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PASSED ORDINANCES.

M 24/27

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

No. 26 of 1927.

**An Ordinance to amend and consolidate the Law relating to the
Department of Medical and Sanitary Services, the Ceylon
Medical College, the Ceylon Medical Council, Medical
Practitioners, Dentists, Midwives, and Pharmacists.**

H. J. STANLEY.

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An Ordinance to amend and consolidate the Law relating to the Department of Medical and Sanitary Services, the Ceylon Medical College, the Ceylon Medical Council, Medical Practitioners, Dentists, Midwives, and Pharmacists.

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

CHAPTER I.

Preliminary.

Short title and commencement.

1 This Ordinance may be cited as the Medical Ordinance, 1927, and shall come into operation on a day to be appointed by the Governor by Proclamation published in the *Gazette*.

Interpretation.

2 In this Ordinance, unless the context otherwise requires—

“Medical practitioner” means a person registered as a medical practitioner under this Ordinance;

“Vederala” includes vithian and hakim;

“Dentist” means a person registered as a dentist under this Ordinance;

“Midwife” means a woman registered as a midwife under this Ordinance;

“Pharmacist” means a person registered as a pharmacist under this Ordinance;

“Registrar” means the Registrar of the Ceylon Medical Council;

“Register” means a register kept under the provisions of this Ordinance;

“Medical Acts” means the Medical Act (21 & 22 Vict. cap. 90) of the Imperial Parliament, and any Act amending that Act;

“Dentists Acts” means the Dentists Act, 1878 (41 & 42 Vict. cap. 33), of the Imperial Parliament, and any Act amending that Act;

“Midwives Acts” means the Midwives Act, 1902 (2 Ed. VII. cap. 17), of the Imperial Parliament, and any Act amending that Act;

“Pharmacy Acts” means the Pharmacy Act, 1852 (15 & 16 Vict. cap. 56), of the Imperial Parliament, and any Act amending that Act;

“Dispensing” includes compounding;

“Regulation” means a regulation made under this Ordinance by the Governor in Executive Council and published in the *Gazette*.

3 All persons registered under this Ordinance and in actual practice shall be exempt from serving on any jury. Jury service.

CHAPTER II.

The Department of Medical and Sanitary Services.

4 The department of Government dealing with medical and sanitary matters is styled “The Department of Medical and Sanitary Services”, and its head is styled “The Director of Medical and Sanitary Services”. Designation of Government Medical and Sanitary Department.

5 Where by any written law, whether made before or after the commencement of this Ordinance, any power or duty is conferred or imposed upon the Director of Medical and Sanitary Services, then such power or duty may be exercised or performed by the Deputy Director of Medical and Sanitary Services, subject nevertheless to such exceptions or restrictions as may from time to time be imposed by the Director of Medical and Sanitary Services. Powers of Deputy Director.

6 Where by any written law, whether made before or after the commencement of this Ordinance, or by section 5 of this Ordinance, any power or duty is conferred or imposed upon the Deputy Director of Medical and Sanitary Services, then such power or duty may be exercised or performed by any Assistant Director of Medical Services, or by any Assistant Director of Sanitary Services, subject nevertheless to such exceptions or restrictions as may from time to time be imposed by the Director of Medical and Sanitary Services or by the Deputy Director of Medical and Sanitary Services. Powers of Assistant Directors.

7 (1) Where in any written law made before the commencement of this Ordinance there occurs the expression “Principal Civil Medical Officer” or any form of words intended to designate that officer, there shall be substituted therefor the expression “Director of Medical and Sanitary Services,” and where in any such written law there occurs the expression “Assistant Principal Civil Medical Officer” or “Deputy Principal Civil Medical Officer” or any form of words intended to designate either of those officers, there shall be substituted therefor the expression “Deputy Director of Medical and Sanitary Services”. Corrections to be made in former laws.

(2) Where in any written law made before the commencement of this Ordinance reference is made, by whatever form of words, to the Government Medical or Sanitary Departments, there shall be substituted therefor the expression “the Department of Medical and Sanitary Services”.

(3) The corrections necessary to give effect to this section may be made in the next or any subsequent revised edition of the *Legislative Enactments of Ceylon*, and it shall not be necessary to reproduce this section in any such revised edition.

CHAPTER III.

The Ceylon Medical College.

8 The Ceylon Medical College (in this Ordinance called “the College”), its property, and affairs shall be managed by the Council of the Ceylon Medical College (in this Ordinance called “the College Council”) in accordance with the rules for the time being in force under this Ordinance. College Council to manage the Medical College.

9 The College shall be maintained out of funds provided for the purpose by the Legislative Council. Cost of maintenance.

Constitution of
College Council.

10 (1) The College Council is a body corporate by the name and style of "The Council of the Ceylon Medical College", having perpetual succession, a common seal, and power to acquire and hold land and other property, and consists of—

- (a) The person for the time being discharging the duties of the Director of Medical and Sanitary Services ;
- (b) The person for the time being discharging the duties of Deputy Director of Medical and Sanitary Services ;
- (c) The Senior Military Medical Officer of the Ceylon command ;
- (d) The Registrar for the time being of the Ceylon Medical College ;
- (e) A lecturer, nominated by the Governor, engaged in delivering lectures to students taking the courses for the Pre-Medical Examination at the University College ;
- (f) A lecturer, nominated as aforesaid, engaged in delivering lectures to students taking the First Professional Courses ;
- (g) A lecturer, nominated as aforesaid, engaged in delivering lectures to students taking the Second Professional Courses ;
- (h) A lecturer, nominated as aforesaid, engaged in delivering lectures in medicine to students taking the Third or Final Professional Examination Courses ;
- (i) A lecturer, nominated as aforesaid, engaged in delivering lectures in surgery to students taking the Third or Final Professional Examination Courses ;
- (j) A lecturer, nominated as aforesaid, engaged in delivering lectures in midwifery to students taking the Third or Final Professional Examination Courses.

(2) A nominated member of the College Council holds office for three years unless he previously resigns or his appointment is revoked by the Governor, and shall be eligible for re-nomination.

(3) If any member of the College Council leaves Ceylon without the intention of returning thereto, or is absent from Ceylon for more than six consecutive months, he shall thereupon cease to be a member.

(4) The Governor may appoint and revoke the appointment of any person to be a temporary nominated member in the place of any nominated member being temporarily absent, or ill, or unable, or unwilling to act.

Procedure of
College Council.

11 (1) At every meeting of the College Council the Director of Medical and Sanitary Services, or in his absence the Deputy Director of Medical and Sanitary Services, or, in the absence of both, a member chosen by the members present or by a majority of them, shall preside as Chairman.

(2) Every question which comes before the College Council shall be decided by a majority of the votes of the members present and voting.

(3) No question shall be decided at any such meeting unless five members at the least, besides the Chairman, are present at the time of the decision.

(4) The Chairman and every member present at the meeting shall have one vote, and the Chairman, in case of an equality of votes, shall have a second or casting vote.

Diplomas, &c.

12 Subject to any rules for the time being in force, the College Council may confer on persons who have passed the prescribed examinations and fulfilled the prescribed conditions—

- (a) Diplomas as licentiates in medicine and surgery ;
- (b) Diplomas of efficiency in dentistry ;
- (c) Certificates of efficiency as midwives ;
- (d) Certificates of efficiency as apothecaries ; and
- (e) Certificates of efficiency as pharmacists.

13 The College Council may charge the prescribed fees (which shall be paid into general revenue) for entrance into the College, for continuance therein, for admission to examinations, for attendance at lectures or classes, and for any diploma or certificate issued by the College Council.

Fees.

14 Subject to any regulations for the time being in force under this Ordinance, the College Council may from time to time—

Powers of
College Council.

- (1) Appoint or provide for the appointment of the professors, lecturers, examiners, officers, and servants of the College Council ;
- (2) Suspend or remove, or provide for the suspension or removal of, professors, lecturers, examiners, officers, or servants appointed by the College Council ;
- (3) In the event of misconduct, inefficiency, or neglect of duty on the part of any professor, lecturer, or examiner appointed by a Secretary of State or by the Governor, make such representation to the Governor as to the College Council shall seem proper.

15 Every examiner, officer, or servant appointed or remunerated by the College Council shall, for the purposes of the Ceylon Penal Code, be deemed to be a public servant.

Examiners, &c.,
to be public
servants.

[No. 2 of 1883,
IV. 21.]

Power to make
regulations.

16 Regulations may be made as to—

- (a) The mode and time of convening the meetings of the College Council and of transacting business thereat ;
- (b) The appointment, suspension, removal, duties, and remuneration of professors, lecturers, examiners, officers, and servants ;
- (c) The previous course of instruction to be followed by candidates for the examinations of the College ;
- (d) The maintenance of good order and discipline among students of the College or persons attending the examinations or lectures of the College, and the exclusion from such lectures and examinations of students or persons contravening such regulations ;
- (e) The examinations to be passed and the other conditions to be fulfilled by candidates for diplomas and certificates ;
- (f) The fees to be charged under this chapter ;
- (g) The keeping of accounts of the income and expenditure of the College ;
- (h) Generally all matters relating to the College.

CHAPTER IV.

The Ceylon Medical Council.

17 (1) The Ceylon Medical Council (in this Ordinance called "the Medical Council") shall consist of eleven members, including the President and Vice-President, to be appointed as follows, viz. :

Constitution and
duties of Ceylon
Medical Council.

- (a) The President nominated by the Governor in Executive Council ;
- (b) One member elected by the lecturers of the College ;
- (c) Two members elected by the medical practitioners who are registered under the Medical Acts ;
- (d) Two members elected by all other medical practitioners ;
- (e) One member elected by dentists ;
- (f) Four members nominated by the Governor in Executive Council, of whom at least two members shall not be in Government employ or in receipt of a pension from Government.

(2) A Vice-President shall be elected from among the members of the Medical Council, by the Medical Council.

(3) The Medical Council shall perform the duties imposed on it by this Ordinance, and may make representations to the Government on any matter connected with the medical profession in Ceylon.

Members of
Medical Council
to be medical
practitioners.

18 No person shall be eligible to be a member of the Medical Council unless he is a medical practitioner or a dentist.

Tenure of office
of members.

19 The members of the Medical Council shall hold office for a term of five years, but shall be eligible for re-election or re-nomination.

Cessation of
membership.

20 A member of the Medical Council shall be deemed to have vacated his seat—

- (a) On sending his resignation in writing to the President or Registrar ;
- (b) On his absence without excuse sufficient in the opinion of the Medical Council from three consecutive meetings of the Medical Council ;
- (c) On his absence from Ceylon for twelve consecutive months ;
- (d) On erasure of his name from a register ;
- (e) On his being declared an insolvent or bankrupt by any competent court ;
- (f) On expiry of his term of office.

Filling up of
vacancies.

21 When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of this chapter.

Registrar and
other officers.

22 (1) The Medical Council shall appoint a Registrar, who shall act as Secretary of the Medical Council and also as Treasurer, unless the Medical Council shall appoint another person as Treasurer. Every person so appointed shall be removable at the pleasure of the Medical Council.

(2) The Medical Council may also employ such other persons as it may deem necessary for the purposes of this Ordinance.

(3) All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 19 of the Ceylon Penal Code.

[No. 2 of 1883,
IV. 21.]

Appeals to
Governor in
Executive
Council.

23 (1) Every order or decision of the Medical Council under this Ordinance shall be subject to appeal to the Governor in Executive Council whose decision shall be final.

(2) The Medical Council and the Registrar shall give all information which may be required by the Governor for the purposes of any such appeals.

Power to make
regulations.

24 Regulations may be made for all or any of the following purposes :

- (a) The election of members to the Medical Council, and of the Vice-President ;
- (b) The procedure at meetings of the Medical Council, including the quorum ;
- (c) The appointment, suspension, removal, duties, and remuneration of officers and servants of the Medical Council ;
- (d) The keeping of the accounts of the receipts and expenses in carrying out the provisions of this Ordinance, and the auditing of such accounts.

CHAPTER V.

The Registers.

Registers to
be kept.

[First Schedule.]

25 (1) The Registrar shall, in accordance with the provisions of this Ordinance, keep the following registers substantially in the form contained in the First Schedule, viz.:

- (a) A register of medical practitioners qualified to practise medicine and surgery in Ceylon ;
- (b) A register of dentists qualified to practise dentistry and dental surgery in Ceylon ;
- (c) A register of women qualified to practise as midwives in Ceylon ; and
- (d) A register of persons qualified to act as pharmacists in Ceylon.

(2) No person under the age of twenty-one years shall be registered.

(3) The Registrar shall enter in the appropriate register the name of every person who proves his claim to be registered, and shall report the name of every such person to the medical Council at its next meeting.

(4) An applicant for registration shall deliver to the Registrar the appropriate declarations required by the Schedules which shall be declared before a Justice of the Peace or a Commissioner of Oaths, and such other evidence of his right to be registered as the Registrar may require.

[Second, Third, Fourth, and Fifth Schedules.]

(5) The Registrar may refer any case of doubt or difficulty to the Medical Council.

26 If any person fraudulently procures or attempts to procure himself or any other person to be registered under this Ordinance by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, he and every person aiding or assisting him shall be guilty of an offence, and shall on conviction by a District Court be liable to imprisonment of either description for any term not exceeding two years, or to a fine not exceeding two thousand rupees, or to both such imprisonment and fine.

Punishment for fraudulently procuring persons to be registered.

27 The registers kept by the Registrar of the Council of the Ceylon Medical College under the Medical Registration Ordinance, 1905, and the Dentists Registration Ordinance, No. 3 of 1915, or by the Registrar of the Ceylon Medical Council under either of those Ordinances and the Ceylon Medical Council Ordinance, No. 24 of 1924, are the property of and shall be kept by the Medical Council, and shall be deemed to be kept under this Ordinance, and every person whose name is entered in any such register shall be deemed to be registered under this Ordinance.

Continuance of existing registers.
[No. 2 of 1905, II. 620 ;
No. 3 of 1915, III. 278 ;
No. 24 of 1924.]

28 (1) Whenever any person registered under this Ordinance changes his residence he shall forthwith notify his new address to the Registrar, who shall enter it in the register.

Change of residence.

(2) The Registrar may send a letter by registered post to any registered person addressed to him according to his address in the register to inquire whether he has changed his residence, and if he does not receive an answer to such letter within six months of the sending thereof, he may erase from the register the name of such person ; provided always that the same shall be restored at the request of the Medical Council.

29 (1) Any person registered under this Ordinance who may obtain any degree or qualification other than the degree or qualification in respect of which he is registered may cause such other degree or qualification to be inserted in the register, in addition to the degree or qualification already registered.

Change of qualification.

(2) The fee for insertion shall be ten rupees for each degree or qualification.

30 (1) The Medical Council may, if it thinks fit—

Removal from register.

(a) On any ground authorized by this Ordinance, order that the name of any person be erased from a register or, in lieu of such erasure, may order that he be suspended from the rights, privileges, and immunities conferred upon him by registration during the period specified in the order ;

(b) Order that the name of any person be restored to a register.

(2) But before making an order under sub-section (1) (a), the Medical Council shall give the person affected an opportunity of showing cause why the order should not be made.

31 (1) The Registrar shall keep each register correct and up to date in accordance with this Ordinance, and shall cancel in the register the name of any person who has died.

Correction of registers.

(2) The Registrar shall, by and in accordance with the orders of the Medical Council, erase any entry from, or correct any entry in, a register when such entry is proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made, and shall enter in the register and sign the reason for every erasure or correction.

32 The Registrar shall, as soon as may be after January 1 in each year, cause a copy of each register as it exists on such January 1 to be published in the *Gazette*.

Publication of registers in *Gazette*.

Proof of registers.

33 (1) In all proceedings, whether civil or criminal—

- (a) Any extract from or copy of a register certified by the Registrar to be true shall be admissible in evidence without proof, and shall be sufficient *primâ facie* evidence of the contents of the register ;
- (b) A certificate by the Registrar that the name of any person is or is not registered in a register or was or was not so registered at a date or during a period specified in the certificate shall be admissible in evidence, and shall be sufficient *primâ facie* evidence of the facts stated therein.

(2) For the purposes of this section, no proof need be given, unless the court otherwise requires, of the signature of the Registrar to any such copy, extract, or certificate, or of his appointment as Registrar.

CHAPTER VI.

Medical Practitioners.

Qualifications of medical practitioners.

34 (1) No person shall be registered as a medical practitioner unless he is of good character, and either—

- (a) Is registered or qualified to be registered under the Medical Acts ; or
- (b) Holds a diploma in medicine and surgery issued by the College Council.

(2) The fee for registration as a medical practitioner shall be fifty rupees to be paid to the Registrar on application for registration.

Naval, military, or air force medical officers.

35 All medical officers of His Majesty's Navy, Army, or Air Force serving in Ceylon on full pay shall be deemed to be duly registered medical practitioners.

Removal from register.

36 The name of a medical practitioner may be erased from the register if, whether before or after the commencement of this Ordinance—

- (a) His name is erased from the register kept under the Medical Acts by reason of his conviction for an offence or of his having been guilty of infamous conduct in any professional respect ; or
- (b) He is deprived of any diploma, degree, or certificate on the faith of which he was registered as a medical practitioner, or by virtue of which he became qualified to be registered under the Medical Acts ; or
- (c) He is convicted of an offence which shows him to be unfit to practise as a medical practitioner ; or
- (d) He is convicted under section 48 (3), (4), or (5) of the Births and Deaths Registration Ordinance, 1895, or, while acting as a registrar under that Ordinance, of dishonestly registering or aiding or abetting the registration of a false cause of death ; or
- (e) He is guilty of infamous conduct in any professional respect.

[No. 1 of 1895, II, 262.]

Meaning of "legally qualified medical practitioner," &c.

37 In any written law, whether passed or made before or after the commencement of this Ordinance, the words "legally qualified medical practitioner" or "duly qualified medical practitioner" or "registered medical practitioner" or any words importing a person recognized by law as a practitioner in medicine or surgery shall be construed as meaning a medical practitioner registered under this Ordinance.

Right of registered practitioners to practise.

38 Every medical practitioner shall be entitled to practise medicine and surgery in Ceylon, and to demand and recover reasonable charges for medical or surgical aid rendered by such person, and the costs of medicines and surgical appliances supplied by him.

Right to recover charges for medical practice.

39 No person, other than a medical practitioner, shall be entitled to recover any charge in any court of law for any medical or surgical advice, attendance, or for the performance of any operation as a medical practitioner, or for any medicine which he shall have prescribed and supplied.

Medical certificates.

40 No certificate signed after April 1, 1906, and required by any written law to be signed by a physician, surgeon, or any other medical or surgical practitioner, shall be valid unless the person signing it is a medical practitioner.

41 No person, not being a medical practitioner, shall—

- (a) Take or use any name, title, or addition implying a qualification to practise medicine or surgery by modern scientific methods, or implying or tending to the belief that he is a medical practitioner registered under this Ordinance, or by any act or omission intentionally cause or permit any person to believe that he is a registered medical practitioner, and to act upon such belief; or
- (b) Except as mentioned in the next following two sections, practise for gain, or profess to practise, or publish his name as practising medicine or surgery.

Restrictions on practice by unqualified persons.

42 Nothing in this Ordinance shall make it unlawful for a vederala to practise medicine or surgery according to the indigenous or ayurvedic systems or prevent him from recovering his charges for services rendered or medicine or goods supplied by him in the course of his practice.

Saving for vederalas.

43 (1) Nothing in this Ordinance shall make it unlawful for any of the following persons to practise medicine and surgery for gain or prevent him from recovering his charges for services rendered or medicine or goods supplied by him in the course of his practice, viz. :

Saving for apothecaries and estate dispensers.

- (a) Any Government apothecary actually employed in the public service as an apothecary and for the time being in charge of a dispensary or hospital;
- (b) Any Government apothecary who, having, before April 1, 1906, qualified to enter Government service as an apothecary, has, whether before or after the commencement of this Ordinance, retired from the Government service;
- (c) Any estate dispenser appointed by a superintendent to an estate or group of estates with the approval of the Director of Medical and Sanitary Services, but only during the time he is actually so employed, provided that the practice of such estate dispenser shall be limited to the estate or group of estates to which he is so appointed.

(2) Provided that where it is shown to the satisfaction of the Medical Council that an apothecary entitled to practise under sub-section (1) (b) has been guilty of inefficiency or negligence in the treatment of a patient or has been guilty of conduct which shows him to be unfit to practise medicine or surgery, the Medical Council may make an order that the apothecary be suspended from the privileges and immunities conferred on him by this section either permanently or during the period specified in the order.

(3) Every order under sub-section (2) shall be published in the *Gazette*.

44 The Medical Council, on being satisfied that any lady belonging or attached to any missionary or other body or society possesses the requisite knowledge and skill for the medical treatment of women and children, may grant permission to such person to practise medicine and midwifery as a woman medical missionary as regards the treatment of women and children, but not otherwise. Such permission shall not authorize the person to whom it is granted to practise medicine for gain or elsewhere than at the place or places named therein.

Women medical missionaries.

CHAPTER VII.

Dentists.

45 (1) No person shall be registered as a dentist unless he is of good character and either—

Qualifications of dentists.

- (a) Is registered or qualified to be registered under the Dentists Acts;
- (b) Holds a diploma of efficiency in dentistry issued by the College Council; or
- (c) Holds a diploma, certificate, or degree for the time being recognized by regulation made after considering the advice of the Medical Council as a sufficient guarantee of the possession by the holder of the requisite knowledge and skill for efficient practice as a dentist.

(2) The fee for registration of a dentist shall be fifty rupees payable on application to the Registrar.

Naval, military,
and air force
dentists.

46 All dentists of His Majesty's Navy, Army, or Air Force serving in Ceylon on full pay shall be deemed to be duly registered as dentists.

Removal from
register.

47 The name of a dentist may be erased from the register if, whether before or after the commencement of this Ordinance—

- (a) His name is erased from the register kept under the Dentists Acts by reason of his conviction for an offence or of his having been guilty of infamous or disgraceful conduct in a professional respect ; or
- (b) He is deprived of any diploma, degree, or certificate, on the faith of which he was registered as a dentist or by virtue of which he became qualified to be registered under the Dentists Acts ; or
- (c) He is convicted of an offence which shows him to be unfit to practise as a dentist ; or
- (d) He is guilty of infamous conduct in any professional respect.

Meaning of
"legally
qualified
dentist," &c.

48 In any written law, whether passed or made before or after the commencement of this Ordinance, the words "legally qualified dentist" or "duly qualified dentist" or "registered dentist" or any words importing a person recognized by law as a dentist shall be construed as meaning a dentist registered under this Ordinance.

Right of
registered
dentists to
practise.

49 Every dentist shall be entitled to practise dentistry and dental surgery in Ceylon, and to demand and recover reasonable charges for services rendered by him as such dentist, and the costs of medicines and surgical appliances supplied by him.

Right to
recover
charges for
dental
practice.

50 No person, other than a dentist, shall be entitled to recover any charge in any court of law for any dental operation (other than the extraction of teeth), service, work, or attendance, or for any medicine for dental treatment which he shall have prescribed and supplied.

Restrictions
on practice by
unqualified
persons.

51 (1) No person, not being a dentist, shall—

- (a) Take or use the name or title of dentist or dental surgeon or any other name, words, title, or description, either alone or in conjunction with any other word or words, implying or tending to the belief that he is entitled to practise dentistry or dental surgery ; or
- (b) Practise for gain or profess to practise, or publish his name as practising dentistry or dental surgery ; or
- (c) Perform for gain any dental operation or service other than the extraction of teeth.

(2) A dentist shall not assume or use the title of doctor unless he is also a medical practitioner.

Provided that any dentist who holds a degree entitling him to use the title "Doctor" in the country where the degree was granted, and who used such title in Ceylon on or before January 1, 1916, may continue to use such title.

Saving as to
medical
practitioners.

52 Nothing in this chapter shall preclude any medical practitioner from rendering to any patient in the course of his practice any dental service, not being a dental operation (other than the extraction of teeth), or from recovering his charges in respect of such service or in respect of any medicine supplied in connection therewith.

Specially
licensed
dentists.

[No. 3 of 1915,
III. 279.]

53 (1) Any person who at the commencement of this Ordinance holds a special licence issued under section 20 of the Dentists Registration Ordinance, No. 3 of 1915, shall be entitled to practise dentistry and dental surgery in the same manner as a dentist, and shall (with the necessary modifications) have the same rights and immunities and be subject to the same liabilities and penalties as a dentist. Provided that no such person shall use any other title or designation than that of "Licensed Dentist."

(2) Any such licence may be revoked by the Medical Council on any ground for which the name of a dentist can be erased from the register of dentists.

(3) The Registrar shall, as soon as may be after January 1 in each year, cause a list of all persons holding such licences on such January 1 to be published in the *Gazette*.

CHAPTER VIII.

Midwives.

- 54 (1) No person shall be registered as a midwife unless she is a woman of good character and either—
- Qualifications of midwives.
- (a) Is certified or qualified to be certified under the Midwives Acts ; or
- (b) Holds a certificate of efficiency as a midwife issued by the College Council ; or
- (c) Holds a certificate of efficiency in midwifery issued by the Director of Medical and Sanitary Services ; or
- (d) Otherwise satisfies the Medical Council that she possesses sufficient knowledge and skill for efficient practice as a midwife.
- (2) The fee for registration as a midwife shall be five rupees payable to the Registrar on application.
- 55 The name of a midwife may be erased from the register if—
- Removal from register.
- (a) Her name is removed from the roll of midwives kept under the Midwives Acts for disobedience to any rules and regulations or for other misconduct ; or
- (b) She is deprived of any diploma, degree, or certificate, on the faith of which she was registered as a midwife ; or
- (c) She is convicted of an offence which shows her to be unfit to practise as a midwife ; or
- (d) She shows such negligence or incapacity as a midwife that she cannot be safely allowed to continue to practise as such.
- 56 (1) Every midwife shall be entitled to designate herself as a registered midwife and to practise as a midwife.
- Use of title "registered midwife."
- (2) No person, not being a midwife, shall take or use the name or title of registered or licensed midwife, or any name, words, title, or description implying or tending to the belief that she is a midwife registered under this Ordinance or by any act or omission intentionally cause or permit any person to believe that she is a registered midwife and to act upon such belief.
- 57 (1) No woman, not being a midwife or a medical practitioner, shall—
- Unlawful practice of midwifery.
- (a) Practise for gain or profess to practise, or publish her name as practising midwifery ;
- (b) Attend any woman in child-birth for gain otherwise than under the direction of a medical practitioner or in case of emergency ; or
- (c) Be entitled to recover any charge in any court of law for services rendered by her as a midwife.
- (2) This section applies only to an area to which it is applied by regulation.
- (3) A regulation under this section shall not come into operation until the date specified in the regulation, such date being not less than three months from the date of publication of the regulation in the *Gazette*.
- 58 Regulations may be made, at the request of the Medical Council, regulating and restricting the practice of midwifery by midwives, whether registered under this Ordinance or not, and providing for their proper supervision.
- Control of midwives by Medical Council.

CHAPTER IX.

Pharmacists.

- 59 (1) No person shall be registered as a pharmacist, unless he is of good character and either—
- Qualifications of pharmacists.
- (a) Is registered or qualified to be registered under the Pharmacy Acts as a pharmaceutical chemist, assistant, or associate, or as a chemist and druggist ; or

[Sixth Schedule.]

- (b) Serves an apprenticeship for two years in accordance with the provisions contained in the Sixth Schedule and thereafter obtains a certificate of efficiency as a pharmacist issued by the College Council; or
- (c) Is a qualified apothecary; or
- (d) Has in the years 1924 to 1929, inclusive, been actually engaged and employed for not less than three years in the practical translation and compounding of prescriptions, and after such three years passes a practical test in pharmacy to the satisfaction of the College Council; or
- (e) Has during the whole of the three years immediately preceding the commencement of this Ordinance personally carried on or managed in Ceylon the business of a pharmacist and has during the whole of such three years been an authorized dispenser under the Opium Ordinance, 1910, and passes a practical test in pharmacy to the satisfaction of the College Council.

(2) No application to be registered under sub-section (1) (d) or (e) shall be entertained unless made within two years after the commencement of this Ordinance.

(3) The fee for registration as a pharmacist shall be payable to the Registrar on application for registration, and shall be twenty-five rupees for registration under sub-section (1) (a) or (b) and ten rupees for registration under sub-section (1) (c), (d), or (e). But no fee shall be payable by a qualified apothecary if he is still in the service of the Government.

(4) No medical practitioner shall be registered as a pharmacist.

(5) If any pharmacist is registered as a medical practitioner, his name shall forthwith be removed from the register of pharmacists.

Removal from register.

60 The name of a pharmacist may be erased from the register if—

- (a) His name is erased from the register of pharmaceutical chemists and chemists and druggists kept under the Pharmacy Acts by reason of his conviction for an offence; or
- (b) He is deprived of any diploma, degree, or certificate, on the faith of which he was registered as a pharmacist; or
- (c) He is convicted of an offence which shows him to be unfit to practise as a pharmacist; or
- (d) He shows such negligence or incapacity as a pharmacist that he cannot be safely allowed to continue to practise as such.

Unlawful pretence to be a pharmacist.

61 (1) No person, not being a pharmacist, shall assume or use any name, title, addition, or sign implying that he is a pharmacist, or chemist and druggist, or druggist, or dispensing chemist, or is entitled to act as a pharmacist or to dispense drugs or poisons.

(2) No person, not being registered as a pharmaceutical chemist under the Pharmacy Acts and as a pharmacist under this Ordinance, shall use the title of pharmaceutical chemist or pharmacist.

But the preceding two sub-sections shall not come into operation until the end of one year from the commencement of this Ordinance.

(3) Provided that a person who employs a pharmacist personally to superintend and manage the sale and dispensing of poisons may, having previously informed the Registrar in writing of the name of such pharmacist, assume and use, for the purposes of his business, any title, addition, or sign which might lawfully be used by such pharmacist.

Name and qualification of pharmacist to be exhibited in shop.

62 Every pharmacist or person entitled to use the title of pharmacist who keeps open shop for the sale or dispensing of poisons shall exhibit and keep exhibited in a conspicuous position therein a legible notice in English, Sinhalese, and Tamil, stating his name and qualification, and the name and qualification of every pharmacist employed therein.

CHAPTER X.

Supplementary.

63 Every person who contravenes this Ordinance or any regulation shall be guilty of an offence against this Ordinance and shall, unless otherwise expressly provided, be liable on summary conviction by a police magistrate for each offence to a fine not exceeding two hundred rupees.

General
penalty.

64 Every person who attempts to commit or abets the commission of an offence against this Ordinance shall himself be guilty of the same offence.

Abetment and
attempts.

65 All fees imposed by this Ordinance shall be paid into general revenue, and may from time to time be increased or decreased by regulations.

Fees.

66 Regulations may be made from time to time altering or adding to any of the schedules.

Variation of
schedules.

67 All regulations made under this Ordinance shall, as soon as conveniently may be, be laid before the Legislative Council, and may, at any of the next following three meetings, be rescinded by resolution of the Legislative Council, but without prejudice to anything already done thereunder, and if not so rescinded shall be deemed to be valid.

Regulations.

68 The expenses of carrying this Ordinance into effect shall be defrayed from money to be provided annually for the purpose by the Legislative Council.

Expenses of
Ordinance.

69 (1) The Medical Registration Ordinance, 1905, the Ceylon Medical College Ordinance, 1905, the Medical Registration Ordinance, 1908, the Dentists Registration Ordinance, No. 3 of 1915, the Medical Registration Ordinance, No. 24 of 1919, the Midwives Ordinance, No. 2 of 1920, the Ceylon Medical Council Ordinance, No. 24 of 1924, the Ceylon Medical College Ordinance, No. 25 of 1924, and the Medical and Sanitary Services Ordinance, No. 11 of 1925, are hereby repealed.

Repeals and
saving.

[No. 2 of 1905,
II. 620;
No. 3 of 1905,
II. 626;
No. 36 of 1908,
II. 625;
No. 3 of 1915,
III. 278;
No. 24 of 1919,
II. 624;
No. 2 of 1920,
III. 660;
No. 24 of 1924;
No. 25 of 1924;
No. 11 of 1925.]

(2) All nominations, appointments, or elections under any Ordinance repealed by this Ordinance shall be deemed to be nominations, appointments, or elections under this Ordinance, and all rules or regulations made under any such repealed Ordinance shall be deemed to be regulations made under this Ordinance.

FIRST SCHEDULE.

[S. 25 (1).]

FORM OF REGISTER.

Name.	Residence.	Date of Registration.	Qualifications with Dates.

SECOND SCHEDULE.

[S. 25 (4).]

DECLARATIONS FOR REGISTRATION AS A
MEDICAL PRACTITIONER.

Where Applicant is registered under Medical Acts.

I (name and address of applicant) hereby declare as follows:—

1. I was on the (date) and still am registered as a medical practitioner under the British Medical Acts as being (state qualification, e.g., "Fellow of the Royal College of Physicians of _____").

2. I am the person (*name*) named in the Medical Register for the year _____ at page _____ entry No. _____.

Or

2. I am the person (*name*) named in the certified copy now shown to me and marked A of the entry of my name in the register of the General Council of Medical Education and Registration of the United Kingdom (*or* the Branch Council for _____).

(*Signature of Applicant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

Where Applicant is qualified to be registered under the
Medical Acts.

I (*name and address of applicant*) hereby declare as follows :—

1. I am qualified to be registered as a medical practitioner under the British Medical Acts by virtue of (*state qualification, e.g., licentiate of _____*) to which I was admitted on the (*date*).

2. I am the person named (*name*) in the (*certificate or diploma or other document conferring or evidencing his qualification*) now produced and shown to me and marked A.

(*Signature of Applicant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

Where Applicant holds the Diploma of the Ceylon Medical
College in Medicine and Surgery.

I (*name and address of applicant*) hereby declare as follows :—

I am the person (*name*) named in the Diploma in Medicine and Surgery of the Ceylon Medical College now produced to me and marked A.

(*Signature of Applicant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

[S. 25 (4).]

THIRD SCHEDULE.

DECLARATIONS FOR REGISTRATION AS A DENTIST.

Where Applicant is registered under Dentists Acts.

I (*name and address of applicant*) hereby declare as follows :—

1. I was on the (*date*) and still am registered as a dentist under the British Dentists Acts as being (*state qualification*).

2. I am the person named (*name*) in the Dentists Register [Third Schedule.]
for the year ——— at page ——— entry No. ———.

Or

2. I am the person (*name*) named in the certified copy now
shown to me and marked A of the entry of my name in the
Dentists Register.

(*Signature of Applicant.*)

Dated this ——— day of ———.

Declared before me this ——— day of ———.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

Where Applicant is qualified to be registered under the
Dentists Acts.

I (*name and address of applicant*) hereby declare as follows :—

1. I am qualified to be registered as a dentist under the
British Dentists Acts by virtue of (*state qualification, e.g., diploma
of ———*).

2. I am the person named (*name*) in the (*certificate or diploma
or other document conferring or evidencing his qualification*) now
produced to me and marked A.

(*Signature of Applicant.*)

Dated this ——— day of ———.

Declared before me this ——— day of ———.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

Where Applicant holds a Diploma in Dentistry of the
Ceylon Medical College.

I (*name and address of applicant*) hereby declare as follows :—

I am the person named (*name*) in the Diploma in Dentistry of
the Ceylon Medical College now produced to me and marked A.

(*Signature of Applicant.*)

Dated this ——— day of ———.

Declared before me this ——— day of ———.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

Where Applicant holds a Foreign or Colonial Qualification
in Dentistry.

I (*name and address of applicant*) hereby declare as follows :—

1. On the (*date*) I became and still am entitled to practise in
dentistry in (*country*) by virtue of (*state qualification, e.g., diploma
of ———*).

2. I am the person named (*name*) in the diploma of ———
now produced to me and marked A.

(*Signature of Applicant.*)

Dated this ——— day of ———.

Declared before me this ——— day of ———.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

[S. 25 (4.)]

FOURTH SCHEDULE.

DECLARATIONS FOR REGISTRATION AS A MIDWIFE.

Where Applicant is certified under the Midwives Acts.

I (*name and address of applicant*) hereby declare as follows :—

1. I was on the (*date*) and still am a woman certified under the British Midwives Acts.
2. I am the person named (*name*) in the Roll of Midwives for the year _____ at page _____ entry No. _____.

Or

2. I am the person named (*name*) in the certificate of the Central Midwives Board now produced to me and marked A.

(Signature of Applicant.)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

*(Signature of person taking
the declaration.)*Justice of the Peace
or Commissioner of Oaths.Where Applicant is qualified to be certified under
the Midwives Acts.I (*name and address of applicant*) hereby declare as follows :—

1. I am a woman qualified to be certified under the British Midwives Acts by virtue of (*state qualification, e.g., diploma of _____*).
2. I am the person named (*name*) in the (*certificate or diploma or other document conferring or evidencing her qualification*) now produced to me and marked A.

(Signature of Applicant.)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

*(Signature of person taking
the declaration.)*Justice of the Peace
or Commissioner of Oaths.Where Applicant holds Certificate as a Midwife issued by
the College Council.I (*name and address of applicant*) hereby declare as follows :—I am the person named (*name*) in the Certificate of Efficiency as a Midwife issued by the College Council now produced to me and marked A.*(Signature of Applicant.)*

Dated this _____ day of _____.

Declared before me this _____ day of _____.

*(Signature of person taking
the declaration.)*Justice of the Peace
or Commissioner of Oaths.Where Applicant holds Certificate in Midwifery issued
by the Director of Medical and Sanitary Services.I (*name and address of applicant*) hereby declare as follows :—I am the person named (*name*) in the certificate in Midwifery of the Director of Medical and Sanitary Services now produced to me and marked A.*(Signature of Applicant.)*

Dated this _____ day of _____.

Declared before me this _____ day of _____.

*(Signature of person taking
the declaration.)*Justice of the Peace
or Commissioner of Oaths.

Where Applicant possesses no Qualification.

I (*name and address of applicant*) hereby declare as follows :—

1. I have practised as a midwife at (*name of place*) for the period of _____ years now last past.

2. I am well known to (*names and addresses of referees*) who are prepared to testify to my knowledge and skill as a midwife.

(*Signature of Applicant*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

And

I (*name and address*) hereby declare as follows :—

1. I am (*state occupation*).
2. I know and have been well acquainted with (*name of applicant*) for the past _____ years.
3. During that period, the said (*name of applicant*) has to my own personal knowledge regularly practised as a midwife at (*name of place*). I have never heard any complaint of want of skill or negligence by the said (*name of applicant*). She is to the best of my knowledge and belief a skilful midwife.

(*Signature of Declarant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

FIFTH SCHEDULE.

[S. 25 (4).]

DECLARATIONS FOR REGISTRATION AS A PHARMACIST.

Where Applicant is registered under the Pharmacy Acts.

I (*name and address of applicant*) hereby declare as follows :—

1. I was on the (*date*) and still am registered under the British Pharmacy Acts as a (*state whether pharmaceutical chemist or chemist and druggist*) by reason of the following qualification, viz. :—
2. I am the person named (*name*) in the Register of Pharmaceutical Chemists and Chemists and Druggists for the year _____ at page _____ entry No. _____.

Or

2. I am the person named (*name*) in the certificate now produced to me and marked A of the entry of my name in the Register of Pharmaceutical Chemists and Chemists and Druggists.

(*Signature of Applicant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

Where Applicant is qualified to be registered under the Pharmacy Acts.

I (*name and address of applicant*) hereby declare as follows :—

1. I am qualified to be registered under the British Pharmacy Acts as a (*state whether pharmaceutical chemist or chemist and druggist*) by virtue of (*state qualification, e.g., diploma of* _____).
2. I am the person named (*name*) in the (*certificate or diploma or other document conferring or evidencing his qualification*) now produced to me and marked A.

(*Signature of Applicant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

[Fifth Schedule.]

Where Applicant holds a Certificate as a Pharmacist
issued by the College Council.I (*name and address of applicant*) hereby declare as follows :—

1. I am the person named (*name*) in the Certificate of Efficiency as a Pharmacist issued by the College Council now produced to me and marked A.
2. I have during the two years ending on (*date*) served as an apprentice in pharmacy to (*name and address of master*).

(Signature of Applicant.)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

*(Signature of person taking
the declaration.)*Justice of the Peace
or Commissioner of Oaths.

And

I (*name and address of master*) hereby declare as follows :—

1. I am a Registered Pharmacist carrying on business at (*name of place*).
2. (*Name of applicant*) has during the two years ending (*date*) served me as an apprentice in pharmacy under the Articles of Apprenticeship dated _____.
3. During the said two years, the said (*applicant*) has diligently and faithfully served me as such apprentice. He has, in my opinion, the necessary skill and knowledge of pharmacy to enable him properly to carry on the business of a pharmacist.

(Signature of Declarant.)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

*(Signature of person taking
the declaration.)*Justice of the Peace
or Commissioner of Oaths.

Where Applicant is a Qualified Government Apothecary.

I (*name and address of applicant*) hereby declare as follows :—

1. I am and have been since (*date*) a qualified Government Apothecary, and have since (*date*) until (*date*) practised as an apothecary at (*name of place*).
2. I am the person named (*name*) in the certificate of the Ceylon Medical College now produced to me and marked A.

(Signature of Applicant.)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

*(Signature of the person taking
the declaration.)*Justice of the Peace
or Commissioner of Oaths.

Where Applicant has passed the Practical Test in Pharmacy after Three Years' Practical Work.

I (*name and address of applicant*) hereby declare as follows :—

1. I was from (*date*) until (*date*) actually engaged and employed in the practical translation and compounding of prescriptions at (*place*) in the service of (*name*).

2. I am the person named (*name*) in the certificate of the Ceylon Medical College now produced to me and marked A.

(*Signature of Applicant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

And

I (*name and address of employer*) hereby declare as follows :—

(*Name of applicant*) was from (*date*) until (*date*) engaged and employed in my service in the practical translation and compounding of prescriptions.

(*Signature of Declarant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

Where Applicant has Personally carried on the Business of Pharmacist for Three Years.

I (*name and address of applicant*) hereby declare as follows :—

1. From (*date*) until (*date*) I personally carried on and managed the business of a pharmacist at (*place*) and was during the whole of such period an authorized dispenser under the Opium Ordinance, 1910.

2. I am the person named (*name*) in the certificate of the Ceylon Medical College now produced to me and marked A.

(*Signature of Applicant.*)

Dated this _____ day of _____.

Declared before me this _____ day of _____.

(*Signature of person taking
the declaration.*)

Justice of the Peace
or Commissioner of Oaths.

SIXTH SCHEDULE.

[S. 59 (1) (b).]

Apprenticeship Regulations.

1. An apprentice shall produce duly executed articles of apprenticeship to the Registrar, who shall endorse thereon the date on which they were so produced. No service under any articles shall count until the articles have been so produced as aforesaid.

2. (1) An apprentice may complete his period of service under one or more practising pharmacists provided that, on leaving any master to whom he was bound in articles and becoming bound to another master, he shall in every case execute fresh articles of apprenticeship and shall exhibit the same to the Registrar.

(2) The Registrar shall satisfy himself as to the date on which the apprentice's service under the former articles ended and shall endorse such date on the new articles and also the date of production of the new articles.

3. The two years' service must be continuous except for not more than 40 days' holiday in any period of 12 months. Provided that service shall not be considered discontinuous by reason of an interval of not more than one month on a change of masters but such interval shall not be counted in reckoning the year's service.

Passed in Council the Ninth day of December, One thousand Nine hundred and Twenty-seven.

W. L. MURPHY,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-third day of December, One thousand Nine hundred and Twenty-seven.

W. L. MURPHY,
Clerk to the Council.

B 20/26

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

No. 27 of 1927.

**An Ordinance to amend the Law relating to
Indian Labourers.**

H. J. STANLEY.

BE it 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 as the Indian Labour Ordinance, No. 27 of 1927, and shall be read and construed as one with Ordinance No. 11 of 1865, Ordinance No. 13 of 1889, and the Labour Ordinance, No. 1 of 1923.

CHAPTER 1.

Minimum Wages.

Interpretation.

2 (1) In this chapter, unless the context otherwise requires—

“ **Minimum rates of wages** ” means the rates proper in cash or kind or both for an able-bodied unskilled male labourer above the age of sixteen years, for an able-bodied unskilled female labourer above the age of fifteen years, or for an able-bodied child of either sex for time work ;

“ **Labourer** ” means a labourer as defined by section 3 of Ordinance No. 13 of 1889 ;

“ **Employer** ” includes any person who enters into an agreement either expressly or impliedly with any labourer and the duly authorized agent or manager of such person ;

“ **Controller** ” means the Controller of Indian Immigrant Labour.

(2) Every labourer shall be deemed to be able-bodied unless and until the Controller shall determine that he is not able-bodied.

(3) Should any question arise as to whether a labourer is able-bodied or not, it shall be determined by the Controller, and such determination shall be final.

3 (1) Where a labourer is employed at work other than time work for a day or a successive number of days within any calendar month, the wages payable to him for that day or successive number of days, shall not be less than the wages payable to such labourer for such period at the minimum rates of wages prescribed under this Ordinance.

Work other than time work.

(2) In the case of a labourer paid by the day, any period of work performed by such person exceeding nine hours per day (including time not exceeding one hour taken for the mid-day meal) shall be paid for at overtime rates, and shall be in addition to the minimum rates of wages payable to the labourer for a day's work. Such overtime rates shall not be less per hour than one-eighth of the minimum rates of wages fixed under this Ordinance.

4 No employer shall knowingly employ for work on estates any child below the age of ten years, or knowingly permit such child to be employed.

Child labour.

5 (1) It shall be lawful for the Governor by notification in the *Gazette* to appoint for any revenue district an Estate Wages Board composed of five members, none of whom shall be members of the Board of Indian Immigrant Labour.

Appointment of Estate Wages Board.

(2) The said Board shall be composed of a Chairman (who shall be a public officer nominated by the Governor) and four other members, of whom two shall be employers of Indian labourers working on estates, the remaining two being selected to represent the labourers.

(3) Such members shall hold office for a period not exceeding three years, and any member leaving the Island for a period exceeding six months or being absent from three consecutive meetings of an Estate Wages Board shall *ipso facto* cease to be a member. Any member may resign by notice in writing given to the Colonial Secretary.

(4) Any member ceasing to be a member in the manner aforesaid shall be eligible for reappointment.

(5) Any vacancy created by death or incapacity to act or in the manner indicated in paragraph (3) of this section may be filled by the Governor, and such member shall hold office until the expiration of the three years in question.

(6) At a meeting of the Estate Wages Board three members shall form a quorum and the Chairman shall be entitled to vote and in case of equality of votes shall have a second or casting vote.

6 (1) The Governor may, if he thinks it expedient, establish one Estate Wages Board for two or more revenue districts, and thereupon such Board shall be the Estate Wages Board for the combined revenue districts, or the Governor may establish an Estate Wages Board for portions of one, two, or more revenue districts, and thereupon such Board shall be the Estate Wages Board for the area so combined.

Extent of jurisdiction of Estate Wages Board.

(2) The Governor may from time to time alter the boundaries of the area over which any Estate Wages Board has jurisdiction.

(3) For the purpose of this chapter, an estate shall be deemed to be subject to the jurisdiction of that Estate Wages Board within whose area the whole of the estate is situated, or within whose area is that part of the estate where the person resident on the estate and in chief control of the labourers working thereon has his estate office or other place of management.

7 It shall be lawful for the Controller to make such payments as may be necessary to the members of the Estate Wages Boards to meet the cost of travelling and maintenance in connection with meetings of such Boards from the Immigration Fund created by Ordinance No. 1 of 1923.

Expenses of members.

8 (1) Subject to the provisions of this chapter, an Estate Wages Board shall, from time to time as occasion may require, fix minimum rates of wages for time work performed on estates within its jurisdiction: Provided that the Chairman of such

Estate Wages Board to fix minimum rates of wages.

Wages Board shall by notification in the *Gazette* and in at least one local English and one local Tamil newspaper, if such are available, give notice of the intention of the Estate Wages Board to fix minimum rates of wages, or where such have been already fixed to alter the same at least one month before the Estate Wages Board proceeds to fix or alter such rates, and provided further that such Estate Wages Board may before fixing such minimum rates of wages hear any interested person and his witnesses who may have given due notice of his intention of being present.

(2) An Estate Wages Board may, if it thinks fit, fix different minimum rates for labourers working in different localities within its jurisdiction, and may fix different rates for different classes of labourers.

(3) An Estate Wages Board may cancel or vary from time to time any minimum rates of wages fixed under this chapter.

(4) The Chairman of an Estate Wages Board shall inform the Chairman of the Board of Indian Immigrant Labour of each decision of the Estate Wages Board fixing, cancelling, or varying a minimum rate of wages, and the Board of Indian Immigrant Labour may confirm, vary, or cancel every such decision.

(5) The Chairman of the Board of Indian Immigrant Labour shall by notification in the *Gazette* and in at least one local English and one local Tamil newspaper, if such are available, publish the decision of such Estate Wages Board, and the Board of Indian Immigrant Labour shall not confirm, vary, or cancel such decision until after the expiration of one month from the date of such notification.

Powers of the Board of Indian Immigrant Labour over minimum rates.

9 (1) The Board of Indian Immigrant Labour may from time to time of its own motion fix any minimum rates of wages or cancel or vary any minimum rates of wages which have already been fixed under this chapter whenever any Estate Wages Board, upon being required so to do by the Board of Indian Immigrant Labour, shall fail to fix, vary, or cancel such minimum rates within two months or such further period as may be allowed by the Board of Indian Immigrant Labour.

(2) The Board of Indian Immigrant Labour when acting under this section shall give notice to the public and hear witnesses (if any) as provided in sub-section (1) of the preceding section.

Approval of rates by Governor in Executive Council, and publication in *Gazette*.

10 (1) A minimum rate of wages or a cancellation or variation thereof shall not take effect until it has been approved by the Governor in Executive Council and published in the *Gazette*. When so published the minimum rate or the cancellation or variation thereof shall be binding on all employers, and shall take effect from a date (being not less than one month from the date of publication) to be fixed by the Controller and to be published in the *Gazette*. Such rate or the cancellation or variation thereof shall also be published in at least one local English and one local Tamil newspaper if such are available.

(2) A notification in the *Gazette* to the effect that any minimum rate of wages has been fixed, varied, or cancelled with the approval of the Governor in Executive Council under this chapter shall be judicially noticed, and shall be conclusive proof of the fact and of the date on which the minimum rate of wages or variation or cancellation thereof takes effect.

(3) After such publication in the *Gazette* every employer shall exhibit in some conspicuous place on his estate a notice in the Tamil language on a board setting forth the minimum rates of wages applicable to his estate, so that it may be readily seen and read by the labourers.

Penalty for failure to pay minimum rates.

11 (1) Any person who employs or pays a labourer to whom a minimum rate of wages fixed under this chapter is applicable at a rate of wages less favourable to the labourer than the minimum rate shall on conviction by a Police Magistrate be liable to a fine not exceeding one hundred rupees for each offence.

(2) In any proceedings against an employer under this section the court shall, whether there is a conviction or not, order the employer to pay in addition to the fine, if any, such sum as may be found by the court to represent the difference between the amount which ought at the minimum rate applicable to have been paid to the labourer during the period of six months immediately preceding the date on which the plaint was filed or the summons was served and the amount actually paid to him during that period.

12 (1) For the purpose of administering this chapter, the Controller shall have power at all reasonable times, with or without notice, to enter upon any premises on which labourers work and to inspect all records connected with the engagement, registration, payment, and discharge of such labourers (including any forms III. in Schedule C to Ordinance No. 13 of 1889), and to make all such inquiries as may be necessary to ascertain the rates at which wages have been paid to such labourers.

Inspection of records.

(2) It shall be the duty of every employer to have and keep at an office on the estate every form III. in Schedule C to Ordinance No. 13 of 1889 delivered to him by a labourer and also proper records of the wages paid to labourers, and any employer who fails to do so, or, when requested so to do by the Controller, fails to produce any such form or records, not being forms or records over one year old, or to answer any question relating to any such form or records or to the wages paid by the employer, shall on conviction by a Police Magistrate be liable to a fine not exceeding one hundred rupees.

(3) Any agent appointed under section 8 of Ordinance No. 1 of 1923 and any officer authorized by him in writing shall have the same powers of inspection and making inquiries as are conferred on the Controller by this section.

13 No prosecution under this chapter shall be instituted except by or with the written consent of the Controller.

Sanction of Controller to prosecutions.

14 In each of the two immediately preceding sections, "Controller" includes any officer of his department of or above the rank of inspector who is generally or specially authorized in writing by the Controller to act for the purposes of such section.

Meaning of "Controller" in sections 12 and 13.

15 If any person contravenes any provision of this chapter, then, if no penalty is imposed by the chapter, he shall, on conviction by a Police Magistrate, be liable for each offence to a fine not exceeding one hundred rupees.

General penalty.

CHAPTER II.

Amendments of Ordinance No. 11 of 1865 and Ordinance No. 13 of 1889.

16 Section 4 of Ordinance No. 11 of 1865 shall be amended by the addition thereto of the following sub-sections, section 4 being re-numbered section 4 (1) :

Amendment of section 4 of No. 11 of 1865.

(2) Where any contract is so determined by misconduct on the part of the master, he shall pay to a servant, justly demanding discharge on account of such misconduct, wages up to the date of discharge and in addition, in the case of a servant employed on a contract for hire and service for a period of time, a sum equivalent to the wages which would be earned by such servant during the period of his engagement, such period however not exceeding one month for the purpose of this section.

(3) Where a master summarily discharges a servant employed and paid by the day on account of misconduct on the part of the servant, he shall pay to such servant wages earned by him up to the date of discharge, and in the case of a servant employed on a contract for hire and service for a period of time longer than one day, it shall be lawful for the master in his discretion to decline to pay any wages claimed by such servant subsequent to the last day

of the last preceding period for which such servant was employed, provided that payment of wages earned shall not be so refused for any period exceeding one month reckoned from and immediately prior to the date of discharge.

(4) Any master failing to pay, on the day when the contract of service is determined, the wages of any servant which may be due to such servant under this section shall be guilty of an offence and shall be liable to a fine not exceeding fifty rupees.

Amendment of section 3 of No. 13 of 1889.

17 In section 3 of Ordinance No. 13 of 1889 the definition of "wages" shall be amended by the addition of the following words at the end thereof :

"and shall include sums commonly known as kangany's 'head' or 'pence' money."

Amendment of section 6.

18 (1) Sub-section (1) of section 6 of Ordinance No. 13 of 1889 is hereby amended so as to read as follows, viz. :

6 (1) It shall be the duty of every employer to pay all wages agreed upon or earned by the labourers in his employment in any month on or before the tenth day of the following month.

(2) Sub-section (5) of section 6 of Ordinance No. 13 of 1889 is amended by the deletion of paragraph (b), and shall hereafter read as follows, viz. :

(5) The wages of a labourer shall not be deemed to have been duly paid, as required by this section unless the full amount thereof, subject only to the deductions allowed by sub-section (4), has been paid directly to the labourer himself.

(3) Sub-section (7) of section 6 of Ordinance No. 13 of 1889 is amended by the addition of the words "or sub-section (3)" in line 2 after the words "sub-section (1)."

Substitution of new section for section 16.

19 The following shall be substituted for section 16 of Ordinance No. 13 of 1889, viz. :

16 The Governor may, by Notification published in the *Gazette*, specify what returns regarding the numbers and conditions of labourers shall be made by employers, periodically or otherwise, and to what public officer such returns shall be made. It shall be the duty of every employer to comply with the provisions of such Notification.

Amendment of section 17.

20 The word "herein" occurring in the third line of section 17 of Ordinance No. 13 of 1889 is hereby repealed.

Amendment of section 20.

21 Section 20 of Ordinance No. 13 of 1889 is amended by the addition of the words "or in writing" in line 4 after the words "has personally."

Amendment of section 21.

22 (1) In sub-section (1) of section 21 of Ordinance No. 13 of 1889 the words "Controller of Indian Immigrant Labour" shall be substituted for the words "Government Agent of the Province."

(2) Sub-section (2) of the said section 21 is hereby amended so as to read as follows, viz. :

(2) Every such declaration shall be forwarded so as to reach the Controller of Indian Immigrant Labour not later than the fifteenth day of the month following the month on which such wages were earned.

Amendment of section 24.

23 (1) Sub-section (1) of section 24 of Ordinance No. 13 of 1889 is amended by—

- (a) The insertion of the word "lawfully" in line 1 after the words "any labourer";
- (b) The deletion of the second line beginning with the words "having given" and ending with the words "required by law."

24 Section 18 of Ordinance No. 13 of 1889 is hereby repealed, and the following section shall be substituted therefor :

Substitution of new section for section 18.

18 Any money which may have been paid or which may be promised to be paid for the purpose of inducing a labourer or attempting to induce a labourer to quit service shall not be recoverable in law.

25 The following shall be substituted for section 25 of Ordinance No. 13 of 1889, viz. :

Substitution of new section for section 25.

25 (1) The Emigration Commissioner or other officer authorized by the Governor shall, when a labourer leaves Mandapam Camp or such other camp as may be notified for this purpose in the *Gazette* by the Governor, for Ceylon, fill in the " Personal Particulars " and " Immigration Certificate " on Form III. in Schedule C, and send the form to the labourer's employer in Ceylon, who shall preserve the form until the labourer returns to India or is discharged.

(2) Whenever a labourer is about to return to India, his employer shall cause to be filled in the " Identification Certificate " and also, if they have not been previously filled in, the " Personal Particulars " on Form III. in Schedule C, and shall deliver the form to the labourer.

(3) Whenever a labourer quits the service of an employer, having given or received the notice or warning required by law, the employer shall cause to be filled in the " Discharge Certificate " and also, if they have not been previously filled in, the " Personal Particulars " on Form III. in Schedule C, and shall deliver the form to the labourer.

(4) An employer who refuses or neglects to comply with any of the provisions of this section shall on conviction by a Police Magistrate be liable for each offence to a fine not exceeding fifty rupees.

26 The following shall be substituted for section 30 of Ordinance No. 13 of 1889, viz. :

Substitution of new section for section 30.

30 The Controller of Indian Immigrant Labour or any officer generally or specially authorized by him in writing may institute proceedings in respect of any offence against Ordinances No. 11 of 1865, No. 1 of 1923, or this Ordinance.

27 The following forms shall be substituted for Forms II. and III. in Schedule C to Ordinance No. 13 of 1889, viz. :

Substitution of New Forms in Schedule C.

Form II.

Register of Labourers.

(Section 22.)

1. Serial number, if any, of the labourer's Immigration Certificate : _____.
2. Name : _____.
3. Father's name : _____.
4. Sex : _____.
5. Race and caste : _____.
6. Approximate age at time of engagement : _____.
7. Distinguishing marks and height : _____.
8. Kangany's name : _____.
9. District in India : _____.
10. Taluk in India : _____.
11. Village in India : _____.
12. Post Office in India : _____.
13. Date of engagement : _____.
14. Date of quitting service : _____.

N.B.—1. All entries in this register must be written in ink.

2. The names of and other details regarding all Indian labourers in the employ of the estate whether on check-roll, contract, or other account, whether they work regularly or not, and whether

they are engaged with or without Discharge Certificates, must be entered in this register as soon as the labourers are engaged. Column 14 must be filled in as soon as a labourer quits service. This register must show at any time the number of Indian labourers in the employ of the estate.

Form III.

(Section 24.)

(This form, when filled in, should be kept at the estate office until labourer is discharged, returns to India, or dies.)

(i.)

Personal Particulars.

To be filled in by the Emigration Commissioner. If the form has not been filled in by the Emigration Commissioner, it should be filled in by the employer or his agent when the labourer leaves for India or is discharged.

1. Name : _____.
2. Father's name : _____.
3. Sex : _____.
4. Age : _____.
5. Race and caste : _____.
6. Distinguishing marks and height : _____.
7. Kangany's name : _____.
8. District in India : _____.
9. Taluk in India : _____.
10. Village in India : _____.
11. Post Office in India : _____.
12. Length of habitual residence in Ceylon . _____.
13. Whether wife or child joining husband or parent in Ceylon : _____.

(ii.)

Immigration Certificate.

To be filled in by the Emigration Commissioner when labourer embarks for Ceylon.

Indian Agency : _____.
 Indian Agency serial number : _____.
 Date of embarkation from Mandapam : _____, 19—.

(Signature) _____,
 Emigration Commissioner.

(iii.)

Identification Certificate.*

To be filled in by the employer or his agent when the labourer returns to India. The whole form should be handed over to the labourer whenever he proceeds to India.

This labourer is proceeding to India. Should he/she desire to return, I am willing/not willing to re-employ him/her.

 Estate,
 Date : _____, 19—.

 Employer.

(iv.)

Discharge Certificate.*

To be filled in by the employer or his agent whenever a labourer is discharged.

This labourer was discharged from the under-mentioned estate
on _____, 19____.
_____ Estate, _____,
Date : _____, 19____. _____ Employer.

This labourer was discharged from the under-mentioned estate
on _____, 19____.
_____ Estate, _____,
Date : _____, 19____. _____ Employer.

This labourer was discharged from the under-mentioned estate
on _____, 19____.
_____ Estate, _____,
Date : _____, 19____. _____ Employer.

This labourer was discharged from the under-mentioned estate
on _____, 19____.
_____ Estate, _____,
Date : _____, 19____. _____ Employer.

* If the personal particulars in (i.) above have not already been filled in, the employer or his agent should fill them in when making out Identification or Discharge Certificates.

28 Section 22 of Ordinance No. 11 of 1865 is hereby repealed.

Repeal of
section 22 of
No. 11 of 1865.

29 (1) In sub-section (1) of section 22 of Ordinance No. 13 of 1889 the following words shall be repealed, viz. :

Amendment of
section 22 of
No. 13 of 1889
and repeal of
Forms IV. and
V. in Schedule
C.

Every employer shall, within three months from the commencement of this Ordinance, forward to the Government Agent of the Province a copy of such register certified under his hand to be correct. Any employer who fails to forward a copy of the register certified as aforesaid within the appointed time shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to twenty rupees, and to a further fine not exceeding five rupees for every day during which such default shall continue.

(2) Forms IV. and V. in Schedule C to Ordinance No. 13 of 1889 are hereby repealed.

CHAPTER III.

30 Every employer shall exhibit in some conspicuous place on his estate, so that they may be easily seen and read by labourers, translations in Tamil of Ordinances No. 11 of 1865, No. 13 of 1889, No. 43 of 1921, No. 1 of 1923, and of this Ordinance, as issued by the Government.

Translations in
Tamil of labour
Ordinances to
be exhibited on
estate.

Passed in Council the Ninth day of December, One thousand Nine hundred and Twenty-seven.

W. L. MURPHY,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fourth day of December, One thousand Nine hundred and Twenty-seven.

W. L. MURPHY,
Clerk to the Council.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 3,540. In the matter of the insolvency of P. H. Swan of Dickman's road, Havelock Town, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on February 7, 1928, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,
Colombo, December 22, 1927. for Secretary.

In the District Court of Colombo.

No. 3,582. In the matter of the insolvency of S. L. Mohamed of Wellawatta.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 17, 1928, at 11 A.M., for the appointment of an auditor.

By order of court, A. E. PERERA,
Colombo, December 20, 1927. for Secretary.

In the District Court of Colombo.

No. 3,809. In the matter of the insolvency of Simon Herbert de Silva of Kawdana.

WHEREAS S. H. de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by A. D. Sarnelis Appuhamy of Millawatta, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said S. H. de Silva insolvent accordingly; and that two public sittings of the court, to wit, on February 7, 1928, and on February 21, 1928, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, P. DE KRETZER,
Colombo, December 20, 1927. Secretary.

In the District Court of Colombo.

No. 3,810. In the matter of the insolvency of L. M. Abdul Azeez of 267, Second Division, Maradana.

WHEREAS L. M. Abdul Azeez has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by L. S. Abdul Rahman of 1, Third Cross street, Pettah, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said L. M. Abdul Azeez insolvent accordingly; and that two public sittings of the court, to wit, on February 7, 1928, and on February 21, 1928, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
Colombo, December 20, 1927. for Secretary.

In the District Court of Colombo.

No. 3,811. In the matter of the insolvency of S. Francis Fernando of 73, Fifth Cross street, Colombo.

WHEREAS S. Francis Fernando has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by S. M. Nagoor Meera Saibo of San Sebastian Hill, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said S. Francis Fernando insolvent accordingly; and that two public sittings of the court, to wit, on February 7, 1928, and on February 21, 1928, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
Colombo, December 22, 1927. for Secretary.

In the District Court of Negombo.

No. 192/I. In the matter of the insolvency of A. C. W. F. Amarasekere Jayawardene of Unnarua.

NOTICE is hereby given that A. C. W. F. Amarasekere Jayawardene of Unnarua has been adjudged an insolvent and has been directed to file his balance sheet on January 18, 1928.

By order of court, C. CANAPATHIPILLAI,
Negombo, December 23, 1927. Secretary.

In the District Court of Kalutara.

No. 203. In the matter of the insolvency of Galhenage John Perera of Kuda Wadduwa.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 25, 1928, to consider the grant of certificate of conformity.

By order of court, R. MALALGODA,
Kalutara, December 23, 1927. Secretary.

In the District Court of Kalutara.

No. 211. In the matter of the insolvency of Ahamedu Uduma Lebbe Mohamadu Sali of Alutgama.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 26, 1928, to consider grant of the certificate of conformity.

By order of court, R. MALALGODA,
Kalutara, December 21, 1927. Secretary.

In the District Court of Kalutara.

No. 217. In the matter of the insolvency of V. Krishna Muttu Nadar of Panadure.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on February 16, 1928, to consider grant of certificate of conformity.

By order of court, R. MALALGODA,
Kalutara, December 23, 1927. Secretary.

In the District Court of Kalutara.

No. 221. In the matter of the insolvency of Enoku Nadar of Panadure.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 8, 1928, to consider the grant of the certificate of conformity.

By order of court, R. MALALGODA,
Kalutara, December 23, 1927. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

No. 2,041. In the Matter of the Last Will and Testament of Waragoda Mohotti Appuhamillage Don Daniel Appuhamy of Peliyagoda; deceased.

Weligamage Ana Maria Dias of Peliyagoda aforesaid Executrix.

NOTICE is hereby given that on Thursday, February 2, 1928, will be sold by public auction at the respective premises the right, title, and interest of the said estate of the deceased, Waragoda Mohotti Appuhamillage Don Daniel Appuhamy, in the following property for the recovery of the sum of Rs. 56.40, being deficiency of stamp duty, and a further sum of Re. 1.80, being costs of notice issued in the above case, viz. :—

At 2.30 P.M.

1. All that land called Arumawatta, situated at Petiyagoda in the Adikari pattu of Siyane korale in the District of Colombo, Western Province; bounded on the north by a portion of this land belonging to Weligamage Simon Dias, east by Dewata road, south by Kelani-ganga, west by the land belonging to Gamage Bastian and others; containing in extent about 2 acres.

At 3 P.M.

2. All that land called Ambagahawatta, with the buildings thereon, situated at Petiyagoda aforesaid; bounded on the north by Dewata road, east by the land belonging to Hendrick Perera Abeysinghe, Veda Mahatmaya, south by the land belonging to Weligamage Simon Dias, west by the land belonging to Samel Fernando and others; containing in extent about $\frac{1}{2}$ acre.

R. O. DE SARAM,
Deputy Fiscal.

Fiscal's Office,
Colombo, January 4, 1928.

In the District Court of Colombo.

D. S. W. Samarakoon of Maradana.....Plaintiff.
No. 20,009. Vs.

(1) Georgina Perera of Greylands, Horton place, in Colombo, (2) J. A. Perera of Castle street, Colombo Defendants.

NOTICE is hereby given that on Wednesday, February 1, 1928, at 4 P.M., will be sold by public auction at the residence of the defendants at Castle street, Borella, the following movable property for the recovery of the sum of Rs. 1,500 and costs of execution, less a sum of Rs. 1,000 paid since the date of decree, viz. :—

4 nadun loungers
7 nadun low chairs
3 nadun teapoys
9 tamarind wood cushioned chairs
1 nadun hat stand
2 nadun writing tables
1 nadun screen fixed with glass
1 jak table with pigeonhole
2 nadun chairs
1 rattan chair
2 jak book racks
1 piano
1 piano stool
2 foreign wood cushioned settees
3 foreign wood cheffioners
2 jak glass almirahs
2 jak book cases
1 tamarind wood table
1 tamarind wood stand
1 nadun writing table
4 ebony chairs
2 foreign wood round chairs
2 nadun almirahs
3 jak almirahs
1 jak dining table
1 nadun whatnot
2 nadun corner whatnots
1 foreign wood cabinet
2 jak sideboards
2 nadun wardrobes
1 wall clock

R. O. DE SARAM,
Deputy Fiscal

Fiscal's Office,
Colombo, January 4, 1928.

In the District Court of Colombo.

H. T. Ramachandra of Colombo.....Plaintiff.

No. 24,997. Vs.

N. M. Karlimuttupulle, trustee of Veeramakali temple, Colombo Defendant.

NOTICE is hereby given that on Friday, February 3, 1928, at 10.30 A.M., will be sold by public auction at the premises the right, title, and interest of the said defendant, as trustee of Veeramakali temple, at Korteboam street, Colombo, in the following property for the recovery of the sum of Rs. 546.46, with interest at 12 per cent. per annum from August 18, 1927, till October 14, 1927, and thereafter at 9 per cent. per annum on the aggregate amount, costs, and poundage, viz. :—

All that premises bearing assessment No. 46A, situated at Cemetery road in Kotahena, within the Municipality of Colombo, Western Province; and bounded on the north-east by the Buddhist temple premises and land of G. C. Fernando, on the south-east by the Cemetery road, and on the west by the Hindu crematorium and the Baptist burial ground; containing in extent 2 roods and 52 perches.

R. O. DE SARAM,
Deputy Fiscal.

Fiscal's Office,
Colombo, January 4, 1928.

Northern Province.

In the Court of Requests of Mallakam.

Sinnathamby Suppar of Myiliddy.....Plaintiff.

No. 2,252. Vs.

Kirito Neekkilappillai and wife (2) Mathalaipillai of Periyannaduthethanthurai Defendants.

NOTICE is hereby given that on Saturday, January 28, 1928, at 4 o'clock in the afternoon, will be sold by public auction at the respective spots the right, title, and interest of the said 2nd defendant in the following property for the recovery of Rs. 271.95, and interest on Rs. 150 at 12 per cent. per annum from December 13, 1920, till payment in full, and poundage, and charges, viz. :—

1. A piece of land situated at Palaly in Myiliddy parish, Valigamam North division of the Jaffna District, Northern Province, called Thodduvai; containing or reputed to contain in extent 12 lachams varagu culture, with palmyras, vadalies, cultivated plants, and well; bounded or reputed to be bounded on the east by property of Gregory, wife of Grakan, and lane, on the north by property of Gregory, wife of Grakan. Elachumy, wife of Sellar, and brothers and sisters, and west and south by lane. Of this the life interest of the 2nd defendant's father, Swany Vaithian, is however excluded.

2. A piece of land situated at Periyannaduthethanthurai aforesaid called Thalaidyvalavu; containing or reputed to contain in extent 8 kulies, with coconut trees; bounded or reputed to be bounded on the east by property of Mathalaipillai, wife of Neekkilappillai,

on the north by seashore, on the west by property of Gnanappu, wife of Arthonimuttu, and on the south by property of Santhanam, wife of Visenthar.

C. MUTTUCUMARU,
for Fiscal.

Fiscal's Office,
Jaffna, December 23, 1927.

In the District Court of Jaffna.

Arumugam Sankarapillai of Karativu East....Plaintiff.

No. 21,463. Vs.

(1) Ramanathar Visuvanathar and his wife (2) Sithamparam, both of Karativu West...Defendants.

NOTICE is hereby given that on Thursday, January 26, 1928, at 4 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of Rs. 3,429, with interest on Rs. 3,000 at the rate of 6 per cent. per annum from April 30, 1926, until payment in full, costs Rs. 202.76, poundage, and charges, viz. :—

A piece of land situated at Thankodai in Karativu West, Karativu parish, Islands division, of the Jaffna District, Northern Province, called Vikkiruthevanaval and Viyalpathai; containing or reputed to contain in extent 25 lachams p. e., with one-fourth share of the well standing in the eastern boundary land, together with water-course passing to and from the said well; bounded or reputed to be bounded on the east by property belonging to Kandappar Vettivelu (presently of Sivakamippillai, wife of Namasivayam), on the north by property of Valliammai, wife of Velupillai, and others (presently of Velupillai Kandasamy and another), on the west by property of Velauther Ponnampalam and others (presently of Nagamany and shareholders and another), and on the south by property of Nachchippillai, daughter of Velauthar, and others (presently of Sivakamy, wife of Kanapathippillai, and another).

Movables in the above Land to be sold on the above Date.

1. 25 bushels of paddy.
2. 20 bundles of straw.

C. MUTTUCUMARU,
for Fiscal.

Fiscal's Office,
Jaffna, December 23, 1927.

In the Court of Requests of Point Pedro.

Vethavanam Chelliah of Valvedditturai.....Plaintiff

No. 22,706. Vs.

Sena Navana Lena Muttiah Chetty of Sea street, Colombo Defendant.

NOTICE is hereby given that on Friday, January 27, 1928, at 4 o'clock in the afternoon, will be sold by public auction at the Kayts Harbour the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 291.85, with interest thereon at the rate of 9 per cent. per annum from January 4, 1927, until payment in full, and costs being Rs. 28.20, poundage, and charges, viz. :—

A boat called Swattiraiaimmah, weighing 99 tons and registered under No. 151228, riding at anchor at the Kayts Harbour, and its accessories.

C. MUTTUCUMARU,
for Fiscal.

Fiscal's Office,
Jaffna, December 23, 1927.

In the District Court of Jaffna.

James Finlay & Company, Limited.....Plaintiffs.

No. 24,892.

Vs.

Bastian Emmanuel of Jaffna, official administrator of the estates of Bazananand Mathana Lall and Babu Lall, late of Jaffna, deceased Defendants.

NOTICE is hereby given that on Tuesday, January 31, 1928, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said late Mathana Lall and Babu Lall in the following property for the recovery of Rs. 15,667.34, together with interest thereon at 9 per cent. per annum from August 1, 1927, till October 10, 1927, and thereafter on the aggregate amount at the

same rate till payment in full, and poundage, and charges, viz. :—

A piece of land situated at Malvil in Soran pattu, Puloppalai parish, Pachchilaipalli division of the Jaffna District, Northern Province, called Karanthai Coconut estate; containing or reputed to contain in extent 319 acres and 26 perches; bounded or reputed to be bounded on the east by lane and Crown land, on the north by lane and by property of Vaithilingam Kandiah and others and tank, on the west by property of Ankittal, tank, and road, and on the south by road.

C. MUTTUOMARU,
for Fiscal.

Fiscal's Office,
Jaffna, December 23, 1927.

I, THOMAS ARTHUR HODSON, Fiscal for the North-Western Province, do hereby appoint Mr. A. K. Kandiah to be Marshal for the divisions of Dambadeni Udukaha North and West and Mairawati korales of Dambadeni hatpattu; Giratalana, Baladora, and Angama korales of Dewamedi hatpattu, Karandapattu, Meddekettiya, Yatikaha, Yagampattu, Kinyama, Katugampola Medapattu East and West, Katugampola North and South and Pitigal korales of Katugampola hatpattu in the Kurunegala District under the provisions of the Fiscals' Ordinance, No. 4 of 1867, from December 24, 1927, to January 2, 1928 (both days inclusive), and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand this 21st day of December, 1927, at Kurunegala.

T. A. HODSON,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Haji Abdul No. 3,644. Latiff Varid of Kutiyana in Kathiawar District, North India, deceased.

Suhara Umma of 1, Avondale lane, in Colombo Petitioner.

Vs.

(1) Hajeeja Beebee, (2) Ameerabhai, (3) Sutha Bhai, all of Kutiyana in Kathiawar, (4) Anysa bhai, (5) Mariambhai, both of Kutiyana, the 4th and 5th are minors appearing by their guardian *ad litem* (6) Abdul Gani Haji Bawa of Main street in Colombo, (7) Abdul Sathar, (8) Sithi Pathumma, the 7th and 8th are minors appearing by their guardian *ad litem* (9) I. Sally of Old Moor street in Colombo.... Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on November 8, 1927, in the presence of Mr. K. T. Chittampalam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 8, 1927, and the order of the Supreme Court dated November 2, 1927, having been read:

It is ordered that Mr. P. H. de Kretser, Secretary of the District Court of Colombo, be and he is hereby declared entitled to have letters of administration to the estate of the above-named deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before January 19, 1928, show sufficient cause to the satisfaction of this court to the contrary.

November 8, 1927.

O. L. DE KRETSEK,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Deekirike Jayamahamudalige Don No. 3,676. Noris Gunatilleke, Police Vidane, of Galahitiyawa, deceased.

Subasinghe Maddumage Dona Nono Hamine of Galahitiyawa in the Ragam pattu of Alutkuru korale Petitioner.

And

(1) Deekirike Jayamahamudalige Dona Cecilia Gunatilleke, wife of (2) Withana Aratunga Don Nudies Appahamy, (3) Deekirike Jayamahamudalige Don Bintoris Gunatilleke, (4) ditto Don Deedrick Gunatilleke, (5) ditto Dona Missiana Gunatilleke, (6) ditto Don Jeramius Gunatilleke, all of Galahitiyawa aforesaid Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on November 24, 1927, in the presence of Mr. M. E. P. Samarasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 18, 1927, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before January 19, 1928, show sufficient cause to the satisfaction of this court to the contrary.

November 24, 1927.

O. L. DE KRETSEK,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Hetti Aratchige Juse Tissera Appuhamy of Batagama North in Ragam pattu of Alutkura korale, deceased.

Kahatapiti Kankanamalage Johannas Harry of Batagama North aforesaid..... Petitioner.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on November 24, 1927, in the presence of Mr. M. E. P. Samarasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 22, 1927, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as mother and sole heir of the above-named deceased, to have letters of administration to his estate issued to her, unless any person or persons interested shall, on or before January 19, 1928, show sufficient cause to the satisfaction of this court to the contrary.

November 24, 1927. O. L. DE KRETSEK,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Makewitagey Kurusiyam Perera Jayawardena of Mabile, deceased.

Victor Emmanuel Perera Jayawardena of Mabile..... Petitioner.

And

(1) Maria Matilda Wijegoonetilleke of Mabile, (2) Wilfred Perera Jayawardena of ditto... Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on November 25, 1927, in the presence of Mr. C. V. Wickremasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 11, 1927, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before January 19, 1928, show sufficient cause to the satisfaction of this court to the contrary.

November 25, 1927. O. L. DE KRETSEK,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Charles Edward Lorensz Bartholomeusz of Mount Lavinia, deceased.

Evelyn Beatrice Bartholomeusz of Green Lodge, Mount Lavinia..... Petitioner.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on December 7, 1927, in the presence in Messrs. Wilson & Kadigamar, Proctors, on the part of the petitioner above named; and affidavits (1) of the said petitioner

dated December 3, 1927, and (2) of the attesting notary dated December 1, 1927, having been read:

It is ordered that the last will of Charles Edward Lorensz Bartholomeusz, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before January 26, 1927, show sufficient cause to the satisfaction of this court to the contrary.

December 7, 1927. O. L. DE KRETSEK,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Edward Morrieson de Coucy Short, late of the Oriental Club, Hanover Square, in the County of Middlesex, deceased.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on December 20, 1927, in the presence of Mr. Cecil Herbert Spence Blatch of Colombo, Proctor, on the part of the petitioner, Mr. Geoffrey Thomas Hale of Colombo; and the affidavit of the said petitioner dated December 16, 1927, exemplification of probate of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated December 13, 1927, having been read: It is ordered that the will of the said deceased dated November 4, 1923, of which an exemplification of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the executrix named in the said will, and that he is entitled to have letters of administration, with a copy of the said will annexed, issued to him accordingly, unless any person or persons interested shall, on or before January 12, 1928, show sufficient cause to the satisfaction of this court to the contrary.

December 20, 1927. O. L. DE KRETSEK,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of George Craigie Alston, formerly of Queensland, Maskeliya, in the Island of Ceylon, but late of 49, Avenue road, St. John's Wood, in the County of Middlesex, deceased.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on December 20, 1927, in the presence of Mr. Cecil Herbert Spence Blatch of Colombo, Proctor on the part of the petitioner, Mr. Geoffrey Thomas Hale of Colombo; and the affidavit of the said petitioner dated December 16, 1927, certified copy of probate, certified copy of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated December 9, 1927, having been read: It is ordered that the will of the said deceased dated March 3, 1925, of which a certified copy has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney

of the executors named in the said will, and that he is entitled to have letters of administration, with a copy of the said will annexed, issued to him accordingly, unless any person or persons interested shall, on or before January 12, 1928, show sufficient cause to the satisfaction of this court to the contrary.

O. L. DE KRETZER,
District Judge.
December 20, 1927.

In the District Court of Negombo. 29/12/27

Order Nisi absolute in the First Instance.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Joint Last Will
Jurisdiction. and Testament of the late Mellawa
No. 2,540. Aratchige Johana Perera, deceased,
and Sembukuttiaratchige Don Simon
Gunasekera, both of Andiambalama.

THIS action coming on for disposal before G. Furse Roberts, Esq., District Judge of Negombo, on December 15, 1927, in the presence of Mr. P. D. E. de Croos, Proctor, on the part of the petitioner, Sembukuttiaratchige Don Simon Gunasekera of Andiambalama; and the affidavit of (1) of the said petitioner dated November 28, 1927, (2) of the attesting witnesses dated December 2, 1927, and (3) of the attesting notary dated December 7, 1927, having been read:

It is ordered that the last will and testament of Mellawa Aratchige Johana Perera of Andiambalama, deceased, dated July 15, 1926, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved.

It is further ordered that the said Sembukuttiaratchige Don Simon Gunasekera of Andiambalama is the executor named in the said last will and testament entitled to have probate of the same issued to him accordingly.

J. WILMOT PERERA,
Acting District Judge.
December 19, 1927.

In the District Court of Kalutara. 28/12/27

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Amarasinghe Mudalige Bempy
No. 2,059. Appuhamy, deceased, of Menerigama in Rayigam korale.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on November 25, 1927, in the presence of Mr. A. H. Gunetilleke, Proctor, on the part of the petitioner, Amarasinghe Mudalige Don Charles Amarasinghe of Menerigama; and the affidavit of the said petitioner dated November 22, 1927, having been read: It is ordered that the said petitioner be and he is hereby declared entitled, as son, to have letters of administration to his estate issued to him, unless the respondents—(1) Malawige Isohamy, (2) Amarasinghe Mudalige Dona Missi Nona Amarasinghe and husband (3) Batagedera Appuhamillage Lathsinghe Bodipala, all of Menerigama, (4) Amarasinghe Mudalige Pemawathie Amarasinghe and husband (5) Edirisinghe Aratchige Don Deonis Edirisinghe, both of Handapangoda, and (6) Amarasinghe Mudalige Gunasara Amarasinghe of Menerigama—or any other person or persons interested shall, on or before February 3, 1928, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,
District Judge.
November 25, 1927.

In the District Court of Kandy. 23/12/27
Testamentary In the Matter of the Estate of the late
Jurisdiction. Illukehenegedera Samara, deceased,
No. 4,556. of Makulemada.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge, Kandy, on November 24, 1927, in the presence of Messrs. Wijayatilake & Wijayatilake, Proctors, on the part of the petitioner, Illukehenegedera Samara of Makulemada; and the affidavit of the said petitioner dated September 20, 1927, having been read:

It is ordered that the petitioner, as the widow of the deceased, be and she is hereby declared entitled to have letters of administration to the estate of the deceased above named issued to her accordingly, unless the respondents—(1) Illukehenegedera Selenchina, (2) ditto Amarasena, (3) ditto Sepala; the 1st and 2nd by their guardian *ad litem* the 3rd respondent above named—shall, on or before January 12, 1928, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.
November 24, 1927.

In the District Court of Jaffna. 30/12/27

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Sengamalam of Kondavil, deceased.
No. 6,545.

Karthigesu Suppiah of Kondavil.....Petitioner.

Vs.

(1) Chellammah, daughter of Suppiah, (2) Suppiah Appiah, (3) Suppiah Rajaratnam, (4) Sarawathi, daughter of Suppiah, and (5) Karthigesu Sinnathamby, all of Kondavil.....Respondents.

THIS matter of the petition of the above-named petitioner, praying that the 5th respondent be appointed guardian *ad litem* over the minors, the 1st to 4th respondents, and that letters of administration to the estate of the said intestate be issued to the petitioner, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on October 7, 1927, in the presence of Mr. C. L. Selvaratnam, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the above-named 5th respondent be appointed guardian *ad litem* over the minors, 1st to 4th respondents, for the purpose of protecting their interest and of representing them in this case, and that the petitioner be declared entitled to have letters of administration to the estate of the said intestate, as her lawful husband, unless the respondents or any other persons shall appear before this court on October 27, 1927, and show cause to the contrary.

G. W. WOODHOUSE,
District Judge.

Extended to November 24, 1927.

G. W. WOODHOUSE,
District Judge.

Extended to January 10, 1928.

J. D. BROWN,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of the late Muttachchy, wife of No. 6,620. Sinnathamby Vallepupuram of Mallagam, deceased.

Sinnathamby Vallepupuram of Mallagam.....Petitioner.

Vs.

(1) Vallepupuram Karthigesu, (2) ditto Soomasundaram, (3) ditto Paramasamy, (4) ditto Guhapakiam, and (5) ditto Kaminirgamathamby (minors), all of Mallagam, (6) Ponnampalam Sinniah of Kandarodai.....Respondents.

THIS matter coming on for disposal before G. W. Woodhouse, Esq., District Judge, Jaffna, on November 14, 1927, in the presence of Mr. S. Ilayatambi, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 27, 1927, having been read:

It is ordered that the above-named 6th respondent be appointed guardian *ad litem* over the minors, the 1st to 5th respondents, for the purpose of representing them in this case and of protecting their interests, and the petitioner be declared entitled to administer the said estate, as her lawful husband, and that letters of administration be issued to him accordingly, unless the respondents shall appear before this court on January 17, 1928, and show cause to the contrary.

November 29, 1927.

J. D. BROWN,
District Judge.

In the District Court of Avissawella.

Order Nisi.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of Hewarallage Davith Singho of No. 35. Magamma, deceased.

Hewarallage Podimenika of Magamma.....Petitioner.

Vs.

(1) Hewarallage Punchi Singho of Wendala, (2) ditto Sarnelis Appuhamy of Daigala, (3) ditto Bahamy of Wendala.....Respondents.

THIS matter coming on for disposal before E. F. Marshall, Esq., District Judge of Avissawella, on November 12, 1927, in the presence of Mr. Neil de Saram, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 11, 1927, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as daughter of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before December 9, 1927, show sufficient cause to the satisfaction of this court to the contrary.

E. F. MARSHALL,
District Judge.

Order Nisi extended to January 11, 1928.

C. J. A. MARSHALL,
Acting District Judge.