



# Ceylon Government Gazette

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PART I.—General: Minutes, Proclamations, Appointments,  
and General Government Notifications.

PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Marine and Mercantile.

PART V.—Municipal and Local.

*Separate paging is given to each Part in order that it may be filed separately.*

## Part II.—Legal and Judicial.

	PAGE		PAGE
Passed Ordinances ...	—	District Court Notices ...	575
Draft Ordinances ...	563	Minor Court Notices ...	—
Treaties, Conventions, &c. ...	—	Notices of Insolvency ...	—
Notifications of Criminal Sessions of Supreme Court...	—	Notices of Fiscals' Sales ...	576
List of Jurors ...	—	Miscellaneous Notices ...	—

## DRAFT ORDINANCES.

### MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance to amend "The Marriage Registration Ordinance, 1895."

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 2 of 1895, intituled "An Ordinance to consolidate and amend the Laws relating to the registration of Marriages other than the Marriages of Kandyans and Mohammedans," hereinafter referred to as "the principal Ordinance," by repealing section 15 thereof: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Ordinance to be construed as one with Ordinance No. 2 of 1895.

1 This Ordinance and the principal Ordinance shall be construed and read as one Ordinance, and may be cited collectively as "The Marriage Registration Ordinances, 1895 and 1896."

Repealing clause.

2 Section 15 of the principal Ordinance is hereby repealed.

By His Excellency the Governor's command,  
W. T. TAYLOR,  
Acting Colonial Secretary.

Colonial Secretary's Office,  
Colombo, November 4, 1896.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to consolidate and amend the Law providing for the granting of Pensions to Widows and Children of Deceased Public Officers of this Colony.

Preamble.

WHEREAS it is expedient to consolidate and amend the law providing for the granting of pensions to the widows and children of deceased public officers of this colony: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Widows' and Orphans' Pension Fund Ordinance, 1896," and shall come into operation on such day as the Governor may by Proclamation in the *Government Gazette* appoint.

Repeal.

2 On and from the day on which this Ordinance comes into operation, the Ordinances mentioned in the schedule hereto shall be severally repealed; provided that such repeal shall not affect—

- (a) The past operation of anything duly done or suffered under the said Ordinances hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder; nor
- (c) Any penalty or forfeiture incurred in respect of any breach of the provisions of the said Ordinances hereby repealed; nor
- (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, or forfeiture as aforesaid.

Interpretation of terms:

3 The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction:

"Public officer."

"Public officer" shall mean an officer holding a permanent office in the service of this colony separately provided in the estimates, which has been declared to be pensionable by a notification published in the *Government Gazette*, and drawing a salary from the Colonial Treasury of not less than two hundred and fifty rupees annually in respect either of one such office or of two or more such offices held conjointly. Provided that the provisions of this Ordinance shall not apply to any officer who is by law entitled to have more than one wife at any one time, nor to the widow or children of any such officer.

"Salary."

"Salary" shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of this colony in respect of which office he may become entitled under any regulations which are now or which may hereafter be in force to a pension, but shall not include any fees accruing to any officer in respect of such office.

"Pension."

"Pension" shall include superannuation allowance, but not compassionate allowance, retiring allowance, or gratuity.

"Director."

"Directors" shall mean the directors appointed under section 6 of this Ordinance.

"Treasurer."

"Treasurer" shall mean the officer holding the office of Treasurer of the Colony.

Fund how constituted.	4 The fund already formed and now in existence and the fund to be created under the provisions of this Ordinance for providing pensions for widows and children of public officers shall be consolidated and called "The Widows' and Orphans' Pension Fund."
Investment of fund.	5 All moneys belonging to the fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of this colony, and shall bear interest payable by the said Government during the continuance of the fund, or until by Ordinance passed not earlier than the First day of March, One thousand Nine hundred and Two, the rate of interest be altered, at the rate of six per centum per annum free from any deduction, and such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon the mean monthly balance standing in the hands of the Treasurer of the colony to the credit of such fund during the course of the year.
Appointment of directors.	6 (1) For the due and proper management of the fund the Governor, with the advice of the Executive Council, shall appoint any number of public officers, not exceeding five, as directors thereof.
Cancellation of such appointment.	(2) It shall be lawful for the Governor, with the advice of the Executive Council, to cancel and annul the appointment of any person appointed to be a director, and upon notification thereof in the <i>Government Gazette</i> such person shall cease to be a director, and shall cease to have and exercise the powers of a director.
Substitution of director.	(3) In the event of the death of a director, or in the event of the absence from the island of a director, or in the event of the cancellation and revocation of the appointment of any director, the Governor, with the advice of the Executive Council, shall appoint a public officer to be a director in place of the director who shall have died, or shall be absent from the island, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a director by this Ordinance.
Management of fund.	(4) The directors shall superintend and direct the management and administration of the fund, and shall see that the laws and regulations relating thereto are duly fulfilled.
Annual report.	(5) It shall be the duty of the directors annually, on or before the thirty-first day of January, to prepare a statement and account of the fund for the year ending the thirty-first December preceding, and such statement and account shall be laid before the Governor and the Legislative Council.
Appointment of agents, &c.	(6) The Governor may from time to time appoint such officer or officers as he may consider fit and necessary for carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of the Governor.
Pension to officers employed under the directors.	(7) The Governor, with the advice of the Executive Council, may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance and to those heretofore appointed, and the directors of "The Widows' and Orphans' Pension Fund" shall, subject to such rules, pay such pensions and gratuities out of the moneys of "The Widows' and Orphans' Pension Fund."
Officers to give security.	(8) The officers receiving salaries of Rs. 250 and upwards from the moneys of "The Widows' and Orphans' Pension Fund," and entitled to pension under any rule made under the preceding section, are hereby declared to be public officers within the meaning of this Ordinance, and may be required to give security under the provisions of "The Public Officers' Security Ordinance, 1890."
Meetings of directors.	(9) At every meeting of the directors the senior public officer present shall preside. Every question shall be decided by the vote of the majority of those directors present at the meeting, provided that if the votes be equally divided the chairman shall have a casting vote in addition to his vote as director. There shall be no meeting at which there shall not be at the least three directors present and voting.

Cost of management of fund.

7 A sum not exceeding five per centum of the annual contributions to the fund may be paid by the Treasurer to the directors for the purpose of defraying all expenses connected with the management and administration of the fund, provided that no payment shall be made to any director as salary or remuneration for his own services without the consent and approval of the Governor, with the advice of the Executive Council.

Directors may make rules and regulations.

8 The directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*, shall be valid and binding upon all persons.

Officers required to pay abatement to Treasurer; in default, Treasurer to deduct from salaries.

9 It shall be lawful for the Treasurer to make an abatement of four per centum from the salary of every public officer who is liable to contribute to the fund, and in the event of such abatement not being made, every public officer shall pay to the Treasurer, within fifteen days after the receipt by him of his salary, a sum equal to four per centum upon his monthly salary. Such payment and the arrears of any contribution due and payable under the provisions of the Ordinance No. 20 of 1885 shall be taken to be a debt due to the fund by the public officer, and shall be payable, together with interest thereon at six per centum per annum, forthwith or by such instalments as the directors may determine. The Treasurer shall, upon the written order of the directors or of any two of them, deduct from any moneys which may be, or may become due or payable to the public officer by whom such debt is payable, the whole or any part of such debt. The provisions of the Ordinance No. 22 of 1871 shall not apply to any such debt.

Period for which abatement shall be made.

10 The abatement of four per centum from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four per cent. from such pension.

11 A public officer who has attained the age when he shall have acquired the right to retire from the public service, or who may be allowed to retire from the public service on account of ill-health before he attains the age at which he would otherwise be entitled to retire, or who may be deprived of the situation in respect of which he contributed to the fund, but who is entitled to retire on pension, should he retire on a pension, shall not be called upon to make any further contribution to the fund beyond a monthly abatement from his pension of four per centum on such pension, to commence from the date of his retirement, until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

An officer deprived of his office may continue to contribute.

12 A public officer who may retire from the public service, or who may be deprived of the office in respect of which he contributed to the fund, but who shall not be granted a pension, may continue to contribute from the date of his so retiring or being deprived of his office on the salary which he was receiving at the date of such retirement or deprivation, at the same rate and subject to the same terms and conditions as if he had continued in the public service and continued to receive the salary which he was receiving at the date of such retirement or deprivation. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his so retiring or being deprived of his situation or of his ceasing to contribute in accordance with the tables hereinafter referred to.

Provisions for case of officers transferred to other employment under the Crown.

13 A public officer who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Crown, may cease to contribute to the fund from the date of his ceasing to hold office in the service of this Government, and in such case his widow, or his widow and orphans as the case may be, shall be entitled upon the death of such officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his ceasing to hold office in the service of this Government, in accordance with the tables hereinafter referred to. Provided, however, that it shall be lawful for such officer to continue to contribute from the date of his ceasing to hold office in the service of this Government and being transferred to another office under the Crown on the salary which he was receiving while holding office under this Government, at the same rate and subject to the same terms and conditions as if he had continued to hold such office under this Government.

Officer to furnish particulars within three months of his appointment.

14 Every public officer shall, within three months of the date of his becoming liable to contribute to the fund, forward to the directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births. The public officer making the declaration shall furnish to the directors such proof of the statements made therein as may be required by the directors.

Officer to notify marriage.

15 Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the directors a declaration setting forth the date of such marriage, and the maiden name of his wife, and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify birth of child.

16 Every public officer shall, within three months, notify to the directors the date of the birth of each child born to him after the passing of this Ordinance.

Officer to notify death of wife, or if she be divorced from him.

17 Every public officer whose wife shall die or be divorced from him, or whose child shall die, or whose female child shall be married, shall, within three months thereof, notify to the directors the date of such death, divorce, or marriage.

Penalty for non-compliance with foregoing.

18 Every public officer who shall in the judgment of the directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided, or who shall in the judgment of the directors have furnished any false information or made any false declaration, may be adjudged by the directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Treasurer shall, upon the judgment of the directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the fund.

Who shall be entitled to pension.

19 The widows and orphans entitled to pensions from the fund are the widows and orphans of public officers who have contributed to the fund in accordance with the provisions of this Ordinance, save as hereinafter excepted. No pension shall become due, and no pension shall be paid to any widow or orphan of any public officer until every debt due to the directors by such public officer shall have been fully discharged.

Exceptions from benefits of fund.

20 No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance, unless a lawful child is born of such marriage. The child of any public officer born out of wedlock, who has become legitimate by the subsequent marriage of such public officer with the mother of such child, shall be entitled to a pension or allowance from the fund, provided that his father shall not have died within twelve months of such marriage, in which case such child shall lose all interest in the fund.

When pension to orphans shall cease.

21 The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years.

Pension how computed.

22 The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the Governor with the advice of the Executive Council. Such tables shall be adjusted and revised every five years by an actuary or actuaries who shall be from time to time appointed by the Governor with the advice of the Executive Council. All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to re-adjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.

Pension to orphans.

23 When a public officer being a widower and unmarried dies leaving a child or children entitled to pensions, or when a widow of a public officer dies and there be a child or children of such public officer surviving entitled to pension, the pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided between the children.

Provision in case of widow marrying.

24 The widow of a public officer who marries again shall cease to receive a pension from the date of such marriage; and the children of such widow and public officer shall thereupon be entitled to pension as hereinbefore provided in the event of the death of both parents.

Provision in case of a widow and children of a previous marriage.

25 When a public officer dies leaving a widow and children the issue of a previous marriage existing when the public officer became a contributor to the fund, or contracted after he became such contributor, and such children are of ages which entitle them to pensions from the fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children; and if the public officer dies leaving no such children then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.

Pension to children of a widower.

26 The children of a public officer, being a widower, who contributed to the fund shall be entitled on the death of such public officer to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.

Pension to be paid monthly, and proof of death to be produced before payment.

27 The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the directors to require

proof that any widow or child is alive and entitled to the pension claimed by such widow or child.

Directors to appoint person to receive payment on behalf of minors.

28 In any case in which a minor is entitled to payment of a pension or portion of a pension under this Ordinance, it shall be lawful for the Directors to appoint some fit or proper person to whom such pension shall be paid. Such appointment shall be in writing under the hand of at least three of the directors, and the receipt of such person shall be a legal discharge for the payment of such pension or portion thereof.

Pensions not to be assigned or levied upon.

29 No pension payable from the fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void, and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.

Questions and disputes to be decided by Governor in Executive Council.

30 Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, it shall be lawful for the directors, and such directors are required, upon the application of any such public officer, widow, or child, to submit such question for decision to the Governor; and the decision of the Governor thereon, with the advice of the Executive Council, shall be final. No action or suit at law shall lie at the instance of any widow or child, or other person claiming to have an interest in the fund or to be entitled to any pension therefrom, against the directors or any of them or against the Treasurer for the payment of any sum claimed to be due as pension.

Widow not entitled to pension if marriage contracted after officer had ceased to contribute.

31 No widow of a public officer whose marriage was contracted after he had ceased to contribute, and no child of such marriage shall be entitled to any pension.

Pension not to exceed amount fixed by the actuary.

32 The pension to which any widow, or in the event of the death of the widow to which the child or children of a public officer shall become entitled, shall in no case exceed three thousand rupees, or such sum which shall be fixed by the actuary or actuaries appointed under the 22nd section of this Ordinance.

No increase or decrease of pension if residing in climate less or more healthy than Ceylon.

33 No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being less or more healthy as to climate than Ceylon.

One-half of bachelor's contribution to be returned on retirement.

34 Fifty per cent. of the contributions made by a bachelor shall be returned, but without interest, upon the retirement, unmarried, of such officer from the Public Service on pension, but not otherwise.

Contributions may continue in full if income reduced.

35 Whenever the salary of a public officer becomes reduced, either by abatement of the ordinary emoluments or by the grant of a permanent superannuation allowance, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and subject to the same terms and conditions as if he had continued to draw the higher salary or pension. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

## SCHEDULE.

## Ordinances Repealed.

(See Section 2.)

No. and Year.	Title.
20 of 1885 ...	"The Widows' and Orphans' Pension Fund Ordinance, 1885."
1 of 1890 ...	An Ordinance to amend "The Widows' and Orphans' Pension Fund Ordinance, 1885."
15 of 1894 ...	An Ordinance to amend the Law providing for the granting of Pensions to Widows and Children of deceased Public Officers of this Colony.

By His Excellency's command,

W. T. TAYLOR,

Acting Colonial Secretary.

Colonial Secretary's Office,  
Colombo, November 5, 1896.

## M I N U T E.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance for the repression of Crime in this Colony.

## Preamble.

WHEREAS it is expedient to make further provision for the investigation of offences and for the repression and prevention of crime; Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

## PART I.

*Investigation of Offences.*

Governor may appoint inquirer.

1. (1) For the purposes of Part I. of this Ordinance the Governor may appoint any person or persons, by name or office, to be inquirer or inquirers for any area, the limits of which shall be specified in such appointment.

President of village tribunal *ex officio* an inquirer.

(2) Every president of a village tribunal shall within the limits of the jurisdiction of the village tribunal or tribunals of which he is president be by virtue of his office an inquirer for the purposes of this chapter.

Information to inquirer.

2 Every information given to an inquirer relating to the commission of a cognizable offence shall be given to him orally, and shall be reduced to writing by him and be read over to the informant; and every such information shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such inquirer, who shall append to such entry the date and hour on which such information was given.

Procedure where cognizable offence suspected.

3 If from information received or otherwise any inquirer has reason to suspect the commission of a cognizable offence, he shall forthwith send a report of the same to the police court having jurisdiction in respect of such offence, and shall proceed in person to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender.

Inquirer's power to require attendance of persons able to give information.

4 (1) An inquirer making an investigation under this chapter may by order in writing require the attendance before himself of any person being within the local limits of his jurisdiction, who from the information given or otherwise appears to be acquainted with the circumstances of the case, and such person shall be legally bound to attend as so required.

(2) If any such person refuses to attend as so required, such inquirer may thereupon in his discretion issue a warrant to secure the attendance of such person as required by such order as aforesaid.



Examination of witnesses by inquirer.

5 (1) An inquirer making any investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and shall reduce into writing any statement made by the person so examined, but no oath or affirmation shall be administered to any such person.

(2) Such person shall be bound to answer truly all questions relating to such case put to him by such inquirer other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statement to inquirer not to be signed or admitted in evidence.

6 No statement other than a dying declaration made by any person to an inquirer in the course of any investigation under this chapter shall, if reduced to writing, be signed by the person making it, or shall be used otherwise than to prove that a witness made a different statement at a different time.

No inducement to be offered.

7 No inquirer shall offer or make or cause to be offered or made any inducement, threat, or promise to any person charged with an offence to induce such person to make any statement having reference to the charge against such person. But no inquirer shall prevent or discourage by any caution or otherwise any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Search by inquirer.

8 (1) Whenever an inquirer making an investigation in a cognizable case considers that the production of any document or thing is necessary to the conduct of an investigation into any offence into which he is authorized to investigate, and there is reason to believe that a person to whom summons or order under section 66 has been or might be issued, will not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such inquirer may search or cause search to be made for the same in any place.

(2) Such inquirer shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any peace officer to make the search; and he shall deliver to such peace officer an order in writing specifying the document or other thing for which search is to be made and the place to be searched, and such peace officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search warrants and searches thereunder shall, so far as may be, apply to a search made under this section.

Inquirer may require bond for appearance of complainant and witnesses.

9 If upon an investigation under this chapter it appears to the inquirer making such investigation that there is sufficient reason to justify the commencement or continuance of criminal proceedings for a cognizable offence against any person, such inquirer shall require the complainant, if any, and so many of the persons who appear to such inquirer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before a police court therein named and give evidence in the matter of the charge against the accused.

(2) The inquirer in whose presence the bond is executed shall deliver a copy thereof to each one of the persons who executed it, and shall then send to the police court the original.

(3) If any complainant or witness refuse to execute such bond, such inquirer shall report the same to the police court, which may thereupon in its discretion issue a warrant or summons to secure the attendance of such complainant or witness before itself to give evidence in the matter of the charge of the accused.

Additional powers of inquirers.

10 In addition to the powers hereinbefore mentioned, every inquirer shall within the local limits of his jurisdiction have the following powers :

- (a) Power to arrest or direct the arrest in his presence of any offender.
- (b) Power to issue a warrant or to order the removal of an accused person arrested under a warrant.
- (c) Power to authorize the detention of a person during any investigation.
- (d) Power, upon receiving an order from a magistrate, to investigate a non-cognizable offence and to exercise all the powers conferred on him by this chapter in respect of such investigation.

Magistrate may withdraw case from inquirer.

11 Any magistrate having jurisdiction to hold an inquiry into any offence which is being investigated by an inquirer may withdraw the case from such inquirer, and himself inquire into and try such case or commit the same for trial.

Diary of proceedings in investigation.

12 (1) Every inquirer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary setting forth the time at which he began and closed the investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(2) Any criminal court may send for the diaries of a case under inquiry in such court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the courts; but if they are used by the inquirer who made them to refresh his memory, or if the court uses them for the purposes of contradicting such inquirer, the provisions of the Ceylon Evidence Ordinance, section 161 or section 145, as the case may be, shall apply.

Report of inquirer.

13 Every investigation under this chapter shall be completed without unnecessary delay, and as soon as it is completed the inquirer making the same shall forward to the police court within whose division such investigation was made a report setting forth the names of the parties, the nature of the information, and the names of the persons who appear to be acquainted with the circumstances of the case.

## PART II.

### *Quartering of Police.*

Quartering of police in districts where crime exists or is apprehended.

14 (1) When it appears to the Governor, with the advice of the Executive Council, from time to time, that by reason of the existence or apprehension of crime and outrage in any district, that it is desirable to quarter police in such district, or should a police force have been already established there to increase the same, he may by Proclamation which shall be published in the *Government Gazette*, declare that for the reason aforesaid such district requires police or additional police, and may order police to be quartered in such district or additional police to be employed there.

Cost thereof to be certified to the Governor.

(2) The Inspector-General of Police shall from time to time make out in such manner as the Governor may order an account of the total cost of the police or of any additional police employed in any district under this section, and shall certify the amount to the Governor.

Provision for payment of such cost.

(3) The whole or such part or the whole as the Governor, with the advice of the Executive Council, may order of the amount so certified shall be a charge payable by the inhabitants of the district in which such police or additional police are employed, and the Governor, with the like advice, may exempt from charge any inhabitants of the area declared to be chargeable.

In certain cases of murder, maiming, or injury, Governor may by warrant nominate person to investigate application for compensation.

Power of such person to compel attendance of witnesses at investigation.

Governor may award compensation.

Amount of compensation may be charged against inhabitants of village, and be paid in such instalments as the Governor may by warrant order.

Applications for compensation to be made, by whom.

Application for compensation must be made within three months.

Definition of expression "district."

Meaning of expression "village."

Charges payable by inhabitants of a district or village to be allotted rateably.

Who shall allot and collect charges. Power to issue writ.

15 (1) Where it appears from information on oath and in writing that any one has been murdered, maimed, or otherwise injured in his person, and an application is made for compensation, the Governor, with the advice of the Executive Council, may, if he thinks fit, after giving public notice in the *Government Gazette* and by beat of tom-tom in the village where such crime has been committed, by warrant nominate such person or persons, being or one of whom shall be an advocate of at least ten years' standing, as he thinks fit, to investigate the application, and after hearing all parties whom he or they deem to be interested, including any inhabitants of the village, to report to the Governor thereon. The parties shall be heard personally or by pleaders, and the evidence taken on oath in open court.

(2) For the purposes of such investigation the person or persons so nominated shall, with respect to empowering the attendance of witnesses and all other matters, have the same power as a district judge. Such public notice shall be given of the place and time at which the investigation will be held, and the investigation shall be proceeded with in such manner, and the report to the Governor shall be made in such manner, as the Governor may direct. The remuneration of such person or persons and the expenses of holding the investigation shall be fixed by the Governor, with the advice of the Executive Council, and shall be defrayed out of the general revenue.

(3) Upon such report the Governor, with the advice of the Executive Council, may dismiss the application if he thinks fit, or may award such sum for compensation as he thinks just.

(4) The said sum shall, if the Governor, with the advice of the Executive Council thinks just, be a charge payable by such village, and in such instalments as the Governor may by warrant order, and shall be paid to the personal representative of the person murdered or to the person maimed or injured, or, if he is dead, to his personal representative.

(5) Applications, under this Ordinance may be made by the personal representative or one of the next of kin of any person murdered, or by any person maimed or injured, or by any person in that behalf authorized by the Governor.

(6) An application for compensation under this section shall not be entertained unless it is made within three months after the occurrence of the act causing the murder, maiming, or injury.

16 (1) For the purposes of this Ordinance with respect to quartering police in any district, or increasing the number of police employed therein, the expression "district" means any area the limits of which shall be defined in the Proclamation issued under the provisions of sub-section 1 of section 13.

(2) For the purposes of this Ordinance with respect to compensation in cases of murder, maiming, or injury, the expression "village" means any area the limits of which shall be defined in the public notice issued under the provisions of sub-section 1 of section 14.

(3) Any charge in respect of police, or any sum for compensation as aforesaid, which is for the time being a charge payable by any district or any village, shall be allotted rateably on all the inhabitants of the district or village other than those exempted by the Governor in pursuance of this Ordinance, and shall be payable by the inhabitants thereof.

(4) Such allotments shall be made, and such charges collected, by persons for the time being appointed by warrant of the Colonial Secretary for that purpose; and every person so appointed collector shall, for the purposes of such collection, have power to issue writs of execution addressed to the fiscal of the province for the recovery of the amount due in respect of any such allotment, and such writ shall be conclusive proof that the sum named in the writ is due from the person mentioned therein, and that the fiscal is authorized to collect the same.

Writs how to be executed.

(5) The writs issued under sub-section 4 shall be executed in the same manner as writs issued by a district court, and the fiscal shall account for the sums levied under such writ in manner directed from time to time by the Governor.

Requirements of warrant imposing a charge upon a district or village.

(6) Every warrant imposing a charge upon a district or a village in respect of such police, or such compensation as aforesaid, shall specify the time during which it is to be enforced, and shall be in the form prescribed by the Governor, and shall be conclusive proof that the sums named in the warrant are to be raised in the district or village as therein mentioned, and that the person named in the warrant is authorized to collect the same, and a copy of every such warrant shall be laid before the Legislative Council within one month after the date of the warrant if the Legislative Council is then sitting, if not within one month after the next meeting of the Legislative Council.

### PART III.

#### *General.*

Amendment of 7th column of Schedule II. of Ordinance No. 3 of 1883.

17 In the 7th column of Schedule II. of the Criminal Procedure Code the words "police court" shall be inserted for the words "district court" as applying to section 315.

Power of police magistrate to order persons convicted under section 315 of Ordinance No. 2 of 1883 to be whipped.

18 Whenever a person is convicted before a police court of an offence under section 315 of the Ceylon Penal Code, such police court may, in addition to any punishment to which the offender may be sentenced by him for such offence, order such offender to be whipped in manner prescribed by sections 55 and 56 of the Ceylon Penal Code, anything in such Code or the Criminal Procedure Code, 1883, to the contrary notwithstanding. Provided that the number of lashes or strokes to be inflicted shall in no case exceed twenty.

Repeal.

19 Part VI. of "The Village Communities' Ordinance, 1889," is hereby repealed.

By His Excellency the Governor's command,

W. T. TAYLOR,  
Acting Colonial Secretary.

Colonial Secretary's Office,  
Colombo, November 12, 1896.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. } In the Matter of the Estate of the late Christomboge Christoffel Perera, of 2nd Division, Maradana, in Colombo, deceased.

THIS matter coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 22nd day of October, 1896, in the presence of John Caderamen, Proctor, and on the part of the petitioner Christomboge John Perera, of Kotahena in Colombo; and the affidavit of the said Christomboge John Perera, dated 16th October, 1896, having been read: It is ordered that the said Christomboge John Perera be and he is hereby declared entitled to have letters of administration to the estate of Christomboge Christoffel Perera, deceased, issued to him as son and only heir of the said deceased, unless the respondents—1, Christomboge Arnolis Perera; 2, Christomboge Layesa Perera; and 3, Christomboge Punchinona Perera, all of Maradana in Colombo—shall, on or before the 26th day of November, 1896, show sufficient cause to the satisfaction of this court to the contrary.

D. F. BROWNE,  
District Judge.

The 22nd day of October, 1896.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. } In the Matter of the Estate of the late Casie Lebbe Peria Tamby, of Old Moor street in Colombo, deceased.

THIS matter coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 15th day of October, 1896, in the presence of Messrs. Alvis and De Saram, Proctors, on the part of the petitioner Seka Lebbe Ahamado Lebbe, of Old Moor street in Colombo; and the affidavit of the said Seka Lebbe Ahamado Lebbe, dated 7th October, 1896, having been read:

It is ordered that the said Seka Lebbe Ahamado Lebbe be and he is hereby declared entitled to have letters of administration to the estate of the said Casie Lebbe Peria Tamby, deceased, issued to him, as father-in-law of the said deceased, unless the respondents—1, Assia Umma, widow of Casie Lebbe Peria Tamby, deceased; 2, Peria Tamby Mohamado Mohideen; 3, Peria Tamby Mohamado Salie; 4, Peria Tamby Mohamado Hassen; 5, Peria Tamby Mohamado Karze; 6, Peria Tamby Zaida Umma; 7, Peria Tamby Mohamado Zachariah, all of No. 103, Old Moor street, Colombo; and 8, Ummani Umma, widow of Casie Lebbe, of No. 103, Old Moor street in Colombo—shall, on or before the 19th day of November, 1896, show sufficient cause to the satisfaction of this court to the contrary.

D. F. BROWNE,  
District Judge.

The 15th day of October, 1896.

In the District Court of Kandy.

*Order Nisi.*

Testamentary Jurisdiction. } In the Matter of the Estate of the late Frederick Solomon, deceased, of Kandy.

THIS matter coming on for disposal before John Henricus de Saram, Esq., District Judge of Kandy, on the 3rd day of November, 1896, in presence of Mr J. B. Siebel, Proctor, on the part of the petitioner William Henry Solomons, of Kandy; and the affidavit of

the said William Henry Solomons, dated the 2nd day of November, 1896, having been read: It is ordered that letters of administration to the estate of Frederick Solomon, deceased, be issued to the petitioner, as son of the said deceased, unless Charlotte Arnoldina Solomons, of Kalutara, Nathalia Sophia Solomons now the wife of William Woth of Walata, Philip Francis Solomons of Kalutara; and Frederick Charles Solomons, of Agrapatana, shall, on or before the 20th day of November, 1896, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,  
District Judge.  
The 3rd day of November, 1896.

In the District Court of Kandy.

*Order Nisi.*

Testamentary Jurisdiction. } In the Matter of the Estate of the late Sena Ena Mohamedu Neina Marikar, deceased, of Aluvihara, in Matale.

THIS matter coming on for disposal before John Henricus de Saram, Esq., District Judge of Kandy, on the 29th day of October, 1896, in the presence of Mr. E. Beven, Proctor, on the part of the petitioner Neina Mohamedu Saibo Cader Samoo Lebbe *alias* Nena Yeena Cader Samoo Lebbe, of Matale; and the affidavit of the said petitioner, dated 27th October, 1896, having been read: It is declared that the said Neina Mohamedu Saibo Cader Samoo Lebbe *alias* Nena Yeena Cader Samoo Lebbe is the attorney of the widow of the said deceased, and that he is entitled to have letters of administration issued to him as such attorney, unless the respondent Sena Yeena Abdul Cader, of Aluvihara in Matale, shall, on or before the 20th day of November, 1896, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,  
District Judge.  
The 29th day of October, 1896.

In the District Court of Galle.

*Order Nisi.*

Testamentary Jurisdiction. } In the Matter of the Estate of the late Uyanege Elias Appu, deceased, of Kataluwa.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 25th day of September, 1896, in the presence of Mr. Nicholas Dias Abeyesinghe on the part of the petitioner Kanakkehewage Babunhamy, of Kataluwa; and the affidavit of the said Kanakkehewage Babunhamy, of Kataluwa, dated 7th September, 1896, having been read: it is declared that the said Kanakkehewage Babunhamy, of Kataluwa, is widow of the above-named deceased, and that she is as such entitled to have letters of administration of the estate of the above-named deceased Uyanege Elias Appu issued to her accordingly, unless the respondents—1, Uyanege Sinno Appu; 2, Uyanege Emis Appu; 3, Uyanege Nonahamy; 4, Simon de Silva Weerasuriya; 5, Uyanege Bastian Appu; 6, Uyanege Carlinahamy; 7, Uyanege Podihamy, of all of Kataluwa, of whom the 2nd, 5th, 6th, and 7th respondents being minors, by their guardian *ad litem* the 4th respondent—shall, on or before the 13th day of November, 1896, show sufficient cause to the satisfaction of this court to the contrary.

F. J. DE LIVERA,  
District Judge.  
The 25th day of September, 1896.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Colombo.

Hewadewage Theodoris Fernando, of Regent street, Colombo.....Plaintiff.  
No. 6,420/C. Vs.

Kannie Tamby Sekana Lebbe Shaik Ali, of Hulftsdorp street in Colombo.....Defendant.

**N**OTICE is hereby given that on Monday, December 7, 1896, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged and decreed to be sold by the decree entered in the above case, viz. :—

An undivided half part of the three annexed pieces of ground and house (now bearing assessment Nos. 37 and 38), situated and lying on the road leading to Wolfendahl of Hulftsdorp within the Municipality of Colombo; and bounded on the north by the other part of Mrs. Vanderstraaten's property, on the east by the road to Wolfendahl, on the south by the house of Louis Arachchy, and on the west by the garden of Peer Saibo; containing in extent 15 square perches and  $\frac{3}{8}$  of a perch, and also the right, title, and interest of the defendant in and to the remaining undivided half part of the said property.

Fiscal's Office, SOLOMON SENEVIRATNE,  
Colombo, November 11, 1896. Deputy Fiscal.

### North-Western Province.

In the District Court of Puttalam.

Don Joseph Ros de Vasy, of Kalpitiya.....Plaintiff.  
No. 142/1,167. Vs.

A. A. de Rosairo, of Kalpitiya.....Defendant.

**N**OTICE is hereby given that on Monday, November 30, 1896, at 2 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. :—

The entire soil of an undivided one-fourth share of a cocconut garden called Ottapanetotam Ittiyady Pemdu, situate at Peria Ottapane in Puttalamattu; and bounded on the north by the partition fence of the garden of Savery Achchi, east by road, south by the partition fence of the garden called Mawadytotam, and west by the garden of Chellappa Rosairo and others.

G. A. BAUMGARTNER,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Puttalam, November 4, 1896.