

An Ordinance to amend the practice and proceedings of Police Courts.

WHEREAS it is expedient to amend the practice and proceedings of Police Courts, IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, by and with the advice of the Legislative Council thereof, as follows:—

Preamble.

1. EVERY **P**laint filed in a Police Court or before the Bench of Magistrates (except where the same is filed by a Government, or Police, or Municipal Officer in the execution of his duty, or by a Government Renter in matters relating to his rent), shall bear a stamp of Fifteen Cents, and every Subpœna (except as aforesaid) issued by such Court shall bear a stamp of Five Cents. **P**ROVIDED that it shall be lawful for the Magistrate, on being satisfied that the complainant has a fair ground of complaint, but is unable to supply stamps for the **P**laint and Subpœnas, or that the defendant is unable to supply stamps for Subpœnas, to allow such **P**laint to be filed and such Subpœnas to be issued without stamps.

Plaints and Subpœnas to bear stamps.

Proviso.

2. **T**HE second Rule of the General Rules and Orders for the Police Courts in Schedule A attached to the Ordinance No. 18 of 1861, entitled "*An Ordinance for giving effect to certain Rules and Orders for the Police Courts,*" is repealed, and, instead thereof, it is enacted that the Police Magistrate shall set apart a portion of each working day to hear complaints. Any person making a complaint shall state the same orally to the Magistrate, who shall enter it, by way of **P**laint, in a separate sheet of paper, and affix thereto (unless such person shall be allowed to file a **P**laint without stamp) the necessary stamp for a **P**laint to be supplied by him, or he shall deliver to the said Magistrate a **P**laint written on a separate sheet of paper with the necessary stamp signed by himself. If the **P**laint, or the examination of the complainant (and it shall be competent to the Magistrate to examine the complainant at this stage of the case), discloses no legal crime or offence, or one not cognizable by a Police Court, the Magistrate shall refuse to issue process on the **P**laint, but it shall be his duty in such case to record the examination of the complainant and his order refusing to issue process. Such order shall be subject to appeal to the Supreme Court.

Magistrate to enquire whether a crime has been committed, and whether Court has jurisdiction.

3. **I**T shall be competent to the Police Magistrate, in his discretion, if he shall see fit to do so, before issuing process directed to any person resident more than ten miles from the Court (except when the **P**laint is filed by a Government, Police, or Municipal Officer in the execution of his duty, or by a Government Renter in matters relating to his rent), to require such sum as the Magistrate shall consider reasonable to be deposited in Court to meet the expenses of such person coming into Court. At the hearing of the case it shall be the duty of the Magistrate to determine whether such sum or part thereof should be returned to the complainant, or be awarded as expenses payable to or on account of the defendant.

Magistrates may require expenses of parties resident beyond ten miles from Court to be deposited in Court.

Appropriation of such sum.

4. **I**T shall be competent to the Police Magistrate at the trial of any case, to award such reasonable expenses of the party and of such witnesses as shall have attended, against such complainant or defendant, as to the said Magistrate shall seem fit, anything in Section 106 of "*The Administration of Justice Ordinance, 1868,*" to the contrary notwithstanding. The Magistrate may also award expenses in any case which shall be dismissed for the non-appearance of the complainant, the defendant being present. And if the party condemned to pay the expenses shall fail to pay the same at such time and place as the Magistrate shall direct, it shall be the duty of the Magistrate to issue a Warrant of Distress to the Fiscal, for the purpose of recovering the same, together with the reasonable charges incurred in respect of such recovery, by distress and sale of the property of such party.

Magistrate may award the expenses of the defendant.

5. **N**O complaint, once dismissed, shall be re-instituted in any Police Court, without express leave from the Magistrate having been first obtained.

No complaint once dismissed to be re-instituted, without express leave.

No. 18. — 1871.

Governor may establish
scales of fees for the different
districts.

6. IT shall be competent to the Governor, with the advice of the Executive Council, to establish, from time to time, scales of fees for each district, for the different classes of inhabitants, to be allowed as expenses under this Ordinance, and, when such scales of fees are so established, the Magistrates shall regulate the expenses to be allowed by them according to such scales.

Passed in Council, the Thirteenth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by his Excellency the Governor, the Fifteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.
