



Ceylon Government Gazette

Published by Authority.

No. 5,375—FRIDAY, OCTOBER 11, 1895.

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	—	Supreme Court Notices	—
Draft Ordinances	461	District Court Notices	460
Treaties, Conventions, &c.	—	Minor Court Notices	—
Notifications of Criminal Sessions of Supreme Court	—	Notices of Insolvency	478
List of Jurors	—	Notices of Fiscals' Sales	459
Appointment of Marshals	478	Miscellaneous Notices	—

NOTICES OF 'FISCALS' SALES.

Western Province.

In the District Court of Colombo.

George de Silva Jayatilleke Seneviratna, Mudaliyar of the Queen's Gate, of Skinner's road North at Kotahena in Colombo.....Plaintiff.
No. C/6,509. Vs.
1, Tillekemuni Megal Silva, of Mutwal in Colombo; 2, Tillekemuni Gregoris Silva, of Mutwal in ColomboDefendants.

NOTICE is hereby given that on Monday, November 4, 1895, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the following mortgaged property, decreed to be sold by the decree entered in the above case, viz. :—

(a) All that part of a garden called Bogahawatta, together with the tiled house and other buildings constructed thereon, bearing assessment No. 96, situated at Fishers' Hill, on the western side of the road leading to Modara within the Municipal limits of Colombo; bounded on the north and east by the property of Juan Fernando and others, on the south by the property of Carlina Fernando and six others, and on the west by the property of W. Domingo Fernando; containing in extent 8.38 square perches more or less.

(b) All that part of the garden called Ambagahawatta, bearing assessment No. 273, together with the tiled house and other buildings constructed thereon, situated at Alutmawata within the Municipal limits of Colombo; bounded on the north-east by the garden belonging to

Conganige Hendrick Anthony, deceased, on the south-east by the property of Juan Mendis and another, on the south-west by the property of H. Paulo Mendis, and on the north-west by the property of Hiddadura Bastian Mendis; containing in extent 2 roods 11.37 square perches more or less.

Fiscal's Office,
Colombo, October 9, 1895.

J. S. DRIEBERG,
Deputy Fiscal.

In the District Court of Colombo.

Kawanna Rawanna Mana Palaniappa Chetty, of Sea street, Colombo.....Plaintiff.
No. 7,833/C. Vs.

1, M. A. Fernando; and 2, Mahamarakkalage Joseph Fernando, both of Moratuwa, now at Canal row, Fort, Colombo.....Defendants.

NOTICE is hereby given that on Monday, November 4, 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 first defendant in the following property, viz. :—

All that part of the house and ground bearing assessment No. 40, situated at Darley road in Maradana, within the Municipality of Colombo; bounded on the north by the property of Mr. C. H. de Soya, deceased, on the south by Mr. Rudd's property, on the east by the road, and on the north-west by the lake; containing in extent 1 rood and 6.94 square perches, more or less.

Fiscal's Office,
Colombo, October 9, 1895:

J. S. DRIEBERG,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Intestate Estate of John Carolis Fernando Piumwardena, of Kurana Bolawalana, deceased. No. 194.

Henadirenehahage Rojana Boteju, of Kurana Bolawalana.....Petitioner.

And

- 1, Julius Francis Fernando Piumwardena, of Kurana Bolawalana; 2, Johanna Welmina Fernando Piumwardena and husband
- 3, William Charles Bastiansz, both of Dehiwala in Colombo; 4, John Alpheus Fernando Piumwardena; 5, Joseph Alexander Fernando Piumwardena; 6, Emily Sarah Fernando Piumwardena; 7, Maria Magdalene Fernando Piumwardena, all of Kurana Bolawalana..... Respondents.

THIS matter coming on for disposal before G. C. Roosmalecocq, Esq., District Judge, on the 28th day of September, 1895, in the presence of Mr. J. Koertz, Proctor, on the part of the petitioner; and the affidavit of the said petitioner, dated 16th day of September, 1895, having been read: It is ordered that the said petitioner Henadirenehahage Rojana Boteju be and she is hereby declared entitled to have letters of administration to the estate of John Carolis Fernando Piumwardena, deceased, issued to her, as the widow of the said deceased, unless the respondents shall, on or before the 22nd day of October, 1895, show sufficient cause to the satisfaction of this court to the contrary.

G. C. ROOSMALECOQ,
District Judge.

This 28th September, 1895.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of Kotuwewattagedere Kiri Hatana, of Tembiligala in Udapalata, deceased. No. 1,890.

Kurukohowattagedare Menikee Petitioner.

and

- 1, Kotuwewattagedere Sinduwa; 2, Kotuwewattagedere Gunamala; and 3, Kotuwewattagedere Ungu Respondents.

THIS matter coming on for disposal before John Henricus de Saram, Esq., District Judge of Kandy, on the 19th day of September, 1895, in the presence of Mr. Jayetileke, Proctor, on the part of the petitioner, Kurukohowattagedare Menikee; and the affidavit of Kotuwewattagedere Gunamala, dated the 19th day of September, 1895, having been read:

It is declared that the said Kurukohowattagedere Menikee, is the widow of Kotuwewattagedere Kiri Hatana deceased, and as such is entitled to have letters of administration to the estate of Kotuwewattagedere Kiri Hatana, deceased, issued to her, unless the respondents above-named shall, on or before the 25th day of October, 1895, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,
District Judge.

The 19th day of September, 1895.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Poothatamby Myilvaganam, late of Atchelo, deceased. No. 685.

Sinnetamby Elyatamby, of Atchelo Petitioner.

Vs.

- 1, Poothatamby Sinnetamby; 2, Poothatamby Nannitamby; 3, Poothatamby Kasinather; 4, Poothatamby Aromugam; 5, Ramalingam Poothatamby; 6, Ramalingam Kartigeso, all of Atchelo..... Respondents.

THIS matter of the petition of Sinnetamby Elyatamby, of Atchelo, praying for letters of administration to the estate of the above-named deceased, Poothatamby Myilvaganam, of Atchelo, coming on for disposal before H. Nevill, Esq., District Judge, on the 23rd day of September, 1895, in the presence of Mr. T. M. Tampoo, Proctor, on the part of the petitioner; and the affidavit of the first petitioner, dated the 23rd day of September, 1895, having been read: It is declared that the petitioner is the heir and next of kin of the said intestate, and is as such 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 October, 1895, show sufficient cause to the satisfaction of this court to the contrary.

H. NEVILL,
District Judge.

Signed this 23rd day of September, 1895.

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Heonetigala Badoge alias Badataroge Arnolis Appu, deceased, of Ahangama. No. 3,106.

THIS matter coming on for disposal before P. W. Conolly, Esq., District Judge of Galle, on the 13th day of September, 1895, in the presence of Mr. N. Dias Abeyesinghe, Proctor, on the part of the petitioner Merenchige Rangohamy of Ahangama on the part of the respondent; and the affidavit of Merenchige Rangohamy of Ahangama, dated 16th August, 1895, having been read:

It is declared that the said Mefenchige Rangohamy of Ahangama is the lawful 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 issued to her accordingly, unless the fourth respondent, Merenchige Raban Appu of Ahangama, shall, on or before the 22nd day of October, 1895, show sufficient cause to the satisfaction of this court to the contrary.

P. W. CONOLLY,
District Judge.

The 28th day of September, 1895.

DRAFT ORDINANCES.

MINUTE.

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

- An Ordinance to incorporate the Ceylon Chamber of Commerce.

Preamble.

WHEREAS an association of merchants called and known as "The Ceylon Chamber of Commerce" has heretofore been established at Colombo for the purpose of effectually carrying out and transacting all matters connected with the said chamber according to the rules agreed to by its members :

And whereas the said association has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated, and it will be for the public advantage to grant the application :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Incorporation of Chamber of Commerce.

1 From and after the passing of this Ordinance the present chairman, vice-chairman, and members of the committee of the said Chamber of Commerce, and such and so many persons as now are members of the said Chamber of Commerce or shall hereafter be admitted members of the corporation hereby constituted, whose names shall be inscribed in the register mentioned in section 4, shall be and become a corporation with liability limited in manner provided in section 12, with continuance for ever, under the style and name of "The Ceylon Chamber of Commerce," and by that name shall and may sue and be sued in all courts, with full power and authority to have and use a common seal and to change and alter the same at their pleasure.

General objects of the corporation.

2 The general objects for which the corporation is constituted are hereby declared to be to promote, foster, and protect the commerce of Ceylon, by collecting and classifying all information bearing on its wants and interests, and obtaining by every means in its power the redress of acknowledged grievances and the removal of pernicious restrictions; to decide differences on matters of local custom and usage, and to form a court of reconciliation and of arbitration to parties willing to abide by its decisions; to communicate with the public authorities, with similar associations in other places, and with individuals on matters of trade; and, finally, by recording its proceedings and decisions, to form a code of practice by which the transactions of business may be simplified and facilitated.

Board of directors.

3 (1) The affairs of the corporation shall, subject to the rules for the time being of the corporation as hereinafter provided, be administered by a board of directors consisting of the chairman and vice-chairman respectively of the corporation and five members of the corporation, to be elected respectively in accordance with the rules for the time being of the corporation.

(2) All members of the corporation shall be subject to the rules for the time being of the corporation.

(3) The first board of directors shall be Frank Mitchell Mackwood, William Henry Figg, Hon. William Wilson Mitchell, C.M.G., Adalbert Theodor Schulze, Percy Bois, Garlich William Suhren, and Edward Booth, being respectively the present chairman, vice-chairman, and members of the committee of the said chamber.

The register.

4 (1) The board of directors shall cause a register to be kept, in which every person who at the date of the passing of this Ordinance is a member of the said association, and every person thereafter duly admitted a member of the corporation hereby constituted shall have his name inscribed.

(2) The register shall contain the following particulars :

(a) The name, address, and occupation of each member.

(b) The date at which the name of any person was inscribed in the register as a member.

(c) The date at which any person ceased to be a member.

Power to make rules.

5 It shall be lawful for the corporation from time to time, at any general meeting of the members, and by a majority of votes to make rules for the admission, withdrawal, or expulsion of members ; for the imposition of fines and forfeitures for breaches of rules ; for the conduct of the duties of the board of directors and of the various officers, agents, and servants of the corporation ; for the procedure in the transaction of business ; and otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects. Such rules when made may, at a like meeting, be altered, added to, amended, or cancelled, subject, however, to the requirements of section 7.

The rules in schedule to be the rules of the corporation.

6 Subject to the provisions in the preceding section contained, the rules set forth in the schedule hereto shall for all purposes be the rules of the corporation. Provided, however, that nothing in this section contained shall be held or construed to prevent the corporation at all times hereafter from making fresh rules, or from altering, amending, adding to, or cancelling any of the rules in the schedule hereto or to be hereafter made by the corporation.

Amendment of rules.

7 No rule in the schedule hereto, nor any rule hereafter passed at a general meeting, and no decision come to by the corporation in general meeting, shall be altered, added to, amended, or cancelled, except by a majority of the members present and voting at any subsequent general meeting.

Property vested in corporation.

8 On the coming into operation of this Ordinance all and every the property belonging to the said Chamber of Commerce, whether held in the name of the said Chamber of Commerce or in the name or names of any person or persons in trust for the said Chamber of Commerce, shall be and the same are hereby vested in the corporation hereby constituted, and the same, together with all after-acquired property, movable and immovable, and all subscriptions, contributions, donations, fines, amounts of loans and advances received or to be received, shall be held by the said corporation for the purposes of this Ordinance and subject to the rules for the time being of the said corporation.

Debts due by and payable to the corporation.

9 All debts and liabilities of the said Chamber of Commerce existing at the time of the coming into operation of this Ordinance shall be paid by the corporation hereby constituted, and all debts due to, and subscriptions, contributions, and fines payable to the said Chamber of Commerce shall be paid to the said corporation for the purposes of this Ordinance.

The seal of the corporation to be affixed.

10 The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of two of the members of the board of directors, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Corporation may hold property movable and immovable.

11 The corporation shall be able and capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition, or otherwise, and all such property shall be held by the corporation for the purposes of this Ordinance and subject to the rules for the time being of the said corporation, with the full power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

Limit of
liability of
members.

12 The liability of each member of the corporation under this Ordinance shall be limited to the transactions of the corporation which shall have occurred during the period his membership has lasted or may last, and to the sum of one hundred and fifty rupees over and above such annual subscription or subscriptions as may be due from such member to the corporation. Provided, however, that such limitation of liability shall be exclusive of any contribution that such member may be called upon to make under the rules of the corporation to meet any deficit in the annual expenses of the corporation.

Short title.

13 This Ordinance may be cited for all purposes as "The Chamber of Commerce Ordinance, 189 ."

SCHEDULE.

1. That this corporation be styled "The Ceylon Chamber of Commerce."

2. All firms and persons engaged in the general trade of Ceylon and willing to aid in carrying into effect the objects of the corporation shall be admissible as members.

3. Every person or firm desirous of joining the corporation shall be proposed by one member, seconded by another, and shall be balloted for by the whole corporation in the following manner :

Within one week from the receipt of the proposal the secretary shall send in a closed envelope to each member of the corporation a slip of paper, on which shall appear the name and profession of the candidate, and the names of his proposer and seconder, with spaces for recording the vote for or against. These slips shall be returned to the secretary in closed envelopes within one week, and shall be opened by the board of directors at their next meeting thereafter. One adverse vote in five to exclude.

4. The corporation reserves to itself the right to expel any member in case of need, to be decided at a general meeting on ten days' previous notice by a majority of three-fourths of the members present.

5. The board shall appoint one of their number as treasurer to receive fees, subscriptions, and fines, and to make such payments as shall be authorized by the board.

6. The treasurer shall receive and keep accounts of, all the moneys and funds belonging to the corporation, and shall pay all claims, loans, advances, and expenses authorized by the board of directors. He shall also prepare and submit quarterly to the said board an account of the transactions of the corporation.

7. The board shall meet for the despatch of business once a week or oftener as occasion may require, when summoned by the chairman or on the requisition of two members of the board. The business to be brought before them, in each of such latter cases shall be intimated in the notice convening such meeting. Two members of the board, exclusive of the secretary, to form a quorum.

8. All questions before the board shall be decided by a majority, the chairman having the deciding or casting vote ; and in all cases where three of the board dissent, they shall have the privilege of referring the question to the decision of the Chamber of Commerce at a general meeting.

9. The board shall have the power of disposing of all matters not specially referred to a general meeting.

10. On the death or absence for more than two months from the colony of any of the members of the board of directors, or in the event of such member ceasing to be a member of the corporation, it shall be lawful for the remaining members of the board to elect any member of the corporation as his successor ; and the member so elected shall continue in office until the half-yearly general meeting of the corporation next following his election.

11. It shall be lawful for the corporation, by resolution passed at any general meeting, to remunerate the services of any member or members of the board of directors, and from time to time to fix the amount of such remuneration, and to require such security from such member or members so remunerated as may be deemed sufficient.

12. A secretary shall be appointed annually by a general meeting to take charge of the correspondence and records of the corporation, and perform such other duties as the board may direct. The secretary shall be entitled to draw such salary as may be fixed upon from time to time by a general meeting.

13. The secretary upon the request of the board of directors, or upon the written requisition of six or more members of the corporation, shall call a general meeting. Such general meeting shall be held within ten days after the receipt of such requisition.

14. No general meeting shall be held unless a quorum consisting of one-third of the members resident in Colombo be present, and unless at least ten days' notice specifying the time and place of such meeting and the purpose for which it is to be held has been given to the members of the corporation, by posting such notice to the address of each member; and no business shall be brought before or transacted at such meeting other than the business specified in such notice, or the business of which any member desirous of bringing forward by motion shall have entered a notice of the same in a book to be kept for the purpose at least seven days before the date of such meeting.

15. A general meeting of the members of the corporation shall be held half-yearly during the months of January and July in each year, or as soon thereafter as may be convenient in view of the business to be prepared. At every half-yearly meeting the minutes of the proceedings of the board and an account of receipts and disbursements during the previous half-year prepared by the treasurer and duly audited shall be submitted to the said corporation.

16. The election of the chairman and vice-chairman shall take place at the general meetings held pursuant to rule No. 15, at which time also two directors shall be elected to serve on the board in the place of two directors who shall retire by rotation. The chairman, vice-chairman, and directors may be elected for twelve or six months as may be decided by the general meeting. Should it become necessary to appoint a chairman or vice-chairman at any other time, a special general meeting shall be called for the purpose.

17. Members whose place of business is beyond the municipal limits of Colombo may vote at general meetings of the chamber on any question by proxy, such proxy to be given only to a member of the corporation.

18. A half-yearly report prepared by the secretary shall be printed and circulated for information of members.

19. The board shall determine what may be published and what not in connection with the proceedings of the corporation.

20. No books, papers, or documents of any kind whatever shall be removed from the offices of the corporation without the sanction of the secretary, or, in his absence, of the chairman or of a member of the board.

21. The minute books of the corporation and the other documents connected with the meetings shall be kept under lock and key in charge of the clerk, to whom applications must be made by members of the corporation who wish to inspect them.

22. The result of the discussions of the board according to the minutes shall be considered public; all other statements confidential.

23. No information shall be given to non-members, except by or with the sanction of the chairman, secretary, or a member of the board.

Funds of the Corporation.

24. To provide suitable establishment and to defray current expenses a fund shall be raised by entrance and other fees, quarterly subscriptions, and fines, and also by the rents and annual income of the property of the corporation.

25. The entrance fee for each member or firm shall be fixed at seventy-five rupees, and the quarterly subscription for all members at eighteen rupees and seventy-five cents, payable in advance, to be collected by the treasurer and carried to the general funds of the corporation, with the amount of such fines and fees as shall hereafter be provided.

26. One subscription for any one firm shall be sufficient, and shall afford admission to the rooms of the chamber to all members of that firm, whether partners or representatives; but where only one entrance fee and subscription has been paid by a firm, such firm shall be entitled to only one vote. Provided that when there is a change in the style of a firm, such firm shall be required to be proposed again as members, and shall, if required to do so by the Directors at their discretion, pay a new entrance fee.

Duties of Members.

27. No vote shall be allowed to a member whose subscription has been in arrear for three months.

28. Any firm or person suspending payment shall thereupon cease to be a member of the corporation.

29. Any member of the corporation may resign his membership on giving to the secretary of the corporation a notice in writing to that effect; but if such notice be not received before January 1 of any year, such member shall be liable for the subscription for that year, and for such further liability as may accrue under clause 12 of "The Chamber of Commerce Ordinance, 1895." Any member of the corporation whose subscription shall be six months in arrear shall cease to be a member, and his name shall be removed by the board of directors from the list of members after one month's notice of such default.

30. It shall be imperative on members to serve on the board when elected, subject to a fine on refusal equal to the amount of the yearly

subscription ; and any member not attending the board when duly summoned shall be fined five rupees, unless in either case reasons be assigned to the satisfaction of the other members of the board ; and any member of the board failing to attend four times consecutively shall be reported to the next general meeting, in view of appointing a more willing member instead. Provided, however, that a member having served on the board for a period of twelve months consecutively shall not be compelled to serve again until after the lapse of one year.

31. No two members of the same firm shall be eligible to be elected as a director of the board at one and the same time.

32. Any person holding a power of procuration from any firm (such firm being a member of the corporation) shall be eligible to serve as a member of the board.

Powers of Directors.

33. The board of directors shall have power to purchase and (or) take on lease any lands or buildings for and on behalf of the corporation, at or for such price or prices, and (or) for such rent or rents, and under such title and upon such terms and conditions as the board shall think fit and proper, and also to erect and construct any building or buildings on any land or lands purchased or to be purchased as aforesaid. They shall also have power, with the consent of the majority of the members of the corporation present in person or by proxy at any general meeting, to sell the whole or any part or parts of the property of the corporation, whether movable or immovable.

34. The board of directors shall also have power to lease any lands or buildings or any parts or portions thereof respectively belonging to the corporation for such periods, and at such rents, and upon such terms and conditions as they shall think fit and proper.

35. The board of directors shall pay out of the funds of the corporation all costs and expenses paid or incurred in and about the incorporation of the said Chamber of Commerce, the purchase and erection of the said lands and buildings, and otherwise in or about the working and business of the corporation.

36. The board shall have power to make, and may make, rules or regulations for the management of the property of the corporation ; and for that purpose and for the administration of the affairs and business of the corporation the board may appoint officers, clerks, and servants, with such remuneration and at such salaries as they may consider advisable, and may pay the expenses occasioned thereby as well as the current expenses for periodicals, house rent, or otherwise, out of the funds of the corporation ; and should such expenses exceed the amount of the annual income of the corporation, the deficit shall be borne by the members of the corporation in equal proportions. Provided that the contribution of each member towards such deficit shall not exceed the sum of one hundred rupees in any one year, every such contribution being exclusive of the liability of each member of the corporation under section 12 of Ordinance No. of 189 . The board may also from time to time remove or suspend all or any of the officers (save and except the secretary), clerks, or servants for such reasons as they may think proper and advisable and without assigning any cause. Provided that the said board shall not exercise any powers which are by Ordinance No. of 189 , or by any rule or rules for the time being of the corporation declared to be exercisable by the corporation in general meeting.

37. The board shall also have power to open from time to time on behalf of the corporation any account or accounts with such bank or banks as they may select or appoint, and also by such signatures as they shall appoint to draw, accept, make, endorse, sign, and enter into cheques bills of exchange, promissory notes, bonds, mortgages, appointments to any proctor or proctors, contracts, or agreements on behalf and for the purposes of the corporation. They shall also have power to place the whole or any part of the funds of the corporation in fixed deposit in one or more of the local banks, or to invest the same in Ceylon or India Government securities or securities of the Government of the United Kingdom, or by way of loan or loans to any public company or public companies registered in Ceylon as they may think fit.

38. The board of directors shall exercise in the name and on behalf of the corporation all such powers of the corporation as are not expressly required to be exercised by the corporation in general meeting.

39. The board of directors shall have power to place the rooms of the corporation at the disposal of other meetings, or to hire them for the purpose of public sales at times when they are not required for the use of the corporation.

40. The board of directors shall have power from time to time, at their discretion, to borrow money for the purposes of the corporation, to such extent, in such manner, and upon such terms and conditions as they may think fit, and for such purposes to grant bonds, promissory notes, bills, debentures, interest warrants, bonds for cash credit, trust deeds or other documents, to issue letters of credit, and to grant mortgages or other deeds or instruments of security over all or any of the lands, buildings, and property and assets of the corporation.

41. In furtherance and not in limitation of and without prejudice to the general powers conferred by these rules, it is hereby expressly

declared that the board of directors shall have the powers following, that is to say :

- (a) To institute, conduct, defend, compromise, settle, or abandon any legal proceedings on behalf of the corporation, and also to compound and allow time for payment or satisfaction of any debts due to or from the corporation, and any claims or demands by or against the corporation.
- (b) To refer any claims or demands by or against the corporation to arbitration, and observe and perform the awards.
- (c) To make and give receipts, releases, and other discharges for money payable to the corporation and for claims and demands by the corporation.
- (d) To act on behalf of the corporation in all matters relating to bankrupts and insolvents.

42. A resolution of the board in writing signed by all the directors shall be as valid and effectual as if it had been passed at a meeting of the directors duly called and constituted.

Meetings.

43. The chairman, or in his absence the vice-chairman, shall preside over the meetings of the board of directors ; but if the chairman or vice-chairman be not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

44. All acts done by any meeting of the board of directors or by any person acting as director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such director or person acting as aforesaid on that day, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

45. The board shall cause minutes to be made in a book or books to be provided for and used solely for that purpose—

- (1) Of all appointments of officers made by directors ;
- (2) Of all the names of directors present at each meeting of the directors ;
- (3) Of all orders made by the directors ; and
- (4) Of all resolutions and proceedings of meetings of the corporation and of the directors.

And any such minute as aforesaid, if signed by any person purporting to be the chairman of any meeting of the board, shall be receivable in evidence without any further proof.

46. In the absence of the chairman the vice-chairman shall preside over the general meetings ; and if the chairman and vice-chairman be both absent, the members present shall choose one of their number to be chairman of such meeting.

47. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. At any general meeting, unless a poll is demanded by at least two members, a declaration by the chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the corporation shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

48. If a poll is demanded the same shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the corporation in general meeting. In case of an equality of votes at any meeting of the corporation the chairman of the meeting shall have a casting vote.

Miscellaneous.

49. The tonnage scale of Ceylon shall be that detailed in appendix A.

50. The rate of exchange at which freight " payable in sterling," or its equivalent in Ceylon at the " rate of exchange of the day," or " as customary," shall be payable is the currency equivalent at the bank selling rate for a demand draft on London on the date of payment of freight.

51. In all cases of reference submitted to the board of directors for their decision the board is empowered to determine the fees and the party or parties by whom the same shall be paid.

52. No reference to the board of directors shall be entertained unless the points at issue are first submitted in writing ; and it shall be entirely a matter for the decision of the board with reference to the circumstances of each case whether they receive *virá rocc* statements and verbal evidence or not.

53. The conditions of sale for articles of produce shall be those detailed in appendices B, C, D, E.

54. The rates of commission and agency charges approved by the corporation are those detailed in appendix F.

55. Arbitration awards and survey reports will be certified by the corporation on the conditions and terms indicated in appendix G.

56. The corporation may from time to time at any time hereafter, at a general meeting, cancel, alter, add to, or amend any of the appendices A, B, C, D, E, F, and G hereto as occasion may require.

57. In case any doubt or ambiguity shall arise, or any controversy shall take place among the members of the corporation or of the board of directors as to the interpretation of Ordinance No. of 189 , or as to the powers of the board of directors, the same shall be referred to the Attorney-General for the time being, or, should he decline to act, to such person or persons as the corporation at a general meeting or the board of directors, as the case may be, shall determine; and the decision of the Attorney-General or of such person or persons shall be final and conclusive.

APPENDIX.

A.—Tonnage Scale.

Articles.	Colombo.			
	Ship.		Steamer.	
	To the Ton.		To the Ton.	
Annatto, in bags	16 cwt.	D	16 cwt.	D
Apparel, in boxes	50 ft.	D	50 ft.	D
Areanuts, in bags	16 cwt.	D	16 cwt.	D
Arrack	210-250 gals.	D	210-250 gals.	D
Arrowroot, in bags	—		16 cwt.	D
Betelnuts, in bags	16 cwt.	D	16 cwt.	D
Cardamoms, in bags	12 cwt.	D	12 cwt.	D
Cardamoms, in boxes	50 ft.	D	50 ft.	D
Cinchona bark and chips, in bags ...	800 lb.	D	800 lb.	D
Cinchona bark and chips, in pressed bales	50 ft.	S	50 ft.	S
Cinnamon, in bales	1,200 lb.	S	1,200 lb.	S
Cinnamon, in cases or machine-pressed bales	50 ft.	S	50 ft.	S
Cinnamon, in bags or unpressed bales	800 lb.	D	800 lb.	D
Cacao, in bags or casks	12 cwt.	D	14 cwt.	D
Cacao, in cases	50 ft.	D	50 ft.	D
Cocconut oil, in casks	17 cwt.	S	14 cwt.	S
Cocconut, desiccated, in cases	50 ft.	D	50 ft.	D
Coffee, in bags	18 cwt.	D	16 cwt.	D
Coffee, in casks	16 cwt.	D	14 cwt.	D
Coir, in pressed bales	50 ft.	S	50 ft.	S
*Coir, in bundles or loose ballots, dholls	12 cwt.	D	6 cwt.	D
Coir rope, in coils	12 cwt.	D	8 cwt.	D
Coir yarn and fibre, screwed bales ...	50 ft.	D	50 ft.	S
*Coir yarn and fibre, in bundles or ballots	12 cwt.	D	6 cwt.	D
*Coir, bristle fibre, in ballots	10 cwt.	D	10 cwt.	D
Copperah, in bags, cut	10 cwt.	D	12 cwt.	S
Copperah, in bags, in bulk	12 cwt.	D	As agreed	S
Copperah, in pressed bales	50 ft.	S	50 ft.	S
Cotton, in pressed bales	50 ft.	S	50 ft.	S
Croton seed, in bags	16 cwt.	D	16 cwt.	D
Cowries, in bags	20 cwt.	D	20 cwt.	D
Hides and skins, in pressed bales ...	50 ft.	S	50 ft.	S
Hides and skins, loose and in small bundles	14 cwt.	D	14 cwt.	D
Horns, deer, buffalo, and cow, in bundles	16 cwt.	D	16 cwt.	D
Measurement goods, in bales	50 ft.	S	50 ft.	S
Measurement goods, in cases	50 ft.	D	50 ft.	D
Myrabolams, in bags	16 cwt.	D	16 cwt.	D
Nux vomica	16 cwt.	S	16 cwt.	S
Orchilla weed, in bags or bundles ...	12 cwt.	D	12 cwt.	D
Orchilla weed, in pressed bales	50 ft.	S	50 ft.	S
Plumbago, in bags or barrels	20 cwt.	D	20 cwt.	D
Poonac or oil cake, in casks, barrels, or bags	17 cwt.	D	17 cwt.	D
Pepper, in bags	16 cwt.	D	16 cwt.	D
Palmirah fibre, in bundles or rolls ...	10 cwt.	D	10 cwt.	D
Shells, oyster, rough, in bags	16 cwt.	D	16 cwt.	D
Sapanwood	10 cwt.	D	10 cwt.	D
Tea, in chests	50 ft.	D	50 ft.	D
Timber, squares, planks	50 ft.	S	50 ft.	S
Woods, ebony, satin	20 cwt.	D	20 cwt.	D
All other articles not enumerated, in pressed bales	50 ft.	S	50 ft.	S
All other articles not enumerated, in cases	50 ft.	D	50 ft.	D

The standard ton of Colombo for ships and steamers for measurement of goods is 50 cubic feet.

* As broken stowage.

D signifies net delivered. S signifies net shipped.

B.—Conditions of Sale of Tea.

1. The highest bidder to be the purchaser; and any dispute that may arise to be settled by the selling broker, who is to declare the name of the bidder before the lot is knocked down.

No mistake in the bidding can be rectified after the fall of the hammer.

2. Lots to be sold by the pound. No less advance than one cent to be made on any previous bid.

3. A deposit of ten per cent. to be made, if required, at the moment the lot is knocked down, otherwise it will be put up again and re-sold immediately.

4. Payment to be made on delivery in cash, without discount, and delivery to be taken at seller's stores within three days from date of sale, Sundays and public holidays excepted.

5. Should payment not be made on or before prompt day, the seller to have the liberty, on giving notice in writing to the buyer, of re-selling the lot or lots at buyer's risk, who will be liable for all loss resulting from such re-sale.

6. All objections as to quality, description, and (or) packing must be made on or before delivery, and no objection whatever can be admitted subsequent to prompt.

7. The selling broker to open, inspect, and sample ten per cent., taken indiscriminately, of each break of tea bulked on the estate and so marked, but in no case less than three packages of each description to be inspected and sampled. Provided the samples so drawn are found similar and of equal quality, such sampling to be considered sufficient; but should the quality be found to vary, every package to be opened and sampled.

Of teas not bulked on the estate every package to be opened and sampled. Trade samples in all cases to be drawn accordingly.

8. All teas to be paid for on sale weights, but buyers subsequently to have the privilege (on giving notice within three days from date of sale) of having the actual net weights ascertained.

To ascertain actual net weights ten per cent. of each break, but not less than three packages, to be turned out and weighed, and the average result taken as representing the actual net weight of the tea in each package of the break.

Fractions of half a pound and under to be disregarded; fractions over half a pound to be taken as a full pound.

Any difference between sale and actual weights to be paid or allowed for, as the case may be.

9. The tea to be at seller's risk until and inclusive of the whole of prompt day, unless previously removed from seller's stores. After prompt day tea remaining in seller's stores to be at buyer's risk.

10. Brokers purchasing to declare in writing their principals immediately after the sale, or otherwise to be held responsible as principals and obliged to pay for any teas so bought.

11. Should any dispute arise between buyer and seller in the matter of quality, description, and (or) packing, the same to be referred to arbitration.

12. That a 1-lb. allowance be made by the seller to the buyer on all single packages bought at auction.

13. All packages of tea containing more than 60 lb. to be hooped by the seller.

14. Seller shall furnish the buyer with an invoice showing the gross and net weight of each package sold. Should the gross weights of the packages differ from the invoice weights, it shall be competent to the buyer to require that the net weight of each package shall be ascertained. All costs incurred to be borne by the seller.

15. Additions or alterations to the above rules may be made from time to time, as occasion arises, at a general meeting called for such purpose, of which at least a week's previous notice must be given in two of the local newspapers.

C.—Conditions of Sale of Parchment Coffee.

1. The buyer of parchment coffee, in the absence of any stipulation to the contrary, is not to be required to take delivery of what is tendered in execution of a contract unless the same is in good merchantable condition, by which is meant dried to a degree fit for keeping, not heated, free from fungus beans, and the quantity of light and pulper cut beans not to exceed 5 per cent.

2. In the case of f. o. b. contract for prepared coffee, it is understood that the seller do not guarantee either the outturn or the proportion of triage, but merely that the coffee shall be what it professes to be, the outturn of first parchment or otherwise according to the contract.

3. When a crop is sold as consisting of a certain number of bushels more or less, the estimate being a *bona fide* one, the seller shall not be bound to make up any deficiency in the yield.

4. When a certain number of bushels are sold as part of a crop, the seller is bound to deliver that quantity, no stipulation to the contrary having been made.

5. When a crop is sold in two or more lots, delivery to be according to date of sale, the first sold to be first delivered.

6. When the crop sold exceeds the estimate, the buyer is to have the option either of receiving or refusing the quantity in excess.

7. The delivery shall be at buyer's store.

8. The days for delivery are to be mentioned in the contract, and the coffee shall be tendered at buyer's store by 10 o'clock A.M. on any one of the days named for delivery. The buyer shall be bound to receive it and grant receipt on the same day. Should the buyer fail to receive the coffee tendered in accordance with the foregoing condition, it shall be competent to the seller to return the coffee to his store, and the buyer shall pay the cost of cart hire and loading.

9. That until paid for the coffee shall in every case be held by the buyer for account of the seller insured against the risk of fire. On payment of the purchase-money the coffee shall vest in the buyer.

D.—Conditions of Sale of Cinchona Bark.

1. Delivery shall be at buyer's store within three days from date of contract, Sundays and public holidays excepted.

2. The buyer shall give notice to the seller of the day or days on which he is prepared to receive the bark purchased, and provided that it be tendered at buyer's store at 10 o'clock A.M. on the day or days named in the notice. Buyer shall be bound to receive it and grant receipt for the quantity on the same day.

3. Should the buyer fail to receive the bark tendered in accordance with the foregoing condition, it shall be competent to the seller to return the bark to his store, and the buyer shall pay the cart hire and loading.

4. That until paid for the bark shall in every case be held by the buyer for account of the seller insured against risk of fire. On payment of the purchase-money the bark shall vest in the buyer.

Conditions of Sale of Cacao, Cardamoms.

The same as for parchment coffee in so far as they apply, except sales f. o. b., when they come under the rules for all f. o. b. contracts.

E.—Conditions of Sale of F. O. B. contracts generally.

1. F. o. b. shall mean free on board the ship, export duty, and harbour dues paid by the seller, risk of craft from shore to ship to be borne by the buyers.

2. When produce of any kind has been sold f. o. b., it shall be inspected by the purchaser at the seller's stores before shipment, due facilities being given by the seller for that purpose.

After being passed by the buyer the quality and condition shall be deemed to be in accordance with the contract, and no claim in respect thereto shall afterwards lie against the seller.

3. Payment shall be made on buyer giving orders for shipment of the produce or within three days of tender of delivery.

F.—Rates of Agency and Commission.

Purchases, Sales, and Shipments.

	Per cent.
On the sale, purchase, or shipment of specie or bullion ...	1
On the sale or purchase of opium, diamonds, pearls, precious stones, and jewellery of all descriptions ...	2½
On the sale and purchase of live stock ...	5
On the sale or purchase of goods or produce made with the proceeds of goods on which a commission of 5 per cent. has been previously charged ...	2½
On the sale or purchase of bank or joint stock shares ...	2½
On goods or produce entrusted to an agent for sale or shipment and afterwards withdrawn...	2½
On goods or produce shipped only, or on delivery of the same to order ...	2½
On the sale or purchase (including shipment if required) of all other goods or produce not enumerated above ...	5
On sale or purchase of ships, houses, or lands ...	2½

Del Credere.

On guaranteeing sales, bills, bonds, contracts, or other engagements ...	2½
--	----

Bottomry and Respondentia.

On procuring money on bottomry and (or) respondentia ...	5
--	---

On Accounts Dr. Cr.

On the total sum of the debit or credit side of an account at the option of the agent, excepting items on which a commission of 5 per cent. is chargeable ...	1
---	---

<i>Freight and Charter.</i>	Per cent.
On ship's disbursements	2½
For procuring freight for United Kingdom on the amount of freight whether the same passed through the agents hands or not	7½
Do. do. for all other ports	5
Do. do. for procuring passengers on the amount of passage money	5
On collecting freight inward or outward	5
On executing orders to charter or engage tonnage	2½
Return commission to shippers on the amount of freight to United Kingdom	5
<i>(Commission on freight applies to steamers as well as sailing vessels.)</i>	
Commission to agents of steamers consigned inward from Europe, when the entire cargo is discharged in Colombo, to be 50 cents per net register ton, but the charge not to exceed Rs. 500; and on steamers partially discharged, 50 cents per ton for every ton discharged, but the charge in no case to be less than Rs. 150.	
Commission to agents of steamers consigned inward from other than European ports, on the total amount of freight	2½
<i>Insurance.</i>	
On procuring settlement of insurance, losses, whether partial or total, also on procuring return of premium, on the amount recovered	2½
On settling insurance as agents for the underwriters or insurance companies	2½
On effecting life or fire insurance, on the premium	2½
<i>Receiving and Delivering Goods and Live Stock.</i>	
On attending the delivery of contract, goods, or on receiving and delivering goods or live stock, on the value thereof	2½
<i>Specie.</i>	
On landing, clearing, and delivering specie from steamers or other vessels when above Rs. 10,000	½
Do. do. if under Rs. 10,000	½
<i>Remittances, Bills of Exchange, and Letters of Credit.</i>	
On effecting remittances where no charge has been made for collection, or on purchasing, selling, or negotiating bills of exchange	1
On granting or cashing letters of credit	2½
On sale and purchase of private bills of exchange	1
On bills of exchange returned, noted, or protested	1
Interest on overdue promissory notes or bills of exchange	9
<i>Administering Estate and Recovering Debts by Law or otherwise.</i>	
On managing the affairs of an estate for an executor or an administrator	5
On all debts collected or secured whether by or without process of law or arbitration	5
<i>Transfer of Property, Mortgage, and Collecting Rents, &c.</i>	
On executing the transfer of immovable property	1
On procuring money on mortgage	1
On investing money on mortgage	1
For discharging mortgages as an attorney	1
On collecting rents	5
On collecting interest	5
<i>Shipwrecked Cargo.</i>	
On landing and reshipping goods, except as under, from any vessel in distress, stranded, or wrecked, or on landing or selling by auction damaged goods from any such vessel, and acting as agent for the master on behalf of all concerned, on the declared value of all such goods as may be reshipped, and on net proceeds of all such goods as may be publicly sold	5
If opium, indigo, raw silk, or silk goods	2½
If treasure, precious stones, or jewellery	1

G.—Survey Reports and Arbitration Awards.

Whereas it has been represented to the Ceylon Chamber of Commerce that in order to give to survey reports and arbitration awards an official character that they have not at present, and which circumstances have proved to be necessary, it is desirable that such reports and awards should be sealed and certified by the Chamber of Commerce:

The Chamber of Commerce hereby nominate the following gentlemen as an official committee, from whom the surveyors, arbitrators, and their umpires must be selected, the chamber reserving itself the right to be exercised by the standing committee to add to, or cancel, the present and all future appointments :—

Aitken, E., Esq.	...	of Messrs. Aitken, Spence & Co.
Bois, F. W., Esq.	...	J M. Robertson & Co.
Brown, R. L. M., Esq.	...	Lewis Brown & Co.
Creasy, E. B., Esq.	...	—
Davies, E. C., Esq.	...	of the Government Factory.
Forbes, J., Esq.	...	—
Forsyth, A., Esq.	...	of Messrs. Delmege, Forsyth & Co.
Gepp, A. M., Esq.	...	—
Goodwyn, H., Esq.	...	Skrine & Co.
Hamilton, W., Esq.	...	Cargill & Co.
John, E. Esq.	...	—
Mackwood, F. M., Esq.	...	Mackwood & Co.
Macindoe, F., Esq.	...	Carson & Co.
Mann, J. C., Esq.	...	Mann & Co.
Mitchell, Hon. W. W.	...	Darley, Butler & Co.
Renton, J. H., Esq.	...	Bosanquet & Co.
Sandeman, W. C., Esq.	...	—
Schulze, A., Esq.	...	Schulze Bros. & Co.
Symons, C. E. H., Esq.	...	—
Thompson, A. H., Esq.	...	A. H. Thompson & Co.
Tetley, C. G., Esq.	...	Freudenberg & Co.
Walker, E., Esq.	...	Walker, Sons & Co., Ltd.

Survey reports or arbitration awards made by gentlemen, all of whom have been selected from the official committee, shall, on payment of a fee of ten rupees and fifty cents to the Chamber, be entitled to receive the stamp of the Chamber attested by the secretary, and on the payment of a further fee of ten rupees and fifty cents the chairman or vice-chairman of the Chamber may be called upon to certify on the report or award that the surveyors or arbitrators have been selected from the official committee appointed by the Chamber of Commerce.

A copy of the award or report stamped or certified is, in every case, to be deposited with the Chamber as a record.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, October 9, 1895.

E. NOEL WALKER,
Colonial Secretary.

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, 1895."

Repeal.

2 The Ordinance No. 20 of 1885, and the Ordinance No. 1 of 1890, and the Ordinance No. 15 of 1894, are hereby 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 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, 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. An officer holding a permanent office in respect of which he may become entitled under any regulations which are now or which may hereafter be in force to a pension of which the salary is, after this Ordinance comes into force, increased so as to cause such salary to amount to or to exceed two hundred and fifty rupees, and an officer who is after the passing of this Ordinance promoted to a permanent office in respect of which he may become entitled under any regulations which are now or which may hereafter be in force to a pension, and of which the salary amounts to or exceeds the sum of two hundred and fifty rupees annually, is a public officer. 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 compassionate allowance and superannuation allowance.
"Director."	"Directors" shall mean the directors incorporated under section 6 of this Ordinance.
"Treasurer."	"Treasurer" shall mean the officer holding the office of Treasurer of the Colony.
Fund how constituted.	<p>4 The fund already formed and now in existence under the provisions of the Ordinance No. 15 of 1884, and under the provisions of the Ordinance No. 20 of 1885, 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."</p>
Investment of fund.	<p>5 All moneys belonging to the said 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 from the date at which this Ordinance comes into operation, at the rate of four 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. Provided, however, that it shall be lawful for the Government of this colony from time to time, on giving four months' notice in writing to the directors of the intention so to do, to transfer to the directors any portion of the fund for the time being held by the Government or of the securities in which such portion is invested; and the portion of the fund so transferred shall up to and until the expiry of such four months bear interest at the rate of four per centum per annum.</p>
Appointment of directors.	<p>6 (1) For the due and proper management of the fund the Governor in Executive Council shall appoint any number of public officers, not exceeding five, as directors, who shall thereupon become a corporation with continuance for ever under the name and style of "The Directors of the Widows' and Orphans' Pension Fund," with full power and authority to have and to use a common seal, and to change and alter the same at their will and pleasure, and the Directors so appointed shall and may in their name and style as a corporation perform each and every of the duties, and exercise each and every of the powers, imposed on the directors by this Ordinance. Provided, however, that the seal of the said corporation shall not be affixed to any instrument except in the presence of two of the directors, who shall each sign his name to the instrument in token of his presence, and such signing shall be independent of the signing of any person who may sign the instrument as a witness.</p>
Cancellation of such appointment.	<p>(2) It shall be lawful for the Governor in 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.</p>
Substitution of director.	<p>(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 person appointed to be a director, the Governor in 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 reposed in a director by this Ordinance.</p>
To invest moneys in securities.	<p>(4) It shall be lawful for the directors from time to time to invest any portion of the fund transferred to them by the Government as aforesaid in any of the following securities, namely, in Ceylon Government inscribed stock, Ceylon</p>

- Government debentures, and in such securities of the Government of Great Britain or of the Indian Government, or of the Government of any British colony as may from time to time be approved by the Governor in Executive Council.
- Management of fund. (5) 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. (6) 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. (7) The directors may from time to time under their common seal appoint such officer or officers, agent or agents, as they may consider fit and necessary for recovering all dividends, interest, or other revenue to be derived from all investments already made, or which may hereafter be made by them, or for otherwise carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of the directors.
- Pension to officers employed under the directors. (8) The Governor in 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. (9) 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. (10) At every meeting of the directors the managing director (who shall be appointed by the Governor) shall preside, and in the absence of the managing director 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 and 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 and 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 From and after the date when this Ordinance comes into operation, 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 Ordinances No. 15 of 1884 and 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. Provided that it shall be lawful for the directors to sue the public officer in a court of law for the recovery of any debt due by such public officer, and to proceed to execution for the recovery of such debt, and that 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 in accordance with the tables hereinafter referred to.

Provision 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 thirty days 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 thirty days, 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 thirty days, 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, and false information and 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 such marriage shall be entitled to a pension under this Ordinance, unless a lawful child is born of such marriage. Provided that it shall be lawful for the directors to award pension to such widow if it shall appear to such directors expedient. 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 in Executive Council. Such tables shall be adjusted and revised every five years by an actuary or actuaries who shall be appointed by the directors, with the approval and consent of the Governor in Executive Council, and who shall be paid by the directors out of the moneys assigned to them for the due management and administration of the fund. 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 second 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 a second 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 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.

Pensions not to be assigned or levied upon.

28 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.

29 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 Executive Council; and the decision of the Governor and Executive Council thereon 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.

Pension not to exceed amount fixed by the actuary.

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

Contributions may continue in full if income reduced.

Commencement of Ordinance.

30 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.

31 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 the sum which shall be fixed by the actuary or actuaries appointed under the 23rd section of this Ordinance at every quinquennial period.

32 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.

33 Whenever the salary of a public officer becomes reduced, 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. 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.

34 This Ordinance shall come into operation on a day fixed by the Governor by Proclamation to be for that purpose published in the *Government Gazette*.

By His Excellency's command,

E. NOEL WALKER,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, September 27, 1895.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,822. In the matter of the insolvency of Hayman Thornhill, of Colombo.

NOTICE is hereby given that a public sitting of this court will take place on November 14, 1895, to allow to the above-named insolvent a certificate of conformity, in terms of the 124th clause of the Ordinance No. 7 of 1853.

By order of court,

J. B. MISSE,
Secretary.

Colombo, October 9, 1895.

In the District Court of Kegalla.

No. 19. In the matter of the insolvency of Melville Bell, of Lyndhurst.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 1, 1895, to audit the accounts of the assignee and to declare a dividend.

By order of court,

W. DE SILVA,
Secretary.

Kegalla, October 9, 1895.

I, CHARLES RUSSEL CUMBERLAND, Esq., Acting Fiscal for the Central Province, do hereby appoint Mr. P. B. Beddeswela to be Marshal for the Division of Gampola, under Ordinance No. 4 of 1867, with effect from the 10th instant until further orders.

Fiscal's Office,
Kandy, October 9, 1895

C. R. CUMBERLAND,
Acting Fiscal.

MINUTE.

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

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

Preamble.

WHEREAS it is expedient to amend in some respects "The Ceylon Penal Code" and to make provision for the punishment of offences relating to marriage: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Insertion of sections 362 (a), 362 (b), 362 (c), and 362 (d).

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.

Marrying again during the life-time of husband or wife.

Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.

Marriage ceremony gone through with fraudulent intent without lawful marriage.

Short title.

1 After section 362 of the said Code the following sections shall be inserted and numbered respectively:

362 (a) Every man, who by deceit causes any woman who is not lawfully married to him, to believe that she is lawfully married to him, and to cohabit or have sexual intercourse with him in that belief, shall be punishable with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

362 (b) Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.—This section does not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time, provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted, of the real state of facts, as far as the same are within his or her knowledge.

362 (c) Whoever commits the offence defined in the last preceding section, having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

362 (d) Whoever dishonestly or with a fraudulent intention goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

2 This Ordinance, which may be cited as "The Ceylon Penal Code Amendment Ordinance, 1895," and Ordinance No. 2 of 1883, intituled "The Ceylon Penal Code," shall be read together as one Ordinance.

By His Excellency's command,

E. NOEL WALKER,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, October 11, 1895.