

No. 18.—1881.

J. R. LONGDEN.

An Ordinance to amend "The Medical Wants Ordinance, 1880."

Title.

WHEREAS *The Medical Wants Ordinance, 1880*, requires amendment in the particulars hereinafter mentioned before the same is brought into operation as provided for by the 1st clause thereof:—Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. This Ordinance may be cited as *The Medical Wants Ordinance, 1880, Amendment Ordinance, 1881*.

Title of Ordinance.

2. This Ordinance and *The Medical Wants Ordinance, 1880*, hereinafter referred to as the principal Ordinance, shall be read and construed as one Ordinance; and this Ordinance, save and except the 7th and 15th clauses thereof, shall come into operation with the principal Ordinance; and the 7th and 15th clauses of this Ordinance shall come into operation on the 1st day of January, A.D. 1882.

Ordinance to be construed as one with Ord. 17 of 1880.
Clauses 7 and 15 to operate from 1st January, 1882.

3. Until this Ordinance and the principal Ordinance shall come into operation, the expression "estate" in the said 7th, 11th, and 15th clauses shall mean such estates as come within the operation of the Ordinance No. 14 of 1872, intituled "An Ordinance to provide for the Medical Wants of Coffee Districts."

Interpretation.

4. The 4th and 5th clauses of the principal Ordinance shall be and the same are hereby repealed.

Repeal of clauses 4 and 5 of Ord. 17 of 1880.

5. For the purpose of creating a special fund to defray the cost of providing for the medical care of labourers on estates under the principal Ordinance, there shall be levied and paid in respect of every estate which shall be brought within the operation of the principal Ordinance an annual tax at and after a rate to be fixed and declared by the Governor, with the advice of the Executive Council, by Proclamation on or before the 31st day of January in each year, not to exceed one rupee and twenty-five cents for each and every labourer on such estate during each year ending on the thirty-first day of December, which tax shall be paid by the proprietor of such estate, and shall be a charge thereon, and shall be collected and disposed of as is hereinafter provided.

Capitation tax not exceeding Rs. 1.25 per labourer imposed to defray expenses contemplated in Ord. 17 of 1880.

To be collected by Govt. Agents and credited to special fund.

6. The Government Agents shall collect the tax by this Ordinance imposed in respect of estates in their respective Provinces, and shall pay the same into the Treasury to be carried to the credit of a fund to be called "The Medical Aid Fund," which shall be applied and devoted to defray the expenses incurred in providing medical care of labourers and assessing and collecting the tax under this and the principal Ordinance, and to no other purpose whatever. And an account of such fund shall be made up annually and published in the *Gazette* for general information.

Accounts to be published annually. Superintendents to make monthly returns of labourers.

7. It shall be the duty of the superintendent of every estate to make monthly a return to the Government Agent, in the form of the schedule A. hereto, of the average number of labourers on such estate during the previous month, which return shall be signed and declared to by such superintendent, as is provided for in the said schedule, and shall be delivered into the Kachchéri of the Province before the expiration of the fifteenth day of each month.

Govt. Agent to calculate average and assess tax.

8. It shall be the duty of the Government Agent, before the expiration of the month of February in every year, to strike an average of the number of labourers on every estate during the previous year, and thereupon to assess the tax payable in respect of each estate for the current year, and to enter the same in an assessment record to be kept in the Kachchéri of the District.

When returns are deficient or false, Govt. Agent to have power to assess according to his own opinion.

9. In the event of any return required by this Ordinance not being made, or in the event of no return being made for an estate, in respect of which the Government Agent shall be of opinion that tax is payable, or if any return shall be made which the Government Agent shall have reason to believe is false, it shall be the duty of the Government Agent to enter upon the assessment record the amount of tax which in his opinion would be the correct amount for which such estate should be assessed.

Assessment record to be published.

10. A copy of the annual assessment record, to be made by the Government Agent as aforesaid, shall be published three several times in the *Government Gazette* and in two local newspapers in the month of March in each year.

Govt. Agent personally or by agent empowered to check returns.

11. It shall be lawful for the Government Agent or any person duly authorized by him in writing for that purpose at all times to enter upon any land which he may have reason to suppose to be liable to the provisions of this Ordinance, and to remain thereon for such time as may be necessary, and to examine the cooly lines on any estate and number the labourers thereon, and inspect the check-rolls thereof, for the purpose of verifying any return or returns which have been made, or for the purpose of obtaining any information which the Government Agent may deem necessary in order to enable him to determine if any tax is payable, or to assess correctly the tax which may be payable in respect of such estate, and any person who shall molest, hinder, or obstruct any Government Agent or person duly authorized by him as aforesaid, in the exercise of the powers hereby given, shall be guilty of an offence and shall be liable on conviction before any Police Court to a fine not exceeding 200 rupees or imprisonment with or without hard labour for any period not exceeding three months.

Penalty on obstruction.

12. The proprietor of any estate who may be dissatisfied with any assessment made by the Government Agent under the 8th and 9th clauses may, within thirty days of the publication of the assessment record in the *Gazette*, upon depositing the amount of assessment in the District Court, apply in a summary way for a rule calling on the Government Agent to show cause why the assessment record should not be amended, and thereupon the District Court, subject to the right of appeal to the Supreme Court, shall have full power and authority to enquire into the correctness of the assessment, and direct the assessment record to be amended either by increasing, decreasing, or altogether disallowing the amount assessed, and may make such orders as to the disposal of the amount deposited and as to costs or otherwise, as the Judge may deem just.

Proprietor's remedy for unsatisfactory assessment.

13. The assessment record, if the same shall have been undisputed, or if disputed, so much thereof as shall have been undisputed, and if affirmed or amended the affirmed or amended assessment record shall for all purposes whatsoever be final and conclusive as to the amount of tax due and payable in respect of any estate to which such assessment record, undisputed part thereof, or amended or affirmed assessment record shall refer.

Assessment if undisputed within 30 days of publication to be final.

14. At the expiration of sixty days from the date of the first publication of a copy of the assessment record in the *Gazette*, the amount therein assessed in respect of each estate, if the same shall not have been previously paid, or the assessment in respect thereof disputed, as is hereinbefore provided for, shall be forthwith recoverable in the same manner and by the same process as is provided for by the 23rd clause of the principal Ordinance in respect of money payable under the 15th and 19th clauses thereof, save and except that it shall not be necessary to give any further notice requiring payment of the said tax, and all the provisions of the 23rd, 24th, 25th, 26th and 27th clauses of the principal Ordinance shall apply to proceedings for, and the costs of, recovering the tax payable under the 5th clause of this Ordinance, and to property seized and the disposal thereof and the proceeds thereof.

Recovery of assessment.

15. If any superintendent shall omit or neglect to make and deliver within the required time the return required by the 7th clause, he shall be liable on conviction before any Police Court to a penalty not exceeding two hundred rupees; and if any superintendent shall make any false return, he shall be guilty of an offence and shall be liable on conviction before a District Court to a penalty not exceeding five hundred rupees and to imprisonment with or without hard labour for any period not exceeding six months.

Penalty for neglect to make returns.

SCHEDULE.

Medical Wants.]

Returns of Labourers under clause 7 of the Ordinance of 1881.

Name and situation of Estate.	Name of Proprietor.	Number of Labourers (in figures and words)
		<i>Men.</i> <i>Women.</i> <i>Children.</i>

I, ———, superintendent of the above-named estate, do hereby certify this to be a true and correct return of the number of labourers on such estate for the month ending the ——— day of ——— last, as required by the 7th clause of the Ordinance — of 1881.

Signed and declared to this ——— day of ——— A. D. 18—, by me,
(*Signature.*)

Passed in Council the Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,
Colonial Secretary.