

*Kandy Waterworks.***No. 18.—1884.**

An Ordinance to authorize a loan of Rs. 250,000 to the Municipality of Kandy for the purpose of paying off a Loan advanced under the authority of Ordinance No. 13 of 1874 and Ordinance No. 1 of 1879 for the construction of Waterworks.

ARTHUR GORDON.

WHEREAS by the 3rd section of the Ordinance No. 13 of 1874, intituled "An Ordinance for making provision for the advance of a sum of money, by way of loan, for the construction of waterworks for the Municipalities of Galle and Kandy," the Governor, with the advice of the Executive Council, was empowered from time to time to advance to the Municipality of Kandy any sum or sums not exceeding in the whole Two hundred and twenty thousand rupees, to be applied exclusively in the construction of waterworks for the said Municipality: And whereas by Ordinance No. 1 of 1879, intituled "An Ordinance for making provision for the advance of a sum of money by way of supplementary loan for the construction of waterworks for the Municipality of Kandy," the Governor, with the advice of the Executive Council, was empowered to advance a further sum not exceeding Rs. 30,000: And whereas a sum of Rs. 250,000 has been advanced by the Government of this Colony to the Municipality of Kandy in pursuance of the aforesaid powers: And whereas provision was made by the said Ordinances for liquidating the principal and interest on every sum so advanced by means of an annual charge of seven and a-half per cent. on the total sum advanced, which annual charge of seven and a-half per cent. was declared to be applicable to the payment of interest at five per cent. on the balance at the time outstanding, and the remainder towards the extinction of the debt: And whereas the amount at present outstanding upon the said loan for principal is Two hundred and fifty thousand rupees: And whereas difficulties have arisen in the due payment of the interest and sinking fund aforesaid, and it has become expedient to reduce the rate of interest and sinking fund payable in respect of the said sum of Two hundred and fifty thousand rupees, and for that purpose to pay off the old loan and to raise a new loan in lieu thereof: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as *The Kandy Waterworks Loan Ordinance, 1884.*

2. Ordinance No. 13 of 1874, in so far as it relates to the Municipality of Kandy, and Ordinance No. 1 of 1879, are hereby repealed: Provided that this repeal shall not affect—

- (1) The past operation of the said Ordinances nor anything duly done or effected under them:
- (2) Nor any right, privilege, obligation or liability acquired, accrued, or incurred under the said Ordinances:
- (3) Nor any legal proceeding or remedy in respect of such right, privilege, obligation or liability as aforesaid.

Preamble.

Short title.

Repeal of Ordinance No. 13 of 1874, in so far as it relates to the Municipality of Kandy, and Ordinance No. 1 of 1879.

Repeal not to affect past operation of Ordinance.

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Interpretation clause.

3. The term "house" includes houses, boutiques, huts, sheds and every inhabitable tenement or building.

Power of Governor and Executive Council to advance Rs. 250,000 to Municipality of Kandy.

4. The Governor, with the advice of the Executive Council, is hereby empowered to advance to the Municipality of Kandy a loan not exceeding Two hundred and fifty thousand rupees to be applied exclusively in the liquidation of the principal of the loans from time to time advanced under the Ordinances No. 13 of 1874 and No. 1 of 1879.

Municipality of Kandy authorized to impose water-rate for paying off loan.

5. For the purpose of liquidating the principal and interest on the loan advanced to the Municipality of Kandy, under the powers contained in the fourth section of this Ordinance, the said Municipality are hereby authorized and empowered to impose and enforce a water-rate on all householders who own or occupy a house within the limits of the Municipality of Kandy.

Rate to be levied on houses within Municipality.

6. Such water-rate shall be leviable upon every house whatsoever within the Municipality, whether inhabited or not, and whether supplied with water from the Municipal waterworks or not; and each house shall be assessed at the value fixed for the payment of police tax thereon.

Rate to be a first charge on house property, and to be paid quarterly in advance.

7. Such water-rate shall be payable on the first day of each quarter in respect of the water to be supplied during the three months next ensuing, and shall be a first charge upon every house within the Municipal limits, and shall take precedence over every mortgage, hypothecation, or encumbrance thereon whatsoever: Provided always that on each occasion that a claim for arrears is made in respect of any one house, such first charge and hypothecation be and it is hereby limited to not more than twelve months' arrears of water-rate.

Proceeds of rate to be applied in repayment of loan.

8. The proceeds of the rate so levied (after payment of the expenses annually incurred in the supply of water and in the collection of the rate) shall be applied in the liquidation of the principal and interest of the loan hereby authorized, and to no other purpose whatsoever, and in the event of there being in any one year any surplus after due payment of the interest and sinking fund of the said loan in the manner hereinafter mentioned, such surplus shall be carried by the Municipal Council to the credit of the water-rate account, and shall not form part of the Municipal fund, anything in the Ordinance No. 17 of 1865 to the contrary notwithstanding.

Loan to bear interest at five per cent. per annum.

9. The loan shall bear interest (including the amount required for a sinking fund as hereinafter provided) at the rate of five per cent. amounting to Rs. 12,500 per annum, which sum shall be paid in equal half-yearly instalments to the Treasurer of this Colony by the Municipality of Kandy on the 30th day of June and the 31st day of December in each and every year until the principal and interest due on the loan hereby authorized has been fully liquidated.

Government to retain as interest four per cent. per annum on amount due, and to apply balance towards liquidation of debt.

10. Out of this sum of Rs. 12,500, the Government of this Colony shall be entitled to retain as interest four per cent. per annum upon the amount from time to time due to the Government in respect of the loan, and the balance of the said sum of Rs. 12,500 shall be annually applied to the liquidation of the principal sum of Rs. 250,000 until the same be extinguished.

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11. In the event of the Municipality failing to collect and pay into the Colonial Treasury any of the instalments declared to be payable under the 9th section of this Ordinance, within thirty days of the same becoming due, it shall be lawful for the Governor in Executive Council to empower the Government Agent of the Central Province to collect the water-rate independently of the Municipal Council. Provided, however, that no person who shall have paid his water-rate in respect of any quarter to the Municipal collectors shall be required to pay such rate in respect of the same quarter to the Government Agent; nor shall any person who has paid his quarter's water-rate to the Government Agent be required to pay such rate in respect of the same quarter to the Municipality.

If Municipality fail to pay instalments under sec. 9, Governor in Executive Council may authorize Government Agent to collect water-rate.

12. The loan hereby authorized is hereby declared to be a first charge on the rates and taxes, rents, and all other income and property whatsoever of the Municipality of Kandy, and such charge and hypothecation shall take effect from the date at which this Ordinance shall come into operation.

Loan to be a first charge on the rates, taxes, &c., of the Municipality.

13. This Ordinance shall come into operation on the 1st day of April, 1884.

Date of Ordinance coming into operation.

Passed in Council the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,
Colonial Secretary.