

No. 7.—1882.

J. R. LONGDEN.

Title.	An Ordinance to prevent unlicensed gemming upon Crown Lands.
Preamble.	WHEREAS it is expedient to prevent unlicensed gemming upon Crown lands within this Colony: It is hereby 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 Gemming Ordinance, 1882.”
Interpretation of terms:	2. In the construction of this Ordinance, unless the context otherwise requires, the following terms shall have the respective meanings hereby assigned to them, that is to say:—
“to gem” and “gemming.”	(1) The terms “to gem” and “gemming” shall mean and include any mode or method of working whatsoever

Unlicensed Gemming.

whereby the soil or earth or any gem or precious stone or any rock, stone or quartz may be disturbed, removed, carted, carried, washed, sifted or otherwise dealt with for the purpose of obtaining any gem or precious stone therefrom, whether the same may have been previously disturbed or not.

- (2) "Crown land" includes the bed of every river and stream flowing through lands belonging to or reserved by the Crown, in addition to every other description of land belonging to or reputed to belong to the Crown, whether under the Ordinance No. 12 of 1840, or reserved or otherwise held or possessed by the Crown.

3. From and after the passing of this Ordinance it shall not be lawful for any person to gem upon any Crown land or upon any land in which the rights of the Crown to gems and precious stones have been reserved, for gems or precious stones; unless such person shall have obtained a license therefor in the manner hereinafter provided.

4. The Government Agent of the Province and any Assistant Government Agent within his own district may grant to the party applying for the same a license, to be called a "gemmer's license"; such license shall be in the form A. given in the schedule hereto, and shall be stamped with a stamp of Rs. 1, to be furnished by the licensee.

5. Every such gemmer's license shall be in force for such term as shall be mentioned therein, and shall not be transferable; and only one person shall be named therein, who shall be called the licensee.

6. A gemmer's license shall authorize the licensee personally and not through another or others to gem during the time mentioned therein, upon any portion of the Crown land described in the license.

7. Every licensee shall conform to the rules which the Government Agent of the Province shall cause to be drawn up in the manner hereinafter provided for the regulation of gemming within his own Province.

8. The Government Agent of each Province is hereby empowered from time to time to make, alter, amend or substitute such rules for the regulation of gemming within his own Province as he may consider necessary. Provided that such rules shall not be contrary to any of the provisions of this Ordinance, and provided also that such rules shall not be of any force or effect until they have been submitted to and confirmed by the Governor, acting with the advice of the Executive Council, who is hereby empowered with such advice to confirm or disallow the same. The rules when allowed shall be published in the *Government Gazette*, and shall thereupon become as legal, valid and effectual as if they had been enacted in this Ordinance.

9. Every licensee shall be held and required to produce and exhibit his license to the Government Agent of the Province, or his Office Assistant, or the Assistant Government Agent within his own district, or any person authorized by the Government or by his

"Crown land."

Unlicensed
gemming
declared unlawful.

Government Agent
and Assistant
Government Agent
may grant license.

Duration, &c.,
of license.

Powers of licensee
under license.

Licensee to
conform to rules.

Government
Agent may make
rules for regulation
of gemming.
Rules to be
confirmed by
Governor and
Executive
Council.

License to be
exhibited to
Government
Agent on demand.

Unlicensed Gemming.

Assistant in writing in that behalf, and to prove to the satisfaction of such Government Agent, Office Assistant, or Assistant Government Agent that such license is in force, whenever required to do so by him.

Punishment for breach of provisions of this Ordinance or of rules made thereunder.

10. Every person committing a breach of any of the provisions of the third, seventh or ninth sections of this Ordinance, or of any rule made under the provisions of sections seven and eight of this Ordinance, shall be guilty of an offence, punishable with imprisonment at hard labour for any term not exceeding three months or with a fine not exceeding fifty rupees or with both.

Confiscation of tools and gems in possession of illicit gemmers.

11. If the court before which the offence is tried shall find the offender guilty under the third section of this Ordinance of gemming without a license, it shall be lawful for such court to confiscate all gems, stones, or gemming implements which at the time of the commission of the said offence were found on the person or in the possession of such offender.

Proof of negative to lie on defendant.

12. In any prosecution for any offence against this Ordinance, if the information or plaint in any such case shall negative the issue or possession of a gemmer's license under the provisions of this Ordinance, it shall not be necessary for the prosecutor or complainant in that behalf to give any evidence of such negative, but the defendant or accused may prove the affirmative thereof in his defence if he would have advantage of the same.

When Ordinance to operate.

13. This Ordinance shall come into operation on the passing thereof.

SCHEDULE A.

GEMMER'S LICENSE.
(NOT TRANSFERABLE.)



No.

District.
Province.

The day of 188 .

Issued to
provisions of the
land

under the
Ordinance, to be in force for
from the date hereof, and to apply to the Crown
, in the province aforesaid, lot

, containing in extent

Government Agent.
(See back.)

Passed in Council the Eighth day of November, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor the Thirteenth day of November, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,
Colonial Secretary.