

No. 12 of 1894.

An Ordinance to authorize the destruction of Valueless Documents preserved in Courts of Justice.

(As amended by No. 7 of 1905 and No. 13 of 1905.)

Preamble.

WHEREAS it is expedient to prevent the accumulation, in the record-rooms of courts of justice, of divers documents which are not of sufficient value to justify their preservation therein: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Repeal.

1 There shall be repealed, as and from the date of the passing of this Ordinance, the Ordinance No. 17 of 1866, entitled "An Ordinance to authorize the destruction of old and useless Processes and Documents."

Commencement of Ordinance.

2 This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation† in the *Government Gazette*.

Governor may bring any court of justice under the operation of this Ordinance.

[† . . . † Repealed by § 4, 13 of 1905.]

3 It shall be lawful for the Governor, † . . . † by Proclamation in that behalf made, to bring any court of justice in the Island under the operation of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall, with the like advice, determine.

* No. 3 of 1883, repealed by No. 15 of 1898.

† Proclaimed with effect from January 1, 1895, by Proclamation dated January 23, 1895, in *Government Gazette* No. 5,335 of February 8, 1895.—*Edd.*

Destruction of valueless Documents.

4 When any court of justice has been so proclaimed, it shall be the duty of the officer presiding over it to cause to be prepared in duplicate a register of all the records of his court, extant and missing, according to the form I. given in the first schedule hereto, and he shall certify to the correctness of such register.

Register of extant and missing records.

5 The different classes of documents enumerated in A of the second schedule hereto shall not be destroyed, but the summonses, subpoenas, and other intermediate processes filed therein may be destroyed. Provided that no such processes shall be destroyed except in cases which have been determined more than ten years previous to the date of destruction.

What documents are not to be destroyed.

6 The different classes of documents enumerated in B of the second schedule hereto may be destroyed, provided that in regard to the money cases, lunacy cases, and District Court criminal cases therein mentioned, the material particulars of each such case shall have been accurately abstracted and entered in a register as near as may be according to the forms II., III., and IV. in the first schedule hereto. Provided also that at least three months before the date fixed for such destruction it shall have been notified by order of court, within the jurisdiction of such court, by Proclamation in court and beat of tom-tom, printed notices, or advertisements in one or more local newspapers, that any person interested in any record may personally, by proctor, or by duly authenticated petition, claim, upon good cause shown, that such record may not be destroyed; in which event it shall be competent to the court to make such order thereon as to it shall seem meet.

What documents may be destroyed.

7 The preservation and destruction of the documents of each court in terms of this Ordinance shall be carried out under the personal direction of the officer presiding over such court.

Responsibility of the Judge of each court.

8 A true extract from any register made in terms of this Ordinance, duly certified by the officer presiding over a court, shall be received as *prima facie* evidence of the matters and things therein contained.

FIRST SCHEDULE.

Form I.—Register of Extant and Missing Records in the _____.

Year.	Number of Records, in Series of Hundreds.	Number of <i>Missing</i> Records.
1845 ..	1 to 99 ..	6, 7, 8, 15, 16.
1845 ..	100 to 199 ..	143, 148, 160.
1846 ..	200 to 299 ..	240, 260, 276.
1846 ..	300 to 399 ..	362, 375, 376, 378, 390.
1847 ..	400 to 499 ..	429, 430, 475, 478, 492, 493, 497, 498.
1848 ..	500 to 599 ..	Nil.
1849 ..	600 to 699 ..	Nil.

I hereby certify that this is a correct register of the extant and missing records of this Court filed from the _____ day of _____, 18—, to the _____ day of _____, 18—.

(Signed) _____.

Destruction of valueless Documents.

**Form II.—Register of Money Cases destroyed
in the _____ Court of _____.**

Number of Plaint.	When instituted.	Name and Residence of Plaintiff.	Name and Residence of Defendant.	Nature of Suit.	Amount claimed.	Final Judgment or Decree of Court.	Date of such Judgment or Decree.	Judgment or Decree in Appeal.	Date of such Judgment or Decree.	Remarks.

I hereby certify that this is a correct register of the destroyed money cases filed in Court from the _____ day of _____, 18—, to the _____ day of _____, 18—.

(Signed) _____.

**Form III.—Register of Lunacy Cases destroyed
in the _____ Court of _____.**

Number.	Date.	How instituted.	Name and Residence of alleged Lunatic.	Final Order.	Remarks.

I hereby certify that this is a correct register of the destroyed lunacy cases filed in Court from the _____ day of _____, 18—, to the _____ day of _____, 18—.

(Signed) _____.

**Form IV.—Register of Criminal Cases destroyed
in the _____ Court of _____.**

No. of Case.	When instituted.	Name and Residence of Complainant.	Name and Residence of Accused.	Crime or Offence charged.	Date of Judgment.	Sentence.	Remarks.	Judgment in Appeal.	Remarks.

I hereby certify that this is a correct register of the destroyed criminal cases filed in Court from the _____ day of _____, 18—, to the _____ day of _____, 18—.

(Signed) _____.

SECOND SCHEDULE.

Form A.—Classes of Documents not to be destroyed.

1. Land cases.
2. Testamentary cases.
3. Matrimonial cases.
4. Regular guardianship cases, as distinguished from those in which applications for a guardian *ad litem* only have been allowed.
5. Insolvency cases.
6. Lunacy cases in which a person has been adjudged insane.
7. Cases which have been decided in appeal.
8. Other cases of public interest.

Money cases in which—

9. (a) Mortgage decrees have been entered.
10. (b) Unclaimed suitors' moneys are lying in deposit.
11. (c) Satisfaction of judgment-decree or order has not been recorded.
12. (d) Judgment being revived or writ issued, ten years have not elapsed.
13. Cases prior to 1833, and a few cases later than 1833 as specimens of procedure.
14. Calendars, registers, or lists of cases made under the authority of any law or any order of the Government.
15. Notarial and other documents which may be useful as evidence of civil rights.

Form B.—Classes of Documents which may be destroyed, subject to the provisos of Section 6.

1. Money cases, save those excepted as in form A under heads 9, 10, 11, and 12.
2. Lunacy cases over five years old, save those in which an adjudication of lunacy has been recorded.
3. All Justice of the Peace cases.
4. All inquest proceedings prior to 1884.
5. Non-summary inquiry cases over five years old.
6. District Court criminal cases over five years old.
7. Petitions, reports, cattle vouchers, &c., over five years old.
8. *Summary criminal cases over five years old.*

[§ 2, 7 of 1905.]

Provided that notarial and other documents which may be found in the foregoing classes of records, and which may be useful as evidence of civil rights, shall be removed from such records and not destroyed.

12th December, 1894.
