enclose space. 11. No person shall enclose any such space or any part thereof, or erect any screen or fixture thereon, or have any box or erection thereon exceeding one foot in height. No person shall leave any article on any such space after the hour fixed for the closing of the market.
- License not transferable. 12. No person shall transfer a license or ticket issued to him for any stall or space in a public market to any other person, or shall sub-let any such stall or space or any part thereof, and no person shall use, or hold, or occupy any stall or space or any part thereof under any alleged transfer without the permission of the council.
- No other than licensee to sell. 13. No person other than the person holding a license or ticket shall use or occupy any stall or space or any part of any stall or space in a public market, or sell goods therein, unless such person shall be named in the license or ticket as a person authorized to sell on behalf of the licensee or ticket-holder.
- Only license and ticket-holders and registered agents permitted to sell goods in stalls. 14. No person holding a license or ticket for any stall or space in the public market shall under any pretence whatsoever suffer or permit any other person (excepting a person authorized as provided for in the preceding by-law) to use or occupy such stall or space or any part thereof, or to sell or expose for sale any goods, articles, or things of any description whatsoever without the authority of the council.
- Licenses and tickets to be returned. 15. All licenses and tickets issued under by-laws 9 and 10 of this chapter shall be returned to the market-keeper by the person holding such license or ticket on his quitting the stall or space.
- Occupation of ground beyond limits prohibited. 16. No person holding a license or ticket for any stall or space in a public market shall use or occupy or permit or allow any person acting on his behalf to use or occupy, and no servant of a person holding such license or ticket shall use or occupy, any ground beyond the limits of the stall or space rented by him.
- Receptacles. 17. Every person holding a license for a stall in a public market shall keep on or near such stall a receptacle to be approved by the chairman, in which such person shall deposit all rubbish and refuse matter.
- Throwing rubbish. 18. No person shall throw any rubbish, refuse, bones, skins of animals, or such like in or upon any public market or its premises, except into a receptacle provided for such purpose.
- Stall to be swept daily. 19. Every person holding a license for a stall in a public market shall sweep his stall daily and keep the same clean, and also any unoccupied space opposite his stall.
- No meat not slaughtered at municipal slaughter-house to be brought into market. 20. Except as hereinafter provided, no carcase of any animal (or any portion thereof) not slaughtered at a municipal slaughter-house shall be brought into a public or private market or to any place specially licensed as provided in by-law 5 of this chapter, or sold or exposed for sale in any public or private market or in such specially licensed place. The provisions of this by-law shall not apply to frozen meat, game, or fish imported into the Island.
- Butcher not to rub oil, &c., on meat. 21. It shall not be lawful for any licensed butcher or for his agent or servant, or for any person, on any pretence whatsoever, to rub on and over, or to apply cocoanut or other oil or substance to any meat or any part of the carcase of any animal exposed for sale within the municipality.

- Stalls to be kept open to public. 22. If any person having a license to hold or occupy a stall in any public market, or holding a special license under by-law 5 of this chapter, shall wilfully neglect or refuse to serve the public during two consecutive days, it shall be lawful for the council to suspend or revoke any such license, and to refuse thereafter to grant a license to any such person.
- Persons convicted of theft cannot be employed. 23. No person convicted of theft or other similar offence shall occupy a stall or space or be employed at any public market by any person holding a license or ticket for any stall or space in a public market.
- Seizure of stray dogs in the market. 24. Any dog found straying in a public market unaccompanied by its owner may be seized by any person authorized by the chairman to seize dogs straying therein. Such dog may be released on payment, by any person claiming it, of any tax due in respect of such dog, and of a further sum of fifty cents, or if the dog shall have been seized during the night of a further sum of one rupee, in addition to the tax. If the dog be unclaimed, it shall be sent to the municipal pound to be disposed of in the manner provided under Ordinance No. 7 of 1893.
- Seizure of poultry. 25. All poultry and animals other than dogs found straying in a public market or the market premises shall be seized by any person authorized by the chairman to seize the same, and shall, if claimed within six hours from the time of seizure, be delivered over to the owner thereof upon payment of twenty-five cents each. If the same be not claimed within such time, they shall be detained in the municipal pound, and if not claimed within twelve hours of the seizure, shall be sold, and out of the proceeds the council shall be entitled to make a charge of one rupee, and the surplus, if any, shall be paid to the owner.
- Certain acts forbidden. 26. It shall not be lawful for any person to do any of the following acts :
- Causing vexatious annoyances or delay. (a) Being a person holding a license or ticket for a stall or space in a public market, or being a servant or agent of any such person, to subject any person resorting to such market to unnecessary and vexatious annoyance or delay.
- Cooking in public market. (b) To carry on any cooking in a public market.
- Recovering or demanding fee in excess of that authorized. (c) Being a market-keeper or lessee of a public market or any person employed under him, to demand or receive a greater rent, toll, or fee than that authorized to be received, or to give any unnecessary or vexatious annoyance to any person under pretence of performing any duty or exercising any authority imposed or conferred upon him.
- Fishing in tank. (d) To fish in the tank at the public market at Bogambra, or to throw into it any dirt, rubbish, or other substance.
- Behaving in disorderly manner. (e) To behave in a disorderly manner, or commit any nuisance in any public market, or the premises appertaining thereto.
- Vagrants. (f) To remain in a public market, or to loiter about such market after the place is closed for business at 9.30 P.M., without being able to give a satisfactory account of himself.
- Damage to market and pollution of water. (g) To damage, or in anywise deface, any portion of the buildings, stalls, lamps, or any property of the council in or about a public market, or defile or pollute in any way the water provided for use in such public market.
- No person suffering from infectious diseases to occupy market, stall, or space. (h) Being a person affected with any loathsome or contagious or infectious disease, to occupy any stall, seat, or space in any public or private market, or expose or carry about for sale in such market or in any street within the municipality any article whatsoever. And no person shall employ in any capacity in any public or private market any person affected with any such disease.
- Coolies working for hire to be licensed. 27. With the exception specified below, no person shall work for hire as a market cooly within the limits of a public market who is not duly licensed for this purpose by the chairman or by such officer as he may authorize to grant licenses to market coolies.
- Register to be kept. 28. A register of licensed coolies shall be kept in the office of the market-keeper, which shall be open to inspection of the standing committee during office hours on all days, except on Sundays and public holidays.
- Licensed cooly to wear badge. 29. Every licensed cooly shall wear a badge and such distinctive dress as shall enable every person frequenting the market to know that he is licensed, and shall wear on his arm, or in some conspicuous place, a number corresponding with the number in the register of licensed coolies.
- No other person to wear badge. 30. No other person than the licensed cooly shall wear the badge, distinctive dress, or number indicated in the preceding by-law.
- Charge for badge and dress. 31. Licensed coolies shall be charged such sum for the badge and other distinctive dress referred to above, as the standing committee shall from time to time prescribe.

License may be recalled.

32. The license issued to any cooly may be recalled and cancelled by the chairman if he sees proper. These rules shall not apply to prevent servants employed by persons frequenting the market to carry purchases made by them.

CHAPTER VII.

Slaughter Houses.

Cattle, &c., intended for human food to be exposed to public view.

1. Except as hereafter provided by by-laws 9, 10, 11, and 19 of this chapter, all animals intended for human food within the municipality shall be brought between the hours of 7 and 9 A.M. to a shed provided for the purpose, and shall be there exposed to public view for a period of not less than twenty-four hours immediately preceding the time of slaughter.

Inspector to reject animals unfit.

2. The municipal inspector on duty (or any other person authorized by the chairman) shall inspect the animals so brought, and shall reject all cows in calf and ewes and she-goats in kid, as well as any other animal that may appear to him, for any reason, to be unfit to be slaughtered for human food. Any animal so rejected shall be forthwith removed by the owner.

And to issue permit for slaughter of approved animals.

3. All animals which have been approved by such municipal inspector or other authorized person as fit to be slaughtered for human food shall be secured in the shed above-mentioned until the expiration of the period of twenty-four hours mentioned in by-law 1 of this chapter, when such municipal inspector or other authorized person shall issue a permit (in the form F in the appendix hereto) for the slaughter of such approved animals, upon payment of the fees payable under these by-laws. Such animals shall be slaughtered at one of the municipal slaughter-houses at such hours as the chairman shall from time to time appoint.

Permit valid for two days.

4. Such permit for slaughter shall only be valid for two days after the date of issue.

Sale of animals not removed, &c.

5. In default of removing within a reasonable time any animal which has been rejected under by-law 2 of this chapter, or for the slaughter of which a permit has been issued, but which has not been slaughtered, or in respect of which any fee due under these by-laws has not been paid, the chairman may, after two days' notice by beat of tom-tom, sell such animal by public auction, and out of the proceeds retain the amount of the fees due and the reasonable expenses attending the sale, and shall pay over the surplus, on application, to the owner of the animal.

Persons found within slaughter-house with animals without a permit guilty of offence.

6. No person shall remove to the slaughter-house or premises, or possess within such slaughter-house or premises, any animal for which he has not obtained a permit as required by by-law 3 of this chapter. Every such animal may be detained by any municipal inspector, and if it be diseased it shall be destroyed.

Animal found to be diseased not to be slaughtered.

7. It shall be lawful for the municipal inspector on duty (or other person authorized by the chairman) to refuse permission to slaughter for human food any animal notwithstanding it has been approved as aforesaid, if it should before slaughter be found diseased or otherwise unfit to be slaughtered for human food.

Disposal of diseased meat.

8. If on any animal which has been approved as aforesaid being slaughtered, the carcase shall appear diseased or otherwise unfit for human food, the said municipal inspector or other person authorized by the chairman shall cause the said meat to be then and there destroyed or so disposed of as to prevent its being exposed for sale or used for human food. Should it be denied that the meat is unfit for human food, the said municipal inspector or other authorized person shall forthwith call upon the health officer or one of the councillors to proceed with him to the slaughter-house and there inspect the said meat; and should it be decided by the said health officer or councillor, whose decision in the matter shall be final, that the meat is unfit for human food, it shall be lawful for such municipal inspector or other authorized person thereafter to destroy or dispose of the same as hereinbefore provided in this by-law.

Meat of animal slaughtered beyond municipal limits not to be brought in without license.

9. No meat of any cattle, sheep, or goat not slaughtered at a municipal slaughter-house shall be brought into the municipality without a special license from the chairman. Provided that this by-law shall not apply to imported frozen meat.

Nor to be sold within municipal limits until after inspection.

10. It shall not be lawful for any person to sell or expose for sale within the municipality any meat brought in upon such special license, unless the same shall have been previously inspected and passed at the municipal slaughter-house as fit for human food by the officer appointed thereto by the chairman, and for every such inspection the council shall be entitled to charge and recover a fee of not more than four cents for every pound of meat so inspected; and upon payment of such fee a certificate shall be issued by such officer stating that the meat has been inspected, and permitting the sale thereof.

- For removal of meat from slaughter-house a pass necessary.
11. No person shall remove any meat of any animal slaughtered at a municipal slaughter-house or inspected as in the preceding by-law provided, without a pass in the form G in the appendix hereto, certifying to such slaughter or inspection signed by the slaughter-house keeper or other officer appointed to issue such passes, and it shall be the duty of the slaughter-house keeper or other duly appointed officer to issue such passes to any licensed butcher.
- Meat to be conveyed in covered carts.
12. No person shall remove, or permit or cause to be removed, any meat of any animal in any quantity exceeding twenty pounds in weight from a municipal slaughter-house or any other place of slaughter to the market or other place within the municipality, unless the same shall be conveyed in a cart, with suitable roof or covering and screened in at each end, or in some other covered vehicle, so as to protect the said meat effectually from sun, dust, and rain, and screen it from public view. And no person shall expose or cause to be exposed to public view any raw skin or skins or raw hide or hides during carriage from place to place.
- Carts to be washed and cleaned daily.
13. Every such cart used for conveying meat, skins, or hides shall be thoroughly washed and cleansed, and shall be produced to the slaughter-house keeper or a municipal inspector for his inspection daily.
- Inspector to keep register of cattle.
14. The municipal inspector on duty or other person authorized as aforesaid shall keep a register of all cattle inspected by him, giving a description of the cattle and their brandmarks, and the other particulars set forth in the form H in the appendix. Such register shall be accessible to the public at the municipal office between the hours of 1 P.M. and 4 P.M. daily, except on Sundays and public holidays.
- Owner shall produce proofs of ownership.
15. Such municipal inspector or other authorized person shall require the owner of each head of cattle brought for inspection to produce a certificate of ownership, signed by the person or persons from whom the same was received or purchased, containing the description of such cattle and the name and abode of such person or persons, and attested by two witnesses, one of whom shall be the police vidané, constable, or other headman of the district or division from which the animal was removed; and such certificates or vouchers shall be forwarded to the municipal office daily with the register prescribed by the preceding by-law.
- Persons claiming animal.
16. Should any person claim any animal while exposed as aforesaid, or while in a municipal slaughter-house previous to slaughter, the said municipal inspector or other authorized person is hereby required to cause the slaughtering of the said animal to be stayed, and to call upon the claimant to furnish him in writing within twenty-four hours with the particulars of his claim, together with the address of the claimant, and with such other information as to the said inspector or other authorized person shall seem necessary.
- Animal claimed to be taken before magistrate. In default of claimant substantiating his claim animal to be slaughtered.
17. The said municipal inspector or other authorized person shall, as soon as such particulars have been furnished, cause the said animal to be produced before the magistrate, who shall thereupon summarily investigate and adjudicate upon the claim. Should, however, the claimant fail to furnish the particulars of his claim as before required, it shall be lawful for the said municipal inspector or other authorized person at the expiration of the twenty-four hours to permit the animal to be slaughtered.
- Notice to be given to council when butchers intend leaving the municipality.
18. Every licensed butcher and every person holding a license for a stall in a public market, who intends leaving the municipality, shall give at least two days' previous notice in writing to the council of his intention, and he shall state in such notice the name in full of his agent or attorney who will carry on his trade as such butcher or his other business during his absence, and the name of every such agent or attorney shall be duly registered by himself or his agent in the register which shall be kept in the municipal office for that purpose, and such registration shall be entered within seven days of the licensed butcher leaving the district of Kandy. Every such agent or attorney shall be liable and amenable to all rules, regulations, and laws to which any licensed butcher or stall-renter is or shall be liable. Should any licensed butcher or person holding a license for a stall in a public market fail to give the notice above required, the chairman may revoke the license issued to such butcher or person licensed to occupy a stall in a public market.
- Butcher failing to give notice.
19. The following fees shall be paid :
- | | Cents. |
|--|--------|
| For a permit to slaughter each buffalo or ox | 50 |
| For a permit to slaughter each sheep or goat | 12½ |
| For a permit to slaughter each pig | 25 |
| For housing and feeding each head of cattle—for every twenty-four hours or any part of twenty-four hours | 25 |
| For housing and feeding each sheep or goat—for every twenty-four hours or any part of twenty-four hours | 12½ |
| For housing and feeding each pig—for every twenty-four hours or any part of twenty-four hours... | 12½ |
- Fees to be charged.

It shall be lawful for the council to alter the above fees from time to time, and such altered fees shall, after publication in the *Government Gazette*, become payable instead of the above.

Fee for special license.

20. It shall not be lawful for any person who is not a licensed butcher to slaughter any animal or any pig without a special license from the chairman, or contrary to the tenor of such license. A fee, to be determined from time to time by the council, shall be levied for every such license in addition to the stamp duty.

CHAPTER VIII.

Encroachments and Obstructions.

Council may in certain cases demand production of title deeds.

1. Whenever it shall appear to the council that any building, enclosure, or obstruction has been raised or made in any street, or on any waste or other ground within the limits of the municipality vested in the council, or that the line of any street has been altered without proper authority, it shall be lawful for the chairman to demand in writing of the person claiming to be the owner of the land or premises on which such building, enclosure, or obstruction shall have been raised or made, or through or over which such alteration of the line of a street has been made, the production of every deed, document, and instrument upon which such person finds such claim, and of the plan, if any, of such premises. If the occupier of such land or premises be not himself the owner, he shall be bound to give full information respecting the name and residence of such owner upon being requested so to do by the chairman, and such alleged owner shall be bound to produce, within ten days after being requested so to do, every deed, document, and instrument upon which he finds his claim to the said land or premises, with the plan, if any, of such land or premises, and which shall be in his possession, or if any such deed, document, or instrument, or plan shall not be in his possession, shall inform the chairman upon application in whose possession they are, and every person having in his possession any such deed, document, instrument, or plan shall be bound to produce the same within ten days after having been requested so to do in writing by the chairman.

Demand of production of deed to include power of examination.

2. The deeds, documents, instruments, and plan in the preceding clause mentioned shall be produced on the premises to which the same may relate, or at such other place as the chairman may require, and the power of demanding the production thereof in the preceding clause given shall be deemed and taken to include the power to make such examination of such deeds, documents, instruments, and plans as shall be necessary, and to take copies; and every person concerned shall permit such examination of every such deed, document, instrument, or plan, and the taking of copies thereof by the chairman.

Chairman may authorize survey.

3. It shall be lawful for the chairman or any person authorized by him in writing, after reasonable notice to the occupier, to enter upon any land or premises upon which any such building, enclosure, encroachment, or alteration of the line of a street as is mentioned in by-law 1 of this chapter shall have been raised or made as aforesaid, and upon any other premises whatsoever which it may be necessary for him to inspect or survey, and to make such inspection and survey of all such premises as may be necessary to enable the chairman to ascertain whether such building, enclosure, or obstruction is an encroachment upon any street or upon any land vested in the council, or whether the line of the street has been actually altered.

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

4. Should it appear to the council after such survey that the building, enclosure, or obstruction aforesaid is an encroachment upon the street, or that the line of the street has been altered without proper authority, the chairman shall give notice in writing to the occupier of the land or premises upon which such building, obstruction, encroachment, or alteration of the line of the street shall have been raised or made, that a survey of the premises has been made by the authority of the chairman and is open to the inspection of such occupier at a place to be therein mentioned, and that unless within one month from the service of such notice he or the person under whom he holds shall take legal proceedings for establishing his title to such land or premises, and for preventing the removal of any such building, obstruction, or encroachment, or the restoration of the former line of the street unlawfully altered, the said council will proceed with the removal or restoration thereof. If no legal proceedings are taken within the time specified, or being taken are not duly prosecuted, the council shall cause any such building, obstruction, or encroachment to be forthwith removed, or such altered street to be restored to its former line. And it shall be lawful for the council, or any person thereto authorized in writing by the council, to enter into any house, garden, enclosure, or other premises, and to cause to enter therein such

persons with such instruments and things as may be necessary to effect such removal or restoration. And the expenses thereby incurred shall be paid by the person who claimed to be the owner of the land or premises on which the building, obstruction, encroachment, or alteration of the line of street was raised or made, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if they were expenses directed to be paid by the said Ordinance. When legal proceedings are taken as aforesaid, it shall be incumbent on the claimant to prove his title to the land or premises on which the said building, obstruction, encroachment, or alteration of line of street was raised or made.

CHAPTER IX.

Tax on Dogs.

Amount of tax

1. A tax, the amount of which shall be fixed from time to time by resolution of the council, provided that it shall not exceed one rupee and fifty cents per annum, shall be chargeable and recovered on every dog kept by any person within the municipality, irrespective of the age of such animal. The occupier of any house or premises which is the ordinary place of resort of any dog shall be deemed and held to keep such dog.

Dog tax payable on or before such date as the chairman shall direct.

2. The said tax shall be payable on or before such date in each year as the chairman shall direct, and if the amount of such tax be not paid into the municipal office within the time appointed, the chairman shall issue a warrant to some collector or other officer of the municipality directing him to levy the same and the costs of recovery, by seizure and sale of any property of the persons who have made default in the payment thereof, such sale being conducted, and the proceeds thereof disposed of, in all respects in accordance with the provisions of the Ordinance No. 7 of 1887.

Persons acquiring dogs to give notice.

3. Every person who shall acquire, keep, or become possessed of a dog shall give notice thereof and furnish a description of the animal to the council within one month of his acquiring or becoming possessed of such dog, and the secretary shall register the same in a book to be kept for that purpose.

Occupiers of houses to furnish returns when necessary.

4. It shall be lawful for the council from time to time to require every occupier of a house to fill up a schedule in the form I in the appendix hereto, showing the number and description of dogs kept in such house or premises attached thereto and to whom they respectively belong, and every such occupier shall be bound to accept, duly fill in with correct information, and return, such schedule within one week from receipt thereof.

CHAPTER X.

Seizure of Unwholesome Meat, &c.

Proceeding upon the seizure of meat, &c., unfit for food.

It shall be lawful for a municipal inspector, upon the seizure by him as unwholesome or unfit for human food of any meat, poultry, fish, game, flesh, vegetable, fruit, or other article of food introduced into or exposed for sale within the municipality, to convey the same to the health officer, or, in his absence, or if there be no such officer, to the magistrate; and if it appear to such health officer or magistrate that such meat, poultry, fish, vegetable, fruit, or other provisions are unfit for human food, he shall order the same to be destroyed, or to be so disposed of as to prevent it being exposed for sale or used for such food.

CHAPTER XI.

Dangerous or Offensive Trades.

License required for manure depôt.

1. No person shall keep or deposit, or cause to be kept or deposited, for sale or storage any guano, bone dust, or any manure or substance whatsoever from which noxious or offensive smells arise, in any place or depôt within the limits of the municipality, unless such place or depôt be licensed therefor by the chairman, which license shall be in the form J in the appendix hereto, and shall be in force from the date of issue until the thirty-first day of December then next ensuing.

Fee for registration of kilns, &c.

2. It shall be lawful for the chairman to demand and recover a fee of five rupees for every license granted by him under section 259 of Ordinance No. 7 of 1887 for every lime or brick kiln, tannery, or pottery within the municipality; and also to demand and recover a further fee of one rupee for the registration of every such license

- granted in respect of lime and brick kilns, tanneries, and potteries ; and to demand and recover a fee of two rupees and fifty cents for each license granted for any of the other purposes specified in the said section.
- Business under section 259 liable to inspection. 3. The management and conduct of any business or businesses carried on in any place whatsoever within the municipality, for any of the purposes enumerated in section 259 of the Ordinance No. 7 of 1887, shall be always open and subject to examination and inspection by the chairman and all persons acting under his authority.
- Holder of license to submit to conditions, &c. 4. Every holder of a license issued under the said section shall submit, at all times during the continuance of the license, to all such conditions or directions as may from time to time be given by the chairman with regard to the mode of making, carrying, storing, or keeping any dangerous or offensive substances, or with regard to the circumstances under which the same may be manufactured, carried, stored, or kept, or with regard to the nature of the goods (if any) which may be permitted or (as the case may be) prohibited to be carried or stored therewith, or with regard to the examining, testing, or proving from time to time the nature or strength of the said dangerous substances and things, or any of them.
- Conservance of cattle stall, &c. 5. The owner or tenant of every stable, cattle stall, cattle halting place, or gála shall have the same covered with a tiled roof and paved with brick, stone, concrete, cement, or asphalt, and provided with suitable paved or cemented drains for conveying the urine and washings into a covered receptacle constructed in such manner as the chairman shall direct, the contents of which shall be daily removed at the expense of such owner or tenant and disposed of so that no nuisance is caused thereby. Every such stable, cattle stall, halting-place, or gála shall be daily washed, and always kept clean, and whitewashed at least once in three months. All dung and dry refuse shall be deposited daily by the owner or tenant of such stable, cattle stall, halting-place, or gála in a proper receptacle outside, to be thence removed by the officers of the council.
- Filth, dust, &c., to be removed daily from cart stands, &c. 6. Every owner or occupier of any place within municipal limits used for any of the purposes specified in section 259 of "The Municipal Councils' Ordinance, 1887," and every owner or occupier of a cart stand, cattle yard, bakery, coachbuilding yard, or manufactory, shall remove or cause to be removed from such premises, twice in every twenty-four hours (between 6 and 8 A.M., and again between 4 and 6 P.M.), all filth, dirt, and rubbish, and deposit it in such places as the chairman may approve.
- Cart stands, &c., to be drained. 7. Every cart stand, cattle yard, and sheep-pen shall be paved and drained to the satisfaction of the chairman.

CHAPTER XII.

Municipal Water Service.

- Water-rate how recoverable. 1. The water-rate which the municipality is authorized and empowered by "The Kandy Waterworks Loan Ordinances, 1884 and 1895," to impose and enforce, and any other sums which may become due under the provisions of this chapter, shall be leviable as if the same were a tax imposed under "The Municipal Councils' Ordinance, 1887."
- Appointment of officers. 2. It shall be lawful for the council to appoint such officers as may be necessary to execute the works and to carry out the duties hereinafter mentioned, and pay them such salaries or allowances as the council shall deem right.
- Expenses of collection, &c., to be paid from water-rate. 3. All expenses incurred in or about the supply of water and in the collection of the water-rate shall be defrayed from the proceeds of such water-rate.
- Waterworks vested in council. 4. All public tanks, reservoirs, cisterns, standpipes, fountains, sluices, wells, conduits, pipes, pumps, and other waterworks existing within the municipality at the time of the coming into operation of these by-laws or afterwards made, laid, or erected, and all buildings, works, materials, and things connected with or appertaining to such waterworks shall be vested in the council.
- Council may provide filtering tanks, &c. 5. The council may cause such filtering tanks, reservoirs, aqueducts, or other works to be constructed, and such fountains and standpipes to be erected, and such pipes to be laid as it may from time to time consider necessary for the use of the inhabitants of the municipality.
- Power to break up streets, &c., and enter private land. 6. In laying down any such pipes, the council may, if it consider it necessary, carry such pipes through, across, or under any street, or place laid out or intended for a street, or under any building or through any cellar or vault, or into, through, or under any enclosed or other land whatsoever. Provided that the council shall in every case

- in which it deals with private property under this by-law give notice of its intention to do so to the owner of such property, and shall on completion of the work pay to him reasonable compensation. If any dispute shall arise as to the amount or apportionment of such compensation, such amount and apportionment shall be summarily ascertained and determined by the magistrate, whose decision shall be subject to an appeal to the Supreme Court.
- No person to foul water
7. No person shall do anything whereby the water in any reservoir, fountain, cistern, standpipe, pipes, or other waterworks belonging to the council shall be in any degree polluted, fouled, or corrupted, and no person shall in any way damage or tamper with any such waterworks.
- or to wash at any standpipe, &c.
8. No person shall bathe or wash any part of his body, or wash any cattle, horse, dog, or other animal whatsoever, or any vehicle, clothes, utensils, or other article whatsoever, at or near any reservoir, standpost, fountain, cistern, pipe, or other waterworks vested in the council, whether now existing or to be hereafter erected or built, in the streets, thoroughfares, or other public places within the municipality.
- Persons paying rate entitled to free use of water for domestic purposes
9. Every person paying the water-rate mentioned in by-law 1 of this chapter shall be entitled to have, free of further charge in respect thereof, a supply of water from the public municipal fountains or standpipes for the domestic use of himself and his household.
- "Domestic purposes," what not included in.
10. 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.
- Council may allow private service.
11. The council may at its discretion, on application by the owner or occupier of any house, allow a private service of water to such house for domestic purposes in such quantities and under such conditions as the council shall deem reasonable. When a private service is allowed, the connection between the municipal main and the premises to be served, as well as the necessary service pipes and fittings, shall be made, laid, and affixed by municipal workmen under the supervision of the superintendent of works, at the expense of the person applying for such private service. The council may require the estimated cost of such private service to be paid into the municipal fund before the work in connection therewith is commenced.
- Water pipes not liable to be seized for debt. Pipes not to be laid from mains to the house without sanction of council.
12. No communication pipe or service pipes or fittings shall be liable to be seized for any debt.
13. No person shall lay or have any communication or service pipe or pipes for the conveyance of water from any of the municipal mains into any house, land, or premises, or alter, extend, or disconnect any existing service pipes without the sanction or consent, in writing, of the council; nor shall any such pipes be laid except by the employés of the council, nor until the council shall have approved of the point or place at or through which the same shall be laid.
- Communication pipes for groups of houses.
14. Unless the council shall otherwise permit, every house or premises to which water has been or may hereafter be laid on shall have its own separate communication pipe, and no house shall have more than one communication pipe, or have its service pipes connected with any service pipe, cistern, or other water fittings of any other house.
- Council may order removal of pipes laid without leave and recover expenses.
15. If any person shall, contrary to the provisions of the preceding by-laws, lay, or alter, or extend any communication or service pipe or pipes, it shall be lawful for the council to direct and order the said pipe or pipes to be removed; and if the same be not removed within three days of the service of notice upon such person requiring him to do so, the council may cause the same to be removed, and the expenses thereby incurred shall be ascertained and determined and recovered from such person in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if the same were expenses directed to be paid by the said Ordinance.
- Communication of pipes.
16. No pipes for the conveyance of, or in connection with, the water supplied by the council shall communicate with any cistern, butt, or other receptacle used or intended to be used for rain water.
- Cisterns in the ground cannot be used for storage of water.
17. No cistern buried or excavated in the ground shall be used for the storage of water supplied by the council, unless the use of such cistern shall be allowed in writing by the council.
- Receptacle for storage of water.
18. No wooden receptacle without a proper metallic lining shall be used for the storage of water supplied by the council.
- Waste of water.
19. No owner or occupier of a house shall allow water from any cistern, pipe, or tap on his premises to run to waste. Should any leakage occur in any communication or service pipe or in any cistern, tap, or other water fittings in any house or premises, the owner or occupier shall, within twenty-four hours, give notice of the same to the secretary.

- When water improperly used, &c., meter to be affixed.
20. Should the council have reason to believe that in any house or premises water from the municipal waterworks is used by others than the members of the household, or for other than domestic purposes, or is wasted or unduly consumed, it shall be lawful for the council to fix a meter on the pipe supplying such house or premises, and the owner or occupier shall be liable to pay at such rates as may from time to time be determined by the council for all water shown by the meter to have been consumed in excess of one thousand gallons for every rupee of water-rate assessed in respect of such house or premises. It shall be lawful for the council to agree with any person to supply water for other than domestic purposes on such terms and subject to such conditions as to the council shall seem fit.
- Council to provide meters.
21. The council shall provide and fix all meters, and may charge for the use of any such meter such rent as the council may deem reasonable.
- Council may remove meter for testing, &c.
22. The council may from time to time remove any meter for the purpose of testing the accuracy thereof, or for examination or repair, or for the purpose of substituting another meter, or upon discontinuance of any private service.
- Meter to be repaired only by employes of council.
23. No meter shall be altered or repaired except under the direction of or by persons employed by the council.
- Council may shut off water.
24. It shall be lawful for the council to stop or cut off the supply of water between such hours as it shall deem necessary.
- Council not liable for failure of water caused by unavoidable circumstances.
25. The council shall not be liable to any penalty or damages for not supplying water to the municipality if the want of such supply arises from any accident or from unusual drought or other unavoidable causes.
- Owner, &c., of house having a private service not to supply water to others.
26. No owner or occupier of any premises having a private water service shall supply to any other person, or wilfully permit him to take, any water from any cistern or pipe in such premises, unless for the purpose of extinguishing a fire, or unless such other person shall also be an occupier having a private service, and the pipes supplying him shall be, without his default, out of repair.
- Misuse of water an offence.
27. No person who has not been allowed a supply of water from the municipal waterworks for other than domestic purposes shall use for any other than domestic purposes any water supplied to or obtained by him from such waterworks.
- Council may authorize entering and examination of premises having a private service.
28. Any person authorized by the Council may at any time between eight of the clock in the morning and five of the clock in the evening, after giving one hour's notice to the owner or occupier, enter any building or premises in order to examine the condition of the pipes, works, and fittings therein, and to ascertain if there be any waste or misuse of water. If such person is without reasonable cause refused admittance for the purpose aforesaid, or is prevented without reasonable cause from making such examination, or if necessary preventing waste of water, the council may stop the supply of water to such building or premises.
- Water may be cut off for contravention of by-laws, &c.
29. The council may also stop the supply of water to any building or premises having a private supply should the owner or occupier be in default of payment of the water-rate fifteen days after the same has become due, or if such owner or occupier does, or causes or permits to be done, anything in contravention of any of the provisions of the by-laws in this chapter, or wrongfully fails to do anything which ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water belonging to the municipal waterworks.
- Persons authorized by council may enter and cut off pipes, &c.
30. In all cases in which the council is by these by-laws authorized to cut off or stop the supply of water to any building or premises or to remove any pipe or pipes, and in all cases in which any building or premises having a private service shall have become unoccupied, any person thereto authorized by the council and his workmen may, after giving six hours' notice to the occupier, if any, or the owner, enter such building or premises between the hours of eight of the clock in the morning and five of the clock in the evening, and cut off any pipes by which water shall be conveyed from the municipal main to such premises, and remove any pipe, meter, or fittings which the council may be entitled to remove.
- Interpretation clause.
31. Whenever used in this chapter, the word "main" shall mean the pipe and all its branches by which water is conveyed from the municipal reservoir to the town of Kandy;
 "Communication pipe" shall mean the pipe which extends from the main up to the stop valve placed at or near the point of entrance into any building or premises; and
 "Service pipe" shall mean the pipe and all its branches laid from the said stop valve into any building or premises.

CHAPTER XIII.

Prevention of Nuisances and Public Safety and Convenience.

Removal of contents of privies.

1. It shall be lawful for the chairman at any time to require the owner or occupier of any house, building, enclosure, or premises within the limits of the municipality, by notice in writing, to remove or cause to be removed the contents of any privy, pit, or water-closet, in or belonging to such house, building, enclosure, or premises, to such place or places and within such time as shall be set forth in the said notice. Should such owner or occupier fail to comply with the requirements of such notice within three days from the time when such notice shall have been served on him, the chairman may cause the necessary work to be done, and for that purpose shall have power to enter into and upon any such house, out-house, building, enclosure, or premises, with such labourers, implements, and things as may be required; and the expenses incurred shall be paid by the owner or occupier, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if the same were expenses directed to be paid by the said Ordinance.

Burying contents of privy within one hundred feet of a dwelling-house prohibited.

2. Any person who shall bury or cause to be buried, or deposit or cause to be deposited, the contents of any latrine, privy, pit, or water-closet within any house, building, or premises, or in or on any land within one hundred feet of any dwelling-house, well, stream, or water-course, shall be guilty of an offence. Upon receiving notice he shall at once remove the same to such place and within such time as the chairman shall direct. In default of compliance with such notice within the time appointed, the chairman and any officers or workmen authorized by him may enter upon such house, building, or premises and cause the necessary work to be done, and the expenses thereby incurred shall be paid by the person in default, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if the same were expenses directed by the said Ordinance to be paid.

Owners and occupiers to employ only licensed persons.

3. The owner or occupier of any house or land within the municipality who is desirous of removing, or who has been required as provided in by-law 1 of this chapter to remove, the contents of any privy on the said house or land, shall give notice to the chairman of the day and hour in which he intends to have the work done, upon which the chairman shall grant a permit to such owner or occupier to have the work done under the supervision of a municipal inspector, and upon such terms and conditions as shall be stated in such permit, by a scavenger licensed as hereinafter provided; and no such owner or occupier shall employ on such work persons other than those licensed by the chairman.

Licensed scavenger or nightman.

4. Every person desirous of being employed as a licensed scavenger within the limits of the municipality shall first obtain a license from the chairman (in the form K in the appendix hereto).

Licensed person to be bound by rules on back of license.

5. Every licensed scavenger shall obey the rules and regulations endorsed on the back of his license, and upon an infringement by him of any of such rules and regulations the chairman may revoke his license.

Scavenger removing soil not to loiter.

6. No person carrying night soil through the street shall loiter, or deposit any vessel containing or intended to contain night soil, on or by the side of any public road or street.

Carriage or cart removing night soil not to stand about.

7. No person in charge of a cart, wagon, or carriage used for the purpose of receiving and removing night-soil, sewage, or other matter from any cesspool, privy, or receptacle shall suffer such cart, wagon, or carriage to stand or remain in any public street, passage, highway, or thoroughfare for any longer time than shall be necessary for the loading thereof.

Removal of night soil.

8. Night soil shall be removed by such routes only as the chairman shall appoint.

Night soil, &c., to be deposited only in places provided.

9. No person shall deposit any night soil, dung, or other filth, dust, dirt, ashes, rubbish, or refuse in or upon any place except such places as are provided under section 172 of the Ordinance No. 7 of 1887.

Householder to deposit rubbish in proper receptacles.

10. Any person who is desirous that ashes, sweepings, refuse, or other rubbish from his premises shall be removed by the scavengers of the council, shall deposit the same in proper covered tubs, boxes, or other like receptacles on the curb-stones or edge of footpaths outside his premises at such hours daily as the council shall from time to time appoint by notice duly given; and shall remove the said tubs, boxes, or other like receptacles within half an hour after the emptying of such tubs, boxes, or other like receptacles by the scavengers. No person shall place any ashes, sweepings, refuse, or other rubbish on any street except in covered tubs, boxes, or other receptacles as aforesaid.

- Owner of alleys to supply receptacles. 11. The owner of any building let in apartments, flats, or portions shall provide the occupier of every separate tenement or portion of such building with covered tubs, boxes, or other receptacles for the deposit of sweepings, refuse, or other rubbish.
- Use of public ground. 12. No public ground within the municipality shall be used for any purpose prohibited by the chairman by public notice.
- Stabling in verandahs, &c., forbidden. 13. No person shall make use of the verandah of his house, or of any place not properly adapted for the purpose, in front of his house, or by the side of any street, as a stable or stall for keeping a horse, cattle, or any other animal.
- Horses, &c., not to be groomed on street. 14. No person shall wash or groom, or permit or cause to be washed or groomed, any vehicle or animal in or on any pavement or street.
- Interment of carcases of animals. 15. The occupier of any house or premises within or upon which any cattle, horse, sheep, goat, or pig may die, shall, within four hours after its death, or if death occurs at night, within four hours after daylight, either remove the carcase at his own expense to such place as may be appointed by the council for that purpose, or report its death to the municipal inspector of the division in which such premises may be situated, and in such latter case shall pay to the inspector the expense of removing or burying the carcase at such rate as the chairman shall determine.
- Removal of dangerous trees. 16. Whenever any tree, or branch or fruit of a tree, within the limits of the municipality, shall be deemed by the chairman to be likely to fall upon any house or building and injure the occupiers thereof, or whenever the same shall overhang any street, it shall be lawful for the chairman to cause notice in writing to be given to the owner or to the occupier of the ground upon which such tree stands to cut down or remove the said tree or branch or fruit; and if such owner or occupier shall not cut down or remove the same within twenty-four hours after such notice, the chairman and any officers or workmen authorized by him may enter upon such ground and cause the work to be done, and the expenses thereby incurred shall be paid by such owner or occupier, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if such expenses were expenses directed to be paid by the said Ordinance.
- Prohibitions. 17. It shall not be lawful for any person to do any of the following acts:
- (1) To remove timber or other substance of more than twenty feet in length in any cart without having one end thereof secured to another or sling cart.
 - (2) To carry timber or other substance of more than twenty feet in length without one end being carried by another person.
 - (3) To remove iron bars in any cart without duly fastening each end of the said bars so as to prevent the noise they would otherwise make.
 - (4) To load firewood, casks, or any other articles in carts to any height exceeding six feet above the platform of such cart.
 - (5) To load on any cart or vehicle any timber, firewood, casks, straw, or other goods of any description whatsoever so as to project laterally beyond the wheels of the said cart or vehicle.
- Timber of twenty feet length to be removed in double or sling cart. 18. It shall be lawful for any municipal or police officer, and they are hereby required to detain any cart in which any timber or other article aforesaid has been loaded or is being conveyed contrary to the provisions of the preceding by-law until such timber or other article has been so loaded or arranged that it can be conveyed in a manner not prohibited by the said by-law.
- Iron bars to be fastened. 19. No person shall drive any cart or hackery conveying dirt, rubbish, cabook, granite, bricks, lime, or other articles or materials whatsoever without properly securing the same therein so as to prevent any part of the same from falling into the public street.
- Firewood carts. 20. No person shall drive a cart drawn by bullocks or any cart or vehicle carrying goods or heavy articles along Lady Gordon's or Lady Horton's walk, or Lady MacCarthy's road.
- Timber, &c., not to project laterally. 21. No person shall push, draw, or drive any vehicle of any description on any footpath or pavement intended or made for foot passengers by the side or sides of any street, nor shall any person, use, or cause to be used, any such footpath or pavement, or any part or parts thereof, or any part of any street, for location either permanently or temporarily of any stall, table, or platform for the sale of any article or articles of any description whatsoever, or for any purpose calculated to cause inconvenience or obstruction to foot passengers or vehicles.
- Carts improperly loaded may be detained. 22. It shall not be lawful for any person to ride any animal, or to drive any cattle, or to ride any bicycle, tricycle, or other similar vehicle on any footpath or pavement or path set apart for the exclusive use of foot passengers.
- Carts carrying materials in insecure or careless manner.
- Heavy carts not to be taken along certain roads.
- Carriages and vehicles not to use pavements.
- Cattle not to be driven on footpath.

External walls of houses adjoining streets.

Posters only to be put up on authorized places

Seizure of cattle.

23. The external walls of houses and yards adjoining the public streets shall be kept clean and in proper repair.

24. It shall not be lawful for any person to attach or affix any posters, placards, handbills, or other notices to or on any wall, building, house, premises, tree, or other place, save and except in any place which the council may at any time appoint.

25. It shall and may be lawful for any person thereto authorized by the chairman to seize, or cause to be seized, any cattle, horse, sheep, goat, or other animal which he may find tied, tethered, straying, improperly driven, or tended, upon any thoroughfare within the municipality, unless such animal belong to any cart to which it is tied or tethered, whilst the same is being loaded or unloaded; provided that every such animal seized by him as aforesaid shall be forthwith delivered into the custody of the police officer in charge of the police station at Kandy; and such officer shall forthwith report such seizure to the chairman, who shall, if at the time of such report no claim be made to such animal, direct such officer to take the necessary steps for the safe custody and maintenance thereof, and to publish such seizure in the usual manner; and no such animal seized as aforesaid shall be delivered to the owner thereof, unless upon payment to the council of the sum of one rupee, and of a further sum not exceeding fifty cents for each day during which the same shall have been kept in the custody of the said officer for the use of such officer; and if no person shall claim such animal, or pay such dues as aforesaid, within ten days after the animal shall have been so seized, it shall be lawful for the chairman, and he is hereby required, to cause the same to be sold by public auction, and after payment of the sum due to such officer for the custody and maintenance thereof, to pay the remainder of the proceeds of such sale, if any, to the secretary.

CHAPTER XIV.

Contagious and Infectious Diseases.

Removal of smallpox or cholera patients to hospital.

Removal of patient from one locality to another.

No removal except by sanction of chairman.

Quarantine of infected hospitals.

Medical certificate required for a patient to quit a hospital.

Bathing-places of patients restricted.

Infected houses to be placed under quarantine after removal of patients.

Isolation of infected houses.

1. It shall be lawful for the chairman to cause any person suffering from smallpox, cholera, or other contagious or infectious disease in any house or place in which there are no means of isolating such person from the other inmates, or where the retention of such person is in the opinion of the colonial surgeon or health officer likely to prove a source of danger to others, to be removed to some public hospital or to a house of isolation provided by the chairman.

2. It shall be lawful for the chairman to allow any such person to be removed to any locality which such person or his friends may choose, and to which the said colonial surgeon or health officer does not object, instead of to such public hospital or house of isolation.

3. Except with the sanction of the chairman as provided in the above by-law, it shall not be lawful for any person to remove or assist in removing any person suffering from smallpox, cholera, or other contagious or infectious disease from the house or place in which such person shall be to any other house or place.

4. All hospitals and houses of isolation provided by the chairman shall, whilst being used for the reception of persons suffering from smallpox or cholera or other contagious or infectious disease, be placed under quarantine; and no person other than the duly appointed attendants shall be allowed ingress or egress into or from any such hospital or house of isolation, for any purpose whatsoever, except with the sanction of the medical officer in charge.

5. No patient shall be allowed to quit any such hospital or house of isolation until it is certified by the medical officer in charge that he is in a fit state to depart.

6. No convalescent patient shall be allowed to bathe in any public place, except those specially provided for such patients.

7. Any house or building from which a person suffering from smallpox or cholera or other contagious or infectious disease shall have been removed shall, when deemed necessary, for the purpose of cleansing and disinfection, by the chairman or the colonial surgeon or health officer, be placed under quarantine immediately on such removal for such time not exceeding seven days as the chairman or the said colonial surgeon or health officer shall think sufficient; and no person other than the duly appointed attendant shall be allowed ingress or egress into or from such building for any purpose whatsoever except with the sanction of the said colonial surgeon or health officer. The cost of charges for the maintenance of the inmates of any building placed as aforesaid under quarantine may, if found necessary, be met by the council.

8. It shall be lawful for the chairman or the said colonial surgeon or health officer, if necessary, for the more effectual placing of any building under quarantine, to surround and enclose the same with a fence, or in such other manner as the chairman or the said colonial surgeon or health officer shall consider advisable, or to block up and prevent people going through any road, street, path, or way near such building.

Assemblies near infected houses may be prohibited.

9. The chairman or municipal magistrate shall have the power during the prevalence of cholera, smallpox, or other dangerous contagious or infectious disease, of prohibiting the collection or assembling of people within certain defined limits of any public hospital, house of isolation, or building placed in quarantine as above provided.

Depth of grave

10. No corpse of a person dying from smallpox or cholera, or other dangerous contagious or infectious disease, shall be buried at a depth of less than six feet.

11. "Colonial surgeon," wherever used in this chapter, means the senior civil medical officer in Government employ stationed at Kandy.

CHAPTER XV.

Carriages licensed to ply for Hire.

Chairman to determine number of passengers, and such number to be painted on the carriage.

1. The chairman, acting on behalf of the council, or any officer of the council thereunto authorized by the chairman, shall determine the number of passengers to be carried in each licensed carriage, and such number as well as the registered number of the carriage, and the year for which it is licensed, shall be painted in a conspicuous part (to be determined by the chairman) of such carriage, and shall at all times be plainly and distinctly visible and legible, provided, however, that, such painting may be dispensed with at the discretion of the chairman. An infant carried in arms, or on the lap, or a child under eight years of age shall not be deemed a passenger, but two children under eight years of age shall be considered a passenger. No driver of a licensed carriage shall refuse to carry the full number so determined, or shall carry more than the said number.

Every carriage to have two lamps.

2. Every licensed carriage shall at all times have and carry two good and sufficient lamps, one on either side of the driver, ready for lighting, and the same shall be lighted, if the carriage be used, between the hours of 6 P.M. and 5.30 A.M.

Licensed carriages to be kept in good order.

3. The owner of every licensed carriage shall keep the same clean and in good repair, and shall not permit it to be used if the said carriage or any part of it, or the horse drawing the same or the harness, is in any way unfit for use, and it shall be lawful for any municipal inspector or officer of police to seize any carriage which he shall find being used, while either the carriage, horse, or harness is not in a fit state to be used, and to convey the same to the nearest police station, and thereafter produce the same as soon as possible before the magistrate, and charge the owner of the said licensed carriage with a breach of this by-law.

If carriage unfit for use, owner to be noticed not to hire out.

4. If any licensed carriage or the horse or horses, harness, or other equipment belonging thereto shall at any time be found unfit for public use, notice in writing prohibiting the use of such carriage may be given by the chairman to the owner, and after such notice the owner shall not use or suffer to be used or let for hire such carriage until the prohibition aforesaid shall have been withdrawn.

Inspectors to inspect carriage on chairman's authority.

5. A municipal inspector, being thereto authorized by the chairman in writing, shall, at least once a month, or oftener if the chairman or such inspector deem necessary, inspect all carriages licensed to ply for hire within the municipality, and the harness and the horse or horses used in drawing any such carriage, and the other equipments, and shall submit a report thereof to the council.

Carriages produced for inspection.

6. For the purpose of such inspection the owner of every licensed carriage shall produce or cause to be produced every month, on any day between the fifteenth and twenty-third (Saturdays, Sundays, and holidays excepted), at the municipal office or some other place to be appointed by the chairman, between such hours as the chairman shall appoint, the said carriage with the horse described in the license harnessed thereto.

Notice of change of horse.

7. The owner of any licensed carriage who desires to use a horse other than that described in the license issued in respect of such carriage, shall forward his license to the municipal office for alteration, and at the same time send the horse for inspection by the municipal inspector authorized by the chairman to inspect the same, on such day and at such time as may be appointed by the chairman.

License not transferable.

8. It shall not be lawful for the proprietor of any licensed carriage to transfer the license to any other person. Should he sell or transfer to another person any carriage which shall have been licensed, he shall give notice to the chairman of such sale or transfer and return to the municipal office the license granted to him in respect of such carriage.

Council to appoint stands.

9. The council may from time to time appoint places as public stands for licensed carriages, and may at any time, by resolution, abolish or alter the situation of any such public stand.

- Notice to be given of opening of stands. 10. Whenever it shall be determined to appoint, abolish, or alter the situation of any public stand, the council shall cause notice to be given in such manner as to the council shall seem fit.
- Licensed carriages to pay from stand. 11. Every licensed carriage shall (unless let for hire by special agreement, and except while being kept at the residence of the proprietor) be sent by the proprietor to one or other of the duly appointed public stands, and the driver shall keep such carriage on such stand and remain with it himself between the hours of 6.30 A.M. and 7.30 P.M.
- Position to be taken by carriage at stand. 12. Every carriage on its arrival at a public stand shall be drawn up at the end, and be last in the line, of carriages already occupying such stand; and at every such stand all carriages shall be arranged in single rank only.
- Space after every fourth carriage in stand. 13. After every fourth carriage on every public stand there shall be left, should such stand be on a public street, a space of at least eight feet for passengers on foot to pass through.
- Driver of licensed carriage not to loiter in street. 14. The driver of a licensed carriage shall not at any time suffer the same to stand in any street (except for the purpose of setting down or taking up passengers) or to loiter in any street, nor shall he obstruct the driver of any other carriage in taking up or setting down any person, or wilfully, wrongfully, or forcibly prevent or endeavour to prevent the driver of any other licensed carriage from taking a fare.
- Driver to wear a coat and carry a badge bearing number of license. 15. The driver of every licensed carriage shall be cleanly dressed, and shall wear a coat and badge, which shall be provided by the council (at the cost of the owner of such carriage), and such badge shall bear a number corresponding with the number of the license granted in respect of such carriage.
- Owner or driver of carriage bound to let same on hire. 16. The owner or driver of any licensed carriage shall be bound at all times to let such carriage for hire, whether the same be on a public stand or at the residence of the owner, or at any other place wheresoever, to any person applying for the same, and to carry such person from any one place to another on any carriage road within the municipality, unless the said carriage shall have been previously engaged, or unless he has some other reasonable cause for refusing. Provided that the proof that there was reasonable cause for refusing shall lie on the owner or driver, and that any person so applying for such carriage shall, upon demand being thereto made, immediately, and before such carriage is used, pay to the owner or driver the fare authorized by law; and provided further that no licensed carriage shall be compelled to carry passengers more than ten miles during any period of twelve hours.
- Proviso. 17. After a licensed carriage has been engaged by any person, the owner or driver thereof shall be bound to carry out his engagement, and shall not, after refusing to carry or convey the person by whom the said conveyance was first engaged, thereafter hire the said carriage to another.
- Fare payable on demand. 18. The following shall be the rates of fare; no fares for carriages, other than hackeries, shall be charged by distance, unless by special agreement:
- Refusal of driver to hire after engagement.
- Rates and fares.

	Between 6 A.M. & 7 P.M.	Between 7 P.M. & 6 A.M.
	Rs. c.	Rs. c.
<i>For carriages drawn by one horse :—</i>		
From 6 A.M. to 7 P.M. ...	5 0	—
For any six consecutive hours ...	2 50	3 20
For the first half hour or part thereof ...	0 60	0 75
For the second half hour or part thereof ...	0 60	0 75
For the second hour or part of such hour ...	0 60	0 75
For every subsequent hour ...	0 30	0 40
<i>For carriages drawn by two horses :—</i>		
The rates for a carriage drawn by one horse to be increased by one-half.		
<i>For a hackery drawn by one bullock :—</i>		
For every hour or part thereof ...	0 25	0 30
Per mile ...	0 8	0 10
<i>Jinrickshas :—</i>		
For first half hour or part thereof ...	0 25	0 30
For the second half hour or part thereof ...	0 25	0 30
For any subsequent half hour or part thereof ...	0 10	0 15
From any place in Hill street, Brownrigg street, Ward street, or the Kachcheri road, or any place within the limits enclosed by the said streets and a line drawn from the Kachcheri to the end of Hill street, to any other place in any of the said streets or within the same limits, each journey...	0 10	0 15

It shall be lawful for the council from time to time to alter the above rates of fare, and such altered rates shall, after publication in the *Government Gazette*, become payable instead of the above.

Table of fares to be affixed inside carriages.	19. The table of fares in force at the time, printed or inscribed on a card or plate, shall be fixed inside on some conspicuous part of every carriage plying for hire, and such card or plate shall be left so affixed and legible and undefaced during all the time the carriage shall ply or be used for hire.
Property found in carriages.	20. In case of any property being left in any such carriage by any person who may have hired or used the same, the owner or driver of such carriage shall, within six hours after such property shall have been found in such carriage, take the same, or cause it to be taken, in the state in which it was found, to the municipal office or the nearest police station, and there deliver the same to the secretary, or the person in charge of such police station; and the owner or driver delivering such property shall be entitled to such remuneration as the Chairman shall direct, payable by the owner of such property before the same shall be allowed to be removed. If the property so found on any such carriage shall not be claimed and removed by the true owner thereof within one month, the property shall be sold by public auction, after due notice of such intended sale, and the proceeds of such sale, deducting the expenses incurred in and about the publication of such sale and the remuneration awarded to the finder, shall go to the municipal fund.
Form of license.	21. The license issued to the owner of any carriage to be let for hire shall be in the form L in the appendix, and such license shall not be transferable. Provided that it shall be lawful for the chairman to grant at his discretion and on such conditions as to him may seem fit, a special license in respect of any carriage intended to be let for hire by private agreement only, and to exempt the owner and driver of any such carriage from the operation of any of the preceding by-laws of this chapter. Such specially licensed carriage shall not be admitted to a public stand.
Power of council to refuse license and recall license which may have been granted.	22. It shall be lawful for the chairman, acting on behalf of the council, at any time to refuse the grant of a license when applied for by any person, and also to cancel and recall any license which may have been issued, on account of any misconduct on the part of the owner or driver, or should such owner or driver commit a breach of any of the by-laws in this chapter, or of the conditions upon which license has been granted.
Interpretation.	23. Wherever in this chapter the following words are used, they shall have the meaning here assigned to them, viz.: “Licensed” shall mean licensed under the provisions of “The Carriage Ordinance, 1873.” “Carriage” shall mean carriage, jinricksha, or other vehicle used for the conveyance of passengers. “Driver” shall mean the person driving or in charge of a carriage, and shall include the person drawing a jinricksha.
CHAPTER XVI.	
<i>Public Bathing Places.</i>	
Public bathing places: wells to be walled	1. Every well, the water of which is used for bathing purposes and is open to the public, shall have a protecting wall of the height of not less than two feet, and be cemented outside the said wall for a depth of two feet below the surface of the ground.
and drained.	2. The ground immediately surrounding every such public well shall be so sloped as to allow the water to run down into a built drain leading to a proper outlet.
Washing of clothes, &c., at wells forbidden.	3. It shall not be lawful to wash clothes, mats, or any other thing at or near any such public well.
Tubs to be painted.	4. The tubs used for bathing at such public wells as aforesaid shall be painted at least once every year, and daily cleansed.
No diseased persons to bathe thereat.	5. No person suffering from scabies (itch) or any other infectious or contagious disease, or who has recently recovered therefrom, shall bathe, wash, or in any way use the water at any such public well, or at any place set apart by the council as a bathing-place.
Penalty on lessee for failure to observe regulations.	6. The owner or lessee of any such public well shall himself comply with the requirements of the foregoing by-laws, and shall not permit any infringement of the same.
Bathing in the lake forbidden.	7. No person shall bathe or wash in any part of the Kandy lake, or under or near the bridge at the lake spill, except in such place as may be set apart as a bathing-place.
Fishing prohibited.	8. It shall not be lawful for any person to fish in the Kandy lake or in the ponds at Udawattakele or in the waterworks reservoir at Dunumadalawa-oya without a permit from the chairman.
Washing of animals not allowed in lake.	9. It shall not be lawful for any person to wash or cause to be washed any cattle, horse, goat, pig, sheep, dog, or any other animal, or any clothes, mats, or other thing, in the said Kandy lake or at any place set apart as a bathing-place, or in any stream flowing into such bathing-place; or to lead, drive, or take any such animal into the said lake or any such bathing-place or stream for any purpose whatsoever.

CHAPTER XVII.

Relating to Guides.

Licensed guides
to wear uniform

1. Every licensed guide, appointed under the provisions of the Ordinance No. 15 of 1887, shall wear a dark blue serge coat with green facings, with the badge, required by the 5th section of the said Ordinance, worn upon the right breast; the coat to be supplied by the municipal council free of charge, and to be returned to the council on the termination of the license, or before the issue of a new coat.

and carry pocket
register.

2. Every licensed guide shall carry about him a pocket register to be produced when called for by any one who hires him, or by any police officer or officer of the council; the pocket register shall be provided, free of charge, by the council at the time the guide receives his license, and shall be kept in a form to be prescribed by the chairman.

Fees for licensed
guides.

3. The following fees may be lawfully demanded by every licensed guide from any person who may engage the services of such guide:—

	Cents.
For the first hour or portion thereof ...	50
For every additional hour or portion thereof ...	25

CHAPTER XVIII.

Relating to Burials and Burial Grounds.

Burials and
cremations
where allowed.

1. No person shall without special leave of the council bury or cremate or assist in burying or cremating any dead body in any place except in a cemetery duly proclaimed under Ordinance No. 12 of 1862, or in premises specially registered in the office of the council (under Ordinance No. 2 of 1894) as a burial ground or cremation ground.

Burial and
cremation
grounds to be
registered and
keeper named.

2. Any person entitled to the possession of a burial or cremation ground shall apply in writing to the chairman to have the same registered as such, stating the name of the keeper of the ground and annexing to his application a figure of survey of the premises certified by the Surveyor-General or a duly licensed surveyor. And the person named as keeper in such application shall subscribe the same in acknowledgment of his acceptance of the office and duties of such keeper.

Who is to be the
keeper if no
keeper named.

3. If no keeper be named, or if the keeper so named shall not have signed the application in manner aforesaid, then the person who shall have made the application for the registration of a burial or cremation ground shall be held to be the keeper of that ground, and shall be responsible for any breach of regulations in respect thereto.

In case of death,
&c., of keeper
fresh registration
required.

4. In the event of the death, or inability from any cause to fulfil his duties, of the keeper of a burial or cremation ground, application to have the same registered shall be made as provided in by-law 2 of this chapter, and no burial or cremation shall take place in such ground until registration on such application has been effected, except on the special license of the chairman, or in his absence of the health officer.

Certificate before
burial.

5. From and after the date on which the provisions of sections 31 to 36 of "The Births and Deaths Registration Ordinance, 1895," shall have come into operation in the town of Kandy, no burial or cremation shall take place until the certificate required by section 32 has been produced to the keeper of the burial or cremation ground.

Keeper to keep
register.

6. It shall be the duty of the keeper of every burial or cremation ground within the municipality to keep a register of all burials or cremations carried out on the premises of which he is the keeper, in the form prescribed by the chairman, and to cause to be delivered a copy of this register to the municipal office not more than twenty-four hours after a burial or cremation shall have taken place therein.

Chairman may
inspect burial
and cremation
grounds.
Grounds to be
kept clean.

7. It shall be lawful for the chairman, or any person authorized in writing by him for the purpose, to visit and inspect at any time any burial or cremation ground, and all books or documents relating thereto.

Fees to be
approved by
chairman.

8. It shall be the duty of every keeper of a burial or cremation ground to keep the same clean and in good order to the satisfaction of the chairman.

Burial grounds to be
enclosed by wall or
fence

9. A table of fees for burial and cremation shall be submitted by the keeper of every burial or cremation ground for the approval of the chairman, and only such fees as are approved by the chairman shall be charged.

10. Every burial or cremation ground shall be enclosed by a substantial wall or fence approved by the chairman.

CHAPTER XIX.

Registration of Mortgages.

Mortgagee
may register
mortgage.

1. It shall be lawful for every mortgagee of any immovable property situate within the municipality, or for his heirs, or any one of them, or for the legal representative of such mortgagee if deceased, to cause any such mortgage to be registered at the office of the Council, and every person holding any such mortgage, and desiring to have it registered, shall either by himself or by his agent furnish the Council with his name and address and with the name and address of the owner or mortgagor of the property so mortgaged, together with any other particulars connected with its description or otherwise necessary for the proper identification of the property; and thereupon, and upon

the payment of a fee of 50 cents to be paid by such person, the Council shall cause the aforesaid particulars to be entered in a book kept for that purpose in the office of the council.

2. Every such register shall at all times, during the office hours of the Council, be open to the inspection of any person desiring to have such inspection, on payment of a fee of 25 cents to the council.

3. In the event of any property concerning which any such mortgage shall have been registered as provided in by-law 1 of this chapter being seized in execution under section 149 of the Municipal Councils' Ordinance, No. 7 of 1887, the council shall, at least fourteen days before advertising such property for sale under section 151 of the said Ordinance, post or deliver to the party who shall have registered such mortgage notice in writing of the said seizure and of the amount of arrears of taxes for the realization of which such property shall have been seized.

4. It shall be lawful for any such mortgagee, or for his heirs, or any one of them, or for his legal representative to pay to the Council, at any time before the sale of any property seized as aforesaid, all arrears of taxes, or the arrears in respect of which the seizure shall have been made, due by the owner or mortgagor of such property, and upon such payment being made the property shall be released from seizure.

Register open to inspection.

Council to give notice to mortgagee of seizure.

Mortgagee may pay arrears of tax.

APPENDIX.

Form A. (Chapter II., By-law 9.)

MUNICIPALITY OF KANDY.

In the matter of _____.

To _____.

You are required to appear before this Council (or a committee of this Council, as the case may be) at _____ (here insert place of meeting) at _____ o'clock on _____, 189 —, to give evidence touching the above matter.

By order of the Chairman,

Municipal Office,
Kandy, _____, 189 —.

Secretary.

Form B. (Chapter III., By-law 3.)

Return required by Section 138* of the Municipal Councils' Ordinance, No. 7 of 1887.

To _____.

Street.	No. of House.	Owner.	Occupier.	Rent or Annual Value.	REMARKS. [Here state by whom kept in repair, and by whom taxes paid.]
					(a) Cost of repairs borne by _____ (landlord or tenant, as the case may be). (b) Public rates and taxes paid by _____ (landlord or tenant, as the case may be).

Kandy, _____.

Signature _____.

* 138. In order to enable the municipal council to assess the annual value of any houses, buildings, or lands liable to the rate or rates, it shall be lawful to the chairman to require the owners or occupiers of such houses, buildings, or lands to furnish returns of the rent or annual value thereof, and for the like purposes it shall be lawful to the chairman, or any person appointed by him for the purpose, at any time, between sunrise and sunset, to enter and inspect such houses, buildings, or lands. Whoever refuses or fails to furnish the return herein specified for the space of one week from the day on which he shall have been required so to do, and whoever knowingly makes an incorrect or false return, and whoever hinders, obstructs, or prevents the chairman or any person appointed by him as aforesaid from entering or inspecting, or if need be surveying any such houses, buildings, or lands, shall be liable to a fine not exceeding fifty rupees.

The above-named _____ is hereby required to furnish the above return within one week from this date,

By order of the Chairman,

The Municipal Office
Kandy, _____, 189 —

Secretary.

Form C. (*Chapter III., By-law 4.*)

Schedule required by Section 146† of the Municipal Councils' Ordinance, No. 7 of 1887.

Occupant ———. Street. _____
 House No. _____
 No. of carriages of whatever description, other than a cart, hackery, or jinricksha _____
 No. of carts or hackeries of whatever description _____
 No. of jinrickshas _____
 No. of horses, ponies, or mules _____
 No. of bullocks or asses _____
 No. of children's carriages, the wheels whereof exceed twenty-four inches in diameter _____

Kandy, _____ Signature of Occupant. _____

† 128. It shall be lawful to the municipal council, and they are hereby authorized and empowered, with the sanction of the Governor in Executive Council, to levy an annual tax on all carriages, carts, hackeries, ponies, mules, bullocks, and asses kept or used within the municipality.

145. The chairman shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the municipal office, and to be open to the inspection of any persons interested therein, a list of the persons liable to the tax under section 128, a description of the vehicles and animals in respect of which they are liable, and the amount of tax assessed thereon.

146. In order to enable the chairman to make such list, the chairman or any officer authorized by him, shall send to all persons supposed to be liable for the payment of such tax, a schedule, to be filled up with such information respecting the vehicles and animals kept by them as the chairman may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, signed, dated, and returned to the municipal office by every person to whom it has been sent, whether or not liable to the payment of such tax; and whoever refuses to accept, or refuses, neglects, or omits duly to fill up and return such schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable to a fine not exceeding fifty rupees.

The abovenamed _____ is hereby required to fill up and return this schedule within one week.

The Municipal Office,
 Kandy, _____, 189 —.
 Date of service: _____

By order of the Chairman, _____

Secretary.

Form D. (*Chapter III., By-law 6.*)

Name of Notary.	No. of Clerks Articled	Names of Clerks.	Date of Articles.	Periods of Service of Articled Clerks.

The abovenamed _____ is hereby required to fill up and return this form within fifteen days.

The Municipal Office,
 Kandy, _____, 189 —.

By order of the Chairman, _____

Secretary.

Form E. (*Chapter VI., By-law 9.*)*Market Stall License.*

No. _____
 _____ is hereby authorized to occupy the stall No. _____ in the public market for the sale of _____, on payment by him of a monthly rent of Rs. _____, subject to the conditions stated on the back of this license.

This license to be in force during the pleasure of the Municipal Council
 Dated at Kandy this _____ day of _____, 189 —.

Secretary, Municipal Council.

Conditions on which License is issued.

1. A sum of Rs. _____ shall be deposited as security; the amount to be forfeited should the rent not be paid in accordance with these conditions.
2. The monthly rent shall be paid regularly in advance.
3. The license is not transferable.
4. The licensee shall conform to the market rules and regulations contained in chapter VI. of the by-laws, and to by-law 18, chapter VII.

I agree to the several conditions:

Kandy, _____, 189 —.

Signature of Licensee.

Form F. (Chapter VII., By-law 3.)

Permit.

No. —, Kandy, —, 189 —.

The bearer, —, has permission to slaughter the animal described as follows:—

Description : —
 Colour : —.
 Age : — years — months.
 Brandmarks on right —.
 Brandmarks on left —.
 Remarks : —.
 Butcher's signature : —.

Inspector on Duty.

Form G. (Chapter VII., By-law 11.)

— having this day slaughtered — head of cattle examined and passed by — (or having produced for inspection meat of — cattle slaughtered outside the Municipality, as the case may be), admit to stall No. — the meat carried by him in cart No. —.

Kandy, —, 189 —.

Slaughterhouse-keeper.

Form H. (Chapter VII., By-law 14.)

Register of Cattle inspected by —, on the —.

De- scription.	Colour.	Age.	Brandmarks.		Name of Butcher.	Remarks.
			Right side.	Left side.		
				•		

Form I. (Chapter IX., By-law 4.)

Return required by Section 4 of the By-laws relating to tax on Dogs.

No. —.
 House No. —.
 Street —.
 Occupier's name —.

No. of Dogs kept.	Description.				Owner's Name.
	Breed.	Sex.	Colour.	Remarks.	
1					
2					
3					
4					
5					
6					

Date of Service : —.

Kandy, —

Signature of Occupier.

B 4*

By-law relating to tax on Dogs.

4. It shall be lawful for the council from time to time to require every occupier of a house to fill up a schedule in the Form I in the appendix hereto, showing the number and description of dogs kept in such house, and to whom they respectively belong ; and every such occupier shall be bound to accept, duly fill in with correct information, and return such schedule within one week from receipt thereof.

The above-named _____ is hereby required to fill up and return the above schedule within one week.

By order of the Council,

Secretary.

The Municipal Office,
Kandy, _____, 189 —.

Form J. (*Chapter XI., By-law 1.*)

_____ has permission to store _____ at _____.

This license shall be in force till 31st December, 189 —.

Form K. (*Chapter XIII., By-law 4.*)*License.*

_____, of _____, has been authorized by the Chairman to carry on the work of a scavenger or nightman within the limits of the Municipality of Kandy, conforming himself to all rules and regulations and by-laws in that case made and provided.

This license is liable to be revoked upon a breach by the holder thereof of any rules and regulations referred to herein.

By order of the Chairman,

Secretary.

The Municipal Office,
Kandy, _____, 189 —.

Rules and Regulations referred to.

1. The holder of this license shall be entitled to charge every person engaging his services according to rates sanctioned from time to time by the Chairman.

2. The holder of this license shall clean and empty, between the hours of 10 P.M. and 3 A.M. only, all privies in respect of which his services shall be engaged, and shall use disinfectants, to be supplied by the municipal council at a moderate cost, when carrying on the work, and shall bury and properly cover over the contents of such privies in such places only as shall be approved of the council.

FORM L. (*Chapter XV., By-law 21.*)*Carriage License. (Not Transferable.)*

No. _____.

Kandy, the _____ day of _____, 189 —.

Whereas _____, occupying premises No. _____, in _____ street in Kandy, has applied for a license under the Ordinance No. 17 of 1873, and made and signed the declaration of ownership thereby required, license is hereby granted to him to keep the said _____ bearing No. _____ for the purpose of letting the same for hire from the date hereof until the thirty-first day of December next, subject to the by-laws of the council.

Such _____ shall not carry more than _____ persons, excluding the driver.

Given under my hand the day and year first above written.

Entd. _____, Chairman, Municipal Council.

Description of the horse to be used in drawing the above carriage.

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 14 of 1896.

An Ordinance to consolidate and amend the Law relating to the Construction, Upkeep, and Repair of Branch Roads.

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to consolidate and amend the Ordinances relating to the construction, upkeep, and repair of branch roads: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

CHAPTER I.

Preliminary.

Short title.

1 This Ordinance may be cited for all purposes as "The Branch Roads Ordinance, 1896."

Commencement.

2 This Ordinance shall come into operation at such date as the Governor shall by Proclamation, to be published in the *Government Gazette*, appoint.

Interpretation.

3 In the construction and for the purposes of this Ordinance the word "proprietor" shall mean the sole or any joint owner or lessee of an estate, the words "provincial committee" shall mean the provincial committee constituted and appointed under the provisions of the Ordinance No. 10 of 1861, the words "cost of constructing" shall include the cost of acquiring the land as well as the cost of making the road, and the word "estate" shall mean a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons and forming a separate or distinct property. Provided that nothing in this Ordinance contained shall be held to apply to proprietors of paddy lands or land cultivated with paddy or other grain.

Repeal of former Ordinances.

4 The Ordinances Nos. 6 of 1874 and 28 of 1892 are hereby repealed, but such repeal shall not affect—

- (a) The past operation of any Ordinance hereby repealed, nor anything duly done or suffered under any Ordinance hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Ordinance hereby repealed.

Where any unrepealed Ordinance refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to refer to the corresponding provision of this Ordinance.

CHAPTER II.

Construction of Branch Roads.

Application for construction of road.

5 The proprietors of any two or more estates situated in the same locality, to which there is no available cart road leading from some convenient principal thoroughfare, may make application in writing to the provincial committee of the province in which such estates are situated, that the provisions of this Ordinance be extended to the said locality, and such application shall set forth, so far as the same may be ascertained, the following particulars :

Particulars to be set out in application.

- (1) The description of the locality;
- (2) The names of all the estates therein;
- (3) The names of the proprietors, or, if they be absent from the Island, of the resident manager or superintendent, and of the agents, if any, of each estate;
- (4) The acreage of each estate, so far as it is known, with the extent of land under cultivation;
- (5) The estimated length in miles of the road required to be made to connect the said estates with the most convenient principal thoroughfare.

If estates within two provinces, the Governor to choose the province the committee of which shall be empowered to act.

The provincial committee to define limits of district upon day appointed ;

or at any adjourned meeting.

Committee empowered to vary or alter limits, if occasion arise.

Sums assessed for construction to be recovered in manner hereinafter provided.

Proprietors to be called upon to declare whether they desire to bring district under the Ordinance.

If no agent, requisition to be affixed.

If the estates fall within two provinces, it shall be lawful for the Governor to choose the province the provincial committee of which shall be empowered to act as provided by this Ordinance ; and upon such choice being made and published in the *Government Gazette*, the provincial committee so chosen shall have power to act as hereinafter provided.

6 On receipt of such application the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to define the limits of the district, the estates in which will—if the proposal for the construction of such branch road under the provisions of this Ordinance be assented to by the proprietors of two-thirds of the acreage in such district—be assessed for the construction and maintenance of such road. In such notice the provincial committee shall appoint the time and place at which it will take evidence if necessary, and receive and consider objections, and after making such inquiry as it may deem requisite, and considering any such objection, shall proceed to define the limits of such district ; or, if need be, shall adjourn such meeting as often as it considers necessary to any day or days to be fixed by it, when it shall upon such adjourned meeting define the limits of such district. And it shall be competent to the provincial committee from time to time, if occasion arise, to alter and vary such limits so as to include such estates as may have been newly opened or may have been inadvertently or otherwise excluded, or, if it considers just, to exclude any estate which may have been erroneously included. Provided, however, that the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to alter and vary the limits of any district, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district ; and the limits so altered shall thereupon be the limits of such district as if they had been originally defined, and the estates included within such limits, altered as aforesaid, shall become bound and be liable to be assessed for the upkeep and repair of such branch roads as if they had been originally included within such district.

Provided further that it shall be competent to the chairman of the provincial committee to call upon the proprietor or resident manager of any estate other than an estate or part of an estate formed out of land purchased from the Crown after such road shall have been constructed, included within such limits so altered as aforesaid, to pay the sum which he would have been liable to pay had such estate been originally assessed for construction of such road, as well as such sum as may be assessed for the repair and upkeep of such road from such time as such estate began to use such road ; and in default of payment of any such sum the same shall be recovered in manner hereinafter provided for the recovery of sums assessed.

7 (1) Upon the limits of the district being defined as aforesaid, the chairman of the provincial committee shall transmit to the proprietor (or, in case of his absence from the island, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent, if any, in this island, of the proprietor) of every estate within the limits of such district, so defined as aforesaid, a requisition calling upon him to declare in writing within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such district for the purpose of the construction therein of a branch road. Such requisition shall be in form A of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause such requisition to be affixed to some conspicuous part of the estate, and published in two consecutive numbers of the

Government Gazette. If no answer be received at the office of the said committee within the time limited by such requisition, the person to whom the same was forwarded shall be deemed to have assented to the proposal referred to therein.

Proprietors may express willingness to pay cost of acquiring land.

(2) It shall be lawful for the proprietors, in reply to such requisition, to state that they are prepared to contribute, in addition to the moiety of the cost of making such branch road within such district, the whole cost of acquiring the land required for the construction of such road.

If proprietors of two-thirds of acreage assent, committee to forward application to Governor with report.

8 If it shall appear to the provincial committee, from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend and be applied to the said district for the purpose of constructing therein a branch road, it shall forthwith forward the application to Government, together with its report as to the necessity for the said road, and as to the direction and terminus which it recommends as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Governor to direct the Director of Public Works to examine the said district and to report to the provincial committee as to the best mode of giving effect to the proposal, and to frame and submit an estimate of the probable cost of properly constructing and metalling the proposed road in such sections as in that behalf provided in section 18.

Director of Public Works to report and submit estimates for construction.

Provincial committee to appoint assessors.

9 (1) Upon the receipt of the report of the Director of Public Works it shall be lawful for the provincial committee to appoint two assessors by writing under the hand of the chairman. The assessors so appointed shall, upon the receipt of such appointment, forthwith issue a notice to the person in charge of each of the estates through which the proposed road will pass, that they will, on a day to be named in such notice, visit such estate and summarily inquire into the value of the land belonging to such estate to be taken over for the construction of the proposed road, and shall fix the amount of compensation to be paid to the proprietor of any such estate therefor.

(2) The assessors so appointed shall, when fixing the amount of compensation to be paid to any proprietor, at the same time fix and determine the equivalent in money of any benefit which will accrue to such estate by the construction of the proposed road. Provided, however, that in no case shall the assessors fix the money equivalent of such benefit at a larger amount than the sum fixed as compensation for land taken over from such estate for the construction of the proposed road.

(3) The decisions of the assessors as to the amount to be paid as compensation for the land acquired from, and as to the amount fixed as the money equivalent of the benefit accruing to, any estate by the construction of the proposed road shall be respectively subject to an appeal to the provincial committee, who may affirm or disallow the same respectively, and the provincial committee may, if it thinks fit, send the same back to the assessors to re-assess the same, or it may appoint an additional assessor or fresh assessors for this purpose, and such re-assessment shall be subject to a like appeal, and every such decision not appealed from within the time hereinafter provided, or when affirmed by the provincial committee on appeal, shall be final, and shall bind the proprietor of the estate in respect of which such decision has been made.

(4) The proprietor of an estate or his agent or representative in the colony taking an appeal under the preceding section shall have thirty days from the date on which the assessors shall have posted a copy of their decision to the person in charge of such estate in which to appeal to the provincial committee from such decision.

(5) Whenever a final decision has been come to as to the amount to be paid as compensation and the amount of the money equivalent of the benefit accruing to any estate by the construction of the proposed road has been finally determined, any sum fixed as the money equivalent of the benefit accruing to an estate shall be deducted from the sum to be paid to such estate as compensation, and the proprietor of such estate shall be entitled to receive any balance.

Governor may propose a vote of moiety of cost out of public funds: and, if voted, proprietors become liable for the other moiety

10 As soon as the amounts to be paid as compensation to the several proprietors of the lands taken over for the construction of the proposed road have been finally determined in the manner hereinbefore prescribed, the provincial committee shall forward to the Colonial Secretary, to be submitted to the Governor in Executive Council, a report setting out the total net amount to be paid for compensation, together with the report and estimate prepared by the Director of Public Works as aforesaid. And upon receipt thereof it shall be lawful for the Governor, if to him, with the advice of the Executive Council, it shall appear expedient so to do, to propose an estimate in the Legislative Council. And if the estimate so proposed be approved by the Legislative Council, (a) and a sum of money equal to a moiety or on account of such moiety of the total cost of constructing the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally bound and liable for their contribution, equal to the other moiety, in accordance with the rates to be determined by an assessment as hereinafter provided; or (b) where the proprietors of at least two-thirds of the acreage of any district have stated, in reply to the requisition served on them under the provisions of section 7, that they are prepared to contribute, in addition to the cost of the moiety of making the proposed road, the whole cost of acquiring the land required for the construction of such road, and a sum of money equal to a moiety or on account of such moiety of the total cost of making the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally liable for their contribution equal to the other moiety, together with the cost of the acquisition of the land required for the construction of such road, in accordance with the rates to be determined as aforesaid.

CHAPTER III.

Provincial Road and Local Committees.

Chairman to convene meeting for election of local committees.

11 Upon a vote being passed by the Legislative Council (a) for a moiety of the cost of constructing such road or on account of such moiety; or (b) for the moiety of the cost of making such road, excluding the cost of acquiring the land required for the construction of such road or on account of such moiety, and notice thereof being communicated to the provincial committee, the chairman thereof shall, by notice in two consecutive numbers of the *Government Gazette* and such other means of publication as he may think necessary, convene at some suitable place a general meeting of the proprietors or resident managers of the estates therein to elect a local committee, which shall consist of not less than three nor more than five members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so convened for the election of such committee shall consist of such number of proprietors or resident managers within the district as shall represent not less than one-third of the acreage.

Proceedings at election.

12 At such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of the local committee. The chairman of the provincial committee, if present, or, if he be absent, such proprietor or resident manager as the meeting

shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn such meeting to any other time or place. All questions and resolutions shall be determined by a majority of the votes of the proprietors or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of the local committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the provincial committee, with the names of the persons elected as members of the local committee, and the provincial committee shall cause such names to be published in the *Government Gazette*.

Members to hold office for two years. Proceedings in case of vacancy.

13 The persons elected to act as members of the local committee shall hold office for two years, and shall be eligible for re-election at the end of that term. In case of any member resigning, dying, or leaving the island, or becoming incapable to act, the other members for the time being may, in the manner provided in section 15, elect another proprietor or resident manager to serve in his place for the remainder of the term for which the member so resigning, dying, or leaving the island, or becoming incapable to act, was elected.

Biennial meeting for election of local committee.

14 At the expiration of every two years from the appointment of the first local committee the chairman of the provincial committee shall convene, in manner provided in section 11, a meeting of proprietors or resident managers for the election of a new local committee. At such meeting the chairman of the provincial committee, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman, and in all other respects the proceedings at such meeting shall be governed by the provisions of section 12.

Appointment of chairman.

15 The local committee so elected shall appoint one of its members as chairman, who shall hold office during the said term of two years; and in case of any vacancy the local committee shall elect another member to act as chairman. And it shall be the duty of the chairman so appointed to convene, by notice in two consecutive numbers of the *Government Gazette*, and by such other means as he may deem necessary, a meeting of the members, whenever required by the Government or by the provincial committee, appointing the time and place for such meeting; the chairman, or, if he be absent, such other member of the local committee as the meeting shall elect, shall preside at every such meeting and shall duly record the proceedings of such meeting and forward the same to the provincial committee.

Majority of members to decide all questions.

16 All acts whatsoever authorized or required to be done by any local committee may and shall be done by the majority of members of such committee present at any meeting convened as aforesaid or at any adjournment of such meeting, three of them to form a quorum. Provided that when the votes of the members present shall be equally divided the chairman shall, beside his vote as a member, have a casting vote.

If members not elected, the provincial committee may nominate a local committee.

17 (1) If the proprietors or resident managers of estates in any district fail to elect a committee for the district at the meeting convened for that purpose or at the adjourned meeting, it shall be competent to the provincial committee to nominate not less than three nor more than five proprietors or resident managers residing within the district to be the local committee. The persons so nominated shall hold office for two years, and a local committee so nominated may do any of the acts or perform any of the duties which an elected local committee is authorized to do or perform under the provisions of this chapter.

If local committee fail to perform duties imposed on it, provincial committee to act.

(2) If the local committee, whether elected or nominated, shall fail to perform the duties imposed upon it by this Ordinance, the same may be performed by the provincial committee.

Assessment. Local committee to convene meetings to determine the assessment of estates and report to provincial committee.

18 The local committee shall so soon thereafter as it may be required so to do by the provincial committee, convene, by notice in two consecutive numbers of the *Government Gazette*, and by such other means as they may deem necessary, a meeting of the proprietors or resident managers of the estates within the district, at some specified time and place within such district, and the local committee shall thereat or at any adjourned meeting after hearing objections, if any, and taking evidence, if necessary, determine, and make report to the provincial committee, on—

- (1) The sections into which the road is to be divided for construction assessments;
- (2) The sections into which the road is to be divided for upkeep assessments;
- (3) The estates which in their opinion are interested in and will use each section of the road or of any part thereof;
- (4) The acreage or reputed acreage of the land belonging to each estate;
- (5) The names of the proprietors, resident managers, or superintendents and of the agents.

Proviso.

Provided, however, that the sections into which the road is divided for construction assessment shall in no case exceed half a mile in length, that the sections into which the road is divided for upkeep assessment shall in no case exceed one mile in length, and that an estate using any portion of a section shall be assessed for the whole of such section.

Provincial committee to determine objections to assessment proposed by local committee and to determine proportion due by each estate.

19 On receipt of such report the provincial committee shall cause a notice to be published in two consecutive numbers of the *Government Gazette*, and made public by such other means as it may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the provincial committee shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing by the total number of acres of the estates which, in its opinion, are interested in and will use such section (subject to the exception in section 20 specified), the sum of money equal to (a) where the Government contributes half the cost of acquiring the land for the proposed road, a moiety of the total cost of the construction of each section of the proposed road; and (b) in the absence of such contribution of the Government, a moiety of the total cost of making each section together with the whole cost of acquiring the land for such section, and thus apportioning the amount due upon and for each acre, and the rate so assessed by the provincial committee shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of the provincial committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the island to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in this island of the proprietor) a requisition calling upon him to pay into the Colonial Treasury, within such time as shall be therein specified, the amount of the contribution due by him; provided that in any case in which the Governor, with the advice of the Executive Council, shall order that the amount of the contribution due by the proprietors may be payable in instalments, interest at the rate of four per centum per annum shall be charged on the balance due after payment of each instalment, and the requisition shall specify the amount of interest payable on each such date.

Provided further that it shall be lawful for the proprietor to pay into the Colonial Treasury at any time the amount

of the contribution unpaid, and interest (if any) due by him at such time, and thereupon his liability to make any further payment in respect of interest shall cease.

The requisition under this section shall be in the form B of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause the requisition to be affixed in some conspicuous part of the estate. The chairman shall also cause a notice to be published in two consecutive numbers of the *Government Gazette* and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which, the instalments by which, and the dates upon which, the several contributions are to be paid into the Colonial Treasury.

Exemption from assessment of uncultivated and abandoned lands.

Proviso 1: Such exemption to be promptly claimed.

Proviso 2: Such estates to be liable if afterwards cultivated.

Proviso 3: Estates exempted may subsequently be included.

20 If by reason of any estate, or any portion not less than half of the entire extent thereof, being obviously unfit for cultivation, or having been cultivated and abandoned, or from any other cause it shall seem to the provincial committee right to exempt such estate or portion thereof from the assessment, it shall be lawful for such committee to do so, and to proceed in its assessment as if there was no such land in the district. Provided that to entitle a proprietor to such exemption he or some person representing him shall claim the same at the time and place appointed by the provincial committee for hearing objections of proprietors or of agents to estates included within the limits of the district, as provided by section 19, and shall at his own cost and expense satisfy the committee, by such proof as it shall call for, that he is entitled to such exemption. Provided further that should the proprietor of any such estate or portion thereof, or any person claiming under him, bring such estate or portion thereof into cultivation afterwards, and use the road for the purposes of, or with a view to such cultivation, it shall be competent for such provincial committee to call upon such proprietor or person to pay the sum which he would have been liable to pay had such estate or portion thereof not been exempted from the original assessment, together with any sums which shall have become due for upkeep and repair since such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed. Provided further that should the proprietor of any estate who had claimed and obtained exemption upon the ground of such road not being the proper outlet, or other cause, or any person on his behalf; use such road, it shall be competent for such provincial committee to include such estate within the limits of the district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had such estate not been exempted from the original assessment, and also any sum not exceeding double the amount of all rates and assessments for the upkeep and repair of such road subsequent to the time when such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

Application of moneys recovered.

21 Moneys recovered under the preceding section, and moneys recovered from estates added to a district as altered under the provisions of section 6, shall—

- (a) If recovered as construction assessment moneys, be divided amongst the proprietors (at the date of such recovery) of estates which have previously paid construction assessment, in shares proportionate to the sums so previously paid; and
- (b) If recovered as upkeep or repair assessment moneys, be retained by the provincial committee and applied towards the future upkeep and repair of the roads.

CHAPTER IV.

Completion and Repair of Branch Roads.

If amount of first estimate prove insufficient, further estimates are to be made, and the rates payable by the estates to be assessed in like manner as the original rates.

22 If, after any road shall have been commenced under the provisions of the Ordinances hereby repealed, or of the present Ordinance, the estimate originally made shall prove insufficient for properly constructing and metalling the same, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the further sum or sums required to complete the road, and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit further estimates for the purpose aforesaid. And on such further estimates being prepared, the provincial committee shall proceed, once or oftener, if necessary, to assess the proportion due by the estates in each section of the road, to make up the moiety of such further estimates, and to take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates assessed by such committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the districts, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Road Ordinance, 1861," or any other Ordinance to be in that behalf hereafter enacted, or by money from the Treasury), for the completion of the said road.

Further rates for repairs or improvements.

23 Whenever it shall be found necessary at any time to repair or improve any road constructed under the provisions of any repealed Branch Roads Ordinance, or of this Ordinance, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the sum or sums required for making the necessary repairs and improvements (provided that the amount of tolls which may be realized on such road shall be deducted from the moiety assessed on the estates), and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit one or more estimates for such repairs. And on such estimates being prepared, the provincial committee shall proceed to assess the proportion due by the estates in each section of the road, to make up the moiety of such estimates, less the tolls as aforesaid, and shall take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates so assessed by the provincial committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the district, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Road Ordinance, 1861," or any other Ordinance to be in that behalf hereafter enacted, or by money from the Treasury), for the purpose of repairing the said road.

Proviso.

Provided also that a moiety of the cost of erecting cooly lines for the coolies engaged in repairing or improving any road as aforesaid shall be borne by the estates in the district (including any which may have been opened since the original assessment), and the proportion due by such estates for the cost thereof shall be assessed by the provincial committee as aforesaid.

CHAPTER V.

Recovery of Sums assessed.

Order in which property is to be seized for the payment of assessment money.

24 If any proprietor or resident manager shall be in default in the payment of any money payable by him under this Ordinance, or under any repealed Branch Roads Ordinance, it shall be lawful for the provincial committee to order proceedings to be taken for the recovery of the same. When the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, or any instalment thereof, it shall

be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, live stock, and implements found on such estate, or any other movable property whatsoever belonging to the proprietor, until the full amount due by such estate (including all interest, costs, and charges payable under sections 26, 27, and 28) shall be recovered. If there be no crop, live stock, and implements on such estate, or other movable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such chairman, or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for such chairman or any person as aforesaid to sell the property so seized by public auction at any time after thirty days from date of seizure.

If above insufficient, estate may be sold subject to mortgage.

Proviso.

If the estate cannot be sold, then deficiency to be charged against other proprietors.

Proviso.

25 If, after seizing and selling property enumerated in the preceding section, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the chairman of the provincial committee, or the person authorized as aforesaid, to seize the estate or any other immovable property belonging to the proprietor of the estate in default, and sell the same, subject to the existing mortgages and incumbrances thereon, after two months' notice from the date of seizure, but he shall not have the power to take in execution or seize the person of the proprietor in default for the assessment due or for any balance thereon. Provided that in the case of a proprietor absent from the island, and not represented by any person therein, the sale shall not take place without notice of such sale being published in the *Government Gazette* for six months previous to the sale, and being affixed in some conspicuous part of the estate. If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold, but the proceeds are insufficient to satisfy the assessment and all expenses payable under section 28, it shall be lawful for the provincial committee to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the branch road therein, and, if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor. Provided that the right and duty of the provincial committee to recover from the original defaulter, should it subsequently become possible to do so, shall in no way be affected by its proceeding against such other proprietors and estates as aforesaid. And in case the provincial committee shall subsequently recover any moneys from such original defaulter, such moneys, in so far as they may have been so recovered in respect of construction assessment, shall be divided among the proprietors (at the date of such recovery) of the other estates, who paid in lieu of such original defaulter, in proportion to the sum so paid; and so far as such moneys may have been so recovered in respect of upkeep or repair assessment, they shall be retained by the provincial committee and applied towards the future upkeep and repair of the road.

Defaulting proprietors made liable in interest.

26 If any proprietor shall neglect or refuse to pay, when the same shall become due, his proportion of the money due by proprietors for the construction, completion, or repair of branch roads under any repealed Branch Roads Ordinance, or of the present Ordinance, he shall be liable to pay interest at the rate of nine per centum per annum from the time fixed for such payment, and such interest shall, with the principal and other costs and charges due, be recovered from him in manner prescribed for the recovery of sums assessed.

Keeping a person in charge of property seized.

27 It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid pending such sale. Any movable

property so seized as aforesaid may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

Costs and charges of seizure and sale.

28 It shall be lawful for the chairman of the provincial committee, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as assessment, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the cost of seizure, removal, custody, and sale of any property sold under sections 24 and 25.

Return of overplus to owner.

29 In the event of a sale of property seized the chairman of the provincial committee at whose instance such seizure was made shall, after deducting the amount due by the defaulter, and also all costs and charges due (which said costs and charges such chairman is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

Certificate of sale.

30 If property be sold for non-payment as aforesaid, a transfer in form C in the schedule hereto annexed, or as near thereto as may be, signed by the chairman of the provincial committee, shall be sufficient to vest the right, title, and interest of the defaulting proprietor in the purchaser, any law or custom to the contrary notwithstanding. Such transfer shall be liable to stamp duty as a conveyance, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Provincial committees liable in damages.

31 The provincial committee, the chairman of which shall cause property to be seized and sold as aforesaid, shall, in the execution of the authority entrusted to it by this Ordinance, be civilly responsible in damages to any person who shall be aggrieved by reason of any irregularity of proceeding or abuse of authority on the part of such chairman as aforesaid, or on the part of any person specially authorized by him as aforesaid. Provided, however, that no action for such damages shall be brought against the provincial committee or any of its officers after the expiration of three months from the time when the cause of action shall have arisen.

Proviso.

CHAPTER VI.

General Provisions.

Provincial committee to keep a register of names of proprietors and agents.

32 The provincial committee shall keep a register of the names of the proprietors and agents (if any) for the time being of all estates in districts defined under this Ordinance, and upon any estate being transferred to a new proprietor or upon the agents of the estate being changed, it shall be the duty of the provincial committee to record such transfer or change in the said register. Provided always that the duty of notifying every such transfer or change shall lie on the transferee and the agents of the estate, and until such transfer or change, as the case may be, shall have been notified to the provincial committee by the proprietor or agents of the estate, all notices to be sent under this Ordinance by the provincial committee to the proprietor or agents of the estate shall be deemed duly sent if sent to the late proprietor or agents, as the case may be.

Duty of notifying transfers or changes of agency to provincial committee.

Appeal to Governor in Council against decisions or orders under sections 6, 19, 20, 22, 23, or 34.

33 Any person aggrieved by any decision or order of the provincial committee in respect of the definition of districts under section 6, or the assessment of estates under sections 19, 22, or 23, or any decision or order made under sections 20 or 34, may apply to the Governor for relief at any time within twenty-one days after such decision or order shall have been notified to him. It shall be lawful for the Governor, with the advice of the Executive Council, upon such application, to make or direct further inquiry, and to confirm the decision or order of the provincial committee, or to alter or modify the same. Provided always that no such appeal as aforesaid shall lie until the person aggrieved

as aforesaid shall have paid (subject to the decision of the appeal) any moneys which he may have been required to pay by the decision or order in question.

Costs.

34 If costs shall be incurred in any suit, other than that provided by section 31, brought by or against the provincial committee for anything done under the provisions of this Ordinance, or if a survey be indispensable to enable the provincial committee to act, such committee shall order one to be made, and such costs and the expenses of such survey shall be payable by the proprietors of the estates in the district in proportion to the acreage of such estates. And if any proprietor refuse or neglect to pay his proportion when required to do so, the chairman shall recover the same in the manner and subject to the provisions herein prescribed, under chapter V. relating to "Recovery of Sums assessed."

The grant of the moiety may be made subject to conditions.

35 It shall be lawful for the Governor, with the advice of the Executive Council, to make the grant of the moiety voted by the Legislative Council subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the public funds as by the proprietors, as the Governor, with the advice of the Executive Council, shall think fit from time to time to establish, either specially in each case or generally applicable to all cases. Provided that no warrant shall be issued to the Treasurer for the payment of any such sum of money, or of any part thereof, from the Colonial Treasury, nor shall any sum be issued by him from the said Treasury until the amount payable by the proprietors of the estimated cost of constructing or repairing such road, or so much thereof as the Governor may think necessary, shall have been deposited in the said Treasury by or on behalf of the proprietors of such estates as aforesaid.

Moiety not to be paid by Government till deposit of amount payable by proprietors or part thereof.

Roads for which such grants-in-aid are made, to be deemed public roads.

36 Every road towards the construction or repair of which any money shall be issued from the Colonial Treasury, under the authority of this Ordinance, shall be deemed and taken to be a public thoroughfare to all intents and purposes.

Tolls on branch roads.

37 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to direct that tolls not exceeding those specified in the Ordinance No. 3 of 1896, entitled "An Ordinance to consolidate and amend the Law in respect to the Collection of Tolls," or in any Ordinance to be in that behalf hereafter enacted, shall be levied on any of the roads which shall have been constructed, made, or completed or repaired under the provisions of any repealed Branch Roads Ordinance, or which shall be made or completed or repaired under the provisions of this Ordinance, and to determine at what place the tolls so levied shall be collected, and such places from time to time in like manner to alter, and other places to establish instead thereof, for the collection of such tolls; and when the tolls shall have been so established, the provisions of the Ordinance No. 3 of 1896, or of any other Ordinance to be in that behalf hereafter enacted, shall, so far as they are applicable thereto, be of force in respect of the tolls to be levied in virtue of the Proclamation to be made as aforesaid, and shall be read and construed as if the said provisions had been expressly enacted as applicable to the said places, and shall be applied, observed, and put in execution accordingly.

And may fix toll stations.

Provisions of the Ordinance No. 3 of 1896 extended to the tolls to be so established.

Proprietor may be represented by resident manager or agent.

38 In case of the absence from the island of the proprietor of any estate, the resident manager—or, if there be no resident manager or superintendent, the agent, if any, in this island, of the proprietor—shall and may represent such proprietor and act for him in all matters and things which it may be lawful or necessary for such proprietor to do under any of the provisions of this Ordinance. If there be no known agent, notice affixed on the land and published in the *Government Gazette* shall be deemed notice to the proprietor.

Provisions of Ordinance No. 10 of 1861 to be in force so far as they are consistent with this Ordinance.

39 The provisions, regulations, and directions in "The Road Ordinance, 1861," contained, so far as they are applicable to the making and repairing of roads and not inconsistent with this Ordinance, shall be of force in respect of the roads to be constructed or repaired under this Ordinance, and shall be read and construed as if such provisions, regulations, and directions had been inserted herein as applicable to the said roads, and shall be applied, observed, and put in execution accordingly.

Pupuressa road to be repaired as a branch road.

40 The road leading from the Gampola and Pussellawa road to Pupuressa, and known as the Pupuressa road, shall be treated as a road made under this Ordinance, and provision shall be made for its upkeep and repair as if it had been originally constructed under the provisions of this Ordinance.

Certain roads may be brought under the provisions of the Ordinance.

41 In any case in which a road or portion of a road has been constructed, or partially constructed, or shall hereafter be constructed, by the proprietors of any estates, it shall be lawful for the proprietors for the time being of such estates to apply to the Governor that such road may be treated as a branch road constructed under this Ordinance, and on receipt of such application the Governor may, if he thinks fit, with the advice of the Executive Council, issue a Proclamation declaring that such road shall be treated as a road made under this Ordinance, and on the publication of such Proclamation in the *Government Gazette* the provisions of this Ordinance relating to improvement, upkeep, and repair of roads shall apply to such road as if it had been originally constructed under the provisions of this Ordinance.

Bridges and roads other than cart roads may be brought under the provisions of this Ordinance.

42 It shall be lawful for the Governor, with the advice and consent of the Executive Council, by Proclamation in the *Government Gazette*, to declare that such of the provisions of this Ordinance as to him may seem advisable shall apply to the construction, upkeep, and repair of any bridge, or of any road other than a cart road, or the repair, upkeep, and improvement of any such existing bridge or road.

Districts may be combined and amalgamated.

43 It shall be lawful for the provincial committee, for sufficient reasons to it appearing, from time to time to amalgamate and combine any two or more districts defined under this Ordinance into one district. Provided, however, that the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to amalgamate and combine such districts, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district, and the districts so amalgamated and combined shall thereupon become one district for the purposes of this Ordinance.

Decision of provincial committee final as to the use of a road.

44 If any question arises as to what constitutes the use of a road under this Ordinance, the decision of the provincial committee on such question shall be final.

Provisions of Ordinance to apply to roads constructed under repealed Ordinance.

45 The provisions of this Ordinance shall apply to all roads which have been constructed under any repealed Branch Roads Ordinance, and any district which has been defined under the provisions of any such Ordinance shall be treated for the purposes of this Ordinance as a district defined hereunder.

SCHEDULE.

A (Section 7).

Office of the Provincial Committee,

To _____, _____, 18—

Proprietor (or Resident Manager) of _____ Estate

SIR,—It has been proposed to construct a branch cart road leading from the main road near the _____ milepost (or at the village of _____) to the district of _____, in which your estate _____ is situated, under the provisions of "The Branch Roads Ordinance,

18—," and I am therefore to request you to fill up the accompanying paper, and return the same to me before the ——— day of ——— next ensuing, in failure whereof you will be deemed to have concurred in the said proposal.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

(Paper referred to in the foregoing Letter.)

To the Chairman of the Provincial Committee for the
Central Province, Kandy.

SIR,—I hereby declare that I (do or do not) desire that the provisions of "The Branch Roads Ordinance, 1896," should be extended to the district of ———, in which my estate (or the estate under my management) called ——— is situated, for the purpose of the construction of a branch cart road to the said district, from the main road to ——— near the ——— milepost (or, at the village of ———).

I am, Sir,
Your obedient Servant,

Proprietor (or Resident Manager, or Agent)
of ——— Estate.

B (Section 19).

Office of the Provincial Committee,

To ———, ——— 18—.

Proprietor (or Resident Manager or Agent) of ——— Estate.

SIR,—The Governor, with the advice and consent of the Legislative Council, having agreed to grant a moiety for the construction (or completion, or repair, as the case may be) of a branch cart road, leading from the main road near the ——— milepost (or at the village of ———), to the District of ———, in which your estate ——— is situated, the Provincial Committee, acting under the provisions of "The Branch Roads Ordinance, 18—," have assessed the portion due by your estate at Rs. ———, which sum you are hereby required to pay into the Colonial Treasury on or before the ——— day of ——— 18—.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

C (Section 30).

Whereas ———, of ———, was in default in the payment of the moneys due by him as contribution for constructing (or completing, or repairing, as the case may be), under "The Branch Roads Ordinance, 18—," ———, and became liable in the sum of Rs. ———, inclusive of costs, and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance, and sold, also in conformity therewith, on the ——— day of ———, and the same was purchased by ——— for the sum of Rs. ———, which has been duly paid by the said ———.

Now, know ye that I, ———, Chairman of the Provincial Committee of ———, by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property, to wit: (*here describe the property accurately*), has been sold and purchased by ——— of ——— for the sum of Rs. ———, which he has duly paid, and that the right, title, and interest of the said ——— in the said premises are and shall henceforward be vested in the said ———, his heirs, executors, administrators, and assigns, for ever.

Given under my hand at ———, this ——— day of ———, 18—.

Chairman, Provincial Committee.

Passed in Council the Ninth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fourteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 21 of 1896.

An Ordinance to consolidate and amend the Law providing for the granting of Pensions to Widows and Orphans of Deceased Public Officers of this Colony.

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to consolidate and amend the law providing for the granting of pensions to the widows and orphans of deceased public officers of this colony: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Widows' and Orphans' Pension Fund Ordinance, 1896," and shall come into operation on such day as the Governor may by Proclamation in the *Government Gazette* appoint.

Repeal.

2 On and from the day on which this Ordinance comes into operation, the Ordinances mentioned in the schedule hereto shall be severally repealed; provided that such repeal shall not affect—

- (a) The past operation of anything duly done or suffered under the said Ordinances hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder; nor
- (c) Any penalty or forfeiture incurred in respect of any breach of the provisions of the said Ordinances hereby repealed; nor
- (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, or forfeiture as aforesaid.

Interpretation of terms:

3 The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction:

"Public officer."

"Public officer" shall mean (1) a person contributing to the Widows' and Orphans' Pension Fund established under the provisions of the Ordinance No. 20 of 1885; (2) a person so contributing and holding a permanent office in the service of this colony separately provided in the estimates, which has been declared to be pensionable by a notification published in the *Government Gazette*, and drawing a salary from the Colonial Treasury of not less than two hundred and fifty rupees annually in respect either of one such office or of two or more such offices held conjointly; and (3) a person appointed or promoted after this Ordinance comes into operation to any such permanent office. Provided that the provisions of this Ordinance shall not apply to any officer who is by law entitled to have more than one wife at any one time, nor to the widow or children of any such officer.

"Salary."

"Salary" shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of this colony in respect of which office he may become entitled under any regulations which are now or which may hereafter be in force to a pension, but shall not include any fees accruing to any officer in respect of such office.

"Pension."

"Pension" shall include superannuation allowance, but not compassionate allowance, retiring allowance, or gratuity.

"Directors."	"Directors" shall mean the directors appointed under section 6 of this Ordinance.
"Treasurer."	"Treasurer" shall mean the officer holding the office of Treasurer of the Colony.
Fund how constituted.	4 The fund already formed and now in existence and the fund to be created under the provisions of this Ordinance for providing pensions for widows and children of public officers shall be consolidated and called "The Widows' and Orphans' Pension Fund."
Investment of fund.	5 All moneys belonging to the fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of this colony, and shall bear interest payable by the said Government during the continuance of the fund, or until by Ordinance passed not earlier than the First day of March, One thousand Nine hundred and Two, the rate of interest be altered, at the rate of six per centum per annum free from any deduction, and such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon the mean monthly balance standing in the hands of the Treasurer of the colony to the credit of such fund during the course of the year.
Appointment of directors.	6 (1) For the due and proper management of the fund the Governor, with the advice of the Executive Council, shall appoint any number of public officers, not exceeding five, as directors thereof.
Cancellation of such appointment.	(2) It shall be lawful for the Governor, with the advice of the Executive Council, to cancel and annul the appointment of any person appointed to be a director, and upon notification thereof in the <i>Government Gazette</i> such person shall cease to be a director, and shall cease to have and exercise the powers of a director.
Substitution of director.	(3) In the event of the death of a director, or in the event of the absence from the island of a director, or in the event of the cancellation and revocation of the appointment of any director, the Governor, with the advice of the Executive Council, shall appoint a public officer to be a director in place of the director who shall have died, or shall be absent from the island, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a director by this Ordinance.
Management of fund.	(4) The directors shall superintend and direct the management and administration of the fund, and shall see that the laws and regulations relating thereto are duly fulfilled.
Annual report.	(5) It shall be the duty of the directors annually, on or before the thirty-first day of January, to prepare a statement and account of the fund for the year ending the thirty-first December preceding, and such statement and account shall be laid before the Governor and the Legislative Council.
Appointment of agents, &c.	(6) The Governor may from time to time appoint such officer or officers as he may consider fit and necessary for carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of the Governor.
Pension to officers employed under the directors.	(7) The Governor, with the advice of the Executive Council, may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance and to those heretofore appointed, and the directors of "The Widows' and Orphans' Pension Fund" shall, subject to such rules, pay such pensions and gratuities out of the moneys of "The Widows' and Orphans' Pension Fund."
Officers to give security.	(8) The officers receiving salaries of Rs. 250 and upwards from the moneys of "The Widows' and Orphans' Pension Fund," and entitled to pension under any rule made under the preceding section, are hereby declared to be public officers within the meaning of this Ordinance, and may be required to give security under the provisions of "The Public Officers' Security Ordinance, 1890."

Meetings of directors.

(9) At every meeting of the directors the senior public officer present shall preside. Every question shall be decided by the vote of the majority of those directors present at the meeting, provided that if the votes be equally divided the chairman shall have a casting vote in addition to his vote as director. There shall be no meeting at which there shall not be at the least three directors present and voting.

Cost of management of fund.

7 A sum not exceeding five per centum of the annual contributions to the fund may be paid by the Treasurer to the directors for the purpose of defraying all expenses connected with the management and administration of the fund, provided that no payment shall be made to any director as salary or remuneration for his own services without the consent and approval of the Governor, with the advice of the Executive Council.

Directors may make rules and regulations.

8 The directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*, shall be valid and binding upon all persons.

Abatement from salaries and pensions.

9 (1) From and after the commencement of this Ordinance a monthly abatement of four per centum shall be made from the salary or pension as the case may be of every public officer.

Treasurer to deduct from salaries and pensions.

(2) The abatement of four per centum from the salaries and pensions of contributors shall be made by the Treasurer, or in case of payments made by the Crown Agents by such Crown Agents, upon each occasion of payment of salary or pension, and placed to the credit of "The Widows' and Orphans' Pension Fund."

Officers required to pay abatement to Treasurer.

(3) In the event of such abatement not being made, every public officer shall pay to the Treasurer or Crown Agents within fifteen days after the receipt by him of his salary or pension a sum equal to four per centum upon his monthly salary or pension. Such sum and the arrears of any contribution due and payable under the provisions of the Ordinance No. 20 of 1885 shall be taken to be a debt due to the fund by the public officer, and shall be payable to the Treasurer or Crown Agents, together with interest thereon at nine per centum per annum, forthwith or by such instalments as the directors may determine. The Treasurer or the Crown Agents shall, upon the written order of the directors or of any two of them, deduct from any moneys which may be or may become due or payable to the public officer by whom such debt is payable the whole or any part of such debt. The provisions of the Ordinance No. 22 of 1871 shall not apply to any such debt.

Period for which abatement shall be made.

10 The abatement of four per centum from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four per cent. from such pension.

11 A public officer who has attained the age when he shall have acquired the right to retire from the public service, or who may be allowed to retire from the public service on account of ill-health before he attains the age at which he would otherwise be entitled to retire, or who may be deprived of the situation in respect of which he contributed to the fund, but who is entitled to retire on pension, should he retire on a pension, shall not be called upon to make any further contribution to the fund beyond a monthly abatement from his pension of four per centum on such pension, to commence from the date of his retirement, until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

Provided that in the event of such public officer having no wife or male child below the age of eighteen years or female child unmarried and below the age of twenty-one years at any time intimating his intention in writing to the directors not to contribute further, he shall be considered as having ceased to have any interest in the fund, and shall have no claim thereon.

Contributions may continue in full if income reduced.

12 Whenever the salary of a public officer becomes reduced by abatement of the ordinary emoluments or by retirement on pension, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and subject to the same terms and conditions as if he had continued to draw the higher salary. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary or pension, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

An officer deprived of his office may continue to contribute.

13 A public officer who may retire from the public service, or who may be deprived of the office in respect of which he contributed to the fund, but who shall not be granted a pension, may continue to contribute from the date of his so retiring or being deprived of his office on the salary which he was receiving at the date of such retirement or deprivation, at the same rate and subject to the same terms and conditions as if he had continued in the public service and continued to receive the salary which he was receiving at the date of such retirement or deprivation. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his so retiring or being deprived of his situation or of his ceasing to contribute in accordance with the tables hereinafter referred to.

Provisions for case of officers transferred to other employment under the Crown.

14 A public officer other than a bachelor who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Crown, may continue to contribute to the fund from the date of his ceasing to hold office in the service of this Government on the salary which he was receiving at the date of such transfer, at the same rate and subject to the same terms as if he had continued in the service of this Government and continued to receive the salary which he was receiving at the date of such transfer. In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled after the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor to the fund at the date of his being transferred or of his ceasing to contribute in accordance with the tables hereinafter referred to.

Officer to furnish particulars within three months of his appointment.

15 Every public officer shall, within three months of the date of his becoming liable to contribute to the fund, forward to the directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births. The public officer making the declaration shall furnish to the directors such proof of the statements made therein as may be required by the directors.

Officer to notify marriage.

16 Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the directors a declaration setting forth the date

of such marriage, and the maiden name of his wife, and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify birth of child.

17 Every public officer shall, within three months, notify to the directors the date of the birth of each child born to him after the passing of this Ordinance.

Officer to notify death of wife, or if she be divorced from him.

18 Every public officer whose wife shall die or be divorced from him, or whose child shall die, or whose female child shall be married, and the guardian of every child who shall die, or of every female child who shall be married, shall, within three months thereof, notify to the directors the date of such death, divorce, or marriage.

Penalty for non-compliance with foregoing.

19 Every public officer who shall in the judgment of the directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided, or who shall in the judgment of the directors have furnished any false information or made any false declaration, may be adjudged by the directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Treasurer shall, upon the judgment of the directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the fund.

Who shall be entitled to pension.

20 The widows and orphans entitled to pensions from the fund are the widows and orphans of public officers who have contributed to the fund in accordance with the provisions of this Ordinance or the Ordinance No. 20 of 1885, save as hereinafter excepted. No pension shall become due, and no pension shall be paid to any widow or orphan of any public officer until every debt due to the fund by such public officer shall have been fully discharged.

Exceptions from benefits of fund.

21 No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance, unless a lawful child is born of such marriage. The child of any public officer born out of wedlock, who has become legitimate by the subsequent marriage of such public officer with the mother of such child, shall be entitled to a pension or allowance from the fund, unless his father shall have died within twelve months of such marriage, in which case such child shall lose all interest in the fund.

Provided that it shall be lawful for the directors, with the consent of the Governor in Executive Council, to award a pension to such widow or child if it shall appear to them just and reasonable in the special circumstances of any case.

When pension to orphans shall cease.

22 The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years.

Pension how computed.

23 The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the Governor with the advice of the Executive Council. Such tables shall be adjusted and revised by an actuary or actuaries who shall be from time to time appointed by the Governor with the advice of the Executive Council. All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to re-adjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.

Pension to orphans.

24 When a public officer being a widower and unmarried dies leaving a child or children entitled to pensions, or when a widow of a public officer dies and there be a child or children of such public officer surviving entitled to pension, the

pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided among the children.

Provision in case of widow marrying.

25 The widow of a public officer who marries again shall cease to receive a pension from the date of such marriage; and the children of such widow and public officer shall thereupon be entitled to pension as hereinbefore provided in the event of the death of both parents.

Provision in case of a widow and children of a previous marriage.

26 When a public officer dies leaving a widow and children the issue of a previous marriage existing when he became a contributor to the fund, or contracted after he became such contributor, and such children are of ages which entitle them to pensions from the fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children; and if the public officer dies leaving no such children, or when they cease to be entitled to pension, then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.

Pension to children of a widower.

27 The children of a widower becoming a contributor to the fund shall be entitled on his death to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.

Pension to be paid monthly, and proof of death to be produced before payment.

28 The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the directors to require proof that any widow or child is alive and entitled to the pension claimed by such widow or child.

Directors to appoint person to receive payment on behalf of minors.

29 In any case in which a minor is entitled to payment of a pension or portion of a pension under this Ordinance, it shall be lawful for the Directors to appoint some fit and proper person to whom such pension shall be paid. Such appointment shall be in writing under the hand of at least three of the directors, and the receipt of such person shall be a legal discharge for the payment of such pension or portion thereof.

Pensions not to be assigned or levied upon.

30 No pension payable from the fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void, and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.

Questions and disputes to be decided by Governor in Executive Council.

31 Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, it shall be lawful for the directors, and such directors are required, upon the application of any such public officer, widow, or child, to submit such question for decision to the Governor; and the decision of the Governor thereon, with the advice of the Executive Council, shall be final. Provided that nothing in

this section contained shall be deemed to take away or abridge any right of action possessed by such public officer, widow, or child.

Widow not entitled to pension if marriage contracted after officer had ceased to contribute.

32 No widow of a public officer whose marriage was contracted after he had ceased to contribute, and no child of such marriage shall be entitled to any pension.

Pension not to exceed amount fixed by the actuary.

33 The pension to which any widow, or in the event of the death of the widow to which the child or children of a public officer shall become entitled, shall in no case exceed three thousand rupees, or such sum which shall be fixed by the actuary or actuaries appointed under 23rd section of this Ordinance.

No increase or decrease of pension if residing in climate less or more healthy than Ceylon.

34 No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being less or more healthy as to climate than Ceylon.

One-half of bachelor's contribution to be returned on retirement.

35 Fifty per cent. of the contributions made by a bachelor shall be returned, but without interest, upon the retirement, unmarried, of such officer from the Public Service of this colony with or without pension.

SCHEDULE.

Ordinances Repealed.

(See Section 2.)

No. and Year.	Title.
20 of 1885 ...	"The Widows' and Orphans' Pension Fund Ordinance, 1885."
1 of 1890 ...	An Ordinance to amend "The Widows' and Orphans' Pension Fund Ordinance, 1885."
15 of 1894 ...	An Ordinance to amend the Law providing for the granting of Pensions to Widows and Children of deceased Public Officers of this Colony.

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 22 of 1896.

An Ordinance to amend the Ordinance No. 20 of 1892, intituled "An Ordinance for exempting from Customs Duty certain Articles imported or purchased for the use of Her Majesty's Naval and Military Forces."

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 20 of 1892, intituled "An Ordinance for exempting from Customs Duty certain Articles imported or purchased

for the use of Her Majesty's Naval and Military Forces":
Be it therefore enacted by the Governor of Ceylon, by and
with the advice and consent of the Legislative Council
thereof, as follows :

Repeal of
Ordinance No. 20
of 1892 so far as
it applies to
military forces.

Saving clause.

A sum not
exceeding
twenty-five
thousand rupees
annually to be
paid out of the
revenue as
commutation
allowance.

And to be a fixed
commutation.

This Ordinance
not to affect
exemption in
favour of naval
forces.

Date of
operation.

1 On and from the date on which this Ordinance comes into operation, sub-sections (c) and (d) of section 1 of the Ordinance No. 20 of 1892, intituled "An Ordinance for exempting from Customs Duty certain Articles imported or purchased for the use of Her Majesty's Naval and Military Forces," in so far as it relates to Her Majesty's regular military forces, shall be repealed; but such repeal shall not affect—

- (a) The past operation of the sub-sections hereby repealed, nor anything duly done or suffered thereunder; or
(b) Any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder.

2 The Governor, with the advice of the Executive Council, may authorize the payment annually of a sum not exceeding twenty-five thousand rupees from the revenue of this colony to be applied towards the payment to the several officers, warrant officers, sergeants, and rank and file mentioned in the first column of the schedule hereto, at the monthly rate or commutation allowance specified in the second column of the said schedule, or to be applied in such manner as the Secretary of State for War may determine.

3 The sum or amount not exceeding twenty-five thousand rupees to be paid under the preceding section shall be deemed to be a fixed commutation, payable by the colony, in lieu of the exemption from or rebate of customs duty on articles of every description imported, purchased, or procured for the use of Her Majesty's regular military forces other than those imported, purchased, or procured for the public use of such forces.

4 Nothing herein contained shall affect the exemption from or rebate of customs duty enacted by sub-sections (c) and (d) of section 1 in respect of Her Majesty's naval forces.

5 This Ordinance shall come into operation on such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

SCHEDULE.

Persons.	Rate per Mensem.	
	Rs.	c.
Officers	6	50
Warrant officers	4	0
Sergeants	2	50
Rank and file of Royal Artillery and Royal Engineers	1	50
Rank and file of the line	1	0

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 23 of 1896.

An Ordinance for making final provision for the Supplementary
Contingent Charges for the year 1895.

WEST RIDGEWAY.

Preamble.

WHEREAS by an Ordinance No. 15 of 1895 it was enacted that a sum of Rs. 1,202,525.16 should be charged upon the revenue of this island for the Supplementary Contingent Services of the year One thousand Eight hundred and Ninety-five, in addition to the sum of Rs. 14,004,646 provided by the Ordinance No. 16 of 1894: And whereas an expenditure of Rs. 116,207.15 was incurred and brought to account for the Contingent Services of the year 1895, for which provision is not made by the aforesaid Ordinances: It is enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Rs. 116,207.15 charged upon the revenue of this island of the year 1895 for the final Supplementary Contingent Service of that year.

1 That a sum not exceeding One hundred and sixteen thousand Two hundred and seven rupees and Fifteen cents shall be and the same is hereby charged upon the revenue of this island of the said year 1895, for the services hereinafter mentioned; the said expenditure being in conformity with the schedule hereunto annexed, whereof the following is an abstract:

	Rs.	c.
Pensions	82,810	77
Botanic Gardens	361	57
Exchange	28,134	81
Miscellaneous Services	4,592	24
Crown Agents	13	57
Public Works Recurrent	87	66
Public Works Extraordinary	206	53
Total ...	116,207	15

SCHEDULE.

	Rs.	c.	Rs.	c.
PENSIONS.				
Crown Agents, London	75,869	70		
Government and Agents in India	6,941	7		
			82,810	77
BOTANIC GARDENS.				
Other charges			361	57
EXCHANGE.				
Treasurer			28,134	81
MISCELLANEOUS SERVICES.				
Commissioner of Stamps	3,185	43		
Government and Agents in India	1,406	81		
			4,592	24
CROWN AGENTS.				
Personal emoluments			13	57
PUBLIC WORKS RECURRENT				
			87	66
PUBLIC WORKS EXTRAORDINARY				
			206	53
Total ...			116,207	15

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Badulla.

Order Nisi.

No. B/95. In the Matter of the Intestate Estate and Effects of Kana Nana Kana Kanappa Chetty, of Mirahwatte in Dambawinipalata, in the District of Badulla, and late of Natarasen Kottey Madura Sillah, India, deceased.

THIS matter coming on for disposal before J. G. Fraser, Esq., District Judge of Badulla, on the 10th day of December, 1896, in the presence of Mr. B. L. Potger on the part of the petitioner Kana Nana Kana Veerappa Chetty, and the petition and affidavit of the said Veerappa Chetty having been read: It is ordered that the said Kana Nana Veerappa Chetty, as one of the sons and heirs, be and he is hereby declared entitled to have letters of administration to the estate of the deceased Kana Nana Kana Kanappa Chetty issued to him, unless any person or persons shall, on or before the 11th day of January, 1897, show sufficient cause to the contrary.

J. G. FRASER,
District Judge.
The 10th December, 1896.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Achchoppillai, wife of Vettivelu Chuppiramaniar *alias* Henry Knight, of Arali East, deceased.

Vettivelu Chuppiramaniar *alias* Henry Knight, of BarnagallaPetitioner.

1, John Katirechar Tampayah and 2, his wife Chellachchi, of Arali East.....Respondents.

THIS matter of the petition of Vettivelu Chuppiramaniar *alias* Henry Knight, of Barnagalla, praying for letters of administration to the estate of the above-named deceased, Achchoppillai, wife of Vettivelu Chuppiramaniar *alias* Henry Knight, coming on for disposal before H. H. Cameron, Esq., District Judge, on the 9th day of December, 1896, in the presence of Mr. T. C. Changarappillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 13th day of December, 1895, having been read: It is declared that the petitioner is the widower of the said intestate, and as such is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 25th day of January, 1897, show sufficient cause to the satisfaction of this court to the contrary.

H. H. CAMERON,
District Judge.
Signed this 9th day of December, 1896.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Teywanaipillai, wife of Chinnattampi Ponnampalam, of Puttur North, deceased.

Kantar Velayutar, of Puttur North.....Petitioner.

1, Chinnattampi Ponnampalam, of Puttur North; 2, Chavuntarippillai, wife of Kantar Velayutar, of do.; 3, Velayutar Tiagarajah, of do.; and 4, Velayutar Kantayah, of do....Respondents.

THIS matter of the petition of Kantar Velayutar, of Puttur North, praying for letters of administration to the estate of the above-named deceased Teywanaipillai, wife of Chinnattampi Ponnampalam, coming on for disposal before H. H. Cameron, Esq., District Judge, on the 26th day of November, 1896, in the presence of Mr. T. C. Changarappillai, Proctor, on the part of the

petitioner; and the affidavit of the petitioner, dated the 23rd day of November, 1896, having been read: It is declared that the petitioner is the next of kin of the said intestate, and as such is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 18th day of January, 1897, show sufficient cause to the satisfaction of this court to the contrary.

H. H. CAMERON,
District Judge.
Signed this 26th day of December, 1896.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Anappillai, widow of Soosaipillai Bastiampillai, of Jaffna town, deceased.

Bastiampillai Chavarimuttu, residing in the town of Jaffna.....Petitioner.

Vs.
Bastiampillai Chusaipillai, residing in the town of Jaffna.....Respondent.

THIS matter of the petition of Bastiampillai Chavarimuttu, of Jaffna town, praying for letters of administration to the estate of the above-named deceased, Anappillai, widow of Soosaipillai Bastiampillai, of Jaffna town, coming on for disposal before H. H. Cameron, Esq., District Judge, on the 5th day of December, 1896, in the presence of Mr. C. Strantenbergh, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 2nd day of December, 1896, having been read: It is declared that the petitioner is one of the sons of the said intestate, and as such is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before the 11th day of January, 1897, show sufficient cause to the satisfaction of this court to the contrary.

H. H. CAMERON,
District Judge.
This 5th day of December, 1896.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament of Mahawaduge Hendrick, and his deceased wife Wedige Isabella Fernando, of Nalloor in Panadure.

THIS matter coming on for disposal before S. Haughton, Esq., Acting District Judge of Kalutara, on the 22nd day of October, 1896, in the presence of Messrs. J. A. and C. F. Dharmaratne, Proctors, on the part of the petitioner Mahawaduge Hendrick Perera and the affidavit of the said petitioner and the witnesses attesting the will, dated 15th October, 1896, having been read:

It is ordered that the will of Mahawaduge Hendrick Perera, and his deceased wife Wedige Isabella Fernando, dated 20th December, 1877, be and the same is hereby declared proved.

It is further declared that the said Mahawaduge Hendrick Perera is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless the respondents—1, Mahawaduge Abraham Perera; 2, Mahawaduge Simona Perera; 3, Mahawaduge Sugatina Perera; 4, Ponnenedige Harmanis Dias—shall, on or before the 6th day of January, 1897, show sufficient cause to the satisfaction of this court to the contrary.

S. HAUGHTON,
Acting District Judge.
The 2nd day of December, 1896.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Hatton by the labourers of Craigie Lea estate, Kotagala, against the proprietors thereof, to recover the sum of Rs. 49-50 due to them as wages.

O. S. MAHAMADU,
Chief Clerk.

This 18th day of December, 1896.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Matale by nine labourers of Ratwatta estate, against the proprietor or proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages, amounting to Rs. 200.

A. V. WOUTERSZ,
Chief Clerk.

This 21st day of December 1896.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Hatton by a labourer of Fordyce estate, Dikoya, against the proprietor thereof, to recover the sum of Rs. 10 due to her as wages.

O. S. MAHAMADU,
Chief Clerk.

This day of 22nd December, 1896.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Hatton by the labourers of Bogahawatta estate, Kotagala, against the proprietor thereof, to recover the sum of Rs. 81-50 due to them as wages.

O. S. MAHAMADU,
Chief Clerk.

This day of 22nd December, 1896.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,846. In the matter of the insolvency of Jayesekera Hettiarachchige Anthony Tissera, of Jampettah street, Colombo.

WHEREAS the above-named Jayesekera Hettiarachchige Anthony Tissera was on December 23, 1896, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned; and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on January 28 and February 11, 1897, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,
J. B. MISSO,
Secretary.

Colombo, December 29, 1896.

No. 1,843. In the matter of the insolvency of Pagoda Arachchige Don Pules Appuhami, of Dam street, Colombo.

WHEREAS the above-named Pagoda Arachchige Don Pules Appuhami was on December 16, 1896, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned; and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on January 28 and February 11, 1897, for the said insolvent to surrender and conform; and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,
J. B. MISSO,
Secretary.

Colombo, December 30, 1896.

In the District Court of Jaffna.

No. 34. In the matter of the insolvency of Kantappillai Veluppillai, of Navakkery, in the District of Jaffna.

WHEREAS Kantappillai Veluppillai, of Navakkery, has filed a declaration of insolvency, and Chupperamania Chettiar Kanagasapai, of Atchuvely, has filed a petition for the sequestration of the estate of the said Kantappillai Veluppillai, of Navakkery, under the Ordinance No. 7: Notice is hereby given that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on January 18, 1897, and February 16, 1897, 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,
F. STRUYS,
Secretary.

Jaffna, December 6, 1896.

In the District Court of Badulla.

No. 79. In the matter of the insolvency of M. B. Salgado, of Badulla.

NOTICE is hereby given that the adjourned second sitting in the above case is fixed for February 1, 1897.

By order of court,
R. SOLOMONS,
Secretary.

Badulla, December 22, 1896.

NOTICES OF FISCALS' SALES.

Central Province.

In the District Court of Colombo.

William Lumsdew Strachan, of Kandy Plaintiff.
No. C/8,957. Vs.

1, William Albert Theobald, and 2 Frederick Charles Theobald, both of Shannon estate Hatton Defendants.

NOTICE is hereby given that on January 29, 1897, at 12 o'clock noon, at the Fiscal's Office, Kandy, will be sold by public auction the following property, viz. :—

All that estate called and known as Alluta, comprising all those four allotments of land called Ellotuwa, situated in the village Polwatta in the Pallepallata of Tumpane, Central Province; bounded on the east by land described in plan 102,240, Dimbulamadakanda (trigonometrical station), and land claimed by villagers, on the south by land also claimed by villagers, on the west by land described in plan 62,846, by land claimed by natives and by Hinduragalla (trigonometrical station), and on the north by land claimed by villagers, containing in extent 503 acres and 32 square perches as per plan of survey made by Mr. J. E. Rodrigues, dated May 14, 1878, exclusive of about 103 acres, consisting of paddy fields, gardens, arambes, and chenas around the paddy fields and water-courses, and which said land comprises the following allotments :—

1. All that piece of land called Ellotuwa, situate in the village Polwatta aforesaid; bounded on the north-west and north by a water-course, on the east and south by land described in plan 103,546, and on the west by a water-course and by land claimed by Punchirala and others, containing in extent 3 acres 2 roods and 32 perches according to the figure of survey No. 103,540, dated the 23rd day of March, 1876, authenticated by Col. A. B. Fyers, Surveyor-General.

2. A piece of land called Dimbulamadahena, situate at Polwatta aforesaid; bounded on the north-east by land claimed by villagers and land described in plan 102,240, and on the south-east by land claimed by villagers, on the south-west by land described in plan 103,546, land claimed by E. Kalu Etena and others and water-course, and on the north-west by water-course and land claimed by villagers, containing in extent 155 acres according to the figure of survey No. 103,544, dated the 23rd day of March, 1896, authenticated by Col. A. B. Fyers, Surveyor-General.

3. A piece of land situate at Polwatta aforesaid; bounded on the north by land claimed by natives, on the north-east by water-course and land described in plan 103,544, on the south-east by land claimed by natives and a water-course, on the south by land claimed by P. Appu, water-course, and land claimed by natives, on the west by land claimed by natives, water-course, land described in plans 103,540, 103,460, and 62,846, and land purchased by A. Ranhami, and on the north-west by land claimed by natives and land described in plan 99,930, containing in extent 299 acres according to the figure of survey No. 103,546, dated the 23rd day of March, 1876, authenticated by Col. A. B. Fyers, Surveyor-General.

4. A piece of land called Immogalakele, situate at Polwatta aforesaid; bounded on the north-east by land described in plan 103,546, on the east by land described in plan 103,546 and land claimed by Punchirala and others, on the south-east by land claimed by Punchirala and others and water-course, on the south by land claimed by C. P. Rala and P. Etena and land claimed by natives, and on all other sides by land claimed by natives, containing in extent 45 acres and 2 square roods according to the figure of survey No. 103,460, dated the 16th day of March, 1875, authenticated by the said Col. A. B. Fyers, Surveyor-General, now comprised in and demised by all

that indenture of lease No. 1,749, dated the 15th day of August, 1894, attested by E. L. Siebel, of Kandy, Notary Public, and entered into between Ratwatte Wijewardena Senewiratna Panditte Abeyakoon Bandaranayake Wasala Mudianselage Paranagama Abeyaratna Basnayake Nilame and Ratwatte Wijewardena Senewiratna Panditte Abeyakoon Bandaranayake Wasala Mudianselage Paranagama Senewiratna Ratamahatmeya as lessors, and William Albert Theobald and Frederick Charles Theobald, the defendants above-named, as lessees for all the residue now unexpired of the term of thirty years granted in and by the said indenture of lease No. 1,749 of August 15, 1894; and all the right, title, and interest, claim, and demand whatsoever of the defendants in and to the said lands, indenture of lease and premises specially assigned and set over by way of mortgage to the plaintiffs by the defendants by a bond dated September 10, 1895, and declared by the judgment entered in the above case to be sold in satisfaction of the claim of the plaintiffs.

Amount of writ, Rs. 1,500.

Fiscal's Office,
Kandy, December 21, 1896.

C. S. VAUGHAN,
Fiscal.

North-Western Province.

In the District Court of Negombo.

Kavanna Kana Nana Kana Kanappa Chetty,
of Negombo Plaintiff.
No. 2,444. Vs.

Wijetunga Don Alvinu Appuhamy, of Bandirippuwa in Otarapalata Defendant.

NOTICE is hereby given that on Saturday, January 16, 1897, 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 in the following property, viz. :—

1. An undivided half share of land marked D 54, of about 3 acres in extent, situate at Bandirippuwa in Otarapalata, Pitigal korale south, Chilaw District (subject to a life-interest of Don Gabriel Appuhami and Wijetunga Arachehige Dona Isabelahamine, to the extent of 3 roods); which entire land is bounded on the north by a portion of this land of Don Anthony Appuhan i Annavirala, east also by land belonging to Don Anthony Appuhami Annavirala and by another portion of this land of Gabriel Appuhami Muppu, south by another portion of this land belonging to Don Isteven Appuhami, and on the west by high road leading from Boralessa to Lunuvila.

2. An undivided half share of land situate at Bandirippuwa aforesaid, of about 10 acres and 11 perches in extent; the entire land is bounded on the north and west by land appearing in plan 79,955, east by land appearing in plan 79,869 and by land of Punchappu, and on the south by lands of W. Punchappu, A. M. Punchappu, and Sardiel Appu.

3. A land situate at Bandirippuwa aforesaid, of about 6 acres and 8 perches in extent; bounded on the north by land appearing in plan 79,883, and now belonging to Wijetunga Don Juan Officer, east by land appearing in plan 79,882, now belonging to Wijetunga Don Juan Officer, south by lands appearing in plans 79,825 and 79,824, and on the west by land appearing in plan 79,884, now belonging to Don Juan Officer.

4. An undivided one-sixth share of the land situate at Lunuvila in the said korale, of about 16 acres and 1 rood in extent; bounded on the north by land appearing in the plan 79,397 and by land of Baba Appu, east by land appearing in plan 79,399, south by land of Bastian Fernando, and on the west by a road.

5. An undivided one-sixth share of the land called Singakkulia Mukalana, situate at Singakkuliya in the aforesaid korale (excluding therefrom a portion in extent 16 acres); the entire land, which is of about 204 acres, is bounded on the north by lands claimed by Undiyarala and by footpath, north-east by lands claimed by Ranhamy, Sinnappu, Ranhamy, Undiyarala, Kapurala, and Sanchi Appu, by a road, and by lands said to belong to the Crown, south-east by a road and by lands claimed by Sinnappu, Arachechi Appu, Arachchirala, and Sanchi Appu, south by lands claimed by Undiyarala, Kapurala, Sinnappu, Punchirala, and Sanchi Appu, south-west by lands claimed by Undiyarala, Kapurala, Arachechi Appu, Sanchi Appu, Punchirala, Sinnappu, Ranhamy, Davit Appu, Sinno Appu, and others, and on the west by lands claimed by Undiyarala, Kapurala, Sanchi Appu, Mudalihami, Lath Etana, Tikirala Appurala, Kirihamy, Undiyarala, Sinno Appu, and Ranhamy, and on the north-west by lands claimed by Undiyarala Appurala, Kirihamy, Sinno Appu, Ranhamy Appurala, Appuhami Undiyarala, Sinno Appu and others, and by a footpath.

Amount recoverable Rs. 692.75, with interest on Rs. 600 at 30 per cent. per annum from August 20, 1894, and poundage.

C. R. CUMBERLAND,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, December 15, 1896.

In the District Court of Negombo.
Nawenna Nawenna Nachchiappa Chetty, of
Negombo..... Plaintiff.
No. 2,680. Vs.
Warnakulasuriya Paulu Lowee and another,
of Nainamadama Defendants.

NOEICE is hereby given that on Saturday, January 23, 1897, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

1. All that undivided $\frac{1}{3}$ and $\frac{1}{8}$ parts of the garden called Madangahawatta, of about 58 acres in extent, situate at Bandirippuwa; the entire land is bounded on the north by the land of Martin Fernando, east by the road of the village boundary of Haldanduwana, south by the high road, and west by field.

2. An undivided $\frac{1}{4}$ part of the garden called Gorakagahawatta, situate at Bandirippu in Otarapalata, Pitigal korale south, Chilaw District; the entire land is bounded on the north by road, east by land of Damiyan Fernando, south by the land of Francis Xavier Rowel and others, and west by the land of the heirs of the late Cornis Appu, containing in extent about 53 acres. Valuation Rs. 1,500.

Amount recoverable Rs. 695.25, with interest on Rs. 600 at 30 per cent. per annum from March 11, 1895, and poundage.

C. R. CUMBERLAND,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, December 15 1896.

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 at Colombo will be holden at the Court-house at Hulftsdorp, Colombo, on Monday, January 11, 1897, 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.

H. L. MOYSEY,
Fiscal.
Fiscal's Office,
Ratnapura, December 23, 1896.

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වර්ෂ 1896 ක්‍රි.ව. දෙසැම්බර් මස 23 දින
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இலங்கைத்தீவிற சங்கைபோந்த சுப்பிரீங் கோட்டா
ரது கட்டளையின்படி நாம் பிரசுத்தப்படுத்துவதாவது :
ஹல்ஸ்டோர்ப் கொழும்பு நியாயஸ்தலத்திலே மேற்சொ
ல்லிய சுப்பிரீங்கோட்டாரால் மேற்குமாகாணத்து கொ
ழும்பைச்சேர்ந்த கிறிமினெல் வழக்குவிசாரணை 1897
ம் ஆண்டு தைமாதம் 11 ந் திகையாகிய திங்கட்கீழமை
காலமே 11 மணி தொடங்கி அன்றும் அதற்கடுத்த நா
ட்களிலும் நடத்தப்படும்.

ஆதலால் அவ்விசாரணையிற் காரியகருமமுள்ளவர்க
ளெல்லோரும் சொல்லப்பட்ட நேரத்திலே சொல்லப்
பட்ட இடத்திலே வெளிப்பட்டு அவ்விடத்தினின்றும்
உத்தரவின்றி நீங்காதிருக்கக்கடவர்கள்.

இங்கனம்,
எம். எல். மொயிசு,
பிஸ்கால்.

கொழும்பு பிஸ்கால் கந்தோர்,
1896 ம் ஹப் மார்ச்சுமீ 23 ந் உ.

THE Deputy Fiscal's Office at Kalpitiya will cease to exist from and after December 31, 1896.

From January 1, 1897, all processes and writs for persons in the Kalpitiya Division will be served and executed from the Puttalam office; and all applications regarding the business of the Fiscal's Department should be made to the Deputy Fiscal, Puttalam.

G. A. BAUMGARTNER,
Deputy Fiscal.

Deputy Fiscal's Office,
Puttalam, December 29, 1896.