

Present: Pereira J.

1913.

SANITARY BOARD INSPECTOR OF AMBALANGODA
v. LAWNERIS.

504—P. C. Balapitiya, 37,709.

Exposing betel for sale at a place other than a public market—By-laws framed by the Sanitary Board, Galle—Is betel "vegetable" within the meaning of the by-law?

A by-law of the Sanitary Board of the district of Galle prohibited the exposure for sale of "any meat, poultry, fish, fresh fruit, or vegetable in any place other than the public market."

Held, that the exposure for sale of the betel leaf was not obnoxious to this by-law.

THE facts are set out in the indictment.

A. St. V. Jayewardene, for accused, appellant.—The by-law is only aimed at articles used for food, such as meat, fruit, and vegetables, which are used for culinary purposes, and which are usually taken to the market for sale. All vegetables do not fall under the meaning of the word "vegetable" as used in this section. The context makes it clear that only vegetables used as articles of food are prohibited from being sold outside the market.

No appearance for the respondent.

July 25, 1913. PEREIRA J.—

The accused in this case has been convicted of publicly exposing for sale the betel leaf at a place other than the public market of Ambalangoda, in contravention of by-law D (2) of the by-laws made by the Sanitary Board of the district of Galle under the Small Towns Sanitary Ordinance, No. 30 of 1908, in respect of the towns of Ambalangoda and Dodanduwa. The by-law prohibits the exposure for sale of "any meat, poultry, fish, fresh fruit, or vegetable in any place other than the public market." The question is whether the word "vegetable" as used in the by-law is intended to include the betel leaf. I have no hesitation in answering the question in the negative. Of course, the word "vegetable," in one sense, means anything included in that division of natural objects known as the "vegetable kingdom," but the word is also used in a more limited sense to mean "a plant used for culinary purposes, and cultivated in gardens"; and there can be no doubt that the word is used in the by-law in question in this limited sense. Clearly, the exposure for sale, outside the market, of grass or cereals, although they are

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undoubtedly vegetables in one sense, would not be deemed to be obnoxious to the by-law; and the complainant himself would not include within the term "vegetable" used in the by-law arecanuts, coconuts, and potatoes, although I fail to see the reason for the exclusion in the case of the last-mentioned article. There is, in the very terms of the by-law, sufficient indication that the word "vegetable" is used in it in the limited sense mentioned above. It is used in one category with other things subjected to culinary processes, namely, meat, poultry, and fish, and the only other object mentioned in this category is "fresh fruit," which, if the word "vegetable" were not used in the limited sense referred to above, need not have been mentioned in the by-law at all.

I set aside the conviction and acquit the accused.

Set aside.

