



Ceylon Government Gazette

EXTRAORDINARY.

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Part I. — General.

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

PROCLAMATIONS BY THE GOVERNOR.

IN the Name of His Majesty GEORGE THE FIFTH, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

PROCLAMATION.

By His Excellency Sir WILLIAM HENRY MANNING, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

W. H. MANNING.

WHEREAS by the 5th section of "The Prisons Ordinance, No. 16 of 1877," as amended by section 1 of Ordinance No. 24 of 1890, it is enacted that it shall be lawful for the Governor, with the advice of the Executive Council, to establish any prison for this Island or for any part thereof :

And whereas it is expedient to establish a prison at Matara :

Now know Ye that We, the Governor, with the advice of the Executive Council, in exercise of the powers vested in Us aforesaid, do by this Our Proclamation establish the lock-up at Matara as a prison at Matara aforesaid, for the reception of prisoners of every description committed or remanded under the authority of the several courts of the Island for the period of the Matara Sessions of the Supreme Court of the Island of Ceylon, which begin on Tuesday, May 20, 1924.

Given at Colombo, in the said Island of Ceylon, this Sixteenth day of May, in the year of our Lord One thousand Nine hundred and Twenty-four.

GOD SAVE THE KING.

By His Excellency's command,

CECIL CLEMENTI,
Colonial Secretary.

IN the Name of His Majesty GEORGE THE FIFTH, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

PROCLAMATION.

By His Excellency Sir WILLIAM HENRY MANNING, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

W. H. MANNING.

WHEREAS by Order dated the Nineteenth day of December, 1923, His Majesty the King, by and with the advice of His Privy Council, has been pleased to make provision for the constitution of a Legislative Council in and for the Island of Ceylon, with the territories and dependencies thereof :

And whereas the aforesaid Order in Council is published in *Government Gazette Extraordinary* dated February 16, 1924 :

And whereas by Order dated the Twenty-first day of March, 1924, His Majesty, by and with the advice of His Privy Council, has been pleased to make certain amendments in the aforesaid Order dated the Nineteenth day of December, 1923 :

And whereas it is provided in the said last mentioned Order that such Order shall be published in the *Government Gazette*, and shall come into operation on the date of such publication.

Now know Ye that We, the Governor, do hereby publish the aforesaid Order in Council dated the Twenty-first day of March, 1924, in the Schedule hereto.

Given under Our hand at Colombo, this Seventeenth day of May, in the year of our Lord One thousand Nine hundred and Twenty-four.

By His Excellency's command,

CECIL CLEMENTI,
Colonial Secretary.

GOD SAVE THE KING.

SCHEDULE.

At the Court at Buckingham Palace, the 21st day of March, 1924.

Present :

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
LORD CHAMBERLAIN.

MR. SECRETARY HENDERSON.
MR. CHANCELLOR OF THE DUCHY OF LANCASTER.

WHEREAS by an Order in Council bearing date the 19th day of December, 1923, and known as the Ceylon (Legislative Council) Order in Council, 1923, provision was made for the constitution of a Legislative Council in and for the Island of Ceylon :

And whereas His Majesty reserved to Himself, His Heirs, and Successors, power, with the advice of His or their Privy Council, to revoke, alter, or amend the said Order in Council as to Him or them should seem fit :

And whereas it is expedient to amend the said Order in Council as hereinafter is set forth :

Now, therefore, it is hereby ordered by His Majesty, by and with the advice of His Privy Council, as follows :—

I.—This Order may be cited as "The Ceylon (Legislative Council) Amendment Order in Council, 1924." It shall be published in the *Ceylon Government Gazette* and shall come into operation on the date of such publication.

II.—The Article, Clauses, and Sub-heads of Clauses of the Ceylon (Legislative Council) Order in Council, 1923, set forth in the Schedule to this Order are hereby revoked as from the date of the coming into operation of this Order, but without prejudice to anything lawfully done thereunder, and from and after such date the said Ceylon (Legislative Council) Order in Council, 1923, shall be read and construed as if the following Article, Clauses, and Sub-heads of Clauses had been inserted therein in place of the said Article, Clauses, and Sub-heads of Clauses :—

III.—(1) (ii.) Persons in the employment of Municipal Councils, District Councils, the Board of Improvement of Nuwara Eliya, Local Boards, Sanitary Boards, and Boards of Health, Provincial and District Committees, and Village Committees ;

XV.—(1) (9) (c) (i.) 500 rupees if situated within the limits of any Municipal, Local Board, or Sanitary Board town, or of any Urban District Council, or of the Board of Improvement of Nuwara Eliya ; and

XIX.—(3) The Colombo District shall include the Colombo Revenue District, other than the town of Colombo and the Negombo District ; and the Negombo District shall include Hapitigam korale, the administrative limits of the Local Board of Minuwangoda and of the Urban District Council of Negombo, Alutkuru korale north, Alutkuru korale south, and Siyane korale west.

XXVI.—(1) (h) (iii.) (a) Rs. 400 if situated within the limits of any Municipal, Local Board, or Sanitary Board town, or of any Urban District Council, or of the Board of Improvement of Nuwara Eliya ;

XXVII.—In the case of qualifying property possessed or occupied jointly by two or more persons, each such person not being a usufructuary mortgagee shall be qualified to have his name entered on the register of voters, provided the number of persons does not exceed the number obtained by dividing the annual value of such property by four hundred if it is situated within the limits of any Municipal, Local Board or Sanitary Board town, or of any Urban District Council, or of the Board of Improvement of Nuwara Eliya, and by two hundred if situated elsewhere.

LIV.—(2) In any such case only the votes of the *ex officio* Members and Nominated Official Members shall be taken into consideration, and any such Bill, clause, amendment, resolution, or vote shall be deemed to have been passed by the Council if a majority of the votes of such *ex officio* Members and Nominated Official Members are recorded in favour of any such Bill, clause, amendment, resolution, or vote.

III.—His Majesty hereby reserves to himself, His Heirs, and Successors, power, with the advice of His or their Privy Council, to revoke, alter, or amend this Order as to Him or them shall seem fit.

M. P. A. HANKEY.

Schedule.

Sub-head (ii.) of Clause (1) of Article III.
Sub-head (9) (c) (i.) of Clause (1) of Article XV.
Clause (3) of Article XIX.

Sub-head (h) (iii.) (a) of Clause (1) of Article XXVI.
Article XXVII.
Clause (2) of Article LIV.

In the Name of His Majesty GEORGE THE FIFTH, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

PROCLAMATION.

By His Excellency Sir WILLIAM HENRY MANNING, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

W. H. MANNING.

WHEREAS by a Proclamation dated March, 1915, and published in *Government Gazette* No. 6,701 of March 5, 1915, the northern boundary of Matale East division between Kalu-ganga wasama of Matale East and Sirigiriya wasama of Matale North was altered and re-defined for revenue and administrative purposes, as set out in the said Proclamation :

And whereas it is expedient further to alter and re-define the said northern boundary :

Now know Ye that We, the Governor of Ceylon, do hereby proclaim and appoint that from and after the date hereof the boundary between Matale North and Matale East divisions shall be as follows :—

A straight line drawn east from the trigonometrical survey mark called Wewala to the trigonometrical survey mark called Mahaiyawa, so that the Kondurawa village, tank, and fields be included in Matale North.

Given at Colombo, in the said Island of Ceylon, this Seventeenth day of May, in the year of our Lord One thousand Nine hundred and Twenty-four.

By His Excellency's command,

GOD SAVE THE KING.

CECIL CLEMENTI,
Colonial Secretary.

In the Name of His Majesty GEORGE THE FIFTH, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

PROCLAMATION.

By His Excellency Sir WILLIAM HENRY MANNING, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

W. H. MANNING.

WHEREAS it is expedient to alter and re-define for revenue and administrative purposes the existing boundary between Inamaluwa korale and Wagapanaha Pallesiya pattu in Matale North division, in the District of Matale of the Central Province :

Now know Ye that We, the Governor of Ceylon, do hereby proclaim and appoint that from and after the date hereof the boundary between Inamaluwa korale and Wagapanaha Pallesiya pattu shall be as follows :—

A straight line drawn due north from the trigonometrical survey mark called Kiriwelhena to a distance of about $\frac{3}{4}$ mile, thence north-east to trigonometrical survey mark called Diyakepilla, thence in an easterly direction to a point at the northern extremity of Peikkulam tank bund, and thence a straight line to the south-east, cutting the Radavage-oya at a point about $\frac{1}{4}$ of mile east of Peikkulam tank, to the existing pattu boundary, so that the village Makiriyawala or Makarayawela be included in Wagapanaha Pallesiya pattu and Kumbukkandanwala wasama.

Given at Colombo, in the said Island of Ceylon, this Seventeenth day of May, in the year of our Lord One thousand Nine hundred and Twenty-four.

By His Excellency's command,

GOD SAVE THE KING.

CECIL CLEMENTI,
Colonial Secretary.

IN the Name of His Majesty GEORGE THE FIFTH, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

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By His Excellency Sir WILLIAM HENRY MANNING, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

W. H. MANNING.

KNOW Ye that We, the Governor of Ceylon, by virtue of the powers in Us vested by section 55 of "The Courts Ordinance, No. 1 of 1889," have been pleased to appoint that the District Court, Negombo, shall be holden at the Deputy Fiscal's Office, Negombo, from May 21, 1924, until such time as the ordinary court-house cease to be used by the Supreme Court.

Given at Colombo, in the said Island of Ceylon, this Seventeenth day of May, in the year of our Lord One thousand Nine hundred and Twenty-four.

By His Excellency's command,

GOD SAVE THE KING.

CECIL CLEMENTI,
Colonial Secretary.

GOVERNMENT NOTIFICATION.

"THE CEYLON (LEGISLATIVE COUNCIL) ORDER IN COUNCIL, 1923."

Rules made by the Governor in Executive Council under the Provisions of Article XXXVII. of "The Ceylon (Legislative Council) Order in Council, 1923," regulating the Practice and Procedure to be observed on Election Petitions.

Citation.

1. THESE rules may be cited as "The Election (Legislative Council) Petition Rules, 1924."

Interpretation.

2. In these rules, unless the context otherwise requires—

"The Order" means "The Ceylon (Legislative Council) Order in Council, 1923";

"Court" means the Judge of the Supreme Court appointed by the Chief Justice to preside at the trial of an election petition under the provisions of Article XXXVII. of the Order;

"Judge" means a Judge of the Supreme Court;

"Registrar" means the Registrar of the Supreme Court.

Manner of presentation of petition.

3. (1) The presentation of an election petition shall be made by delivering it at the Office of the Registrar, and such Registrar or the officer of his department to whom the petition is delivered shall, if required, give a receipt in the following form:—

Received on the _____ day of _____, 19____, at the Registry of the Supreme Court, a petition touching the election of A. B., a member for _____, purporting to be signed by _____ (insert the names of petitioners).

C. D.,
Registrar
(or as the case may be)

(2) With the petition two copies thereof shall also be left.

Contents and form of election petition.

4. (1) An election petition shall contain the following statements:—

- (a) It shall state the right of the petitioner to petition within Article XXXVII. (i.) of the Order.
- (b) It shall state the holding and result of the election, and shall briefly state the facts and grounds relied on to sustain the prayer.

(2) The petition shall be divided into paragraphs, each of which, as nearly as may be, shall be confined to a distinct portion of the subject, and every paragraph shall be numbered consecutively, and no costs shall be allowed of drawing or copying any petition not substantially in compliance with this rule, unless otherwise ordered by the Court or a Judge.

(3) The petition shall conclude with a prayer as, for instance, that some specified person should be declared duly returned or elected, or that the election should be declared void, or as the case may be, and shall be signed by all the petitioners.

(4) The following form, or one to the like effect, shall be sufficient:—

IN THE SUPREME COURT OF CEYLON.

“THE CEYLON (LEGISLATIVE COUNCIL) ORDER IN COUNCIL, 1923.”

Election for _____ (state the Constituency) holden on the _____ day of _____, 19____.
The petition of A., of _____ (or of A., of _____, and B., of _____, as the case may be), whose names are subscribed.

1. Your petitioner A. is a person who voted (or had a right to vote, as the case may be), at the above election (or claims to have had a right to be returned at the above election, or was a candidate at the above election); and your petitioner B. (here state in like manner the right of each petitioner).

2. And your petitioners state that the election was holden on the _____ day of _____, 19____, when A. B.; C. D., and E. F. were candidates, and the Returning Officer has returned A. B. as being duly elected.

3. And your petitioners say that (here state the facts and grounds on which the petitioners rely).

Wherefore your petitioners pray that it might be determined that the said A. B. was not duly elected or returned, and that the election was void (or that the said E. F. was duly elected and ought to have been returned, or as the case may be).

(Signed) A.

B.

5. Evidence need not be stated in the petition, but the Court or a Judge may, upon application in writing by a respondent, order such particulars as may be necessary to prevent surprise and unnecessary expense, and to ensure a fair and effectual trial upon such terms as to costs and otherwise as may be ordered.

Evidence not to be stated in petition. Particulars.

6. Where more petitions than one are presented relating to the same election or return, all such petitions shall be dealt with as one petition, so far as the inquiry into the same is concerned.

Where more than one petition are presented in relation to same election.

7. When a petitioner claims the seat for an unsuccessful candidate, alleging that he had a majority of lawful votes, the party complaining of or defending the election or return shall, six days before the day appointed for trial, deliver to the Registrar, and also at the address, if any, given by the petitioners and respondent, as the case may be, a list of the votes intended to be objected to, and of the heads of objection to each such vote, and the Registrar shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given against the validity of any vote, nor upon any head of objection not specified in the list, except by leave of the Court or a Judge, upon such terms as to amendment of the list, postponement of the inquiry, and payment of costs, as may be ordered.

List of votes objected to where seat claimed by unsuccessful candidate.

8. The respondent in a petition complaining of an undue return and claiming the seat for some person may lead evidence to prove that the election of such person was undue, and in such case such respondent shall, six days before the day appointed for trial, deliver to the Registrar, and also at the address, if any, given by the petitioner, a list of the objections to the election upon which he intends to rely, and the Registrar shall allow inspection and office copies of such lists to all parties concerned; and no evidence shall be given by a respondent of any objection to the election not specified in the list, except by leave of the Court or a Judge, upon such terms as to amendments of the list, postponement of the inquiry, and payment of costs, as may be ordered.

List of objections in recriminatory case.

9. With the petition the petitioner or petitioners shall leave at the office of the Registrar a writing, signed by him or them, giving the name of some person entitled to practise as a proctor of the Supreme Court whom he or they authorize to act as his or their agent or stating that he or they act for himself or themselves, as the case may be, and in either case giving an address within the city of Colombo at which notices may be left; and if no such writing be left or address given, then notice of objection to the recognizance and all other notices may be given by leaving the same at the office of the Registrar.

Appointment of agent by petitioner.

Appointment of agent by respondent.

10. Any person returned as a member may at any time, after he is returned, send or leave at the office of the Registrar a writing, signed by him on his behalf, appointing a person entitled to practise as a proctor of the Supreme Court to act as his agent in case there should be a petition against him, or stating that he intends to act for himself, and in either case giving an address within the city of Colombo at which notices addressed to him may be left, and if no such writing be left or address given, all notices and proceedings may be given or served by leaving the same at the office of the Registrar.

Registrar to keep books with addresses and names of agents.

11. The Registrar shall cause to be kept a book at his office in which shall be entered all addresses and the names of agents given under either of the two last preceding rules, which book shall be open to inspection by any person during office hours.

Security by petitioner for costs, &c., of election petition.

12. (1) At the time of the presentation of the petition, or within three days afterwards, security for the payment of all costs, charges, and expenses that may become payable by the petitioner shall be given on behalf of the petitioner.

(2) The security shall be to an amount of five thousand rupees, and shall be given either by recognizance in the form in rule 16 set forth, with two sureties, or by a deposit of money, or partly in one way and partly in the other.

(3) If security as in this rule provided is not given by the petitioner, no further proceedings shall be had on the petition, and the respondent may apply to a Judge for an order directing the dismissal of the petition and for the payment of the respondent's costs.

Security by deposit of money.

13. (1) The deposit of money by way of security for payment of costs, charges, and expenses payable by the petitioner shall be made by payment to the Colonial Treasurer, which shall be vested in and drawn upon from time to time by the Chief Justice for the purposes for which security is required by these rules. A receipt shall be given by the Colonial Treasurer for the same, which shall forthwith be left at the office of the Registrar by the petitioner.

(2) The Registrar shall file such receipt and keep a book open to the inspection of all parties concerned, in which shall be entered from time to time the amount and the petition to which it is applicable.

Return of money so deposited.

14. (1) Money so deposited shall, if and when the same is no longer needed for securing payment of such costs, charges, and expenses, be returned or otherwise disposed of as justice may require by order of the Chief Justice.

(2) Such order may be made after such notice of intention to apply and proof that all just claims have been satisfied or otherwise sufficiently provided for as the Chief Justice may require.

(3) Such order may direct payment either to the party in whose name the same is deposited or to any person entitled to receive the same.

Acknowledgment of recognizance.

15. A recognizance as security for costs may be acknowledged before the Registrar or before a justice of the peace.

There may be one recognizance acknowledged by both the sureties, or separate recognizances each acknowledged by one surety, as may be convenient.

Form of recognizance.

16. The recognizance shall contain the name and usual place of abode of each surety, with such sufficient description as shall enable him to be found or ascertained, and may be as follows:—

Be it remembered that on the _____ day of _____, in the year of our Lord One thousand Nine hundred and _____, before me _____ came _____ of _____ and _____ of _____ and acknowledged themselves jointly and severally to owe to Our Sovereign Lord the King the sum of Rupees _____ to be levied of their property, movable and immovable, to the use of our said Lord the King, His Heirs and Successors.

The condition of this recognizance is that if the said _____ or any of them shall well and truly pay all costs, charges, and expenses in respect of the Election Petition signed by the said _____ relating to the _____ Electorate, which shall become payable by the said _____ under the rules made by the Governor in Executive Council under the provisions of Article XXXVII. of "The Ceylon (Legislative Council) Order in Council, 1923," dated the _____ day of _____, 1924, and published in the *Ceylon Government Gazette* of _____, to any person or persons, then this recognizance to be void; otherwise to stand in full force.

(Signed) _____

Taken and acknowledged by the above named on the _____ day of _____, 19____, at _____, before me:

Justice of the Peace.

Deposit of recognizance at Registrar's office.

17. The recognizance or recognizances shall be left at the office of the Registrar by or on behalf of the petitioner in like manner as before prescribed for the leaving of a petition forthwith after being acknowledged.

Notice of petition, nature of security, and copy of petition to be served on respondent.

18. Notice of the presentation of a petition, and of the nature of the proposed security, accompanied by a copy of the petition, shall, within ten days of the presentation of the petition, be served by the petitioner on the respondent. Such service may be effected either by delivering it to the agent of the respondent or by posting it in a registered letter to the address given

under rule 10 at such time that, in the ordinary course of post, it would be delivered within the time above mentioned, or if no agent has been appointed, nor such address given, by a notice published in the *Government Gazette* stating that such petition has been presented, and that a copy of the same may be obtained by the respondent on application at the office of the Registrar.

19. It shall be lawful for the respondent, where the security is given wholly or partially by recognizance, within five days from the date of service of the notice of the petition and of the nature of the security, to object in writing to any such recognizance, on the ground that the sureties, or either of them, are insufficient, or that a surety is dead, or that he cannot be found or ascertained from the want of a sufficient description in the recognizance, or that a person named in the recognizance has not duly acknowledged the same.

Objection by respondent to a recognizance.

20. Any objection made to the security shall be heard and decided by a Judge; and such hearing or decision may be either on affidavit or personal examination of witnesses, as the Judge may think fit.

Hearing of objection.

21. If an objection to the security is allowed, it shall be lawful for the petitioner within five days to remove such objection by a deposit in the manner provided in rule 13 of such sum of money as may be deemed by the Judge to make the security sufficient.

Removal of objection by deposit of money.

22. If on objection made the security is decided to be insufficient, and such objection is not removed in manner in rule 21 mentioned, no further proceedings shall be had on the petition; and the respondent may apply to a Judge for an order directing the dismissal of the petition and for the payment of the respondent's costs.

Where objection not removed.

23. The costs of hearing and deciding the objections made to the security given shall be paid as ordered by the Judge, and in default of such order shall form part of the general costs of the petition.

Costs of hearing objections.

24. On the expiration of the time limited for making objections or, after objection made, on the sufficiency of the security being established, the petition shall be deemed to be at issue.

When petition to be deemed at issue.

25. The Registrar shall make out the election petition list. In it he shall insert the name of the agents of the petitioners and respondent, and the addresses to which notices may be sent, if any. The list may be inspected at the office of the Registrar at any time during office hours, and shall be put up for that purpose upon a notice board appropriated to proceedings under the Order, and headed "The Ceylon (Legislative Council) Order in Council, 1923."

List of petitions.

26. The time and place of the trial of each election petition shall be fixed by the Court, and not less than fourteen days' notice thereof shall be given to the petitioner and respondent by letter directed to the address left by such petitioner or respondent with the Registrar; or, if no such address has been left, by notice in the *Government Gazette*.

Time and place of trial of election petition.

27. A Judge may from time to time, by order made on the application of a party to the petition, postpone the beginning of the trial to such day as he may name; and such order, when made, shall forthwith be published by the Registrar in the *Government Gazette*.

Postponement of trial.

28. No formal adjournment of the Court for the trial of an election petition shall be necessary, but the trial is to be deemed adjourned, and may be continued from day to day until the inquiry is concluded; and in the event of the Judge who begins the trial being disabled by illness or otherwise, it may be recommended and concluded by another Judge.

Adjournment and continuation of trial.

29. All interlocutory questions and matters shall be heard and disposed of before a Judge in manner directed by him.

Interlocutory applications

30. An election petition shall not be withdrawn without the leave of the Judge; and such leave may be given upon such terms as to the payment of costs and otherwise as the Judge may think fit.

Withdrawal of election petition.

31. (1) An application for leave to withdraw a petition shall be in writing and signed by the petitioner or petitioners or his or their agent or agents. It shall state the ground on which the application is supported.

Form of application to withdraw petition.

(2) The following form shall be sufficient:—

"The Ceylon (Legislative Council) Order in Council, 1923."

Constituency of _____ Petition of _____ (state name of petitioner) presented _____ day of _____, 19__.

The petitioner applies to withdraw his petition upon the following ground (here state the ground), and prays that a day may be appointed for hearing his application.

Dated this _____ day of _____, 19__.

(Signed) _____.

(3) The application for leave to withdraw shall be left at the office of the Registrar.

32. A copy of such application shall be given by the petitioner to the respondent, and a notice in the following terms signed by the petitioner shall be published forthwith in the *Government Gazette* by the petitioner at his own expense:—

Copy of application to be given to respondent.

"The Ceylon (Legislative Council) Order in Council, 1923."

In the election petition for _____ in which _____ is petitioner and _____ respondent.

Notice is hereby given that the above petitioner did on the _____ day of _____ lodge at the Office of the Registrar of the Supreme Court an application for leave to withdraw the petition, of which application the following is a copy :—

(Set it out)

And take notice that under "The Election (Legislative Council) Petition Rules, 1924," any person who might have been a petitioner in respect of the said election may, within five days after the date of publication of this notice, give notice in writing to the Registrar of the Supreme Court of his intention on the hearing of the application to be substituted as a petitioner.

(Signed) _____

Application to be substituted as petitioner.

33. Any person who might have been a petitioner in respect of the election to which the petition relates may, within five days after such notice is published by the petitioner, give notice in writing, signed by him or on his behalf, to the Registrar, of his intention to apply at the hearing to be substituted for the petitioner, but the want of such notice shall not defeat such application, if in fact made at the hearing.

Time and place of hearing of application.

34. The time and place of hearing the application shall be fixed by a Judge, but shall not be less than a week after the application for leave to withdraw has been left at the Office of the Registrar as hereinbefore provided, and notice of the time and place appointed for the hearing shall be given to such person or persons, if any, as shall have given notice to the Registrar of an intention to apply to be substituted as petitioners, and otherwise in such manner and such time as the Judge directs.

Substitution of another petitioner.

35. (1) On the hearing of the application for withdrawal any person who might have been a petitioner in respect of the election to which the petition relates may apply to the judge to be substituted as a petitioner for the petitioner so desirous of withdrawing the petition.

(2) The judge may, if it or he think fit, substitute as a petitioner any such applicant as aforesaid; and may further, if the proposed withdrawal is in the opinion of the judge induced by any corrupt bargain or consideration, by order direct that the security given on behalf of the original petitioner shall remain as security for any costs that may be incurred by the substituted petitioner, and that to the extent of the sum named in such security the original petitioner shall be liable to pay the costs of the substituted petitioner.

(3) If no such order is made with respect to the security given on behalf of the original petitioner, security to the same amount as would be required in the case of a new petition, and subject to the like conditions, shall be given on behalf of the substituted petitioner before he proceeds with his petition, and within three days after the order of substitution.

(4) Subject as aforesaid a substituted petitioner shall stand in the same position as nearly as may be, and be subject to the same liabilities as the original petitioner.

(5) If a petitioner is withdrawn, the petitioner shall be liable to pay the costs of the respondent.

(6) Where there are more petitioner than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

Abatement of petition by death.

36. (1) An election petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition shall not affect the liability of the petitioner or of any other person to the payment of costs previously incurred.

Application to be substituted as petitioner.

37. (1) Notice of abatement of a petition, by death of the petitioner or surviving petitioner, shall be given by the party or person interested in the same manner as notice of an application to withdraw a petition, and the time within which application may be made to a Judge to be substituted as a petitioner shall be one calendar month, or such further time as upon consideration of any special circumstances the Judge may allow.

(2) Any person who might have been a petitioner in respect of the election to which the petition relates may apply to the Judge to be substituted as a petitioner.

(3) The Judge may, if he thinks fit, substitute as a petitioner any such applicant who is desirous of being substituted and on whose behalf security to the same amount is given as is required in the case of a new petition.

On death, resignation, or notice not to oppose of respondent, the petition to continue.

38. (1) If before the trial of an election petition a respondent dies or resigns, or gives notice in writing to the Court that he does not intend to oppose the petition, the petition shall not be abated but shall continue whether or not any person applies to be admitted as respondent as hereinafter provided.

(2) Notice of the fact that a respondent has died, or resigned, or that he has given notice in writing that he does not intend to oppose the petition, shall be published in the *Government Gazette* by the Registrar.

Any person who might have been a petitioner in respect of the election to which the petition relates may apply to a Judge to be admitted as a respondent to oppose the petition within ten days after such notice has been published in the *Government Gazette* or such further time as the Judge may allow.

(4) The manner and time of the respondent's giving notice to the Court that he does not intend to oppose the petition, shall be by leaving notice thereof in writing at the Office of the Registrar, signed by the respondent, six days before the day appointed for trial, exclusive of the day of leaving such notice.

Respondent not opposing petition not to appear as party.

39. A respondent who has given notice of his intention not to oppose a petition shall not be allowed to appear or act as a party against such petition in any proceedings thereon.

40. After receiving the petitioner's application for leave to withdraw, or notice of the respondent's intention not to oppose, or of the abatement of the petition by death, or of the happening of any of the events mentioned in rule 38, if such notice be received after notice of trial shall have been given, and before the trial has commenced, the Registrar shall forthwith countermand the notice of trial. The countermand shall be given in the same manner, as near as may be, as the notice of trial.

Countermanding notice of trial where petition abated, &c.

41. All costs of and incidental to the presentation of a petition and to the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and in such proportions as the Court or Judge may determine, regard being had to the disallowance of any costs which may, in the opinion of the Court or Judge, have been caused by vexatious conduct, unfounded allegations, or unfounded objections, on the part either of the petitioner or the respondent . . . and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Costs.

42. (1) Costs shall be taxed by the Registrar upon the order by which the costs are payable in the same manner as costs are taxed in a District Court, but subject to such express directions, either general or specific, as a Judge may give; and costs when taxed may be recovered in the same manner as the costs of an action at law.

Taxation and recovery of costs.

(2) In case there be money in the hands of the Colonial Treasurer available for the purpose, the Chief Justice may direct taxed costs to be paid out of such money to the extent of such money.

(3) The office fees payable for inspection, office copies and other proceedings under these rules shall be such as may be prescribed by the Chief Justice.

43. Any person who is on the roll of proctors of the Supreme Court may act as agent for any party to an election petition.

Proctors may act as agent under these rules.

44. An agent shall, immediately upon his appointment as such, leave written notice thereof at the office of the Registrar.

Notice of appointment of agent.

45. Service of notices and proceedings upon such agents shall be sufficient for all purposes.

Service of notices on agents.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, May 16, 1924.

CECIL CLEMENTI,
Colonial Secretary.