

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.

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Part II.—Legal and Judicial.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend Ordinance No. 2 of 1883, intituled "The Ceylon Penal Code."

Preamble.

WHEREAS it is expedient to amend "The Ceylon Penal Code," hereinafter referred to as "the principal Ordinance": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance, which may be cited as "The Ceylon Penal Code Amendment Ordinance, 189," and the principal Ordinance shall be read together as one Ordinance.

Amendment of section 38 of Ordinauce No. 2 of 1863. 2 In sub-section (6' of section 38 of the principal Ordinance, after the number "6:" and before the number "67" shall be inserted the number "63."

Insertion of section 67 (a).

3 After section 67 of the principal Ordinance there shall be inserted the following section, which shall be numbered 67(a):

67 (a) In all cases in which judgment is given that a person is guilty of one of several offences specified in

the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence in which the lowest punishment is provided, if the same punishment is not provided for all.

Section 427 amended.

Criminal trespass.

4 For section 427 of the principal Ordinance the following section shall be substituted:

Whosoever enters into or upon property in the occupation of another with intent to commit an offence, or to intimidate, insult, or annoy any person in occupation of such property, or having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult, or annoy any such person, or with intent to commit an offence, is said to commit criminal trespass.

By His Excellency's command,

E. NOEL WALKER, Colonial Secretary.

Colonial Secretary's Office, Colomb, January 26, 1898.

Return of Uncertificated Insolvents for the Half-year ended December 31, 1897. No. of Case. Date of Insolvency. Name of Insolvent. May 7, 1897 ... May 18, 1897 ... June 24, 1897 ... 1,871 Samuel Oxton Jones December 11, 1897—certificate refused November 18, 1897—certificate refused 1,872 Theobold Dias November 11, 1897 – certificate disallowed December 20, 1897 – certificate refused 1,885 Richard Lambert Havers 1,888 July 13, 1897 ... George Henry de Soysa District Court. FELIX R. DIAS, Colombo, January 19, 1898. Acting District Judge. List of Uncertificated Insolvents in the District Court of Jaffna for the Half-year ended December 31, 1897. No. of Case. Residence. Name of Insolvent. Kemarks. Date. Sapapati Ponnampalam Vannarponne east Case pending 43 June 7, 1897 SAM. HAUGHTON. District Court, Jaffna, January 15, 1898. District Judge. Return of all Moneys received and paid on Account of Estates under Official Administration in the District Court of Jaffna for the Half-year ended December 31, 1897. Date when Letters of Administration issued. Name of Official Administrator. No. of Case. Frederic Struys, Secretary, District Court, Jaffna October 22, 1897 666 SAM. HAUGHTON, District Court, District Judge. Jaffna, January 15, 1898. List of Uncert.ficated In olvents in the District Court of Mullaittivu for the Half-year ended December 31, 1897. Nil. H. O. Fex. District Court, Mullaittivu, January 18, 1898. District Judge. Return of Moneys recovered and pail on Account of Estates under Official Administration for the Hali-year ended December 31, 1857. Nil. District Court. H.O. Fox,

List of Uncertificated Insolvents in the District Court of Galle for the Half-year ended December 31, 1897.

Nil.

District Court, Galle, January 13, 1898.

Mullaittivu, January 13, 1898.

F. J. DE LIVERA, District Judge.

District Judge.

Statement of Commission drawn by the Secretary of the District Court of Tangalla as Official Administrator of Estates during the year 1897.

· District Court, G. W. Woodhouse, Tangalla, January 25, 1898. Acting District Judge. List of Uncertificated Insolvents in the District of Tangalla for the Half-year ended December 31, 1897. G. W. WOODHOUSE, District Court, Tangalla, January 25, 1898. Acting District Judge. List of all Moneys received and paid on Account of Estates under Official Administration in the District Court of Tangalla during the Half-year ended December 31, 1897. G. W. WOODHOUSE, District Court. Acting District Judge. Tangalla, January 25, 1898. List of Uncertificated Insolvents in the District of Kurunegala for the Half-year ended December 31, 1897. Nil. District Court, H. HAY CAMERON, Kurunegala, January 21, 1898. District Judge. Return of Moneys recovered and paid on Account of Estates under Official Administration for the Half-year ended December 31, 1897.

District Court, Kurunegala, January 21, 1898. H. HAY CAMERON, District Judge.

NOTICES IN TESTAMENTARY ACTIONS.

By order of court,

A. SANTIAGO, Acting Secretary. In the District Court of Colombo.

Order Nisi.

Testamentary
Jurisdiction.
No. C/992.

In the Matter of the Estate of the late William Woodman Penny, of Hilton estate, Matale, deceased.

THIS matter coming on for disposal before F. R. Dias, Esq., Acting District Judge of Colombo, on the 13th day of January, 1898, in the presence of Julius & Creasy, Proctors, on the part of the petitioner Frank Howie Davidson of Hapugahalanda estate, Matale; and the affidavit of the said Frank Howie Davidson, dated 30th December, 1897, having been read: It is ordered that the said Frank Howie Davidson be and he is hereby declared entitled to have letters of administration to the estate of William Woodman Penny, deceased, issued to him, as attorney of George Penny, the only heir of the said deceased, unless any person shall, on or before the 3rd day of February, 1898, show sufficient cause to the satisfaction of this court to the contrary.

F. R. DIAS, Acting District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary
Jurisdiction.
No. C:995.
In the Matter of the Estate of the late.
Andrew Murray, of Colombo, in the Island of Ceylon, deceased.

THIS matter coming on for disposal before F. R. Dias, Esq., Acting District Judge of Colombo, on the 13th day of January, 1898, in the presence of Julius & Creasy, Proctors, on the part of the petitioner Harry Creasy, of Colombo; and the affidavit of the said Harry Creasy, dated 23rd December, 1897, having been read: It is ordered that the said Harry Creasy be and he is hereby declared entitled to have letters of administration to the estate of Andrew Murray, deceased, issued to him, as attorney of Hugh Murray, one of the heirs of the said deceased, unless any person shall, on or before the 3rd day of February, 1898, show sufficient cause to the satisfaction of this court to the contrary.

F. R. DIAS, Acting District Judge.

January 14, 1898.

In the District Court of Jaffna.

Order Nisi.

Testamentary) Jurisdiction. Class I. No 883.

In the Matter of the Estate of the late Elizabeth Chellamuttu, wife of Saravanamuttu. Achchuveli οf North, deceased.

Sinnattampi Vaittilingam, of Achchuveli

North Petitioner.

Vs.

Murukesar Charavanamuttu, of Achchuveli North Respondent.

THIS matter of the petition of Sinnattampi Vait-L tilingam, of Achchuveli, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before Samuel Haughton, Esq., District Judge, on the 10th day of January, 1898, in the presence of Messrs. Casippillai & Cathiravelu, Proctors,

on the part of the petitioner; and the affidavit of the petitioner dated the 10th day of January, 1898, having been read: It is declared that the petitioner is the uncle of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before the 10th day of February, 1898, show sufficient cause to the satisfaction of this court to the contrary.

> SAM. HAUGHTON, District Judge.

This 10th day of January, 1898.

In the District Court of Kurunegala.

In the Matter of the Intestate Estate of the late Madurawela Liyanage Don Waleris Appuhami, Peace Officer of Alawwa, deceased.

Madurawela Liyana Mudiyanselage Don Sebastian Appuhamy, Korale Arachchi

of Alawwa Petitioner.

And

1, Madurawela Liyana Mudiyanselage Don Peduru Appuhami; 2, Madurawela Liyana Mudiyanselage Don Juan Appuhami, both of Alawwa; 3, Madurawela Liyana Mudiyanselage Dona Rosa Maria alias

Maria Nona, of Wattala Respondents.

HIS matter coming on for disposal before Hardinge Hay Cameron, Esq., on the 14th day of January, 1898, in the presence of Mr. Markus, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner, dated the 23rd day of December, 1897, having been read:

It is ordered that Madurawela Liyana Mudiyanselage Don Sebastian Appuhami, Korale Arachchi, as eldest son of the late Madurawela Liyanage Don Waleris Appuhami, Peace Officer, is entitled to have letters of administration of his intestate estate issued to him, unless the abovenamed respondents shall, on or before 21st day of February, 1898, show sufficient cause to the satisfaction of this court to the contrary.

January 14, 1898.

H. HAY CAMERON District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

In the matter of the insolvency of No. 1,926. Vincent Neydorff, of Pettah, Coolmbo.

WHEREAS the above-named Vincent Neydorff was on December 17, 1897, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned; and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on January 27 and February 10, 1898, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, ntituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates.

By order of court,

Colombo, January 11, 1898.

A. Santiago, Acting Secretary.

No. 1,927.

In the matter of the insolvency of John Abayakon, of No. 13, Mutwal in Colombo.

WHEREAS the above-named John Abayakon was on December 23, 1897, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned; and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on February 3 and 17, 1898, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for

the due collection, administration, and distribution of Insolvent Estates.

By order of-court,

Colombo, January 14, 1898.

A. SANTIAGO, Acting Secretary.

In the District Court of Kandy.

In the matter of the insolvency of H. W. de Vos, of Kandy. No. 1,394.

HEREAS the above-named H. W. de Vos was on VV January 20, 1898, adjudged insolvent by the District Court of Kandy, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is because the large and an adjudged in the said insolvent thereof is because the large and adjudged in the large and adjudged in the large and adjudged in the large and adjudged insolvent to the large and adjudged insolvent by the large and an order has been made by the said court placing the estate of the said insolvent under sequence and adjudged insolvent by the large and adjudged insolvent by the large and adjudged insolvent by the said court placing the estate of the said insolvent under sequent and adjudged insolvent by the large and adjudged insolvent thereof is hereby given to all concerned, and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on February 25 and March 11 next, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates.

By order of court,

W. M. DE SILVA, Acting Secretary.

Kandy, January 22, 1898.

No. 1,380. In the matter of the insolvency of Mana Sana Cader Saibo, of Watawala.

OTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on February 28, 1898, for the allowance to the above-named insolvent of his certificate of conformity.

By order of court, W. M. DE SILVA, Acting Secretary.

Kandy, January 22, 1898.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

1, Gangodawillagey Emelia Perera Haminey; her husband 2, Pagodda Arachchigey Don Paules Appuhamy; and 3, Gammuduwattagey Don Cornelis, assignee of the insolvent estate of Pagodda Arachchigey Don Paules Appuhamy, all of Colombo ... Defendants.

21, 1898, commencing at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the following property, mortgaged and decreed to be sold by the decree entered in the above case:—

1. All that lot of land marked letter D and the buildings constructed thereon, now bearing assessment No. 53, situate at Dam street, within the gravets, now within the Municipality of Colombo; bounded on the north by a drain, on the east by lots A and B of Wattagey Nicholas Perera, now of Wattesinghe Appuhamy and others, on the south by Dam street, and on the west by lot C of Gohomullage Don Simon Perera; containing or reputed to contain in extent 41.1 square perches.

2. All that parcel of ground with the buildings standing thereon, bearing formerly assessment No. 101 now 106, situated at Hulftsdrop, now called Dam street, within the gravets, now Municipal limits of Colombo; bounded on the north-east by Dam street, on the south-east by the property formerly belonging to Francis Fernando, now of Baboo Bifsepun Nanht Ketty, on the south-west formerly by the field of Mr. Giffening and Government ground, now the property of James Perera, and on the west formerly by the remaining part of the ground of Simeon Fernando, subsequently belonging to the estate of Don Valentyn Gunaratna Appuhamy, now belonging to Don Paules Ekenayake, Mudaliyar; containing in extent 9.46 square perches.

J. S. DRIEBERG, Deputy Fiscal.

Fiscal's Office, Colombo, January 26, 1898.

In the District Court of Colombo.

Charles H. Pate, of Slave Island, Colombo ... Defendant.

OTICE is hereby given that on Tuesday, February
22, 1898, at 11 o'clock in the forenoon, will be sold
by public auction at No. 10. Flower road in Cinnamon
Gardens, Colombo, the following property, viz.:—

Two mirrors, two ebony loungers, six ebony chairs, two ebony easy chairs, one ebony low chair, two satinwood whatnots, two ebony whatnots, two ebony flowerpot stands, two folding chairs, four teapoys, two bentwood chairs, three rattan chairs, one rattan teapoy, one iron teapoy, one ebony round table, one calemendarwood sideboard, one piano, nineteen pictures, one punkab, two ebony couches, two jakwood almirahs, four pieces of a dining table, six bentwood chairs, two whatnots, two teapoys, one lot flower vases, one hundred flower pots, and six pieces rattan matting.

J. S. DRIEBERG, Deputy Fiscal.

Fiscal's Office, Colombo, January 26, 1898. In the District Court of Colombo.

V. R. M. Narayanen Chetty, of Sea street, ColomboPlaintiff.

No. 8,123/C.

1, R. S. Samaradiwakara, of Udupila; and 2, R. H. Samaradiwakara, of Pelahela...Defendants.

OTICE is hereby given that on the days and at the hours hereinafter specified will be sold by public auction at the respective premises the right, title, and interest of the said first defendant in the following properties at the risk of the defaulting purchasers J. B. Eheliyagoda of Panawala in Three Korales and Harriet Anny Samaradiwakara of Delgoda in the Adikari pattu of Siyane korale, viz.:—

On February 21, 1898, at 12 noon.

1. An undivided one-fourth part of the field called Mahakumbura, situated at Yatihena in the Adikari pattu of Siyane korale; bounded on the east by the high land and the field Wewakumbura belonging to Sir Harry Dias, on the south by the dam of the field called Weliwale-kumbura belonging to J. Samaradiwakara and field belonging to others, on the west by the water-course, and on the north by the field of the late David, Vel-vidane; containing in extent 12 bushels of paddy sowing more or less.

On February 21, 1898, commercing at 2 P.M.

2. All that allotment of land called Kongahawatta, situated at Biyagama in the aforesaid puttu and korale; bounded on the east by the garden of the late Thomas Dias Bandaranayaka Muhandiram, deceased, on the south by the garden of Charles Dias Bandaranayaka, on the west by the high road, and on the north by the garden of Charles Dias Bandaranayaka; containing in extent 2 bushels of paddy sowing more or less.

3. All that allotment of land called Ketakalagahawatta, situated at Biyagama aforesaid; bounded on the east by the high road, on the south by the garden of Agohami, on the north and west by the garden of Carolis, Vel-vidane; containing half a bushel of paddy sowing extent more or less.

4. All that allotment of land called Budamewatta, situated at Biyagama aforesaid; bounded on the east by the high road, south by the garden called Acharigewatta, on the west by the garden of Adicariarachchige Podi Appuhami and Alahakonge Jeronis Appuhami, and on the north by the garden of the late Mutta-arachchige Jeronis Appu, deceased; containing in extent 3 acres more or less.

On February 22, 1898, at 12 noon.

5. An undivided one-fourth part of an allotment of land called Godaporagahalanda, situated at Alubowila in the aforesaid pattu and korale; bounded on the east by the limitary ditch of the land belonging to Karonchi Appu and others, on the south by the field, on the west by the land belonging to the Crown and land belonging to Robert Samaradiwakara and others, and on the north by the field; containing in extent 9 acres more or less.

On February 22, 1898, at 2 P.M.

6. An undivided one-fourth part of the field called Rantihekumbura and the adjoining land and owita, situated at Delgoda in the aforesaid pattu and korale; bounded on the east by the high road, on the south by the limitary live fence of the field called Iriyagahakumbura belonging to Liyanage Carolis Perera, Police Vidane, and others, on the west by a water-course, and on the north by the dam of the field belonging to Ramanekage; containing in extent 12 acres more or less.

H. W. D. BANDARANAYEKE, Deputy Fiscal.

Deputy Fiscal's Office, Henaratgoda, January 25, 1898. In the Court of Requests of Negombo.

Panamberege Manuel FernandoPlaintiff.
No. 2,446. Vs.

Warnakulasuria Marsal Perera Defendant.

OTICE is hereby given that on February 18, 1898, commencing at 11 o'clock in the forencon, will be sold by public auction at the premises the following property, viz.:—

The land called Talgahawatta, situate at Udangawa in the Dunugaha pattu of the Alutkuru korale; and bounded on the north by the paddy field of Costantino Fernando Vedarala and others, on the east by the land of Dominico Perera and others, and on the west by the land of Thobias Perera and others, and on the west by the land of Dominico Perera and others, containing in extent 4 acres more or less; specially mortgaged by bond dated January 24, 1893, and the right, title, and interest of the defendant in and to the same at the date of the mortgage, and declared bound and executable in satisfaction of the decree entered in the above case on the footing of the said mortgage.

Amount to be levied Rs. 107.85, and interest on Rs. 80 at 12 per cent. per annum from July 24, 1894.

Fred. G. Hepponstall,
Deputy Fiscal's Office, Deputy Fiscal.
Negombo, January 25, 1898.

Central Province

In the District Court of Kandy.

V. R. R. M. Ramen Chetty, of Kandy Plaintiff. No. 11,913. Vs.

1, H. W. de Vos; 2. Mary de Vos; and 3, M. B. Angunawala of Kandy Defendants.

OTICE is hereby given that on February 19, 1898, commencing at 12 o'clock noon, will be sold by public auction at the premises the following property of the defendants:—

1. The garden called Bodawawatta of 118 acres 1 rood and 20 perches in extent; bounded on the north by paddy field, on the east by the chenas belonging to natives, on the south by patana land, on the west by Halgolla oya.

2. Eriyagolladeniyakumbura of 3 acres 2 roods and 27 perches in extent; bounded on the east by Kehelwatta, on the south and west by the lands belonging to Mr. Guttaliar, and on the north by Halgolla-oya, together

with the buildings and the machinery thereon, situate at Herakola in Udapalata.

Amount of writ, Rs. 2,654.47.

Fiscal's Office, Kandy, January 25, 1898. R. W. BYRDE, for Fiscal.

Eastern Province.

In the Court of Requests of Trincomalee.

Arumugam Sapapadippillai, of Division No. 6,

No. 714. Vs

OTICE is hereby given that on Saturday, February 26, 1898, at 11 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, specially mortgaged with the plaintiff and decreed to be sold, viz.:—

An allotment of land made up of two portions, situated at Champeltivu, attached to Kaddukulam pattu in Trincomalee, together with cocoanut trees, cocoanut plants, and other plantations, and all other rights, with the exception of the right of pathway only on the eastern side of the said property for going to and coming from the land called Podduvelantarai; bounded on the east by the garden of Kadan Mukeyatin Nachchia, widow of Ibram Saibu Ravater, on the south by the garden of M. A. H. Madar and the deceased Mukamadu Vappu Maracair, on the west by the garden of M. A. H. Madar. and on the north by the garden of Pichchai Marienbava; containing in extent 5 acres 3 roods and 2·12 square perches.

An allotment of land called Pannaikulathuvalavu and

An allotment of land called Pannaikulathuvalavu and the connected field, situated at Champettivu Chempadu in Kaddukulam pattu, Trincomalee, together with cocoanut trees, cocoanut plants, mango trees, and other plantations, and all other rights belonging to this property; bounded on the east by the street leading to Mankanai, on the north by a small lane and the land of T. Veluppillai, vidow of Nallatampi, and others, and on the south by the land of Mutalikkuddi Murukesu.

Writ amount Rs. 3,065, with interest thereon at 9 per cent. per annum from August 11, 1897, and costs Rs. 133.09.

Deputy Fiscal's Office, Deputy Fiscal.
Trincomalee, January 19, 1898.

HERBERT WACE, Fiscal for the Southern Province, do hereby appoint Mr. Galgodella Cornelis Dias, of Galle, to be Marshal for the District of Balapitiya, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, section 9, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

This 18th day of January, 1898.

H. WACE, Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

OTICE is hereby given that a suit has been instituted in the Court of Requests of Gampola by six labourers of Handungalla estate in Nawalapitiya against the proprietor thereof, under Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 87.50.

Court of Requests, Gampola, January 24, 1898. N. PARANAVITANE, Chief Clerk. OTICE is hereby given that a suit No. 472 has been instituted in the Court of Requests of Avisawella by a labourer of Densworth estate, Dehiowita, against the proprietor thereof, under the Ordinance No. 13 of 1889, for the recovery of his wages amounting to Rs. 19.

M. L. M. A. MARIKAR, Chief Clerk.

This 19th day of January, 1898.