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and General Government Notifications.

PART II.—Legal and Judicial.

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Part II.—Legal and Judicial.

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PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 17 of 1894.

An Ordinance relating to Habitual Criminals and to Convicts licensed to be at large.

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to provide for the identification and supervision of habitual criminals and their more effective punishment, as also for enlarging convicts upon licenses and controlling them when at large: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Commencement.

1 This Ordinance shall come into force on the First day of January, 1895.

Definitions.

2 For the purposes of this Ordinance—

“Crime” shall mean a breach of any one of the sections of the Penal Code included in the schedule A hereto;

“Habitual criminal” shall mean a person convicted of a crime, against whom a previous conviction of a crime within seven years of the aforesaid conviction, exclusive of such time as he shall have been under sentence of imprisonment, is proved, or a person liable under section 91 of the Criminal Procedure Code to execute a bond with sureties for his good behaviour;

“Measurement” includes every method of identification sanctioned by the Governor in terms of section 3 hereof;

“Superintendent of police” shall include additional superintendent of police, assistant superintendent of police, and the chief headman of the district.

Rules to be made by Governor.

3 The Governor, with the advice of the Executive Council may from time to time make rules (1) prescribing the methods of identifying habitual criminals or persons suspected of having been previously convicted; (2) regulating the supervision of habitual criminals; and (3) prescribing the conditions under which convicts may be at large and under the supervision of the police.

All rules so made, and not inconsistent with the provisions of this Ordinance, shall be published in the *Government Gazette*, and shall have the force of law.

And such rules, with the like advice, may from time to time be repealed, altered, or amended as to the Governor shall seem necessary.

Power to remand persons charged, for purposes of identification.

4 When a person formally charged with a crime, upon *prima facie* evidence led, is suspected of having been previously convicted of a crime, it shall be lawful for the complainant or a police officer to apply to the police magistrate before whom such person stands charged for an order of remand to cause inquiries to be made, and to have the measurement of such person taken for purposes of identification; and the police magistrate, if satisfied that it is a proper case, shall remand such person from time to time for such period as to the police magistrate shall seem necessary, provided that no person shall be remanded at any one time for a longer period than three weeks or more often than three times for such purpose.

Habitual criminals, before what courts to be tried.

5 If a person formally charged as aforesaid is found to have been previously convicted of a crime within seven years of the last conviction, exclusive of such time as he shall have been under sentence of imprisonment, and if the sentence or sentences then passed on him exceeded in the aggregate rigorous imprisonment for three months, it shall not be lawful to deal with him in a summary manner, but the police magistrate shall, anything in the Criminal Procedure Code to the contrary notwithstanding, commit him for trial before the district or Supreme Court, as may be determined by the Attorney-General or Solicitor-General. And if such person is found to have been previously convicted twice or oftener within the said period, of seven years, and if the sentences then passed on him exceeded in the aggregate rigorous imprisonment for eighteen months, he shall be committed before the Supreme Court.

Power of court to direct supervision of habitual criminals after discharge from jail.

6 When a person is convicted of a crime and a previous conviction of a crime is proved against him, the court of trial may, in addition to any other punishment which it may award to him, direct that he shall be subject to the supervision of the police for a period not exceeding seven years, commencing immediately after his discharge from the jail.

Duty of habitual criminal to report himself.

7 Every person made subject as aforesaid to the supervision of the police shall, before discharge from jail, notify the place where he intends to reside to the superintendent of the prison in which he is detained, and within seven days of his release he shall report himself to the superintendent of police in charge of the district in which he resides, and shall, whenever he changes such residence within such district, notify each change to the said superintendent; and whenever he changes his residence from one district to another, he shall notify the change to the superintendent of police of the district which he is leaving and the superintendent of police of the district into which he is going to reside.

Punishment for neglect of such duty.

8 If any person, subject to the supervision of the police as aforesaid, remains in any place for forty-eight hours without notifying the place, or changes of residence in manner provided in section 7, or fails to report himself once in every three months to the superintendent of police of the district in which he resides, he shall in every such case, unless he satisfies the court that he did his best to act in conformity with such provisions, be guilty of an offence under this Ordinance, and be liable on conviction to rigorous imprisonment for any period not exceeding six months.

Mode of proving previous conviction.

9 A previous conviction may be proved against any person by the production of a true extract of the substance and effect only of the charge and conviction under the hand of the chief clerk, secretary, or registrar of the court in which such person was convicted, and by proof of identity of the person against whom the conviction is sought to be proved with the person named in the true extract; and such extract shall be admissible in evidence without proof of the signature or official character of the person who appeared to have signed the same.

Grant of licenses to convicts to be at large.

10 It shall be lawful for the Governor, with the advice of the Executive Council, by an order in writing, to grant to any convict undergoing sentence of imprisonment in any prison in this colony a license, in the form set forth in the schedule B hereto, to be at large in the colony or in any part thereof during such portion of his period of imprisonment, and upon such conditions, as to the Governor shall seem fit. The Governor may revoke or alter such license with the like advice of the Executive Council.

Reasons involving forfeiture of licenses.

11 If any holder of a license, granted as aforesaid, be convicted of any crime set forth in schedule A hereto, his license shall be forthwith forfeited by virtue of such conviction.

Non-production of license or breach of any conditions of license, declared an offence.

12 If any holder of a license granted as aforesaid—

- (1) Fail to produce his license when required to do so by any judge or police or other magistrate before whom he may be brought charged with any offence, or by any constable or officer of the police in whose custody he may be, and fails to make any reasonable excuse why he does not produce the same; or
- (2) Breaks any of the other conditions of his license that is not of itself punishable either upon indictment or upon summary conviction;

he shall be deemed guilty of an offence punishable by imprisonment, rigorous or simple, for any period not exceeding six months.

Arrest of license holder on suspicion.

13 Any constable or police officer may without warrant take into custody any holder of such a license whom he may reasonably suspect of having committed any offence, or having broken any of the conditions of his license, and may detain him in custody until he can be taken before a competent magistrate and dealt with according to law.

Duty of
magistrate to
report conviction
to Governor.

14 Where any holder of a license granted as aforesaid is convicted of an offence punishable under section 12, the magistrate convicting the prisoner shall report such conviction to the Governor, whereupon it shall be competent to the Governor to revoke the license of such prisoner.

Consequences of
forfeiture or
revocation.

15 Where any license granted as aforesaid is forfeited in terms of section 11, or is revoked in pursuance of a conviction under section 12, a person whose license is so forfeited or revoked shall, after undergoing any other punishment to which he may be sentenced for the offence in consequence of which his license is forfeited or revoked, further undergo a term of imprisonment equal to the portion of his term of imprisonment that remained unexpired at the time of the grant of license.

SCHEDULE A.

(Sections 2 and 11.)

Section of Penal Code.	Nature of Offence.
From 226 to 256 (inclusive) ...	Offences relating to coin and Government stamps.
296, 297, 300, 301 ...	Culpable homicide, &c.
From 315 to 324 (inclusive) ...	Voluntarily causing hurt by dangerous weapons, &c.
From 367 to 371 (inclusive) ...	Theft, theft of cattle, &c.
From 373 to 378 (inclusive) ...	Extortion, &c.
From 380 to 385 (inclusive) ...	Robbery, &c.
387 ...	Criminal misappropriation.
From 389 to 392 (inclusive) ...	Criminal breach of trust.
From 394 to 397 (inclusive) ..	Dishonestly receiving stolen property.
From 400 to 403 (inclusive) ...	Cheating.
From 411 to 426 (inclusive) ...	Mischief, &c.
From 433 to 451 (inclusive) ...	Lurking house trespass, house-breaking, &c.
From 452 to 466 (inclusive) ...	Forgery, &c.

Abetting (section 101) or attempting (section 490) the breach of any of the sections of the Penal Code specified in the first column hereof.

SCHEDULE B.

(Section 10.)

Order of License to a Convict.

(Under Ordinance No. 17 of 1894, Section 10.)

We, _____, Governor of Ceylon, hereby grant to _____ who was convicted of the offence of _____ in the _____ Court of _____, on the _____ day of _____, 189—, and was then and there sentenced to _____ imprisonment for the term of _____, and is now confined in _____, a License to be at large from the _____ day of _____, 189—, during the remaining portion of his said term of imprisonment, unless the said _____ shall, before the expiration of the said term, be convicted of any crime set forth in the Schedule A to the said Ordinance No. 17 of 1894, in which event this License shall be forthwith forfeited, or unless it shall please Us sooner to revoke or alter this License.

This License is given subject to the conditions endorsed upon the same, upon the breach of any of which it shall be liable to be revoked, whether such breach is followed by conviction or not.

Given under our hand this _____ day of _____, One thousand Eight hundred and Ninety_____.

Governor.

Passed in Council the Twelfth day of December, One thousand Eight hundred and Ninety-four.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

I, AUGUSTINE RAWLINS DAWSON, Fiscal for the Western Province, do hereby appoint Mr. Louis de Livera Wijewikrama Senawiratne Tennakoon, to be Marshal for the Division of Siyane Korale West, in the District of Colombo, Western Province, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

This 15th day of January, 1895.

Fiscal's Office,
Colombo, January 15, 1895.

A. R. DAWSON,
Fiscal, Western Province.

MISCELLANEOUS DEPARTMENTAL NOTICES.

Return of Uncertificated Insolvents in the District Court of Kandy for the Half-year ended December 31, 1894.

Date.	No. of Case.	Name of Insolvent.	Residence.	Remarks.
October 22, 1894	... 1,345 ...	Sana Pana Samyappen	... Udispattu ...	Certificate refused

District Court,
Kandy, January 10, 1895.

J. H. DE SARAM,
District Judge.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary
Jurisdiction.
No. 513/C.

In the Matter of the Estate and Effects of Gunasinghe Johanna Hamine, late of Cramer's lane in Colombo, deceased.

THIS matter coming on for disposal before Joseph Grenier, Acting District of Colombo, on the 13th day of December, 1894, in the presence of Arthur Alwis, Proctor, on the part of the petitioner Augustinoe Gunasinghe of Cramer's lane in Colombo; and the affidavit of the said Augustinoe Gunasinghe, dated 29th November, 1894, having been read, and the petition of Gunamuttu George Henry Mendries having been withdrawn: It is ordered that the said Augustinoe Gunasinghe be and he is hereby declared entitled to have letters of administration to the estate of Gunasinghe Johanna Hamine, deceased, issued to him, as the husband of Gunamuttu Anne Sophia Mendries, one of the daughters of the said deceased, unless the respondents—1st, Gunamuttu Simon S. Mendries; 2nd, Gunamuttu Engeltina Mendries, of Cramer's lane in Colombo; 3rd, Gunamuttu George Henry Mendries, of Pannipitiya in the Salpiti korale; 4th, Evelina Louisa Selestina Mendries Gunasinghe, and her husband; 5th, Andrew de Silva Jayasinghe, both of Demetagoda; and 6th, Gunamuttu Wilfred Henry Andries, of Cramer's lane in Colombo—shall, on or before the 24th day of January, 1895, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,
Acting District Judge.

The 13th day of December, 1894.

In the District Court of Colombo.

Order Nisi.

Testamentary
Jurisdiction.
No. C/541.

In the Matter of the Estate of Walpitimadumagey Juanis Perera, late of Walane in Panadure, deceased.

THIS matter coming on for disposal before Joseph Grenier, Esq., Acting District Judge of Colombo, on the 31st day of December, 1894, in the presence of Walwin La Brooy, Proctor, on the part of the petitioner Kalukapugey Agida Perera, of Walane in Panadure; and the affidavit of the said Kalukapugey Agida Perera, dated 22nd December, 1894, having been read: It is ordered that the said Kalukapugey Agida Perera be and she is hereby declared entitled to have letters of administration to the estate of Walpitimadumagey Juanis Perera, deceased, issued to her as widow of the said deceased, unless the respondents—1, Galpottegey Peeris de Harmanis Perera Appuhamy; 2, Walpitimadumagey Sophia Perera, of Imbulgoda in Siyane korale; 3, Galawattegey Don Julis Appuhamy; 4, Walpitimadumagey Matilda Perera; 5, Walpitimadumagey Iliza Perera; and 6, Walpitimadumagey Georgina Perera, of Walane in Panadure—shall, on or before the 24th day of January, 1895, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,
Acting District Judge.

The 31st day of December, 1894.

In the District Court of Kurunegala.

Order Nisi.

Ekenaike Mudienselage Ranhami, late Arachchi of Bihalpola.....Petitioner.

vs.

1, Ekenaike Mudienselage Sunderhami; 2, Ekenaike Mudienselage Dingiri Menica, of Bihalpola in Yatikhaha korale.....Respondents.

In the matter of the estate of the late Ekenaike Mudienselage Ukku Menica, deceased, of Bihalpola.

THIS matter coming on for disposal before John Davenport Mason, Esq., Acting District Judge, on the 10th day of December, 1894, in the presence of Mr. Markus, on the part of the petitioner; and the affidavit of the applicant, dated 8 December, 1894, having been read:

It is ordered that the said Ekenaike Mudienselage Ranhami, late Arachchi, as widower of the deceased intestate, is entitled to have letters of administration of the estate of the said Ukku Menica issued to him, unless the respondents shall, on or before the 24th day of January, 1895, show sufficient cause to the satisfaction of this court to the contrary.

J. D. MASON,
Acting District Judge.

The 10th December, 1894.

In the District Court of Badulla.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Intestate Estate of Godegedara Disanayake Mudienselage Kumarihami, late of Godegedara Walauwa.

THIS matter coming on for disposal before J. G. Fraser, Esq., District Judge of Badulla, on the 8th January, 1895, in the presence of Hela Halpe Ratnayake Mudienselage Loku Banda of Kumbalwela, the applicant; and the petition and affidavit of the said applicant, dated 11th day of October, 1894, having been read:

It is ordered that the said Hela Halpe Ratnayake Mudienselage Loku Banda be and he is hereby declared

entitled to have letters of administration to the estate of the deceased Godegedara Disanayake Mudienselage Kumarihami of Godegedara Walauwa issued to him, unless any person or persons shall, on or before the 5th day of February, 1895, show sufficient cause to the satisfaction of this court to the contrary.

J. G. FRASER,
District Judge.

The 8th January, 1895.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Goods and Chattels, Estate and Property, of the late Valliammaipillai, wife of Rauther Valauther, of Meesalai, deceased.

Rauther Valauther, of Meesalai..... Petitioner

Vs.

1, Valauther Muttukumaru, and wife 2, Sivagamipullai, of Varany Iyattale.....Respondents.

THIS matter of the petition of Rauther Valauther, of Meesalai, praying for letters of administration to the estate of the above-named deceased Valliammaipillai, wife of Rauther Valauther of Meesalai, coming on for disposal before H. Nevill, Esq., Acting District Judge, on the 17th day of December, 1894, in the presence of Mr. T. M. Tampoo, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 17th day of December, 1894, having been read: It is declared that the petitioner is the husband of the said intestate, and as such is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 5th day of February, 1895, show sufficient cause to the satisfaction of this court to the contrary.

H. NEVILL,
District Judge.

Signed this 17th day of December, 1894.

NOTICES OF INSOLVENCY.

In the District Court of Galle.

No. 257. In the matter of the insolvency of Rasa Marikkar Abdul Cader, of Gintota.

NOTICE is hereby given that a public sitting of this court will take place on February 8, 1895, for the allowance to the above-named insolvent of his certificate of conformity, in terms of the 124th clause of the Ordinance No. 7 of 1853.

By order of court,
JAMES KRAUSE,
Secretary.

January 11, 1895.

No. 258. In the matter of the insolvency of Meera Lebbe Marikkar Abdul Azis, of Gintota.

NOTICE is hereby given that a public sitting of this court will take place on February 15, 1895, for the allowance to the above-named insolvent of his certificate of conformity, in terms of the 124th clause of the Ordinance No. 7 of 1853.

By order of court,
JAMES KRAUSE,
Secretary.

January 11, 1895.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Hettiakandage Santiago Fernando, of MoratuwaPlaintiff.

No. C/2,859. Vs.

Ahamado Lebbe Marikar Mariambu Natchia, widow of Meera Lebbe Marikar Uduma Lebbe Marikar, of Vauxhall street in Colombo Defendant.

NOTICE is hereby given that on Monday, February 11, 1895, at 3 o'clock in the afternoon, will be sold by public auction at the premises the following property decreed by the decree entered in the above case, viz. :—

An allotment of land with the houses constructed thereon, situated to the west of Cemetery yard lane, Slave Island, in Colombo; bounded on the north by the property of Cottogodege Juan Perera, on the east by the Churchyard lane, on the south by the property of Tamby Nury, and on the west by the land said to belong to the Crown, containing in extent 19.92 square perches.

S. D. BANDARANAIKE,
Deputy Fiscal.Fiscal's Office,
Colombo, January 16, 1895.

In the District Court of Colombo.

Hettiakandage Santiago Fernando, of MoratuwaPlaintiff.

No. C/2,861. Vs.

1, Ahamado Lebbe Marikar Mariambu Natchia, of Vauxhall street in Colombo, widow of the late Meera Lebbe Marikar, deceased; and 2, Ahamado Lebbe Marikar Mohammed Lebbe Marikar, of Colombo Defendants.

NOTICE is hereby given that on Monday, February 11, 1895, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property, decreed by the decree entered in the above case, viz. :—

All that part of the garden called Casie Chettywatta, situated at Maradana within the gravets of Colombo, with all the buildings thereon; bounded on the north and west by the other part of this garden of Segoe Lebbe Ahamado Lebbe Marikar, on the east by the lake, and on the south by the other part of this garden of Kadu Natchia, wife of Meedin Lebbe, containing in extent 8.59 square perches more or less.

2. Another part of the said garden called Casie Chettywatta, and all the buildings thereon; and bounded on the north by the other part of this garden of Ruke Gattoo Natchia, wife of Mohamado, on the east by the lake, on the south by the property of J. M. Robertson, Esq., and on the west by the garden of Sagoe Lebbe Ahamado Lebbe Marikar, containing in extent 8.86 square perches, which said two portions of land now form one property, and bear assessment No. 6, situated at Vauxhall street in Colombo; and bounded on the north by the property of Muttutantrige Siman Fernando, on the east by the lake, on the south by the house No. 7, and on the west by the property of Segoe Lebbe Ahamado Lebbe Marikar, containing in extent 17.45 square perches.

S. D. BANDARANAIKE,
Deputy Fiscal.Fiscal's Office,
Colombo, January 16, 1895.

In the District Court of Colombo.

Sinne Marikar Idroos LebbePlaintiff.

No. 4,043/C. Vs.

P. T. Sinne Lebbe Defendant.

NOTICE is hereby given that on Wednesday, February 13, 1895, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in following property, viz. :—

The land and buildings standing thereon adjoining the property bearing assessment No. 227; situated at Dematagoda, within the four gravets of Colombo, and bounded on the north by the property of Sinne Lebbe Sinne Marikar, on the east by a footpath and the garden of Natchia Umma, on the south by the road leading to Dematagoda, and on the west by the property of Katija Umma or land bearing No. 227, containing in extent 45/100 square perches more or less.

S. D. BANDARANAIKE,
Deputy Fiscal.Fiscal's Office,
Colombo, January 16, 1895.

In the District Court of Colombo.

The New Colombo Ice Co., LimitedPlaintiffs.

No. 6,371/C. Vs.

M. A. Fernando, of Hospital street, Colombo... Defendant.

NOTICE is hereby given that on Tuesday, February 12, 1895, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

All that house and ground bearing assessment No. 10 B, situated at Campbell street, Colombo; bounded on the north by Campbell street, on the east by the house of Mr. L. L. Daniels, on the south of the house belonging to Mrs. L. L. Daniels, and on the west by the house of Mr. H. Kelaart, containing in extent 3 roods more or less.

S. D. BANDARANAIKE,
Deputy Fiscal.Fiscal's Office,
Colombo, January 16, 1895.

Southern Province.

In the District Court of Galle.

Sultan Sarang Abdul Rahiman, of TalpitiyaPlaintiff.

No. 2,499. Vs.

Seyna Meera Lebbe Markar of Kumbalwella... Defendant.

NOTICE is hereby given that on Friday, February 8, 1895, commencing at 4 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—1. An undivided $\frac{1}{4}$ part of each of the two boutiques bearing Nos. 37 and 38 and of the soil covered thereby, standing on the garden Warawatta, situate at Mahamodara.2. An undivided $\frac{1}{4}$ part of the house No. 18 and soil appertaining thereto, standing on the garden Walawwewatta *alias* Porakegodellewatta, situate at Kaluwella.3. An undivided $\frac{1}{4}$ part of the house No. 19 and soil appertaining thereto in which the defendant resides, situate at Kaluwella *alias* Mahamodara.This writ is issued to levy a sum of Rs. 1,461.32 $\frac{1}{2}$.Fiscal's Office, H. J. WOUTERSZ,
Galle, January 11, 1895. Deputy Fiscal.

In the District Court of Matara.

Samitchi de Silva Wirakon, Maha Vidane,
MataraPlaintiff.

No. 974. Vs.

Manawaduge Don Johanes Gunawardana,
Dewundere Defendant.**N**OTICE is hereby given that on Tuesday, February 12, 1895, at 12 o'clock noon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

Situated at Dewundera.

The garden called Tangalagewatta and the four tiled houses standing thereon. (Claim Rs. 1,821.73 with interest on Rs. 1,500 at 12 per cent. per annum from February 1, 1894.)

Deputy Fiscal's Office, D. A. GUNARATNA,
Matara, January 12, 1895. Deputy Fiscal.