



Ceylon Govt. Gazette

EXTRAORDINARY

Published by Authority.

No. 5,164—MONDAY, AUGUST 22, 1892.

DRAFT ORDINANCES.

MINUTE.

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

The General Local Inscribed Rupee Stock Ordinance, 1892.

Preamble.

WHEREAS it is expedient to provide for the creation of inscribed rupee stock to be issued in this Colony: Be it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

Governor may raise by means of inscribed rupee stock money which he is authorised to raise by loan.

1 It shall be lawful for the Governor, whenever he desires to raise any sum or sums of money, being the whole or any portion of any sum which he may have been, or shall hereafter be authorised to raise, by way of loan, by any Ordinance which may have been or at any time may be passed, to raise the same or any part thereof by the creation and issue of inscribed rupee stock, under the provisions of this Ordinance.

Stock to be styled Ceylon Inscribed Rupee Stock, and issued by the Treasurer.

2 Such stock shall be styled "Ceylon Inscribed Rupee Stock," and shall from time to time be issued by the Treasurer of Ceylon, who is hereinafter defined as the registrar, upon the best and most favourable terms that can be obtained, and in such amounts and on such conditions, subject to the provisions of this Ordinance, as the Governor may before the issue thereof from time to time direct, provided that the interest on such stock shall not exceed 4 per cent. per annum.

Inscribed rupee stock to be a charge upon general revenue.

3 The principal moneys and interest secured by the inscribed rupee stock created under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Ceylon.

When the principal is to be repaid.

4 All the inscribed rupee stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Treasurer when issuing the stock, such date not being later than fifty years from the date of issue. From and after which date all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

Principal and interest where payable.

5 The principal moneys secured by the inscribed rupee stock created under this Ordinance, and the interest thereon, shall be payable at the Treasury at Colombo. Provided that it shall be lawful for the registrar to make such arrangements as the Governor may approve for making the interest payable by post dividend warrant at any kachchéri in the Colony.

Appropriation - out of general revenue of sums to meet interest and principal.

6 So long as interest shall continue to be payable on any such inscribed rupee stock, the Governor shall, in each half year ending with the day on which the interest thereon falls due, appropriate out of the general revenue and assets of the Island a sum equal to one-half year's interest thereon, and shall authorise the Treasurer to pay thereout the then current half year's interest on the day when it falls due. After the date specified in the Ordinance authorising an issue of inscribed rupee stock as that on which the contribution to the sinking fund shall commence, the Governor shall further appropriate out of the said revenue and assets in each half year ending as aforesaid an additional sum for the formation of a sinking fund equal to ten shillings per centum on the total nominal amount of such inscribed rupee stock, and that sum shall be vested in the hands of the Auditor-General and of the Treasurer, who are hereby appointed trustees of the sinking fund.

Investment of sinking fund.

7 The contributions to the sinking fund shall be applied as follows:—

- (a) If the price of the inscribed rupee stock be below par at the time when the contributions are received, the trustees shall, if practicable, purchase therewith the inscribed rupee stock in the market, and shall cancel in the register the stock so purchased.
- (b) The trustees shall invest so much of the contributions as shall not be applied in the purchase of inscribed rupee stock, and the dividends, interest, or produce of such investments in the purchase of such debentures, stock, or other security, as may from time to time be approved by the Governor, and shall hold such fund in trust for repayment of the principal moneys for the time being secured by the inscribed rupee stock.

Any deficiency in sinking fund to be made good out of general revenue.

8 In case the sinking fund shall be insufficient to provide the necessary funds for the redemption of the inscribed rupee stock when it shall have become due, the deficiency shall be made good out of the general revenue and assets of the Government of Ceylon.

Expenses to be paid out of sinking fund.

9 All expenses of or incidental to the management of the sinking fund or to the repayment of the principal moneys borrowed, shall be paid out of the sinking fund.

Transfer of stock.

10 The stock to which this Ordinance applies shall be transferred as follows:—

- (a) The transfer shall be made by an agreement in writing, which shall be signed by the transferor and transferee, and each execution shall be attested by a credible witness, but no transfer under such agreement shall be registered without the production of the stock certificate referred to in section 20 of this Ordinance.
- (b) The executors or administrators of a deceased stockholder shall alone be recognised by the registrar as having any title to the stock or any dividend thereon.

(c) The person becoming entitled to any stock or dividend thereon in consequence of the death, bankruptcy, or marriage of the stockholder, or of any devolution in law from the stockholder, or otherwise than by transfer of the stock, shall produce such evidence of his title as may be reasonably required by the registrar.

Closing of register for dividend.

11 The registrar may, for such period not exceeding fourteen days as he may from time to time fix previous to each payment of dividend on stock to which this Ordinance applies, close the register of the stock as regards transfers, upon giving not less than seven days' notice of such closing by advertisement in the *Ceylon Government Gazette* and in one newspaper published in the Colony.

The persons who on the day of such closing are inscribed as stockholders shall, as between them and their transferees of stock, be entitled to the dividend then next payable thereon.

Dividends in case of infancy, &c., of a joint stockholder.

12 Where stock to which this Ordinance applies is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability, a power of attorney for the receipt of the dividends on the stock shall be sufficient authority in that behalf, if given under the hand and seal of the person not under disability, and attested.

The registrar, before acting on the power of attorney, may require proof to his satisfaction of the alleged infancy or unsoundness of mind, by the affidavit of competent persons made before a justice of the peace, or in such other manner as he may reasonably require.

Stock Certificates to Bearer.

Stock certificates to bearer.

13 The registrar, if so authorised by the Governor, shall on application and payment of the fees, if any, chargeable in respect of the certificate, grant to a stockholder a certificate (in this Ordinance called a stock certificate to bearer) which shall entitle the bearer to the stock therein described, and shall be transferable by delivery.

There shall be attached to such certificate coupons entitling the bearer of, or person named in the coupons to the dividends on the stock for a limited period, such interest to be payable only on the production of the certificate with its unpaid coupons complete at the Treasury at Colombo.

Any stock in respect of which a stock certificate to bearer has been so issued shall, so long as such certificate is outstanding, cease to be dealt with through the medium of the register.

Renewal of coupons or certificate.

14 On the expiration of the period for which the coupons attached to a stock certificate to bearer have been issued under this Ordinance, the certificate may be exchanged for another certificate with coupons for a further period.

Conversion into nominal stock of stock in certificate to bearer.

15 On delivery to the registrar of a stock certificate to bearer issued under this Ordinance, and of all unpaid coupons belonging thereto, the registrar shall enter the bearer in the register as proprietor of the stock described in the certificate, and thereupon that stock shall become transferable and the dividends thereon payable as if no stock certificate to bearer had been issued in respect of that stock.

Trustee not to apply for stock certificate to bearer.

16 A trustee shall not apply for or hold a stock certificate to bearer issued under this Ordinance unless expressly authorised to do so by the terms of his trust. But this provision shall not impose on the registrar an obligation to inquire whether a person applying for a stock certificate to bearer is or is not a trustee, or subject the registrar to any liability in the event of his issuing a stock certificate to bearer to a trustee, or invalidate any stock certificate to bearer issued.

Loss of stock certificate to bearer.

17 If any stock certificate to bearer issued under this Ordinance is lost, mislaid, or destroyed, the registrar shall, on such indemnity being given as he may reasonably require, and on payment of the expense of the issue, issue a fresh stock certificate to bearer in the place of the certificate so lost, mislaid, or destroyed.

Stock in certificate to bearer to have incidents of other stock, except as to transfer, &c.

18 Stock described in a stock certificate to bearer issued under this Ordinance shall, save as relates to the mode of transfer and payment of dividends, be subject to the same incidents in all respects as if it had continued to be transferable in the register.

Register.

Registry of stock.

19 The Treasurer of Ceylon shall be the registrar under this Ordinance, and shall keep a register at his office, in which all the rupee stock shall be inscribed at the time of issue in the names of the stockholders, and he may as such registrar, before the inscription of any stock, with the consent and approval of the Governor in Executive Council, make with respect to the transfer and management of such stock, regulations not inconsistent with the provisions of this Ordinance. It shall be lawful in and by such regulations to prescribe fees to be paid on such transfer or otherwise.

A printed copy of the documents containing the authority for and conditions of the issue of stock to which this Ordinance applies, and of all regulations with respect to the transfer of such stock or otherwise, in relation to such stock, shall be entered in the register of the stock.

Certificates to stockholders.

20 On the creation and issue to any person of any inscribed rupee stock under the provisions of this Ordinance, such person shall be entitled to a certificate, under the hand of the registrar, of his title to such stock.

Register to be evidence.

21 The register kept in pursuance of this Ordinance shall on its mere production from the custody of the registrar be evidence of all matters entered therein, and, as regards persons entered therein as proprietors of stock to which this Ordinance applies, of the title of those persons to the stock.

Notice of trust not receivable.

22 No notice of any trust in respect of any stock to which this Ordinance applies shall be entered in the register or receivable by the registrar or by the Government of this Colony.

Stock not liable to seizure or sale in execution.

23 Stock to which this Ordinance applies shall not be liable to sequestration, seizure, or sale in execution under chapter XXII. of the Civil Procedure Code, 1889.

Information to be given respecting register

24 The registrar shall keep in a separate book a list of the stockholders on whose stock the dividends have been unclaimed for ten years, together with their registered addresses and description, and such list shall be open for inspection at the usual hours of transfer upon payment of such fee, not exceeding rupees , as may be fixed by the regulations.

The registrar shall give within a reasonable time after application a certificate stating the following particulars in relation to any stock of which he is registrar, or any part of such stock, or such of those particulars as may be required by the applicant, namely—

- (a) The total amount issued and the total inscribed in the register ; and
- (b) The total number of the persons in whose names the stock or part is originally inscribed, or after the register of such stock or part has been once closed as regards transfers, the total number of the stockholders at the last preceding date at which the transfer books were closed ; and

- (c) The total number of each class of persons in whose names the stock or part is originally inscribed, or after the register of the stock or part has been once closed as regards transfers of each class of stockholders at the last preceding date at which the transfer books were closed, the classification being according to the amount held, omitting fractions of two thousand rupees ; and
- (d) A copy or extract certified by the registrar or by some officer appointed for the purpose to be a true copy or extract of any conditions or regulations required by this Ordinance to be entered in the register.

Provided that the registrar shall not be required to give any such certificate in relation to any stock issued under the provisions of this Ordinance, or part of such stock, until after the expiration of one month after the stock or part of the stock to which the certificate relates has been inscribed.

Within a reasonable time after the application of any person who is a stockholder of any stock to which this Ordinance applies, the registrar shall give him a list of the registered names and addresses of the stockholders of such stock at the last preceding date at which the register was closed as regards transfers.

The registrar, before giving a certificate or list under this section, may require payment of such a fee not exceeding rupees and a further sum of cents for every folio of one hundred and twenty words, or in the case of a list of names and addresses of cents for each name and address, as the registrar may from time to time fix.

Any certificate or list given under this section shall be admissible in evidence.

Miscellaneous.

Creation, inscription, issue, conversion, and transfer of inscribed rupee stock.

25 The registrar shall from time to time under the directions of the Governor make arrangements for all or any of the following things :—

- (1) For inscribing rupee stock in his books.
- (2) For managing the creation, inscription, and issue of inscribed rupee stock.
- (3) For effecting the conversion of loans into inscribed rupee stock.
- (4) For paying interest on inscribed rupee stock, and managing transfers thereof.
- (5) For issuing inscribed stock certificates to bearer and as often as occasion shall require, re-issuing or re-inscribing rupee stock, and re-issuing inscribed stock certificates.

General Provisions.

Exemption from stamp duties.

26 All documents whatsoever made or used under the provisions of this Ordinance shall be free from stamp duty, anything in any other Ordinance to the contrary notwithstanding.

Persons making false declarations how punishable.

27 If any person shall make and subscribe any declaration required to be made on the doing of any act, matter, or thing, or for verifying any statement whatsoever, required to be done or made, or for use for any purpose, under the provisions of this Ordinance, and shall wilfully make therein any false statement as to any material particular, the person making the same shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding three years.

Frauds and
forgery.
Forgery of
transfer, &c.

28 Whosoever shall—

(a) forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock to which this Ordinance applies, or which may be transferable, under this Ordinance, or shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest in any such stock, or to receive any dividend or money payable for or in respect of any such share or interest, or who shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered with intent in any of the cases aforesaid to defraud, or who shall

Personation.

(b) falsely and deceitfully personate any owner of any share or interest of or in any stock to which this Ordinance applies, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid belonging to any such owner and shall thereby transfer or endeavour to transfer any share or interest of or in any such stock belonging to any such owner, or thereby receive or endeavour to receive any money due to any such owner as if such offender were the true and lawful owner, or who shall

Forgery of
witness'
signature, &c.

(c) forge any name, handwriting, or signature, purporting to be the name, handwriting, or signature, of a witness attesting any transfer of any stock to which this Ordinance applies, or attesting the execution of any power of attorney, or other authority, to transfer any share or interest of or in any such stock, or to receive any dividend or money payable in respect of any such share or interest, or shall offer, utter, dispose of, or put off any such power of attorney, or other authority with any such forged name, handwriting, or signature thereon, knowing the same to be forged, or who shall

False entries in
register, &c.

(d) wilfully make any false entry in, or wilfully alter any word or figure in any register or certificate of or relating to any stock to which this Ordinance applies, or shall wilfully make any transfer of any share or interest of or in any such stock in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud,

shall be guilty of an offence, and being convicted thereof shall be liable at the discretion of the court to simple or rigorous imprisonment for any term not exceeding five years.

Offences to be
cognisable and
bailable and
triable by
District Courts.

29 All offences under this Ordinance are hereby declared to be cognisable and bailable within the meaning of those terms as defined in section 3 of the Criminal Procedure Code, and shall be triable by the district court which is hereby authorised to inflict the penalties hereinbefore provided, anything in section 15 of the said Code to the contrary notwithstanding.

Short title.

30 This Ordinance may be cited as "The General Local Inscribed Rupee Stock Ordinance, 1892," and shall come into operation on such day as the Governor shall by Proclamation appoint.

By His Excellency's command,

J. A. SWETTENHAM,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, August 22, 1892.

MINUTE.

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

An Ordinance to remove doubts as to the purposes towards which the Rates on Real Property may be applied by the Municipal Council of Colombo.

Preamble.

WHEREAS doubts have been entertained as to whether the Municipal Council of Colombo may lawfully apply towards the general purposes of the Colombo Municipality any part of the rate or rates made, assessed, and levied by them under the provisions of section 127 of "The Municipal Councils Ordinance, 1887," and it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

Rates on real property may be applied by the Municipal Council of Colombo towards the general purposes of the Municipality.

1 When in the aggregate any rate or rates heretofore levied or which may hereafter be levied under the provisions of section 127 of "The Municipal Councils Ordinance, 1887," shall have exceeded or shall exceed in any year or years the sum necessary for the purpose or purposes in the said section specified, for which such rate or rates shall have been or may hereafter be made and assessed, it shall be lawful for the Municipal Council of Colombo to apply such excess towards the general purposes of the Colombo Municipality

By His Excellency's command,

Colonial Secretary's Office,
Colombo, August 22, 1892.

J. A. SWETTENHAM,
Acting Colonial Secretary.

GOVERNMENT NOTIFICATION.

A MEETING of the Legislative Council will be held on Wednesday, the 31st instant, at 3 o'clock p.m.

Council Chamber,
Colombo, August 20, 1892.

By order,

H. L. CRAWFORD,
Clerk to the Council.