

1945

Present: Canekeratne J.

MARTINU, Appellant, and ATTANAYAKE, Respondent.

325—M. C. Negombo, 44,172.

Motor lorry—Licence to carry goods—Meaning of "goods"—Would include things animate—Motor Car Ordinance, No. 45 of 1938, s. 42 (1).

Where the accused, who had a licence for the carriage of goods, was charged with carrying pigs in his lorry in breach of section 42 (1) of the Motor Car Ordinance, No. 45 of 1938.

Held, that the word "goods" in the Motor Car Ordinance would include things animate, such as cattle and pigs.

A PPEAL from a conviction by the Magistrate of Negombo.

P. Malalgoda for the accused, appellant.

T. K. Curtis, C.C., for the Attorney-General.

July 4, 1945. CANEKERATNE J.—

The accused is charged with carrying 14 pigs in his lorry in breach of section 42 (1) of Ordinance No. 45 of 1938. The accused has a licence for the carriage of goods issued by a competent authority. There is no definition of the word "goods" in the Ordinance. The word "goods" is generally taken in English law to define personal property of every kind as distinct from chattels real, this would include all tangible movable property except money, that is things movable which may be annexed to or attendant on the person of the owner and carried about with him from one part of the world to another. They may be classified as things animate and things inanimate. The former class would include cattle and pigs, the latter furniture and other things. The Ordinance seems to divide motor vehicles into two classes those licensed to carry passengers for reward or not and vehicles licensed to carry goods. The intention of the Legislature should be taken to provide for the carriage of all things and persons. Considering all these circumstances I should think that the word "goods" includes pigs. I therefore set aside the conviction of the accused.

Conviction set aside.