



Ceylon Government Gazette

EXTRAORDINARY.

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PART I.—General: Minutes, Proclamations, Appointments,
and General Government Notifications.

PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Marine and Mercantile.

PART V.—Municipal and Local.

[PARTS I., III., IV., and V. not issued.]

Part II.—Legal and Judicial.

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

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance regulating the employment of Natives outside the Island.

Preamble.

WHEREAS it is expedient to regulate the employment of natives and residents of the island for services to be performed beyond the limits thereof, and to provide for their due return to the island on the completion of their term of service: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited for all purposes as "The Natives' Foreign Employment Ordinance, 1902."

Definitions.

2 In this Ordinance, unless the context otherwise requires:

"Emigrant" shall mean a person who, being a native of the island or for the time being resident in the island, shall be engaged to perform beyond the limits of the island services other than those ordinarily required of seamen, coolies, labourers, and domestic servants.

“Employer” shall include every person who engages or endeavours to induce any native or resident of the island to quit the island for the purpose of performing some service or doing some duty in parts beyond the limits of the island.

Unlawful to induce emigrant to-embark.

3 It shall not be lawful for any person to cause, procure, or induce, or attempt to cause, procure, or induce, any emigrant to embark on any ship except in manner hereinafter provided.

Engagement of emigrant to be in writing.

4 It shall be the duty of every employer, upon engaging an emigrant, to enter into a contract with him in writing, specifying the term of service, the nature of the services to be performed, the place where they are to be performed, the wages or other remuneration to be paid, and any other matter provided for in the agreement between them. Every such contract shall be in the English language, and shall be executed in triplicate, and shall be attested by the collector of customs or the master attendant of the port where the emigrant is to embark or a police magistrate of such port, and it shall be the duty of the officer so attesting such contract to explain the same or cause it to be explained to the parties thereto. One of the triplicates shall be given to the emigrant, one to the employer, and the other shall be lodged with the collector of customs of the said port.

Pass to be obtained from Collector of Customs before embarkation of emigrant.

5 It shall be the duty of every employer desiring to ship any one or more emigrants on board any ship to apply for and obtain from the collector of customs of the port of shipment a pass setting out the names of the emigrants to be shipped, the services they have contracted to perform, the period for which they are to serve, and the port at which they are to be landed. Such pass shall in no case be issued by such collector until after the execution of the contract required by section 4.

Every such pass shall be in the form A in the schedule hereto, and shall bear a stamp of the value of Rs. 10, to be furnished by such employer. Such collector shall preserve a copy of every pass issued by him.

Employer to execute bond.

6 Every employer shall at the time of his applying for such pass execute a bond, together with two sureties resident in the island, to be approved by the collector of customs of the port of shipment in favour of such collector by which he shall bind himself in a penal sum calculated at the rate of Rs. 150 for every emigrant engaged by him to return the emigrants mentioned in such pass at his own cost and charges to the island at the expiration or sooner determination of their period of service. Every such bond shall be in the form B in the schedule hereto or as near thereto as the circumstances may require, and shall bear a stamp to be supplied by such employer, the amount of which shall be calculated at the rate of Rs. 10 for each emigrant mentioned therein, in lieu of any stamp duty imposed by “The Stamp Ordinance, 1890.”

Master of ship not to receive emigrant without pass.

7 It shall not be lawful for the master of any ship to receive on board his ship any emigrant, except upon presentation of a pass in the form hereinbefore provided authorizing the embarkation of such emigrant.

Limitation of shipment of domestic servants.

8 It shall not be lawful for any person to ship any natives of, or persons residing in, the island in excess of two such natives or residents for service as domestic servants beyond the limits thereof, unless such shipper shall have previously satisfied the collector of customs of the port of shipment that such natives or residents are *bonâ fide* required by him and will be employed by him as domestic servants and not otherwise, and that he will duly return such domestic servants to the island on the expiration of their respective terms of service, and every such shipper shall sign a declaration in the form C in the schedule hereto before the collector of customs or the master attendant of the port of shipment or a police magistrate of such port.

Copy of contract and declaration to be forwarded to Collector of Customs.

9 Whenever any contract of service or declaration hereinbefore required has been signed in the presence of a master attendant or police magistrate, it shall be the duty of such master attendant or police magistrate, after attesting the same, forthwith to send to the collector of customs one of the triplicates of such contract and such declaration before the ship mentioned in such contract or such declaration shall sail from the port of shipment.

Collector to preserve passes, &c.

10 The collector of customs shall preserve carefully in his office all copies of passes issued by him, and all bonds, declarations, and copies of contracts executed under the provisions of this Ordinance.

Rules.

11 The Governor, with the advice of the Executive Council, may from time to time make, and when made revoke or vary such rules as may be considered necessary for any of the following purposes :

- (a) The inspection and examination of emigrants at the port of shipment by the port surgeon or a medical officer to be appointed in that behalf.
- (b) Fixing the fee to be paid to such port surgeon or medical officer for every such examination.
- (c) Providing for the return to his native village at the expense of the employer of any emigrant condemned by the port surgeon or medical officer as unfit to perform the services or duties required of him.
- (d) Generally carrying out the objects of this Ordinance.

All rules made under this section shall be published by notification in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as they would have been had they been enacted as part of this Ordinance.

Penalty.

12 Every master of a ship and every employer who shall commit any breach of any of the provisions of this Ordinance or of any of the rules made hereunder shall be guilty of an offence punishable with fine, which may extend to one thousand rupees, or with imprisonment of either description which may extend to two years, or with both.

False declarations.

13 Every person required to make a declaration under the provisions of this Ordinance who shall wilfully make a false declaration in respect of any of the particulars required to be furnished in such declaration shall be guilty of an offence punishable with fine, which may extend to five hundred rupees, or with imprisonment of either description which may extend to one year, or with both.

SCHEDULE.

Form A.

Stamp.

(Section 5.)

Pass for Emigrants under Ordinance No. — of 1902.

No. —, dated at —, the — day of —, 190—, of —, is hereby authorized to ship on board the ship —, in the Port of —, the following emigrants :—

Name.	Nature of Services to be performed.	Term of Service.	Port at which to be landed.

(Signed) —.

Collector of Customs of the Port of —.

Form B.

Stamp.

(Section 6.)

Bond under Ordinance No. — of 1902.

This instrument witnesseth that *A. B.*, of —, *C. D.*, of —, and *E. F.*, of —, are jointly and severally held and firmly bound unto —, now lawfully discharging the duties of the office of Collector of Customs of the Port of —, or other the officer for the time being lawfully discharging those duties and his assigns in the sum of Rs. —, for the payment of which they hereby jointly and severally bind themselves their and each of their heirs, executors, and administrators.

Whereas *A. B.* has engaged for service in — for the period of — years, commencing on the — day of —, 190 —, the following persons, namely, (1) —, (2) —, (3) —, and is about to convey them to the Port of —:

The condition of the foregoing obligation is that if the said *A. B.* or his heirs, executors, and administrators shall at his or their own cost and charges forthwith, upon the expiration or other determination of the said period of service, re-convey or cause to be re-conveyed the said emigrants and each of them to this port, then the said obligation shall be void, but otherwise shall remain of full force and virtue.

Dated at —, Ceylon, this — day of —, 190 —.

Witnesses: (Signature of Obligor) —.

Form C.

(Section 8.)

Declaration under Ordinance No. — of 1902.

Whereas I, —, of —, have engaged —, of —, and —, of —, to serve me as domestic servants in — for the period of — years, beginning from the — day of —, 190 —, and I am about to ship them in the ship — for the Port of —.

I do hereby solemnly, sincerely, and truly declare that the said — and — are *bond fide* required by me for service as domestic servants, and that I will employ them as such and in no other capacity, and will, on the expiration or other determination of their term of service, return them at my own cost and charges to this port.

Declared at —, this — day of —, 190 —.

Before me: (Signature) —.

Collector of Customs, or }
Master Attendant, or a } of —.
Police Magistrate

By His Excellency's command,

Colonial Secretary's Office,
Colombo, January 17, 1902.

E. F. IM THURN,
Colonial Secretary.

MINUTE.

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

An Ordinance to amend "The Municipal Councils' Ordinances, 1887, 1890, and 1896."

Preamble.

WHEREAS it is expedient to amend in the particulars hereinafter mentioned "The Municipal Councils' Ordinance, 1887" (hereinafter referred to as "the principal Ordinance"), "The Municipal Councils' Amendment Ordinance, 1890," and "The Municipal Councils' Amendment Ordinance, 1896": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Municipal Councils' Amendment Ordinance, 1901," and this Ordinance, the principal Ordinance, "The Municipal Councils' Amendment Ordinance, 1890," and "The Municipal Councils'

Amendment Ordinance, 1896," shall be read as one, and may be cited collectively as "The Municipal Councils' Ordinances, 1887, 1890, 1896, and 1901."

Amendment of section 3 of Ordinance No. 7 of 1887, standing committee.

2 In section 3 of the principal Ordinance for the words "standing committee means the committee specified in section 88" shall be substituted the words "standing committees, and standing committee shall respectively mean the committees and any one of the committees specified in section 88." And for the words "standing committee" in the last paragraph of section 3 shall be substituted the words "standing committee on general subjects."

Amendment of sections 31 and 35 of Ordinance No. 7 of 1887.

3 In sections 31 and 35 respectively of the principal Ordinance for the words "standing committee" shall be substituted the word "chairman."

Amendment of sections 65, 66, and 67 of Ordinance No. 7 of 1887.

4 In sections 65, 66, and 67 respectively of the principal Ordinance for the words "standing committee" shall be substituted the words "standing committee on law and contracts."

Amendment of section 80 (b) of Ordinance No. 7 of 1887.

5 In section 80, clause (b), of the principal Ordinance for the word "committee" shall be substituted the word "committees."

Amendment of section 88 of Ordinance No. 7 of 1887.

6 For section 88 of the principal Ordinance there shall be substituted the following section :

Standing committees.

88. The municipal council shall at their first general meeting in each year elect by ballot, out of their number, members to form, with the chairman, five standing committees, that is to say, a committee on law and contracts, one on the regulation of markets and public health, one on finance and assessment, one on public works, and one on general subjects. Each such sub-committee shall consist of the chairman and three members elected as aforesaid ; and the municipal council shall at a general or special meeting, in manner aforesaid, fill up all vacancies occurring during the year. Provided, however, that no one member of the municipal council shall at any time be elected to serve on more than two such standing committees.

Amendment of sections 101, 102, 103, and 104 of Ordinance No. 7 of 1887.

7 For sections 101, 102, 103, and 104 of the principal Ordinance there shall be substituted the following sections :

Standing committees to assist chairman.

101. Standing committees provided for by this Ordinance shall, in respect of the matters with reference to which they are severally constituted, assist the chairman in giving effect to the provisions of this Ordinance, and shall attend to such other duties as are in accordance with the provisions of this Ordinance or any Ordinance amending it. Provided that in the event of a difference of opinion between the chairman on the one side and the other members collectively of a standing committee on the other, the chairman shall have the right to refer the matter at issue to the municipal council, and the resolution of the municipal council thereon shall be final. The said committees shall have access to all books, deeds, contracts, accounts, vouchers, and other documents and papers of the municipality.

Standing committee on finance to conduct monthly audit.

102. The standing committee on finance and assessment shall have power to conduct a monthly audit of the municipal receipts and disbursements for the preceding month as furnished by the chairman, shall see to the due appropriation of the budget grants with reference to the progress report of work done, shall inquire into complaints against assessment, and shall dispose of all applications for pensions and gratuities.

Standing committee on law to consider contracts, &c.

103. The standing committee on law and contracts shall consider contracts as provided in sections 65 and 67.

Standing committees to make rules to regulate proceedings.

104. Each standing committee may make rules for the regulation of its proceedings. Such rules shall be of no validity until they have been approved by the municipal council at a general meeting, and have received the sanction of the Governor in Executive Council.

Amendment of section 105 of Ordinance No. 7 of 1887.

8 In section 105 of the principal Ordinance for the words "the standing committee" shall be substituted the words "each standing committee."

Amendment of section 107 of Ordinance No. 7 of 1887.

9 In section 107 of the principal Ordinance for the words "the standing committee" shall be substituted the words "any standing committee."

Amendment of section 108 of Ordinance No. 7 of 1887.

10 In section 108 of the principal Ordinance for the words "any three members of the standing committee call a special meeting of the standing committee" shall be substituted the words "any two members of a standing committee call a special meeting of such committee."

Section 109 of Ordinance No. 7 of 1887 amended.

11 For section 109 of the principal Ordinance shall be substituted the following :

Estimate of receipts and expenditure to be submitted by chairman to standing committee on finance in October every year.

109. At a meeting of the standing committee on finance and assessment to be held not later than in the month of October in every year the chairman shall lay before such committee an estimate of probable receipts and the proposed expenditure of the municipality for the year commencing on the 1st day of January then next succeeding in such detail and form as such committee may from time to time direct. The said standing committee shall proceed to consider such estimate and may approve, reject, or alter all or any of the items entered therein or add any item thereto; provided that no rejection, alteration, or addition be inconsistent with the provisions of this Ordinance.

Amendment of section 110 of Ordinance No. 7 of 1887.

12 In section 110 of the principal Ordinance for the words "the standing committee" shall be substituted "the standing committee on finance and assessment."

Amendment of sections 112, 114, 127, 140, and 144 of Ordinance No. 7 of 1887.

13 In sections 112, 114, 127, 140, and 144 respectively of the principal Ordinance for the words "the standing committee" shall be substituted the words "the standing committee on finance and assessment."

Amendment of section 127 of Ordinance No. 7 of 1887.

14 For section 127 of the principal Ordinance there shall be substituted the following section :

Council may assess rate on real property.

127. It shall be lawful to the municipal council, and they are hereby authorized and required, subject to the provisions hereinafter contained, from time to time, so often as they shall think necessary, to make and assess, with the sanction of the Governor in Executive Council, any rate or rates on the annual value of all houses and buildings of every description and all lands and tenements whatsoever within the municipality. Such rate or rates shall endure for any period not exceeding twelve months, shall not exceed in the aggregate the maximum rate or rates from time to time determined by the Governor in Executive Council, and shall be payable by such instalments and at such times as the chairman, with the sanction of the standing committee on finance and assessment, shall direct, and shall be assessed and levied in the manner hereinafter mentioned or by any by-law provided.

Proviso.

Provided that no house, building, land, or tenement shall pay less than one rupee a year in respect of such consolidated rate or less than fifty cents in respect of such separate rate; and provided further, that all buildings appropriated to religious worship, all burial and burning grounds, and all buildings in charge of military sentries, shall be exempted from the payment of such rate or rates.

Proviso.

Provided also that nothing herein contained shall be deemed to affect the right of the Municipal Council of

Kandy to continue to levy a water-rate within the Kandy Municipality under the provisions of "The Kandy Waterworks Loan Ordinance, 1884," and the Ordinance No. 29 of 1884, intituled "An Ordinance to amend 'The Kandy Waterworks Loan Ordinance, 1884.'"

Amendment of sections 172, 237, 241, 244, 248, and 251 of Ordinance No 7 of 1887.

15 In sections 172, 237, 241, 244, 248, and 251 of the principal Ordinance for the words "the standing committee" shall be substituted the words "the standing committee on the regulation of markets and public health."

Amendment of section 176 of Ordinance No. 7 of 1887.

16 In section 176 of the principal Ordinance for the words "the standing committee" shall be substituted the words "the standing committee on public works."

Amendment of section 1 of Ordinance No. 26 of 1890.

17 In section 1 of "The Municipal Councils' Amendment Ordinance, 1890," for the words "standing committee" shall be substituted the words "committee on the regulation of markets and public health."

Governor may authorize construction of works.

18 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to authorize any municipal council or any person, firm, company, or corporation to whom any municipal council shall have granted a license or concession under section 6 of this Ordinance to construct the necessary works in any municipal town in this island for any purpose that the Governor with the like advice may approve.

Notice.

19 Every such authority shall be notified in the *Government Gazette* and in at least two of the local newspapers.

Power to break up roads.

20 The municipal council, person, firm, company, or corporation, and the agents, servants, or workmen of such municipal council, person, firm, company, or corporation, shall, upon such authority being granted and notified, be entitled to break up the soil, metal, and pavement of any streets, roads, or bridges within such municipal town, and to open and break up any sewers, drains, or tunnels within or under such streets, roads, or bridges, and to erect, set up, or lay down, either permanently or temporarily, in or along or under such streets, roads, bridges, or pavements any posts, pillars, lamps, wires, pipes, rails or other plant, material, or works that may be necessary for any of the purposes approved of by the Governor in manner provided in section 18, and to do all such other acts and things as may from time to time be necessary for such purposes, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers. Provided always that nothing herein contained shall authorize or empower such municipal council, person, firm, company, or corporation to erect, set up, or lay down any posts, pillars, lamps, wires, pipes, rails, or other plant, material, or works in, upon, into, through, or against any building or land not dedicated to public use, without the consent of the owners and occupiers thereof first had and obtained.

Plans and specifications to be approved.

21 Before any such work shall be commenced the municipal council shall cause a plan and specification of such work to be prepared and submitted for the approval of the Governor, and no street, road, or bridge, sewer, drain, or tunnel shall be broken up or opened under the provisions of this Ordinance, except under the supervision of an officer appointed to supervise such work by such municipal council, and in accordance with such plan and specification. Notwithstanding anything in this section or section 18 contained, the municipal council shall have power to require or consent to any modification of the plan and specification as may be found necessary or desirable to enable the work to be carried out, without danger or inconvenience to the public or injury to property whatsoever.

Work to be speedily completed.

22 When any municipal council, person, firm, company, or corporation shall break up any street, road, or bridge, or the pavement thereof, or any sewer, drain, or tunnel under

any of the provisions of this Ordinance, such council, person, firm, company, or corporation shall with all convenient speed complete the work for which the same shall be broken up or opened, and fill in the ground and reinstate and make good such street, road, bridge, or pavement, or the sewer, drain, or tunnel so opened or broken up and carry away the rubbish occasioned thereby, and shall at all times whilst any such street, road, bridge, or pavement, or such sewer, drain, or tunnel shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such street, road, bridge, or pavement, sewer, or drain where the same shall be opened or broken up every night during which the same shall continue open or broken up.

Municipal council may grant license or concession.

23 It shall be lawful for any municipal council from time to time to grant to any person, persons, firm, company, or corporation for any purpose license or concession, whether sole and exclusive or otherwise, for such period whether limited or unlimited, and for such consideration, and subject to such regulations as to the limits within which and the conditions under which such license or concession is granted, and for enforcing the performance by the licensee or concessionaire of his duties in relation thereto, and for the revocation of the license or concession where the licensee or concessionaire fails to observe such regulations or to perform such duties. Provided that no license or concession shall be granted without the approval of the Governor, with the advice of the Executive Council.

Power to make repairs.

24 When any works have been constructed under the provisions of this Ordinance, the municipal council or their licensee or concessionaire under the preceding clause may break up any street, road, bridge, or the pavement thereof, or any sewer, drain, or tunnel for the purposes of effecting any repairs to such works. Provided always that such repairs shall be effected, and such street, road, bridge, or pavement, sewer, drain, or tunnel restored as near as may be to its former state with all possible speed in that behalf. And provided that such repairs shall be effected in accordance with the provisions of such rules as may be made from time to time under the provisions of the following section.

Rules.

25 The chairman of any municipal council may, with the approval of the council, from time to time make, and when made may, with like approval, rescind, alter, or repeal rules and regulations not inconsistent with the provisions of this Ordinance to be observed by all persons, firms, companies, or corporations executing or carrying out any work under the provisions of this Ordinance, and for determining the duties of any such persons, firms, companies, or corporations. Such rules shall be submitted to the Governor in Executive Council for approval, and when approved and published in the *Government Gazette*, shall be binding on the licensees or concessionaires and all other persons.

Penalty.

26 Every person committing a breach of any rule or regulation made and approved under the preceding section shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 50 for each such breach, and to a further fine not exceeding Rs. 50 for every day after conviction during which the breach is continued.

Repealing clause.

27 Section 12 of "The Colombo Waterworks Ordinance, 1886," the words "and which are not (as respects carts, carriages, and coaches) the carts, carriages, other than hackeries, and coaches referred to in section 132" in section 128 of "The Municipal Councils' Ordinance, 1887," and section 19 of "The Municipal Councils' Amendment Ordinance, 1896," shall be and the same are hereby repealed.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, January 17, 1902.

E. F. IM THURN,
Colonial Secretary.