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PART II.—Legal and Judicial.

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Part II.—Legal and Judicial.

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DRAFT ORDINANCES.

MINUTE.

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

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

Preamble.

WHEREAS 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:

Short title.

1 This Ordinance may be cited for all purposes as "The Kandy Waterworks Loan Amendment Ordinance, 1895," and shall come into operation on the _____ day of _____

Date of operation.

Ordinance to be construed as one with Ordinance No. 18 of 1884.

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.

Repeal of Ordinance No. 29 of 1884.

3 Ordinance No. 29 of 1884 is hereby repealed: Provided that this repeal shall not affect—

- (1) The past operation of the said Ordinance, nor anything duly done or effected under it;
- (2) Nor any right, privilege, obligation, or liability acquired, accrued, or incurred under the said Ordinance;
- (3) Nor any legal proceeding or remedy in respect of such right, privilege, obligation, or liability as aforesaid.

Amendment of section 5 of principal Ordinance.

Municipality of Kandy authorized to impose water-rate for paying off loan.

4 For section 5 of the principal Ordinance there shall be substituted the following section:

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.

Amendment of section 6 of principal Ordinance.

Rate to be levied on houses within municipality.

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

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.

Amendment of section 7 of principal Ordinance.

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

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.

Schedule added to principal Ordinance.

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 Pérádeniya 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.

By His Excellency's command.

E. NOEL WALKER,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, August 14, 1895.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend "The Municipal Councils' Ordinance, 1887."

Preamble.

WHEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 7 of 1887, hereinafter referred to as the principal Ordinance, and to provide for the supervision of dairies and laundries: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.

Amendment of Principal Ordinance.

Short title.

1 This Ordinance may be cited as "The Municipal Councils' Amendment Ordinance, 1895," and this Ordinance and the principal Ordinance, and "The Municipal Councils' Amendment Ordinance, 1890," shall be read as one, and may be cited collectively as "The Municipal Councils' Ordinances, 1887, 1890, 1892, and 1895."

Repealing clause.

2 Section 13 of "The Municipal Councils' Amendment Ordinance, 1890," shall be, and the same is hereby repealed.

Amendment of section 3.

3 In section 3 of the principal Ordinance, for the definition of "annual value" the following shall be substituted:

"Annual value."

"Annual value" means the annual rent which a tenant might reasonably be expected taking one year with another to pay for any house, building, land, or tenement if the tenant undertook to pay all public rates and taxes, and if the landlord undertook to bear the cost of repairs, maintenance, and upkeep, if any, necessary to maintain the house, building, land, or tenement in a state to command that rent.

Amendment of section 9.

4 At the end of clause (e) of section 9 of the principal Ordinance there shall be added the following words: "for the two quarters immediately preceding that in which the election takes place."

Amendment of section 10.

5 At the end of section 10 of the principal Ordinance there shall be added the following words:—

For the purpose of this section the chairman shall be deemed a councillor nominated by the Governor.

Amendment of section 11.

6 At the end of clause (d) of section 11 there shall be added the following words: "for the two quarters immediately preceding that in which the election takes place."

Amendment of section 15.

7 In section 15 of the principal Ordinance the words "the Supreme Court" shall be substituted for the words "a magistrate."

Amendment of section 16.

8 In section 16 of the principal Ordinance the words "the Supreme Court" shall be substituted for the words "a magistrate."

Amendment of section 17.

9 In section 17 of the principal Ordinance the words "the Supreme Court" shall be substituted for the words "such magistrate."

Amendment of section 18.

10 For section 18 of the principal Ordinance there shall be substituted the following section:

One judge may make order under section 17.

18 Such application may be inquired into and determined by a single judge of the Supreme Court in chambers, and no appeal shall lie from an order made by such judge under the last preceding section.

- Amendment of section 26. Effect of adding one division to another.
- 11 For section 26 of the principal Ordinance there shall be substituted the following section :
26 If the Governor in Executive Council shall at any time alter the number of divisions by adding one existing division or any part thereof to another existing division or any part thereof, or by changing one division into more than one, the councillor or councillors representing the divisions so enlarged, divided, or altered shall thereupon vacate his or their office, and there shall be an election for each of such divisions so enlarged, divided, or altered.
- Amendment of section 47. Governor shall appoint a chairman. Entire executive power and responsibility to be vested in chairman, assisted by an assistant chairman if one is appointed. All executive acts to be done by chairman or assistant chairman, if any.
- 12 For section 47 of the principal Ordinance there shall be substituted the following section :
77 (1) The Governor shall from time to time appoint a proper person to be the chairman of the municipal council, and may from time to time remove such person from office, and appoint another in his stead. The entire executive power and responsibility for the purposes of this Ordinance shall be vested in such chairman, assisted, if the Governor shall think fit, by an officer who shall be styled assistant chairman. All executive acts which are hereinafter directed to be done by the municipal council shall, unless the contrary intention appears from the context, be done by the chairman, or the assistant chairman if specially authorized thereto by the chairman.
Provided that the chairman or the assistant chairman shall, except in cases of extreme urgency, and when there would not be sufficient time to call a special meeting of the municipal council, not act in opposition to, or in contravention of, any resolution of the municipal council, or exercise any power which is directed to be exercised by the municipal council at a meeting.
(2) In the case of the Colombo Municipality such chairman shall devote the whole of his time and attention to the duties of his office, and shall not hold any other appointment, temporary or permanent, save that of a municipal magistrate, nor follow any other occupation, nor be a director of any company.
- Chairman, Colombo Municipality, shall hold no other office.
- Amendment of section 55, as to jurisdiction of municipal magistrate.
- 13 In section 55 of the principal Ordinance, for the words "and 14 of 1878" shall be substituted the words "14 of 1878, 17 of 1889, and 12 of 1891, and any offence committed within the municipality in breach of section 257, 258, or 259 of the Ceylon Penal Code."
- Amendment of section 59.
- 14 In section 59 of the principal Ordinance, for the words "two hundred," wherever they occur, shall be substituted the words "one hundred."
- Amendment of section 62.
- 15 (1) In section 62 of the principal Ordinance there shall be inserted after the words "appointed under this Ordinance" the words "or gratuities to the widow or children of such servants."
(2) There shall be added to the same section the following proviso :
Provided that no payment shall be made in respect of any gratuity to the widow or children of any servant without the previous sanction of the Governor.
- Insertion of proviso.
- Amendment of section 67.
- 16 Section 67 of the principal Ordinance shall be amended by the omission of the words "the amount of which exceeds five hundred rupees."
- Amendment of section 101.
- 17 In section 101 of the principal Ordinance for the words "all the accounts of the municipality" shall be substituted the words "all books, deeds, contracts, accounts, vouchers, and other documents and papers of the municipality."
- Amendment of section 122.
- 18 (1) For clause (f) of section 122 of the principal Ordinance there shall be substituted the following clause :
(f) The regulation of building and building operations ;

(2) After clause (j) of the same section there shall be inserted the following clause :

(j1) The regulation of bakeries and of the manufacture and quality of bread ;

(3) After clause (p) of the same section there shall be inserted the two following clauses :

(p1) The registration at the office of the municipal council of mortgages over immovable property situated within municipal limits, and of the addresses of mortgagees, and for the payment of a fee for such registration ;

(p2) The posting of notices in writing to such registered mortgagees of the seizure of immovable property made under section 149 ;

(3) After clause (q) of the same section there shall be inserted the two following clauses :

(q1) The putting up and preservation of boundaries and fences of lands, whether private or public ;

(q2) The fixing and levying charges for the occupation of pounds for stray cattle, and the cost of the keep of the animals impounded ;

Amendment of section 151.

Property seized to be sold by auction.

19 For section 151 of the principal Ordinance there shall be substituted the following section :

151 The property seized in virtue of any such warrant shall be sold by public auction (of which at least twenty-one days' notice shall be given in one or more of the local newspapers in respect of property exceeding the value of Rs. 1,000, and at least six days' notice in all other cases) by the officer to whom such warrant is addressed, or some other officer of the municipality appointed by the chairman for that purpose, at any time after the expiration of twenty-four days in the case of property exceeding the value of Rs. 1,000 and of eight days in all other cases, from the day of such seizure, unless in the meantime the amount of the rate or rates or tax or taxes and of the costs aforesaid be duly paid : and the overplus accruing by such sale (if there be any), after deducting the amount of such rate or rates or tax or taxes, and the costs, shall be restored to the owner or joint owner of the property so sold.

Proviso.

Provided, however, that whenever it shall be necessary to seize and sell the property of any person making default in the payment of any rate or tax, it shall be the duty of the officer acting under the chairman's warrant as aforesaid to observe, so far as the same may be applicable, the order and course prescribed by the Ordinance No. 6 of 1873, intituled "An Ordinance to prescribe the order in which the property of Public Defaulters may in certain cases be seized and sold," or by any other Ordinance to be in that behalf hereafter enacted.

Amendment of section 164.

Sales or leases of lands and buildings.

20 For section 164 of the principal Ordinance the following section shall be substituted :

164 (1) The municipal council, with the sanction of the Governor in Executive Council, may sell or lease any lands or buildings vested in them or acquired by them, either in block or in parcels, as they may find most convenient and advantageous ; and the proceeds of such sale and the rents arising from such lease shall be paid to the credit of the municipal funds :

(2) None of the provisions in the Ordinance No. 7 of 1840 shall be taken as applying to sales, leases, or other conveyances of land or other immovable property from or to the municipal council.

Ordinance No. 7 of 1840 not to affect sales or leases to or by the municipal council.

Insertion of section 176 (a).

Roofs and external walls of

21 After section 176 of the principal Ordinance the following section shall be inserted, and numbered 176 (a), namely :

176 (a) (1) If any person being the owner of any house, hut, shed, or other building, which house, hut, shed, or other

houses not to be made of inflammable materials.

building is distant not more than fifty feet from any other house or building separately occupied, or from any street, and has the external roof or walls made of grass, leaves, mats, or other such inflammable materials, does not remove such roof or walls, as the case may be, within one month after notice in writing has been given him by the chairman so to do, he shall be liable, on conviction, to a fine not exceeding ten rupees for every day that such default continues.

(2) If any person after such notice as aforesaid makes, renews, or repairs any house, hut, shed, or other building with any such inflammable materials as in this section are mentioned or referred to, or causes any such house, hut, shed, or building to be so made, renewed, or repaired, he shall be liable, on conviction, to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees for every day he suffers or allows the same to remain after conviction.

Insertion of section 177 (a).

22 After section 177 of the principal Ordinance the following section shall be inserted and numbered 177 (a), namely :

Alteration in frontage of houses.

177 (a) (1) It shall not be lawful for any person to make any alteration in the frontage of any house or building within fifty feet of any street, without permission in writing from the chairman, who may grant it or not at his discretion.

Penalty.

(2) If any person offends against the provisions of this section he shall be liable, on conviction, to a fine not exceeding one hundred rupees, and the chairman may cause the frontage of any house or building altered contrary to the provisions of this section to be taken down, and all expenses incurred thereby shall be borne and paid by the owner of the premises, and shall be recoverable as hereinafter provided.

Insertion of section 181 (a) and 181 (b).

23 After section 181 of the principal Ordinance the following section shall be inserted, and numbered 181 (a) and 181 (b) respectively, namely :

Doors not open outwards.

181 (a) All doors, gates, bars, and groundfloor windows put up after the commencement of this Ordinance, which open upon any street, shall be hung or placed so as not to open outwards, except when the same is hung or placed in such manner as in the judgment of the chairman to cause no obstruction in any such street, and if (except as aforesaid) any such door, gate, bar, or window be hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the chairman to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the chairman may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

Doors open outwards to be altered.

181 (b) If any door, gate, bar, or groundfloor window put up before the commencement of this Ordinance is hung or placed so as to open outwards upon any street, the chairman may alter the same so that no part thereof when open shall project over any such street so as to cause an obstruction.

Amendment of section 188.

24 In section 188 of the principal Ordinance the words "after twenty-four hours' notice" shall be substituted for the words "on giving such notice as hereinafter provided."

Amendment of section 195.

25 In section 195 of the principal Ordinance the words "if the owner neglects to do so, within fifteen days after notice" shall be substituted for the words "after giving such notice as is hereinafter provided."

Amendment of section 198.

26 For section 198 of the principal Ordinance there shall be substituted the following section :

Notice of new building.

198 (1) Every person intending to erect or re-erect any building shall give notice in writing of his intention to the chairman, and shall submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid and the front elevation of the proposed building, together with specifications of the works intended to be constructed, including the dimensions of all beams, bressems, posts, pillars, and columns of the proposed building, and the materials to be used, and shall obey all written directions given by the chairman consistent with this Ordinance, and with any by-laws made thereunder, either prohibiting the erection or re-erection if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:

- (a) Space to be left about the building to secure free circulation of air and facilitate scavenging ;
- (b) Ventilation and drainage ;
- (c) Security against fire ; and in the case of places of public resort or entertainment, including places for religious worship, the means of egress in case of fire or accident ;
- (d) Level and width of foundation level of lowest floor, and stability of structure ;
- (e) The line of frontage with neighbouring buildings if the building abuts on, or is within fifty feet of, a public street ;
- (f) The front elevation, where the building is one of a row of contiguous buildings abutting on a public street ; and
- (g) The quality of the materials to be used.

Provided that the chairman shall make full compensation to the owner for any damage he may sustain in consequence of the unconditional prohibition of the erection or re-erection of any building ; and if any dispute arises touching the amount of compensation, the same shall be ascertained in manner hereinafter provided.

(2) If within fourteen days from the date of submitting such plans and specifications to the chairman, the chairman shall not have given any directions respecting the same, a second notice in writing of such intention as aforesaid may be given to the chairman.

(3) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, or in contravention of the legal orders of the chairman issued at any time before the expiration of the period of ten days from the date of such second notice, or otherwise than in accordance with this Ordinance or any by-laws made thereunder, the chairman may by notice require the building to be altered or demolished as he may deem necessary.

(4) The expression "erect any building" includes all additions or alterations which involve new foundations or increased super-construction on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

(5) any person dissatisfied with any order or decision of the chairman in respect of the matters in clauses (e) and (f) of sub-section (1) may appeal to the Governor, whose decision shall be final.

27 For section 199 of the principal Ordinance there shall be substituted the following section :

199 It shall not be lawful for any person to commence any such works as in the last preceding section are mentioned, or (in the case of any such works the progress whereof shall have been suspended for a period exceeding three months) to resume any such works until four days' written

Amendment of section 199.

Notice of intended works to be given.

notice of the intention to commence or resume the same has been given to the chairman at his office by the person by or for whom such works are intended to be commenced or resumed, and every such notice shall specify the material particulars of the said intended works. Any person commencing or resuming any works without having first given such notice as aforesaid to the chairman, or before the expiration of four days from the giving thereof, shall for every such default be liable, on conviction, to a penalty not exceeding fifty rupees.

Amendment of section 200.

28 For section 200 of the principal Ordinance there shall be substituted the following sections :

By-laws for regulation of building.

200 (1) The power hereinbefore given to the chairman to make by-laws for the regulation of buildings and building operations shall include the power to make by-laws in respect of all or any of the particulars mentioned in the last preceding section but one, and also the power to fix the fees to be paid by persons who submit plans and specifications under the provisions of the last mentioned section.

Penalty.

(2) If any person offends against any of the provisions of any by-law made under this section, the chairman may cause any erection made, or work executed, contrary to such provisions, to be taken down, and all expenses incurred thereby shall be borne and paid by the owner of the premises and shall be recoverable as hereinafter provided.

Amendment of section 201.

29 For section 201 of the principal Ordinance there shall be substituted the following sections :

Houses of stone, or brick and plank, or of posts and plank.

201 (1) It shall not be lawful to erect any houses or other buildings constructed of stone and plank, or of brick and plank combined, or of posts and plank, adjoining any house or other building, or within fifty feet of a street, without permission in writing from the chairman, who may grant it or not at his discretion.

Penalty.

(2) If any person offends against the provisions of this section, he shall be liable, on conviction, to a fine not exceeding one hundred rupees, and the chairman may cause such house or building to be taken down, and all expenses incurred thereby shall be borne and paid by the owner of such house, and shall be recoverable as hereinafter provided.

Amendment of section 246.

30 In section 246 of the principal Ordinance the words "or on any ship in the Colombo harbour" shall be inserted after the word "hospital."

Insertion of section 250 (a).

31 After section 250 of the principal Ordinance the following section shall be inserted, and numbered 250 (a), namely :

Chairman, with consent of standing committee may provide houses of isolation.

250 (a). It shall be lawful for the chairman, with the consent of the standing committee, to provide houses of isolation for the reception of persons suffering from any dangerous infectious disease, and to charge and levy fees for the use and occupation of such houses, and to make by-laws for the regulation of such houses, and for imposing, collecting, and recovering such fees.

CHAPTER II.

Supervision and Regulation of Dairies.

Duties of municipal council to keep a register of all dairymen and milk vendors.

32 It shall be the duty of the municipal council :

- (i.) To keep a register of the names and addresses of all dairymen and milk vendors selling or supplying milk to any person or persons resident within the municipality, and of all dairy premises and milk stores used from time to time by each of them for the production, deposit, or distribution of such milk.

- (ii.) To strike off such register the names and addresses of all persons who shall have ceased, or become disqualified as hereinafter provided, to carry on the business of dairymen or milk vendors.
- (iii.) To keep such register open at all reasonable times for inspection by the Principal Civil Medical Officer or any one of his officers, and to furnish any extracts from the same that he may require.
- (iv.) To cause to be inspected all such dairy premises and milk stores and the cattle, appliances, and utensils therein used for the production or distribution of milk, at the time prescribed in any regulations for the time being in force under this chapter, and to enter the date and result of every such inspection in the register.
- (v.) To furnish in the month of January of each year to the Principal Civil Medical Officer a report of the council's proceedings under this chapter in respect of the supervision and regulation of dairies during the preceding twelve months, in such form as may be prescribed by any regulation for the time being in force under this chapter.

Powers of chairman of the municipal council to enter dairy premises or milk stores.

33 The chairman of the municipal council shall have the following powers in addition to any other powers in this Ordinance conferred, viz. :

- (i.) To enter or authorize the entry at all reasonable times into or upon any dairy premises or milk store for the purpose of making any inspection by this chapter authorized; to take away samples of the milk there found, and of the water of any well or other source of water supply therein or thereon, for the purpose of examination or analysis only.
- (ii.) To require any dairyman or milk vendor, by notice in writing, to cleanse and maintain in a sanitary condition his dairy premises or milk store and any utensils therein used as aforesaid.
- (iii.) To require any dairyman or milk vendor, by notice in writing, to close any well or other source of water supply in or on his dairy premises or milk store, or used in connection therewith, which is so polluted or unwholesome as to be unfit for human consumption; and to wholly discontinue the use of the water thereof for any purpose whatsoever, for such period as the chairman shall direct, or to fill up the said well or source of water supply and keep the same so filled up.
- (iv.) To refuse or cancel the registration of any dairyman or milk vendor in respect of any dairy premises or milk store which is in an insanitary condition, or in which the provisions for lighting, ventilation, drainage, lavatory, and privy accommodation or water supply are not such as are necessary for health, or for the cleanliness of the appliances and utensils used therein, or for the protection of any milk therein against infection or contamination.

For the purposes of this section the term "the chairman of the municipal council" shall include the sanitary officer of the municipality.

Dairymen and others to apply for registration.

34 Every dairyman and milk vendor engaged in the sale or supply of milk to any person or persons in any municipality at the time of this Ordinance coming into force, shall within three months of such time, and every dairyman and milk vendor thereafter commencing to engage in such sale or supply, shall, before so commencing, apply to the municipal council to cause to be entered on the register for that municipality his name and place of residence, and the locality of every dairy premises and milk store used or to be used by him, and thenceforward from time to time any change of such residence, or discontinuance

by him to use any former, or commencement by him to use any other, dairy premises or milk store, and immediately upon such registration, and whilst the same continues in force, shall in some conspicuous place affix to and maintain in legible letters his name and the words "Registered Dairyman" or "Registered Milk Vendor," as the case may be, upon every dairy premises or milk store in respect of which he is so registered, and to and upon every cart or other vehicle used by him for the distribution of milk.

Unregistered persons forbidden to sell or supply milk.

35 It shall not be lawful for any person to sell or supply milk to any person or persons in any municipality if his name and place of residence, and every dairy premises and milk store used for the purpose of the production, deposit, or distribution of any such milk are not entered upon the register for that municipality: Provided that persons engaged in the sale or supply of milk in any municipality, at the time of this Ordinance coming into force, shall not be affected by the provisions of this section until after the lapse of three months from such time.

Infectious disease in dairy premises, &c., to be reported immediately.

36 On the appearance of any case of infectious disease in man or beast in any dairy premises or milk store, the householder or occupier, or if there be no such householder or occupier, the owner of such premises or store, and also the medical practitioner attending the case, shall immediately report, in writing, such case to the municipal council.

Dairyman to supply names and addresses of customers.

37 Whenever it shall appear to the chairman of the municipal council, or be certified to such chairman by any legally qualified medical practitioner, that the spread of infectious disease is in their opinion attributable to the milk supplied by any dairyman or milk vendor, the chairman may require such dairyman or milk vendor wholly to discontinue such supply, distribution, and sale of milk, and to furnish forthwith, upon demand, a full and complete list of the names and addresses of all his customers, and to give such assistance to discover the residence of all or any of them as the chairman making the inquiry may deem necessary; and every such dairyman or milk vendor shall, for the purposes of such inquiry only, be deemed to be within the municipality of the chairman making the inquiry, whether he is actually resident within the municipality or outside its limits.

Persons suffering from infectious diseases or having been recently exposed to infection not to take part in dairy operations.

38 No person following the trade of a dairy farmer, cow-keeper, dairyman, or purveyor of milk, or being the occupier of a milk store or milk shop, shall knowingly allow any person suffering from any infectious disease, or having recently been exposed to infection from a person so suffering, to milk cows or to handle vessels used for containing milk, or in any way to take part or to assist in the conduct of the trade or business of the dairy farmer, cow-keeper, dairyman, or purveyor of milk or occupier of any milk store or milk shop, as far as regards the production, distribution, or storage of milk, until he shall have shown to the satisfaction of the chairman of the municipal council that all danger of communication of infection to the milk, or of its contamination, has ceased.

Sale or supply of unwholesome milk forbidden.

39 It shall not be lawful for any person selling or supplying milk to any person or persons resident in any municipality to store, keep, or deposit any milk in any room used for sleeping or dwelling in, or in any other place or way calculated to render such milk unwholesome or injurious to health, or to sell or supply any milk which shall have been produced from any diseased animal, or which shall have been in any place or way exposed to infection from any person suffering from any infectious disease, or which shall have been upon or in any dairy premises or milk store from which the sale of milk has been directed to be discontinued on account of infectious disease as provided in section 37 of this Ordinance.

Penalties, &c.

40 Every person who shall wilfully disobey, or act in violation of, any of the provisions contained in either of the last six preceding sections, or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under section 33 of this Ordinance, or shall without lawful excuse neglect or disobey any requirement made under the provisions of sections 33 and 37 hereof, or shall neglect or refuse to obey any order or direction of the chairman of the municipal council or the sanitary officer of the municipality made under the said sections within the time limited in that behalf by such order or direction, shall for every such offence be liable, on conviction, to a penalty not exceeding two hundred rupees.

Governor to declare what are infectious diseases.

41 The Governor, with the advice of the Executive Council, on the recommendation of the Principal Civil Medical Officer, shall, as soon as practicable, after the passing of this Ordinance, declare what are infectious diseases for the purposes of this chapter, and may thereafter from time to time add to, alter, or amend such declaration as may seem necessary or advisable. And the Colonial Secretary shall forthwith furnish a copy of each such declaration, and of each such addition, alteration, or amendment to the municipal council.

Summary jurisdiction and appeal.

42 All information for offences against this chapter may be heard and determined, and all penalties under section 40 may be imposed by the municipal magistrate in a summary way on the complaint of any officer of the municipal council, provided that where the chairman is the municipal magistrate, the police magistrate, but not such municipal magistrate, shall have jurisdiction to adjudicate upon the hearing of such complaint. Provided always that any person aggrieved by any adjudication of such municipal, or police, magistrate may appeal therefrom to the Supreme Court. And such appeal shall be governed by the provisions regulating appeals contained in "The Criminal Procedure Code, 1883." Provided further that in all cases under the last preceding sections the fine shall be paid to the municipality wherein the offence is committed.

The Governor to have certain powers in all municipalities.

43 The Governor, with the advice of the Executive Council, shall have power to require the municipal council to proceed with the execution of any power conferred, or the performance of any duty imposed, by the last preceding sections, within the said municipality, and within the time limited by the Governor, with the like advice in that behalf; and in case such requirement shall, without lawful excuse, be neglected or disobeyed, it shall be lawful for the Governor to direct the agent of the province within which such municipality is situated to execute the said power or perform the said duty, and to recover in an action in any court of competent jurisdiction as a debt due to Her Majesty the expenses thereby incurred, together with the cost of such action against the municipal council so neglecting or disobeying.

Power to issue regulations.

44 It shall be lawful for the Governor, with the advice of the Executive Council, upon the recommendation of the Principal Civil Medical Officer, to issue from time to time regulations, subject to the provisions of this chapter, for the purpose of carrying the same into effect.

Interpretation.

45 The following expressions in inverted commas, when occurring in this chapter or any regulations thereunder, shall, for the purposes thereof, bear the meanings hereinafter respectively assigned to them, unless inconsistent with the context, viz.:

"Dairy premises."—Any building, shed, land, or place used for the stalling, grazing, feeding, or milking of cattle for the purpose of producing milk to be sold or supplied, or any building or place used for the purpose of depositing or storing milk when so produced.

“Milk store.”—Any building, shed, or stall used for the purpose of depositing, storing, or exposing milk for the purpose of selling or disposing thereof.

“Dairyman.”—The occupier of any dairy premises as hereinbefore defined, or any person engaged in the production of milk for sale or supply for profit to other persons.

“Milk vendor.”—The occupier of any milk store as hereinbefore defined, or any person engaged in the storage or distribution of milk for sale or supply to other persons.

“Register.”—The register of dairymen and milk vendors and of dairy premises and milk stores, kept under the authority of this chapter.

Provisions of chapter II. to extend to dairy premises situated outside municipal limits.

46 The provisions of this chapter shall apply to dairymen, milk vendors, dairy farmers, cow-keepers, and purveyors of milk, whether resident within or without the limits of the municipality, who may sell or supply milk to any person or persons resident within the municipality, and to dairy premises, milk stores, and milk shops, whether situated within or without the limits of the municipality, from which milk is sold or supplied to any person or persons resident within the limits of the municipality, and to the occupiers of such premises, stores, or shops.

CHAPTER III.

Supervision and Regulation of Laundries.

Duties of municipal council to keep a register of all laundrymen.

47 It shall be the duty of the municipal council :

- (1) To keep a register of the names and addresses of all laundrymen resident within the municipality, and of all laundry premises and laundry stores used from time to time by each of them for the washing, ironing, or deposit of clothes.
- (2) To strike off such register the names and addresses of all persons who shall have ceased, or become disqualified as hereinafter provided, to carry on the business of laundrymen.
- (3) To keep such register open at all reasonable times for inspection by the Principal Civil Medical Officer or any one of his officers, and to furnish any extracts therefrom that he may require.
- (4) To cause to be inspected all such laundry premises and laundry stores and the appliances and utensils therein used for the washing or ironing of clothes, at the time prescribed in any regulations for the time being in force under this chapter, and to enter the date and result of every such inspection in the register.
- (5) To furnish in the month of January of each year to the Principal Civil Medical Officer a report of the council's proceedings under this chapter in respect of the supervision and regulation of laundries during the preceding twelve months, in such form as may be prescribed by any regulation for the time being in force under this chapter.

Powers of chairman of the municipal council to enter laundry premises or laundry stores.

48 The chairman of the municipal council shall have the following powers in addition to any other powers in this chapter conferred, viz. :

- (1) To enter or authorize the entry at all reasonable times into or upon any laundry premises or laundry store for the purpose of making any inspection by this chapter authorized.

- (2) To require any laundryman, by notice in writing, to cleanse and maintain in a sanitary condition his laundry premises or laundry store, and any utensils therein used as aforesaid.
- (3) To require any laundryman, by notice in writing, to desist from using any well or other source of water supply in or on his laundry premises or laundry store, or used in connection therewith, which is polluted or unwholesome, and to wholly discontinue the use of the water thereof for any purpose whatsoever, for such period as the chairman shall direct, or to fill up the said well or source of water supply and keep the same so filled up.
- (4) To refuse or cancel the registration of any laundryman in respect of any laundry premises or laundry store which is in an insanitary condition, or in which the provisions for ventilation, drainage, lavatory, and privy accommodation or water supply are not such as are necessary for health or for the cleanliness of the appliances and utensils used therein, or for the protection of any clothes therein against infection or contamination.

For the purposes of this section the term "the chairman of the municipal council" shall include the sanitary officer of the municipality.

Laundrymen and others to apply for registration.

49 Every laundryman engaged in the washing of clothes for any person or persons in any municipality at the time of this Ordinance coming into force, shall, within three months of such time, and every laundryman thereafter commencing to engage in such washing shall before so commencing, apply to the municipal council to cause to be entered on the register for that municipality his name and place of residence and the locality of every laundry premises and laundry store used or to be used by him, and thenceforward from time to time any change of such residence, or discontinuance by him to use any former or commencement by him to use any other laundry premises or laundry store.

Unregistered persons forbidden to wash clothes.

50 It shall not be lawful for any person to wash clothes for any person or persons in any municipality if his name and place of residence and every laundry premises and laundry store used by him for the purpose of the washing, ironing, or deposit of any such clothes are not entered upon the register for that municipality: Provided that persons engaged in the washing of clothes in any municipality at the time of this Ordinance coming into force shall not be affected by the provisions of this section until after the lapse of three months from such time.

Infectious disease in laundry premises, &c., to be reported immediately.

51 On the appearance of any case of infectious disease in any person or persons in any laundry premises or laundry store, the householder or occupier, or if there be no such householder or occupier, the owner of such premises or store, and also the medical practitioner attending the case, shall immediately report in writing such case to the municipal council.

Laundryman to supply names and addresses of customers.

52 Whenever it shall appear to the chairman of the municipal council, or be certified to such chairman by any legally qualified medical practitioner, that the spread of infectious disease is in their opinion attributable to the clothes washed and distributed by any laundryman, the chairman may require such laundryman wholly to discontinue his business or trade for such time as the chairman shall direct, and to furnish forthwith upon demand a full and complete list of the names and addresses of all his customers, and to give such assistance to discover the residence of all or any of them as the chairman making the inquiry may deem necessary.

Persons suffering from infectious disease on having

53 No person following the business or trade of a laundryman, or being the occupier of a laundry premises or laundry store, shall knowingly allow any person suffering from any

been recently exposed to infection not to take part in laundry operations.

infectious disease, or having recently been exposed to infection from a person so suffering, to wash or handle clothes or the utensils used for washing the same, or in any way to take part or to assist in the conduct of the trade or business of the laundryman or occupier of any laundry premises or laundry store as far as regards the washing, ironing, distribution, or storage of clothes, until he shall have shown to the satisfaction of the chairman of the municipal council that all danger of communication of infection to, or of contamination of the clothes has ceased.

Laundry operations prohibited in places exposed to infection.

54 It shall not be lawful for any laundryman to wash, iron, store, keep, or deposit any clothes in any room in which there shall be clothes which shall have been in any place or way exposed to infection from any person suffering from any infectious disease, or which shall have been upon or in any laundry premises or laundry store in which the distribution of clothes has been directed to be discontinued, on account of infectious disease, as provided in section 52 of this Ordinance.

Penalties, &c.

55 Every person who shall wilfully disobey or act in violation of any of the provisions contained in either of the last six preceding sections, or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under section 48 of this Ordinance, or shall without lawful excuse neglect or disobey any requirement made under the provisions of sections 48 and 52 hereof, or shall neglect or refuse to obey any order or direction of the chairman of the municipal council, or the sanitary officer of the municipality made under the said section within the time limited in that behalf by such order or direction, or shall lend, hire, or use any article of clothing which he may receive for the purpose of being washed or ironed, shall be guilty of an offence, and be liable on conviction to a penalty not exceeding two hundred rupees.

Governor to declare what are infectious diseases.

56 The Governor, with the advice of the Executive Council, on the recommendation of the Principal Civil Medical Officer, shall, as soon as practicable after the passing of this Ordinance, declare what are infectious diseases for the purposes of this chapter, and may thereafter from time to time add to, alter, or amend such declaration, as may seem necessary or advisable. And the Colonial Secretary shall forthwith furnish a copy of each such declaration and of each such addition, alteration, or amendment to the municipal council.

Summary jurisdiction and appeals.

57 All offences against this chapter may be heard and determined, and all penalties under section 55 may be imposed, by the municipal magistrate in a summary way on the complaint of any officer of the municipal council; provided that where the chairman is the municipal magistrate, the police magistrate, but not such municipal magistrate, shall have jurisdiction to adjudicate upon the hearing of such complaint. Provided always that any person aggrieved by any adjudication of such municipal, or police, magistrate may appeal therefrom to the Supreme Court. And such appeal shall be governed by the provisions regulating appeals contained in "The Criminal Procedure Code, 1883." Provided further that in all cases under the last preceding section the fine shall be paid to the municipality wherein the offence is committed.

The Governor to have certain powers in all municipalities.

58 The Governor, with the advice of the Executive Council, shall have power to require the municipal council to proceed with the execution of any power conferred or the performance of any duty imposed by the last preceding sections within the said municipality, and within the time limited by the Governor, with the like advice in that behalf; and in case such requirement shall without lawful excuse be neglected or disobeyed, it shall be lawful for the Governor to direct the agent of the province in which such municipality is situated to execute the said power or perform the said duty, and to recover in an action in

any court of competent jurisdiction, as a debt due to Her Majesty, the expenses thereby incurred, together with the cost of such action against the municipal council so neglecting or disobeying.

Power to issue regulations.

59 It shall be lawful for the Governor, with the advice of the Executive Council, upon the recommendation of the chairman of the municipal council, to issue from time to time regulations, subject to the provisions of this chapter, for the purposes of carrying the same into effect.

Interpretation.

60 The following expressions in inverted commas when occurring in this chapter, or any regulations thereunder, shall, for the purposes thereof, bear the meanings hereinafter respectively assigned to them, unless inconsistent with the context, viz.:

“Laundry premises.”—Any building, shed, land, place, well or other source from which water is obtained, used for the purpose of carrying on the business or trade of washing or drying of clothes for any person or persons for hire, or any building or place used for the purpose of ironing, depositing, or storing clothes.

“Laundry store.”—Any building or shed used for the purpose of depositing, ironing, drying, or storing clothes.

“Laundryman.”—The occupier of any laundry premises as hereinbefore defined, or any person engaged in the washing, drying, ironing, depositing, or storing of clothes for other persons for hire.

“Register.”—The register of laundrymen, of laundry premises, and laundry stores kept under the authority of this chapter.

By His Excellency's command,

E. NOEL WALKER,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, August 5, 1895.

M I N U T E.

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

An Ordinance to extend the Jurisdiction of Courts of Requests and to amend the Procedure therein.

Preamble.	<p>WHEREAS it is expedient to extend the jurisdiction of courts of requests in this colony and to simplify the procedure therein in certain particulars, and for this purpose to amend "The Courts Ordinance, 1889," and the "The Civil Procedure Code, 1889": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:</p>
Commencement.	<p>1 This Ordinance shall come into operation on the day of _____, and may be cited for all purposes as "The Courts of Requests Amendment Ordinance, 189 ."</p>
Short title.	
Repeal.	<p>2 On and from the date on which this Ordinance comes into operation, such parts of "The Civil Procedure Code, 1889," as are mentioned in the third column of the schedule hereto shall be severally repealed to the extent mentioned therein, but such repeal shall not affect—</p>
Saving clause.	<p>(1) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; nor</p> <p>(2) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed.</p>
	<p>Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.</p>
Actions already pending to be continued under the provisions of Ordinance No. 2 of 1889. Power to the Governor to transfer pending cases.	<p>3 Every action, suit, or other matter instituted and pending in any court at the time of the coming into operation of this Ordinance, which under the provisions of this Ordinance would have been instituted in the court of requests, shall be continued to final judgment and execution as if this Ordinance had not passed. Provided that it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by notification in the <i>Government Gazette</i>, to make an order transferring to the court of requests the cases pending in any district court which, had this Ordinance been in operation at the date of the institution of such cases, would have been instituted in such court of requests, and the court to which such cases shall be transferred shall have jurisdiction to hear, try, and determine the same as if such cases had been originally instituted in such court under the provisions of this Ordinance.</p>
Section 77, of Courts Ordinance amended. Jurisdiction.	<p>4 For section 77 of "The Courts Ordinance, 1889," the following section shall be substituted:</p> <p>77 Every court of requests shall be a court of record and shall have original jurisdiction, and shall have cognizance of and full power to hear and determine all actions in which the debt, damage, or demand shall not exceed three hundred rupees, and in which the party or parties defendant shall be resident within the jurisdiction of such court, or in which the cause of action shall have arisen within such jurisdiction, and all hypothecary actions in which the amount claimed shall not exceed three hundred rupees, and the land hypothecated or any part thereof is situated within the jurisdiction of such court, and also all actions in which the title to, interest in, or right to the possession of, any land shall be in dispute, and all actions for the partition or sale of land, provided that the value of the land or the particular share, right, or interest in dispute or to be partitioned or sold shall not exceed three hundred rupees, and the same or any part thereof is situate within the jurisdiction of such court. Provided always</p>

that such court shall not have cognizance of any action for criminal conversation, or for seduction, or for breach of promise of marriage, or for separation *a mensâ et thoro*, or for divorce *a vinculo matrimonii*, or for declaration of nullity of marriage.

Sub-section (b) of section 809 of the Civil Procedure Code amended.

If the defendant denies the claim.

5 For sub-section (b) of section 809 of "The Civil Procedure Code, 1889," the following sub-section shall be substituted :

(b) If the defendant shall deny the claim, he shall be called upon to plead to the same forthwith, or within such time as the court on special cause shown, which cause shall be recorded by the commissioner, may allow ; and he shall state his defence orally to the commissioner as in section 73 provided, who shall enter the substance thereof by way of answer on a separate sheet of paper in the record upon a proper stamp being supplied by the defendant, or if the action is one in which the title to, interest in, or right to the possession of any land is in dispute, or for the partition or sale of any land, he shall deliver to the chief clerk an answer in writing duly stamped setting out concisely his defence. Such answer shall be signed by the defendant or his proctor or advocate, and shall be dated and forthwith filed of record by the chief clerk.

Section 823, Civil Procedure Code, amended. Proceedings on default of appearance of plaintiff.

On default of appearance of defendant.

Judgment by default may be opened up in certain cases.

If neither party appear action to be dismissed.

6 For section 823 of "The Civil Procedure Code, 1889," the following section shall be substituted :

823 (1) If upon the day specified in the summons or upon any day fixed for the hearing of the action the plaintiff shall not appear or sufficiently excuse his absence, the plaintiff's action may be dismissed. Provided that if the defendant when called upon under section 809 shall admit the claim of the plaintiff, the commissioner shall enter judgment for the plaintiff according to law.

(2) If upon the day specified in the summons or upon any day fixed for the hearing of the action the defendant shall not appear or sufficiently excuse his absence, the commissioner, upon due proof of service of the summons, notice, or order requiring such appearance, may enter judgment by default against the defendant. Provided, however, that in all hypothecary actions, and in all cases wherein the title to, interest in, or right to the possession of land shall be in dispute, and in any other cases in which the commissioner shall deem it necessary or expedient to hear evidence in support of the plaintiff's claim, he shall order him to adduce such evidence on any day to be fixed for that purpose ; and after hearing such evidence the commissioner shall give such judgment on the merits as justice shall require, and without reference to the default that has been committed.

(3) If the defendant shall within a reasonable time, after such judgment or order, by affidavit or otherwise, satisfy the commissioner that he was prevented from appearing in due time by accident or misfortune, or by not having received sufficient information of the proceedings, and that he did not absent himself for the purpose of avoiding service of the summons or notice, and that he has a good and valid defence on the merits of the case, then the commissioner may set aside such judgment or order and any proceedings had thereon, and may admit the defendant to proceed with his defence upon such terms as to costs and notice to the plaintiff as the commissioner may think fit.

(4) If upon the day specified on the summons or upon any day fixed for the hearing of the action neither party appears when the case is called on, the commissioner shall enter judgment dismissing the plaintiff's action, but without costs.

No appeal from judgment by default.

(5) No appeal shall lie against any judgment entered under this section for default of appearance, anything in "The Courts Ordinance, 1889," or in this Code contained to the contrary notwithstanding.

Sections 85 to 88 not to apply to courts of requests.

(6) Sections 85 to 88, both inclusive, shall not apply to courts of requests.

Appeals.

7 (1) After the coming into operation of this Ordinance there shall be no appeal from any final judgment, or any order having the effect of a final judgment, pronounced by the commissioner of any court of requests in any action for debt or damage, unless upon a matter of law, or upon the admission or rejection of evidence, or with the leave of the commissioner, anything in section 80 of "The Courts Ordinance, 1889," notwithstanding.

(2) In the event of the commissioner refusing to grant leave to appeal, it shall be lawful for the party aggrieved thereby, within seven days from the date of such refusal, to file in the court of requests a written petition to the Supreme Court for leave to appeal. Such petition shall be forthwith forwarded by the commissioner to the Supreme Court, together with all papers and proceedings of the case relevant to such refusal, and shall be disposed of *ex parte* by a judge of the Supreme Court in chambers. If upon hearing the application the judge shall allow the appeal, he shall issue an order to the commissioner to admit the appeal, upon such conditions and within such time as to the judge shall seem meet.

(3) Such petition shall not be liable to any stamp duty.

Transfer of cases.

8 It shall be lawful for the Governor from time to time, with the advice of the Executive Council, to make an order, by notification in the *Government Gazette*, transferring any cases instituted and pending before any commissioner to any other commissioner having concurrent jurisdiction, and the commissioner to whom such cases shall be transferred shall hear, try, and decide the same as if such cases had been originally instituted in his court.

SCHEDULE.

Sections, &c., of Ordinance No. 2 of 1889 repealed.

Ordinance.	Title.	Extent of Repeal.
No. 2 of 1889...	"The Civil Procedure Code, 1889"	The whole of section 810
Do. ...	do. do. ...	The words "and of section 810" in section 811
Do. ...	do. do. ...	The words "and not exceeding Rs. 100" wherever they occur in schedule III.

By His Excellency's command,

E. NOEL WALKER,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, August 12, 1895.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*Testamentary
Jurisdiction.
No. C/628.

In the Matter of the Estate, Goods and Chattels, and Rights and Credits of Packeer Tamby Kolenda Marickar, of No. 30, Grandpass road, Colombo, deceased.

THIS matter coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 11th day of July, 1895, in the presence of C. M. Brito, Proctor, on the part of the petitioner Mohamado Meera Natchiya *alias* Sivatha Umma, of No. 44, Grandpass road, Colombo; and the affidavit of the said Mohamado Meera Natchiya *alias* Sivatha Umma, dated 3rd July, 1895, having been read: It is ordered that the said Mohamado Meera Natchiya *alias* Sivatha Umma be, and she is hereby declared entitled to have letters of administration to the estate of Packeer Tamby Kolenda Marickar, deceased, issued to her, as widow of the said deceased, unless the respondents—1st, Umma Kannie Umma (widow of Segó Ahamado Salim); 2nd, Lathipha Umma, wife of M. B. Ahamado Lebbe; 3rd, Kadija Umma; 4th, Aiyisha; 5th, Aiyisath Umma; and 6th, Mohamado Saibo, all of No. 44, Grandpass road in Colombo—shall, on or before the 29th day of August, 1895, show cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 11th day of July, 1895.

In the District Court of Colombo.

*Order Nisi.*Testamentary
Jurisdiction.
No. C/630.

In the Matter of the Estate and Effects of Maamu Neina Pulle Marikar Cader Mohideen Saibo, of Old Moor street in Colombo, deceased.

THIS matter coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 11th day of July, 1895, in the presence of Charles Perera, Proctor, on the part of the petitioner Habiboo Natchia *alias* Zainambu Natchia, of Kuruwe street in Colombo; and the affidavit of the said Habiboo Natchia *alias* Zainambu Natchia, dated 11th July, 1895, having been read: It is ordered that the said Habiboo Natchia *alias* Zainambu Natchia be, and she is hereby declared entitled to have letters of administration to the estate of Maamu Neina Pulle Marikar Cader Mohideen Saibo, deceased, issued to her, as daughter of the said deceased, unless the respondents—(1) Muttu Natchia and her husband (2) Siema Lebbe Oduma Lebbe Markar, both of Silvesmith street, Colombo; (3) Cader Mohideen Saibo Wappu Marikar, of Messenger street; and (4) Tangatchy Umma, widow of the late Maiyi Noordeen, of Old Moor street, all of Colombo—shall, on or before the 22nd day of August, 1895, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 11th day of July, 1895.

In the District Court of Colombo.

*Order Nisi.*Testamentary
Jurisdiction.
No. C/636.

In the Matter of the Estate of Sinne Marikar Assen Lebbe, of No. 5, Mews street, Slave Island, Colombo.

THIS matter coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 25th day of July, 1895, in the presence of P. D. & T. D. Mack, Proctors, on the part of the petitioner Assen Lebbe Ibrahim Lebbe, of No. 5, Mews street, Slave Island, Colombo; and the affidavit of the said Assen Lebbe Ibrahim Lebbe, dated 18th July, 1895, having been read: It is ordered that the said Assen Lebbe Ibrahim Lebbe be and he is hereby declared entitled to have letters of administration to the estate of Sinne

Marikar Assen Lebbe, deceased, issued to him, as son of the said deceased, unless the respondents—1, Uduma Lebbe Marikar, of 2nd Division, Maradana, Colombo, husband of Muttu Natchia, deceased's daughter; 2, Siema Lebbe, of 2nd Division, Maradana, child of Uduma Marikar and Muttu Natchia; 3, Assa Umma, daughter of the deceased, and her husband 4, Hadjie Markar Collende Markar, both of No. 4, Kollupitiya, Colombo; 5, Mariambo Natchia, of No. 5, Slave Island, daughter of the deceased; 6, Assen Lebbe Ismail Lebbe, of No. 5, Slave Island; 7, Samsie Lebbe Omerdeen, of No. 4E, Kollupitiya, Colombo, husband of Saribo Umma, deceased's daughter; and 8, Mohamado Sareef, also of No. 4E, Kollupitiya, child of Samsie Lebbe Omerdeen and Saribo Umma—shall, on or before the 29th day of August, 1895, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 25th day of July, 1895.

In the District Court of Colombo.

Testamentary
Jurisdiction.
No. C/638.In the Matter of the Estate, Goods and Chattels, Rights and Credits of Bavo Khan Segó Ossen Baiy *alias* Shaik Hussen Baiy, of Glenie street, Slave Island, Colombo, deceased.

THIS action coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 25th day of July, 1895, in the presence of F. A. Tisseveerasinghe, Proctor, on the part of the petitioner Bavo Khan Segó Mohideen, of No. 51, Ferry street in Colombo; and the affidavit of the said Bavo Khan Segó Mohidin, dated 17th July, 1895, and of Periwappu Sinepulle, dated 16th July, 1895, having been read: It is ordered that the said Bavo Khan Segó Mohidin be and he is hereby declared entitled to have letters of administration to the estate of Bavo Khan Segó Ossen Baiy *alias* Shaik Hussen Baiy, deceased, issued to him, as brother and next of kin to the said deceased, unless the respondents—1, Senthú Beebee, of 21, Glenie street, Slave Island in Colombo; 2, Pathu Umma; and 3, Ava Umma, both of Trichnopoly in Southern India—shall, on or before the 22nd day of August, 1895, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 25th day of July, 1895.

In the District Court of Negombo.

Order Nisi.

No. 165. In the Matter of the Goods and Chattels of Arthenayake Mudiánseláge Roso Hamine of Wellihinde, deceased.

THIS matter coming on for disposal before G. C. Roosmalecoco, Esq., District Judge of Negombo, on the 10th day of May, 1895, in the presence of Mr. Willenburg, Proctor, on the part of the petitioner Seneratdassanaiké Arnolis Perera Appuhamy, of Wellihinde; and the affidavit of the said Seneratdassanaiké Arnolis Perera Appuhamy, dated the 27th day of March, 1895, having been read: It is ordered that the said Seneratdassanaiké Arnolis Perera Appuhamy, as the son-in-law of the deceased Arthenayake Mudiánseláge Roso Hamine, of Wellihinde, is entitled to have letters of administration to the estate of the said Arthenayake Mudiánseláge Roso Hamine, of Wellihinde, issued to him, unless any person shall, on or before the 27th day of June, 1895, show sufficient cause to the satisfaction of the court to the contrary.

G. C. ROOSMALECOCO,
District Judge.

May 10, 1895.

29th June.

The above *Order Nisi* is extended to 22nd August, 1895.G. C. ROOSMALECOCO,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary } In the Matter of the Goods and
Jurisdiction } Chattels of George de Vos, late of
No. 182. } Negombo, deceased.

Maria Agnes de Vos, of Negombo Petitioner.

And

1, Josephine Grace de Vos; 2, Robert Vincent de Vos; Sarah Gertrude de Vos, all of Negombo..... Respondents.

THIS matter coming on for disposal before G. C. Roosmalecocq, Esq., District Judge of Negombo, on the 6th day of August, 1895, in the presence of Mr. F. J. Beling, Proctor, on the part of the petitioner Maria Agnes de Vos, of Negombo; and the affidavit of the said Maria Agnes de Vos, dated 26th day of July, 1895, having been read: It is ordered that the said Maria Agnes de Vos be and she is hereby declared entitled to have letters of administration to the estate of George de Vos, deceased, unless the respondents above-named shall, on or before the 5th day of September, 1895, show sufficient cause to the satisfaction of this court to the contrary.

G. C. ROOSMALECOQ,
District Judge.

Dated 6th day of August, 1895.

In the District Court of Galle.

Testamentary } In the Matter of the Estate of the late
Jurisdiction } Isabella Piguradu, widow of Juwan
No. 3,098. } Nagappa, deceased, of Kaluwella.

THIS matter coming on for disposal before H. L. Moysey, Esq., District Judge of Galle, on the 17th day of July, 1895, in the presence of Mr. H. Dias, Proctor, on the part of the petitioner George Nagappa, of Kaluwella; and the affidavit of the said George Nagappa, of Kaluwella, dated 9th day of July, 1895, having been read: It is declared that the said petitioner, George Nagappa, of Kaluwella, is the nephew of the said deceased Isabella Piguradu, and that as such he is entitled to have letters of administration of the estate of the said deceased issued to him, unless the respondents—(1) Martha Nagappa; (2) Pangu Piguradu; (3) Rosa Nagappa, wife of Z. A. Alles; (4) Wilfred Piguradu; (5) Lucia Piguradu; (6) Justina Piguradu, wife of Witanada Hettige Francis, all of Kaluwella—shall, on or before the 21st day of August, 1895, show sufficient cause to the satisfaction of this court to the contrary.

H. L. MOYSEY,
District Judge.

The 17th day of July, 1895.

In the District Court of Galle.

Order Nisi.

Testamentary } In the Matter of the Last Will and
Jurisdiction. } Testament of Wijewikrame Don
No. 3,097. } Louis de Silva, Pattu Aratchy,
deceased, of Gonapinuwala.

THIS matter coming on for disposal before H. L. Moysey, Esq., District Judge of Galle, on the 16th day of July, 1895, in the presence of Mr. J. W. L. Keegel, Proctor, on the part of the petitioner Manawaduge Tiselhamy, of Gonapinuwala; and the affidavit of the said Manawaduge Tiselhamy, of Gonapinuwala, dated 4th July, 1895, having been read:

It is ordered that the will of Wijewikrame Don Louis de Silva, Pattu Aratchy, deceased, dated 5th May, 1892, now filed in the above case, be and the same is hereby declared proved.

It is further declared that the said Manawaduge Tiselhamy, of Gonapinuwala is the executrix named in the will, and that she is as such entitled to have probate of the same issued to her accordingly, unless the respondents—1, Wijewikrame Sinno Appu; 2, Wijewikrame Davit Appu; 3, Wijewikrame Deneshamy; 4, Wijewikrame Babahamy; 5, Wijewikrame Anagihamy; 6, Wijewikrame Tyadoris; 7, Wijewikrame Ralehamy; 8, Wijewikrame Podihamy; 9, Wijewikrame Carolis, all of Gonapinuwala—shall, on or before the 29th day of August, 1895, show sufficient cause to the satisfaction of this court to the contrary.

H. L. MOYSEY,
District Judge.

The 16th day of July, 1895.

In the District Court of Kurunegala.

Order Nisi.

Testamentary } In the Matter of the Estate of the late
Jurisdiction. } Samarakon Mudienselage Menik-
No. 524. } hami, deceased, of Kalalpitiya.

Alawwe Herat Mudienselage Dingiri Appuhamy,
Gan-arachchi of Kalalpitiya..... Petitioner.

And

1, Samarakon Mudienselage Appuhamy *alias* Mudiense; 2, Samarakon Mudienselage Banda, of Kalalpitiya in Dambadeniya, Udu-kaha korale East..... Respondents.

THIS matter coming on for disposal before John Davenport Mason, Esq., Acting District Judge, on the 24th day of July, 1895, in the presence of Mr. Modder, on the part of the petitioner; and the affidavit of Alawwe Herat Mudienselage Dingiri Appuhamy, Gan-arachchi, dated the 10th day of July, 1895, having been read: It is ordered that the said Herat Mudienselage Dingiri Appuhamy, Gan-arachchi, as son-in-law of the deceased Menikhamy, is entitled to have letters of administration of the estate of the said Samarakon Mudienselage Menikhamy, unless the respondents shall, on or before the 28th day of August, 1895, show sufficient cause to the satisfaction of this court to the contrary.

J. D. MASON,
Acting District Judge.

The 24th day of July, 1895.

NOTICES OF FISCALS' SALES.

Province of Sabaragamuwa.

In the District Court of Colombo.

Martin Perera *alias* K. M. Perera, of
Colombo.....Plaintiff.
No. C/4,752. Vs.

Kamburapallage Podi Sinno, of Maniyan-
gama in Panawal korale, in the District
of Kégalla.....Defendant.

NOTICE is hereby given that on Saturday, September
14, 1895, at 11 o'clock in the forenoon, will be
sold by public auction at the premises the right, title,
and interest of the said defendant in the following
property, viz.:-

The lease of the produce of the following garden for
six years :-

The garden called Bandarawatta *alias* Narangaswatta,
in extent about 3 amunams on the whole, situated at
Maniyangama in Panawal korale of Kégalla District; and
bounded or reputed to be bounded on the east by Riti-
gaha-oya and ditch, on the south by the ditch, on the
west by Getaheti ela and ditch, and on the north by
Hitawaka-ganga. Writ issued to recover the sum of
Rs. 468, with further interest on Rs. 400 at 12 per cent.
per annum from October 5, 1893, and Rs. 95.05 for
costs of suit.

T. F. ABAYAKOON,
Deputy Fiscal.

Deputy Fiscal's Office,
Kegalla, August 12, 1895.

In the Court of Requests of Ratnapura.

1, Coo marasami Periyé Cangany; 2, Muttusamy; 3, Ramen; 4, Tailai; 5, Allegre; 6, Sinne
Amma; 7, Ponnamma; 8, Welachi; 9, Savarimuttu Cangany; 10, Carropen; 11, Maria
Amma; 12, Welleamma; 13, Supamma; 14, Menachi; 15, Moorgen; 16, Katan, of
Rakwana.....Plaintiffs
No. 2,316. Vs.

The Proprietor of Aberfoyle Estate, Rakwana.....Defendant.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Ratnapura, by the said
labourers of Aberfoyle Estate, against the Proprietor thereof, under the Ordinance No. 13 of 1889, for the
recovery of their wages amounting to about Rs. 120.

Ratnapura, August 6, 1895.

M. P. DE ALWIS,
Chief Clerk.