



# 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.  
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## Part II.—Legal and Judicial.

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## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Colombo.

Charles Perera, of Colombo.....Plaintiff.  
No. 3,160/C. Vs.  
Mahamarakkala Kurukulasuriya Patabendige  
Salaman Perera, of Rawatawatta.....Defendant.  
Mahamendige Makka Mendis of Rawatawatta  
in Moratuwa, executrix of the last will and  
testament of Mahamarakkala Kurukulasuriya  
Patabendige Salaman Perera, the deceased  
defendant..... Substituted Defendant.

NOTICE is hereby given that on Monday, December 16, 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:—  
The house and premises bearing assessment No. 5, situated at New Hospital road in Maradana, within the gravets of Colombo; and bounded on the north-east by the property belonging to the estate of the late Dr. Nugara, south-east by the New Hospital road, south-west by the property belonging to the estate of the late J. Mendis, and on the north-west by the property belonging to Proctor Aserappa; containing in extent half an acre more or less.

Fiscal's Office,  
Colombo, November 20, 1895.

PART II.—Page 573

J. S. DRIEBERG,  
Deputy Fiscal.

In the District Court of Colombo.

Nanayakkarage Don Paules de Silva, of  
Mattakkuliya, in Colombo.....Plaintiff.  
No. 5,456/C. Vs.

Alexander Charles Gooneratne, of Kota-  
deniyawa now in the Hulftsdorp jail.....Defendant.

NOTICE is hereby given that on Monday, December 16, 1895, at 12 o'clock noon, 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 land called and known as Atagalapatana (Etagalawatta), situated in the village Kudagammana in the Yatigahapattu of Hapitigam korale; and bounded on the north by a Crown forest, on the east by the property belonging to Peliyagoda Pedro Appuhamy's wife, on the south by a field, and on the west also by a Crown property and other properties belonging to others; containing in extent 22 acres more or less.

H. L. DASSANAYAKA,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Mirigama, November 14, 1895.



## DRAFT ORDINANCES.

## MINUTE.

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

An Ordinance for making provision for the Supplementary  
Contingent Charges for the year 1895.

Preamble.

WHEREAS by Ordinance No. 16 of 1894 it was enacted that a sum not exceeding Fourteen million and Four thousand Six hundred and Forty-six rupees should be charged upon the revenue of this island for the Contingent Service of the year One thousand Eight hundred and Ninety-five, and it has become necessary to make further provision for the service of the said year: It is enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Rs.1,198,954'38 to be charged upon the revenue of this island for the Supplementary Contingent Charges for the year 1895.

1 That a sum not exceeding One million One hundred and ninety-eight thousand Nine hundred and Fifty-four rupees and Thirty-eight cents shall be, and the same is hereby charged upon the revenue of this island for the services hereinafter mentioned; and the said expenditure shall be in conformity with the details of the estimates specified in the schedule A hereunto annexed, whereof the following is an abstract:

	Rs.	c.
1. Charges on account of Public Debt .....	115	13
2. Pensions .....	23,000	0
3. His Excellency the Governor .....	100	0
4. Secretariat .....	10,103	90
5. Audit Office .....	3,844	0
6. Treasury .....	8,223	96
7. Provincial Administration .....	106,070	44
8. Survey Department .....	9,684	80
9. Customs Department .....	8,263	25
10. Port and Marine Department, Colombo:—		
Master Attendant, Colombo.....	7,756	0
Engineer, Harbour Works .....	37	50
Principal Collector of Customs .....	950	0
Inspector-General of Police.....	11,212	48
Principal Civil Medical Officer .....	40	0
11. Port and Marine Department other than Colombo...	2,964	96
12. Botanic Gardens .....	528	0
13. Colombo Museum.....	324	82
14. Legal Departments:—		
Supreme Court .....	915	0
Attorney-General .....	2,378	25
Solicitor-General .....	155	0
District Courts .....	10,938	55
Courts of Requests and Police Courts .....	9,707	85
Fiscals .....	5,643	0
Registration of Lands .....	14,664	0
Loan Board .....	310	0
15. Police .....	24,103	11
16. Prisons .....	8,572	49
17. Medical Department .....	10,531	0
18. Hospitals and Dispensaries .....	86,164	0
19. Ecclesiastical .....	120	0
20. Education .....	57,125	41
21. Transport .....	2,000	0
24. Military Expenditure .....	2,096	16
25. Miscellaneous Services .....	126,288	21
26. Colonial Store .....	8,205	0
27. Forest Department .....	2,784	0
28. Post Office and Telegraphs .....	76,970	15
29. Railway Department .....	250,925	38
30. Public Works Department .....	8,297	44
31. Public Works Annually Recurrent .....	145,091	90
32. Public Works Extraordinary .....	201,749	29
Total ...	1,198,954	38

Treasurer to pay the above at such times as the Governor by warrant shall order.

2 The Treasurer of the said island shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, upon such days and in such proportions as the Governor for the time being, by any warrant or order in writing to be signed by him, shall from time to time order and direct; and the payments so to be made shall be charged upon and payable out of the revenues of the said island.

And to receive credit in his accounts for the payments made in pursuance thereof.

3 The said Treasurer shall in his accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned; and he shall and may receive credit for the same accordingly.

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## SCHEDULE A.

	Personal	Other	Rs. c.	Total.
	Emoluments.	Charges.		Rs. s.
	Rs. c.	Rs. c.	Rs. c.	Rs. s.
<b>No. 1.—CHARGES ON ACCOUNT OF PUBLIC DEBT.</b>				
Crown Agents ... ..	—	—	115 13	115 13
<b>No. 2.—PENSIONS.</b>				
Treasurer ... ..	—	—	23000 0	23000 0
<b>No. 3.—HIS EXCELLENCY THE GOVERNOR.</b>				
His Excellency the Governor ... ..	100 0	—	—	100 0
<b>No. 4.—SECRETARIAT.</b>				
Colonial Secretary ... ..	4663 90	5440 0	—	10103 90
<b>No. 5.—AUDIT OFFICE.</b>				
Auditor-General ... ..	3794 0	50 0	—	3844 0
<b>No. 6.—TREASURY.</b>				
Treasurer ... ..	2,98 96	5425 0	—	8223 96
<b>No. 7.—PROVINCIAL ADMINISTRATION.</b>				
Government Agents ... ..	33524 74	72545 70	—	106070 44
<b>8.—SURVEY DEPARTMENT.</b>				
Surveyor-General ... ..	7434 80	2250 0	—	9684 80
<b>No. 9.—CUSTOMS DEPARTMENT.</b>				
Principal Collector of Customs ... ..	8072 0	191 25	—	8263 25
<b>No. 10.—PORT AND MARINE DEPARTMENT COLOMBO.</b>				
Master Attendant, Colombo ... ..	1506 0	6250 0	—	7756 0
Engineer, Harbour Works ... ..	—	37 50	—	37 50
Principal Collector of Customs ... ..	300 0	650 0	—	950 0
Inspector-General of Police ... ..	3742 66	7469 82	—	11212 48
Principal Civil Medical Officer ... ..	40 0	—	—	40 0
<b>No. 11.—PORT AND MARINE DEPARTMENT OTHER THAN COLOMBO.</b>				
Master Attendant ... ..	780 96	2184 0	—	2964 96
<b>No. 12.—BOTANIC GARDENS.</b>				
Director ... ..	478 0	50 0	—	528 0
<b>No. 13.—COLOMBO MUSEUM.</b>				
Director ... ..	312 32	12 50	—	324 82
<b>No. 14.—LEGAL DEPARTMENTS.</b>				
Supreme Court ... ..	900 0	15 0	—	915 0
Attorney-General ... ..	557 0	1821 25	—	2378 25
Solicitor-General ... ..	130 0	25 0	—	155 0
District Judges, &c. ... ..	9019 30	1919 25	—	10938 55
Commissioners of Requests and Police Magistrates ... ..	7004 69	2703 16	—	9707 85
Fiscals ... ..	5041 0	602 0	—	5643 0
Registrar-General of Lands ... ..	8749 0	5915 0	—	14664 0
Loan Board ... ..	295 0	15 0	—	310 0
<b>No. 15.—POLICE.</b>				
Inspector-General ... ..	12964 68	11138 43	—	24103 11
<b>No. 16.—PRISONS.</b>				
Inspector-General ... ..	8437 49	135 0	—	8572 49
Carried forward...	120646 50	126844 56	23115 13	270606 49

	Personal Emoluments.		Other Charges.		Total.			
	Rs.	c.	Rs.	c.	Rs.	c.		
Brought forward..	120646	50	126844	86	23115	13	270606	49
<b>No. 17.—MEDICAL DEPARTMENT.</b>								
Principal Civil Medical Officer ...	4291	0	6240	0	—		10531	0
<b>No. 18.—HOSPITALS AND DISPENSARIES.</b>								
Principal Civil Medical Officer ...	2567	0	33597	0	—		36164	0
<b>No. 19.—ECCLESIASTICAL</b> ...	120	0	—		—		120	0
<b>No. 20.—EDUCATION.</b>								
Director of Public Instruction ...	9265	0	47860	41	—		57125	41
<b>No. 21.—TRANSPORT</b> ...	—		—		2000	0	2000	0
<b>No. 24.—MILITARY EXPENDITURE.</b>								
Treasurer ...	—		—		2096	16	2096	16
<b>No. 25.—MISCELLANEOUS SERVICES.</b>								
Treasurer ...	—		—		111720	79		
Commissioner of Stamps ...	—		—		12000	0		
Crown Agents ...	—		—		2092	0		
Master Attendant, Colombo ...	—		—		475	42		
							126288	21
<b>No. 26.—COLONIAL STORE.</b>								
Colonial Storekeeper ...	1700	0	6505	0	—		8205	0
<b>No. 27.—FOREST DEPARTMENT</b> ...	2559	0	225	0	—		2784	0
<b>No. 28.—POST OFFICE AND TELEGRAPHS.</b>								
Postmaster-General and Director of Telegraphs ...	22851	82	54118	33	—		76770	15
<b>No. 29.—RAILWAY DEPARTMENT.</b>								
General Manager ...	39916	0	211009	33	—		250925	33
<b>No. 30.—PUBLIC WORKS DEPARTMENT.</b>								
Director, Public Works ...	8297	44	—		—		8297	44
	212213	76	486399	93	153499	50		

Carried forward... 852113 19

		Rs.	c.	Rs.	c.
Brought forward...		—		852,113	19
<b>No. 31.—PUBLIC WORKS ANNUALLY RECURRENT.</b>					
<b>Maintenance of Roads.</b>					
<i>Western Province.</i>					
Maintenance of the road from Grandpass to Dandugama	..	1,742	0		
<i>Central Province.</i>					
Tolls on grant-in-aid roads	...	240	0		
<i>Southern Province.</i>					
Maintenance of the road from Hakmana to Beliatta	...	600	0		
Toll grant, minor roads	...	750	0		
<i>North-Western Province.</i>					
Toll grant, minor roads	...	1,438	0		
<i>Province of Uva.</i>					
Maintenance of the approach roads to railway stations	...	700	0		
		5,470			
<b>Repairs to Buildings.</b>					
<i>Western Province.</i>					
Upkeep of the Customs Wharf jetties and cranes (re-vote)	...	167	92		
<b>Irrigation.</b>					
Surveys	...	14,107	59		
Salaries	...	118,788	96		
Maintenance	...				
		132,896		55	
<b>Miscellaneous.</b>					
Road rollers	...	3,600	0		
Repair of surveying instruments	...	702	43		
Postage	...	1,500	0		
<i>Central Province.</i>					
Survey of road from Nānu-oya to Nuwara Eliya	...	330	0		
<i>Province of Uva.</i>					
Making a section along the Ela-Hindagalla road	...	150	0		
<i>Province of Sabaragamuwa.</i>					
Survey of the proposed branch road from the Government cart road at Givilipitiya to Hatgampola	...	275	0		
		6,557		43	
Total Public Works Annually Recurrent		—		145,091 90	
<b>No. 32.—PUBLIC WORKS EXTRAORDINARY.</b>					
<b>New Works and Buildings.</b>					
<i>Western Province.</i>					
Completing the new General Post Office and Telegraph Office, Colombo	...	20,023	12		
<i>Central Province.</i>					
Completing the medical officer's quarters at Rangalla	..	834	0		
<i>Southern Province.</i>					
Completion of the converting of the old Malay hospital into quarters for native constables (re-vote)	...	1,114	21		
Completion of the erection of a new passenger jetty, Galle (re-vote)	...	555	48		
<i>Province of Uva.</i>					
Haputale hospital (on account)	...	7,500	0		
		30,026		81	
Carried over..		—		997,205 9	

	Rs.	c.	Rs.	c.
Brought forward...	—		997,205	9
<b>No. 32.—PUBLIC WORKS EXTRAORDINARY—contd.</b>				
<b>Alterations and Additions to Buildings.</b>				
<i>Western Province.</i>				
Cart gate, &c., in boundary wall, Kotahena police station ...	210	0		
Laying brick drains, &c., at Kotahena police barracks ...	137	0		
Completion of improvements to Kotahena police barracks ...	2,875	92		
Venetian shutters to windows, &c., of Cinnamon Gardens police station ...	570	0		
Strengthening back wall of military stables, Colombo ...	954	50		
Alterations and additions to ground floor of old Post Office to be appropriated to the Colombo Library ...	1,450	0		
<i>Central Province.</i>				
Certain necessary works to the Matale kachcheri ...	244	75		
Completion of the additions and improvements to Deliota hospital (re-vote) ...	2,602	1		
Constructing a portico in front of the Post and Telegraph Offices, Nuwara Eliya (re-vote of Rs. 1,057) ...	1,450	0		
<i>Province of Uva.</i>				
Record shelves, Badulla courts ...	570	65		
	11,064		83	
<b>Special Repairs to Buildings.</b>				
<i>Central Province.</i>				
Building and strengthening block A, police buildings, Kandy ...	1,784	0		
<i>Northern Province.</i>				
Completing the works on estimate No. 371 of 1894, for repairs to Police Magistrate's quarters, Point Pedro ...	13	39		
<i>Southern Province.</i>				
Completing the repairs to the Customs beach store, Galle ...	1,094	64		
	2,892		3	
<b>Additions and Improvements to Roads.</b>				
<i>Western Province.</i>				
Widening Queen's street opposite the New Post Office ...	2,203	0		
Widening the Queen's street, Colombo ...	2,650	0		
<i>Eastern Province.</i>				
Improvement of three miles of North Coast road, Trincomalee District (re-vote) ...	5,000	0		
<i>Province of Uva.</i>				
Rebuilding a culvert, 14th mile, Badulla-Batticaloa road ...	616	0		
Retaining wall at the slip, 24th mile, Badulla-Halpe road ...	680	0		
	11,149		0	
<b>Irrigation.</b>				
<i>North-Western Province.</i>				
Deduru-oya irrigation scheme (re-vote) ...	120,000	0		
<b>New Bridges.</b>				
<i>Western Province.</i>				
Rebuilding timber bridge on the 3rd mile, Pasyala road ...	1,300	0		
<i>Central Province.</i>				
Completing the bridge over the Situlu-ganga ...	1,751	48		
<i>Southern Province.</i>				
Completion of the erection of a new bridge near Hikkaduwa (re-vote) ...	469	90		
	3,521		38	
Carried forward...	—		997,205	9



	Rs.	c.	Rs.	c.
Brought forward...	—		997,205	9
<b>Repair of Bridges.</b>				
<i>Eastern Province.</i>				
Repairing the Kankanianodai bridge	8,823	40		
Repairing the roadway and shoring up the girders of the Koddaimunai bridge	1,366	0		
<b>Lands and Buildings to be acquired.</b>				
<i>Eastern Province.</i>				
Acquisition of land for isolating Trincomalee jail	1,670	6		
<i>North-Western Province.</i>				
Acquisition of land in connection with the construction of the Lunnya bridge	2,868	46		
<i>Province of Uva.</i>				
Acquisition of land for deviation of Haputalé-Halpe road	1,194	27		
	5,732	79		
<b>Miscellaneous.</b>				
<i>Western Province.</i>				
Payment of premium on security bond of Mr. H. Ewart	50	0		
Settling a surcharge on estimate No. 315 of 1893 (re-vote)	53	5		
Settling a surcharge on estimate No. 1,195 of 1892	2,000	0		
Payment of premium on the security bonds of Messrs. Campbell and Gibson	12	0		
Over-expenditure on estimates Nos. 186, 189, and 190 of 1894	492	0		
Netting for Maligakanda reservoir	379	0		
<i>Southern Province.</i>				
Repairing two buoys in Galle	2,900	0		
<i>Province of Uva.</i>				
Repairs to further damages to the bridge on the 11th mile, Badulla-Batticaloa road	462	0		
Rebuilding the damaged retaining wall, 108½ miles, Haldummulla-Wellawaya road	825	0		
	7,173	5		
Total Public Works Extraordinary	—		201,749	29
GRAND TOTAL	—		1,198,954	38

By His Excellency's command,

W. T. TAYLOR,  
Acting Colonial Secretary.Colonial Secretary's Office,  
Colombo, November 21, 1895.

## PASSED ORDINANCES.

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

### No. 8 of 1895.

An Ordinance to repeal the Ordinance No. 29 of 1884, and to  
amend "The Kandy Waterworks Loan Ordinance, 1884."

E. NOEL WALKER.

Preamble.	<p><b>W</b>HEREAS it is expedient to repeal the Ordinance No. 29 of 1884, intituled "An Ordinance to amend 'The Kandy Waterworks Loan Ordinance, 1884,'" and to amend the "The Kandy Waterworks Loan Ordinance, 1884": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:</p>
Short title. Date of operation.	<p>1 This Ordinance may be cited for all purposes as "The Kandy Waterworks Loan Amendment Ordinance, 1895," and shall come into operation on the First day of January, 1896.</p>
Ordinance to be construed as one with Ordinance No. 18 of 1884.	<p>2 "The Kandy Waterworks Loan Ordinance, 1884," is hereinafter referred to as the principal Ordinance, and the principal Ordinance and this Ordinance may be cited for all purposes as "The Kandy Waterworks Loan Ordinances, 1884 and 1895," and this Ordinance shall be construed as one with the principal Ordinance; and the expression "this Ordinance" in the principal Ordinance, and any expression referring to the principal Ordinance which occurs in any Ordinance or other document, shall be construed to mean the principal Ordinance as amended by this Ordinance.</p>
Repeal of Ordinance No. 29 of 1884.	<p>3 Ordinance No. 29 of 1884 is hereby repealed: Provided that this repeal shall not affect—</p> <ol style="list-style-type: none"> <li>(1) The past operation of the said Ordinance, nor anything duly done or effected under it;</li> <li>(2) Nor any right, privilege, obligation, or liability acquired, accrued, or incurred under the said Ordinance;</li> <li>(3) Nor any legal proceeding or remedy in respect of such right, privilege, obligation, or liability as aforesaid.</li> </ol>
Amendment of section 5 of principal Ordinance. Municipality of Kandy authorized to impose water-rate for paying off loan.	<p>4 For section 5 of the principal Ordinance there shall be substituted the following section:</p> <p>For the purpose of liquidating the principal and interest on the loan advanced to the Municipality of Kandy, under the powers contained in the 4th section of this Ordinance, the said municipality is hereby authorized and empowered to impose and enforce a water-rate on all householders who own or occupy a house within the limits of the Municipality of Kandy as set forth and defined in the schedule hereto.</p>
Amendment of section 6 of principal Ordinance. Rate to be levied on houses within municipality.	<p>5 For section 6 of the principal Ordinance there shall be substituted the following section:</p> <p>Such water-rate shall be leviable upon every house whatsoever within the limits of the Municipality of Kandy as set forth and defined in the schedule hereto, whether inhabited or not, and whether supplied with water from the municipal waterworks or not; and each house shall be assessed at the value fixed for the payment of police tax thereon.</p>

Amendment of section 7 of principal Ordinance.

Rate to be a first charge on house property, and to be paid quarterly in advance.

Schedule added to principal Ordinance.

6 For section 7 of the principal Ordinance there shall be substituted the following section :

Such water-rate shall be payable on the first day of each quarter in respect of the water to be supplied during the three months next ensuing, and shall be a first charge upon every house within the limits of the Municipality of Kandy as set forth and defined in the schedule hereto, and shall take precedence over every mortgage, hypothecation, or encumbrance thereon whatsoever: Provided always that on each occasion that a claim for arrears is made in respect of any one house, such first charge and hypothecation be and it is hereby limited to not more than twelve months' arrears of water-rate.

7 There shall be added to the principal Ordinance the following schedule :

#### SCHEDULE.

*North-East.*—A straight line from the first milepost on the Katugastota road to the municipal limits at the end of Malabar street near the first milestone.

*East.*—The limits of the municipality as fixed by the Proclamation of March 27, 1877.

*South.*—The limits of the municipality as fixed by the Proclamation of March 27, 1877, up to the crossing over the railway of the path to Falmouth Lodge (now known as "Wilhelm's Ruhe").

*West.*—From the said railway crossing along the said path up to the Péraderiya road, and thence in a straight line to the gap near the boundary of the Primrose Hill estate on the Haloluwa road.

*North-West.*—A straight line from the gap on the Haloluwa road to the western redoubt, and thence to the first milestone on the Katugastota road.

Passed in Council the Thirtieth day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,  
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of November, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,  
Acting Colonial Secretary.

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

### No. 9 of 1895.

An Ordinance to consolidate the Law relating to Oaths and Affirmations in Judicial Proceedings and for other purposes.

E. NOEL WALKER.

Preamble.

WHEREAS it is expedient to consolidate the law relating to oaths and affirmations in judicial proceedings and for other purposes: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

Commencement.

1 This Ordinance may be cited as "The Oaths Ordinance, 1895"; and it shall come into operation at such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Repeal.

2 From and after the coming into operation of this Ordinance, Ordinance No. 3 of 1842, intituled "For the substitution of Solemn Affirmation in lieu of Oaths in certain cases," shall be repealed.

- Saving of certain proceedings.** 3 Nothing herein contained applies to proceedings before courts martial.
- Authority to administer oaths.** 4 All courts and persons having by law or consent of parties authority to receive evidence are authorized to administer by themselves, or by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties or in exercise of the powers conferred upon them respectively by law.
- Oaths to be made by witnesses.** 5 (1) Subject to the provisions of the next following section, oaths shall be made by the following persons :  
 (a) All witnesses, that is to say, all persons who may be lawfully examined, or give or be required to give evidence by or before any court or person having by law or consent of parties authority to examine such persons, or to receive evidence ;  
 (b) Interpreters of questions put to, and evidence given by, witnesses ; and  
 (c) Jurors.  
 (2) Nothing herein contained shall render it necessary to administer to the official interpreter of any court, after he has entered on the execution of the duties of his office, an oath that he will faithfully discharge those duties.
- Exemptions.** 6 Where the person required by law to make an oath—  
 (a) Not being a Christian, is a Buddhist, Hindu, or Muhammadan, or of some other religion according to which oaths are not of binding force ; or  
 (b) Has a conscientious objection to making an oath ; he may, instead of making an oath, make an affirmation.
- Forms of oaths and affirmations.** 7 All oaths and affirmations made under either of the two last preceding sections or for any other purpose shall be administered according to such forms and with such formalities as may be from time to time prescribed by rules made under section 53 of "The Courts Ordinance, 1889," and until such rules are made according to the forms and with the formalities now in use.
- Power of court to tender certain oaths.** 8 If any party to or witness in any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, cause such oath or affirmation to be tendered him.
- Court may ask party or witness whether he will make oath proposed by opposite party.** 9 (1) If any party to any judicial proceeding of a civil nature offers to be bound by any such oath or solemn affirmation as is mentioned in the last preceding section, if such oath or affirmation is made by the other party to or by any witness in such proceeding, or if in any judicial proceeding of a criminal nature the accused person desires that any witness for the prosecution shall make any such oath or affirmation, the court may, if it thinks fit, ask such party or witness, or cause him to be asked, whether or not he will make the oath or affirmation.
- Administration of oath if accepted.** (2) If such party or witness agrees to make such oath or affirmation, the court may administer it, or, if more convenient, may authorize any person to administer it, and to take and record in writing the evidence of the person to be sworn or affirmed and return it to the court.
- Evidence conclusive against party offering to be bound.** (3) The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.
- Procedure in a case of refusal.** (4) If the party or witness refuse to make such oath or solemn affirmation, he shall not be compelled to make it, but the court shall record as part of the proceedings the nature of the oath or affirmation proposed, the facts that he was

asked whether he would make it and that he refused it, together with any reason which he may assign for his refusal.

Proceedings and evidence not to be invalidated by omission of oath or irregularity.

10 No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatever in or in respect of which such omission, substitution, or irregularity took place, or shall affect the obligation of a witness to state the truth.

Persons giving evidence bound to state the truth.

11 Every person giving evidence on any subject before any court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject.

Summary punishment for perjury in open court.

12 (1) If any person giving evidence on any subject in open court in any judicial proceeding, whether civil or criminal, gives, in the opinion of the court before which the judicial proceeding is held, false evidence within the meaning of section 188 of "The Ceylon Penal Code," it shall be lawful for the court, if such court be the Supreme Court, summarily to sentence such witness as for a contempt of the court to imprisonment, either simple or rigorous, for any period not exceeding three months, or to fine such witness in any sum not exceeding two hundred rupees, or if such court be an inferior court, to order such witness to pay a fine not exceeding fifty rupees, and in default of payment of such fine to undergo rigorous imprisonment for any period not exceeding two months. Whenever the power given by this section is exercised by a court other than the Supreme Court, the judge or magistrate of such court shall record the reasons for imposing such fine.

(2) Any person who has undergone any sentence of imprisonment or paid any fine imposed under this section shall not be liable to be punished again for the same offence.

(3) Any person against whom any order is made by any court other than the Supreme Court, under sub-section (1) of this section, may appeal to the Supreme Court, and every such appeal shall be subject to the provisions of section 407 of "The Criminal Procedure Code, 1883."

(4) In lieu of exercising the power given by this section, the court may, if it thinks fit, transmit the record of the judicial proceeding to the Attorney-General to enable him to exercise the powers conferred on him by "The Criminal Procedure Code, 1883," or proceed in manner provided by section 443 of "The Criminal Procedure Code, 1883," or by section 835 of "The Civil Procedure Code, 1889."

(5) Nothing in this section contained shall be construed as derogating from or limiting the powers and jurisdiction of the Supreme Court or the judges thereof.

Passed in Council the Thirtieth day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,  
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of November, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,  
Acting Colonial Secretary.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary } In the Matter of the Goods and  
Jurisdiction. } Chattels of Heyyantuduwage  
No. 673. } Abraham Perera, deceased.

THIS matter coming on for disposal before Joseph Grenier, Esq., Acting District Judge of Colombo, on the 3rd day of October, 1895, in the presence of W. P. Ranasinghe, Proctor, on the part of the petitioner Heyyantuduwage Girigoris Perera of Heyyantuduwa, in the Adikaripattu of Siyane korale; and the affidavit of the said Heyyantuduwage Girigoris Perera, dated 19th August, 1895, having been read:

It is ordered that the said Heyyantuduwage Girigoris Perera be, and he is hereby declared entitled to have letters of administration to the estate of Heyyantuduwage Abraham Perera, deceased, issued to him, as son of the said deceased, unless the respondents—(1) Kurukula Arachchige Gachchohami of Heyyantuduwa; (2) Heyyantuduwage Ciciliana Perera, wife of (3) Kariapperuma Atukoralage Baba Sinno Appuhami, both of Mahima; (4) Heyyantuduwage Nonohami, wife of (5) Hewabambaramadage Don Juonis; (6) Heyyantuduwage Suaris Perera; and (7) Heyyantuduwage Ransohami, all of Heyyantuduwa aforesaid—shall, on or before the 28th day of November, 1895, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,  
Acting District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary } In the Matter of the Estate and Effects  
Jurisdiction. } of Kader Saibo Mohamado Cassim,  
No. 679/C. } of Messenger street in Colombo,  
deceased.

THIS matter coming on for disposal before Joseph Grenier, Esq., Acting District Judge of Colombo, on the 31st day of October, 1895, in the presence of Arthur Alvis, Proctor, on the part of the petitioner Meera Lebbe Sleyma Lebbe Marikar, of Messenger street in Colombo; and the affidavit of the said Meera Lebbe Sleyma Lebbe Marikar, dated 2nd October, 1895, having been read: It is ordered that the said Meera Lebbe Sleyma Lebbe Marikar be, and he is hereby declared entitled to have letters of administration to the estate of Kader Saibo Mohamado Cassim, deceased, issued to him, unless the respondents—(1) Ahamado Natchia; (2) Manatchi Umma; and (3) Mohamado Cassim Mohamado Hanifa, all of Messenger street in Colombo—shall, on or before the 28th day of November, 1895, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,  
Acting District Judge.

The 31st day of October, 1895.

In the District Court of Kalutara.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the  
Jurisdiction. } late Piyankarage James Fernando,  
No. 112. } deceased, of Desastra Kalutara.

THIS matter coming on for disposal before L. W. Booth, Esq., Acting District Judge of Kalutara, on the 12th day of November, 1895, in the presence of Mr. S. Goonatillake, Proctor, on the part of the petitioner Weediyaage Nonno; and the affidavit of the petitioner

Weediyaage Nonno, dated 12th November, 1895, having been read:

It is declared that the said Weediyaage Nonno is entitled to have letters of administration of the estate of the deceased Piyankarage James Fernando issued to her, unless the respondents—1, Piyankarage Daniel Fernando; and 2, Piyankarage Dinoris Fernando—shall, on or before the 12th day of December, 1895, show sufficient cause to the satisfaction of this court to the contrary.

L. W. BOOTH,  
Acting District Judge.

This 12th day of November, 1895.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the  
Jurisdiction. } late Chinnachy Lucipillai, wife of  
No. 691. } Valoepillai Vathavanam, of Uduvil,  
deceased.

Valoepillai Vathavanam, of Uduvil..... Petitioner.

Vs.

1, Valoepillai Muttukumar; and wife 2, Letchumy, of Uduville..... Respondents.

THIS matter of the petition of Valoepillai Vathavanam, of Uduvil, praying for letters of administration to the estate of the above-named deceased Chinnachy Lucipillai, coming on for disposal before F. J. de Livera, Esq., District Judge, on the 29th day of October, 1895, in the presence of Mr. Tambiah S. Cooke, Proctor, on the part the petitioner; and the affidavit of the petitioner, dated the 28th day of October, 1895, having been read: It is declared that the petitioner is the lawful 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 28th day of November, 1895, show sufficient cause to the satisfaction of this court to the contrary.

F. J. DE LIVERA,  
District Judge.

Signed this 29th day of October, 1895.

In the District Court of Tangalla.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the  
Jurisdiction. } late Amarawira Gajaman Arachchige  
No. 280. } Don Andris, deceased, of Mahante.

THIS matter coming on for disposal before David Miller Steen, Esq., Acting District Judge of Tangalla, on the 11th day of November, 1895, in the presence of the petitioner Amarawira Gajaman Arachchige Sarnelis, of Mahante; and the affidavit of the said petitioner, dated 1st November, 1895, having been read, and the evidence of the petitioner taken:

It is ordered that Amarawira Gajaman Arachchige Sarnelis, of Mahante, as son, be, and is hereby declared to have letters of administration to the estate of Amarawira Gajaman Arachchige Don Andris, deceased, unless the respondent Amarawira Gajaman Arachchige Carolis, of Mahante, shall, on or before the 10th day of December, 1895, show sufficient cause to the satisfaction of this court to the contrary.

D. M. STEEN,  
Acting District Judge.

The 11th day of November, 1895.

In the District Court of Kurunegala.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the  
Jurisdiction } late Hapo Aratchige Pinhami, late  
No. 536. } Aratchille, deceased, of Nungomuwa.

Aratchillage Ranhami, of Nungomuwa in  
Dewamedde korale.....Applicant.

*Vs.*

1, Hettigedara Mudyanselage Menik Ettena;  
2, Hettigedara Mudyanselage Appuhami;  
3, Nungomuwa, Mudyanselage Bandirala;  
4, Nungomuwa Mudyanselage Punchedi-  
rala; 5, Nungomuwa, Kauralalage Nang-  
hami; 6, Nungomuwa Vidanelage Kapuru-  
hami; 7, Nungomuwa Vidanelage Lama  
Ettena, all of Dewamedde korale..... Respondents.

THIS matter coming on for disposal before John  
Davenport, Mason, Esq., Acting District Judge, on  
the 2nd day of November, 1895, in the presence of the  
applicant in person; and the affidavit of the applicant,  
dated 1st November, 1895, having been read:

It is ordered that the said Aratchillage Ranhami, the  
applicant, as the son of deceased intestate, is entitled to  
have letters of administration of the said estate of the  
said Hapo Aratchillage Pinhami, late Aratchi, issued to  
him accordingly, unless the respondents shall, on or before  
the 4th day of December, 1895, show sufficient cause  
to the satisfaction of this court to the contrary.

J. D. MASON,  
Acting District Judge.

The 2nd day of November, 1895.

In the District Court of Kurunegala.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the late  
Jurisdiction } Rajapaksa Mudyanselage Punchedi-  
No. 539. } ralage, of Panaliya.

Basnaikerallage Ran Menika, of Panaliya.....Applicant.

*Vs.*

1, Rajapaksa Mudyanselage Punchedi-  
ralage Appuhami; 2, Rajapaksa Mudi-  
yanselage Punchedi-ralage Menikhami,  
both of Panaliya in Udapota Otote korale... Respondents.

THIS matter coming on for disposal before John  
Davenport Mason, Esq., Acting District Judge, on  
the 8th day of November, 1895, in the presence of Mr. F.  
N. Daniels, Proctor, on the part of the petitioner; and  
the affidavit of Basnaikerallage Ran Menika, the appli-  
cant, dated 1st November, 1895, having been read:

It is ordered that the said Basnaikerallage Ran  
Menika, the applicant, as widow of the deceased intestate,  
is entitled to have letters of administration of the estate  
of the said Rajapaksa Mudyanselage Punchedi-ralage issued to

her accordingly, unless the respondents shall, on or before  
the 6th day of December, 1895, show sufficient cause to  
the satisfaction of this court to the contrary.

J. D. MASON,  
Acting District Judge.

The 8th day of November, 1895.

In the District Court of Chilaw.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the  
Jurisdiction } Rights and Credits of the late Ran-  
No. 497. } deni Koralalage Kirimenik Etana  
of Kudawewa, deceased.

THIS matter coming on for disposal before James  
Jamieson Thorburn, Esq., District Judge of Chilaw,  
on the 10th day of October, 1895, in the presence of the  
petitioner A. B. Dissanaikie of Kudawewa; and the  
affidavit and petition dated the 30th day of August, 1895,  
having been read: It is ordered that the said A. B.  
Dissanaikie, of Kudawewa, be and he is hereby declared  
entitled to have letters of administration to the estate of  
the late Randeni Koralalage Kirimenik Etana, of Kuda-  
wewa issued to him, and that such letters be issued to  
him, unless any person shall, on or before the 11th day of  
November, 1895, show sufficient cause to the contrary.

J. J. THORBURN,  
District Judge.

\* *Order Nisi* extended to the 9th December, 1895.

In the District Court of Chilaw.

Testamentary } In the Matter of the Estate of the late  
Jurisdiction } Senanaikie Arachchige Babappuhamy,  
No. 501. } of Kirimetiana, deceased.

THIS matter coming on for disposal before James  
Jamieson Thorburn, Esq., District Judge of Chilaw,  
on the 14th day of October, 1895, in the presence of the  
petitioner Appo Sinno Appuhamy; and the affidavit dated  
the 12th day of October, 1895, and the application of the  
same date, having been read: It is ordered that the said  
petitioner Appo Sinno Appuhamy, of Kirimetiana, be  
and he is hereby declared entitled to have letters of  
administration to the estate of the late Senanaikie  
Arachchige Babappuhamy, of Kirimetiana, deceased, and  
that such letters of administration be issued to him  
accordingly, unless any person shall, on or before the  
11th day of November, 1895, show sufficient cause to the  
contrary.

J. J. THORBURN,  
District Judge.

*Order Nisi* extended to the 9th December, 1895.