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DRAFT ORDINANCES.

MINUTE.

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

**An Ordinance to provide a new constitution for the
Municipal Council of Colombo.**

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**An Ordinance to provide a new constitution for the
Municipal Council of Colombo.**

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

Preliminary.

Short title,
commencement
and application.

1 This Ordinance may be cited as the Colombo Municipal Council (Constitution) Ordinance, No. of 1933, and shall come into operation on such date as may be appointed by the Governor by proclamation in the Gazette, and shall apply to the Municipal Council of Colombo only: Provided that the Governor may, by proclamation published in the Gazette, direct that this Ordinance shall apply, with such modifications as may be specified in the said proclamation, to any other Municipal Council.

Interpretation.

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

“Chairman” and “Assistant Chairman” mean respectively the Chairman and Assistant Chairman of the Council as constituted by the Municipal Councils Ordinance, 1910.

“Commissioner” means the Municipal Commissioner or the Deputy Commissioner appointed under sections 67 or 68, and any person appointed to act for either of them, and any officer empowered under this Ordinance to exercise, perform or discharge any of the powers, duties or functions of the Commissioner to the extent to which such officer is so empowered.

“Council” means the Colombo Municipal Council.

“Councillor” means a member of the Council, whether elected or nominated.

“Governor” means the Governor acting with the advice of the Executive Committee of Local Administration.

“Mayor” and “Deputy Mayor” mean respectively the Mayor and Deputy Mayor of the Council as constituted by this Ordinance, elected from time to time under sections 57 or 58 of this Ordinance.

“Medical Officer of Health” means any person appointed as such under this Ordinance, and includes an Assistant Medical Officer of Health.

“Municipality” means the Municipality of Colombo.

“person” means an individual of either sex.

(2) For the purposes of this Ordinance,—

(a) a person shall be deemed to reside in, or to be a resident of, any place, if he has, and from time to time uses, a sleeping apartment in any dwelling-house therein; and

(b) a person shall not be deemed to cease to reside in, or to be a resident of, such place because he is sometimes absent from the said dwelling-house, or has, or from time to time uses, a sleeping apartment in a dwelling-house in another place, provided that he is at liberty to return, and has not abandoned the intention of returning, to such first-mentioned dwelling-house at any time; and

(c) a reference to an Ordinance includes any Ordinance amending the Ordinance referred to, and any Ordinance substituted for it, and also rules, regulations, by-laws, notifications or orders made under any of such Ordinances and for the time being in force.

The Municipality.

Continuation
and division
of the
Municipality.

3 (1) The Municipality of Colombo heretofore constituted under the Municipal Councils Ordinance, 1910, and existing at the commencement of this Ordinance shall continue to be a Municipality, subject to the provisions of this Ordinance.

First Schedule.

(2) The Municipality shall be divided into the wards specified in the first column of the First Schedule.

Definition of
limits of wards.

4 (1) It shall be lawful for the Governor by order published in the Government Gazette—

(a) to define the limits of any of the wards of the Municipality specified in the First Schedule; and

(b) to amend, add to, or rescind any of the provisions of the First Schedule, either at the request of the Municipality, or of his own motion after considering any objection by the Municipality to such amendment, addition, or rescission.

(2) Every order made under sub-section (1) (b) shall contain such directions as may be necessary for the purpose of giving effect to the order, and shall on publication in the Gazette have the force of law.

Municipal constitution and administration.

5 From and after the date on which the Councillors elected to represent the Municipality at the first general election held in accordance with the provisions of this Ordinance come into office—

- (1) The Municipal affairs of the Municipality shall, subject to the provisions of this Ordinance and of any other written law which is applicable, be administered by a Council constituted in accordance with the provisions of this Ordinance, with such executive officers and other officers and servants, not being members of the Council, as may be appointed in manner hereinafter provided.
- (2) Sections 47 and 49 of the Municipal Councils Ordinance, 1910, shall be repealed.
- (3) Nothing contained in section 2 (2) or in the definitions of "Chairman", "Assistant Chairman" or "Medical Officer of Health" in section 3 of Part I, or in Part II, or in sections 46, 48, 50, 59, 60, 61 or 62 of Part IV, or in Part V, or in sections 86, 88, 93, 94 or 95 of Part VIII, or in section 110 (1) (a) of Part IX, or in section 242 of Part XV, or in Schedule B, of the Municipal Councils Ordinance, 1910, shall apply to or affect the Municipality, or the Council, or the constitution of the Council, or any of its members, officers or servants in any manner whatsoever, but in all other respects the remainder of the said Ordinance and all other written law so far as the same is applicable and is not inconsistent with the provisions of this Ordinance shall apply, subject to the provisions of this Ordinance, in like manner as heretofore, to the Municipality, the Council, its constitution, members, officers and servants; and this Ordinance shall be read and construed as one with the remainder of the said Ordinance.
- (4) All references, direct and indirect, in any written law which is applicable, or in any document or writing to the Municipality, or the Council, or the Chairman, Assistant Chairman, members, officers or servants thereof shall, subject to the provisions of section 9 of this Ordinance, be construed respectively as references to the Municipality, or the Council, or the Mayor, Deputy Mayor, members, officers or servants thereof, as the case may be, constituted or deemed to be constituted, elected, nominated or appointed by or under the provisions of this Ordinance.
- (5) All powers, duties or functions conferred or imposed upon, or vested in, the Council or the Chairman, Assistant Chairman, Mayor, Deputy Mayor, members, officers or servants thereof by this Ordinance or by any other written law, whether before or after the said date, shall be exercised, performed and discharged subject to the provisions of this Ordinance.

6 (1) The Council referred to in section 5 (1) shall be constituted as follows:—

- (a) The Councillors elected in accordance with the provisions of this Ordinance to represent the wards of the Municipality specified in the First Schedule according to the numbers specified in the second column of the said Schedule; and
- (b) The additional Councillors, if any, not exceeding four in number, nominated by the Council under section 59.

(2) The Municipal Council for the time being shall be a body corporate and shall have the name of "The Municipal Council of Colombo", and in that name shall have perpetual succession with power to acquire, hold and sell property, and may by such name sue and be sued in all courts in this Island and may have and use a common seal.

Administration of Municipal affairs, and construction of existing law for that purpose.

Constitution and incorporation, &c., of Council.

(3) The common seal of the Council shall remain in the custody of the Commissioner, and shall not be affixed to any contract or other instrument on behalf of the Council, except in the presence of the Mayor or Deputy Mayor and the Commissioner who shall sign their names to such contract or other instrument in token of their presence.

Decision of questions, and quorum.

7 (1) All matters or questions authorised by this Ordinance or by any other written law to be decided by the Council shall be decided by a majority of the Councillors present and voting at any general or special meeting.

(2) No business shall be transacted at any meeting or adjourned meeting of the Council unless a quorum of at least eight Councillors is present.

Mayor or Deputy Mayor to preside at meetings of Council.

8 The Mayor, or in his absence, the Deputy Mayor, shall preside at all meetings of the Council, and if both the Mayor and the Deputy Mayor are absent, the members present shall elect one of their own number to preside at the meeting.

Delegation and exercise of powers, duties and functions of Council and Chairman.

9 (1) The Council may by resolution delegate generally or specially to the Mayor or Deputy Mayor or to the Commissioner or to any one or more of its officers or Committees any of the powers, duties or functions conferred or imposed upon or vested in it by this Ordinance or by any written law.

(2) All powers, duties or functions which are required by any written law in force at the commencement of this Ordinance to be exercised, performed or discharged by the Chairman or by the Assistant Chairman shall from and after the date referred to in section 5 be exercised, performed, or discharged, subject to the provisions of this Ordinance, by the Council.

(3) The provisions of this section shall not apply in any case where express provision is made in this Ordinance or by any other written law that any powers, duties or functions shall be exercised, performed or discharged by any specified person or authority other than the Council, the Chairman or the Assistant Chairman.

(4) The Commissioner may, with the consent of the Council by general or special order in writing, delegate to any municipal officer any of the powers, duties or functions delegated to him under sub-section (1), or conferred or imposed upon, or vested in him as Commissioner by this Ordinance or by any other written law.

(5) The exercise, performance or discharge by the Commissioner, or by any municipal officer of any powers, duties or functions delegated to him under sub-sections (1) or (4) shall be subject to such conditions and limitations, if any, as may be specified in the resolution or order by which such powers, duties or functions were delegated; and any such delegation may at any time be varied or cancelled, by resolution of the Council in cases falling within sub-section (1), or by the written order of the Commissioner, in cases falling within sub-section (4).

Standing committees.

10 (1) The Council shall at its first general meeting in each year elect by ballot from among the Councillors a standing committee on finance and not less than three other standing committees: Provided that the Mayor shall not be elected a member of any standing committee and no Councillor shall be elected to serve on more than two such committees. If during the year vacancies occur in any such committees the Council shall at a general or special meeting elect Councillors by ballot to fill the vacancies.

(2) Every standing committee other than the standing committee on finance shall consist of six Councillors elected as aforesaid, and the standing committee on finance shall consist of five Councillors so elected and the Mayor who shall *ex officio* be a member of it.

(3) The Mayor shall *ex officio* be the chairman of the standing committee on finance, but every other standing committee shall at its first meeting elect by ballot its own chairman.

(4) The Mayor may be present and may speak but not vote at a meeting of any of the standing committees other than the standing committee on finance; and, if present, he shall preside and may both speak and vote at every joint meeting of the standing committee on finance and any other standing committee or committees.

(5) In the absence of the Mayor from any meeting of the standing committee on finance, or from any joint meeting of that committee and any other standing committee or committees, and in the absence from any meeting of any such other

standing committee of the Chairman elected under sub-section (3), the members of the committee or committees concerned shall elect a Chairman for the meeting from among their own number.

(6) Every standing committee shall exercise, perform and discharge such powers, duties and functions as are delegated to it by the Council, or otherwise conferred or imposed upon, or vested in it.

(7) Three members of a standing committee shall form a quorum at any meeting thereof and, at any joint meeting of two or more standing committees, one-third the total number of the members of such committees shall form a quorum, provided that at least one member of each committee is present.

(8) Where, in any year, the first general meeting of the Council is the first meeting referred to in sections 57 and 59, the Council shall first elect a Mayor and a Deputy Mayor in terms of section 57 and then nominate the additional Councillors, if any, in terms of section 59, before proceeding to the business of electing the standing committees referred to in sub-section (1).

(9) Any nominated Councillor may, if present, be entitled to vote at any election by ballot of the standing committees referred to in sub-section (1), notwithstanding the fact that the notification required by section 60 shall not have been published on the date of such ballot.

(10) The Council may by resolution decide that the election of the standing committees referred to in sub-section (1) shall be adjourned to the second general meeting of the Council in any year and, upon the passing of any such resolution, such election shall be so adjourned and the provisions of sub-sections (1) and (2) shall apply accordingly subject only to the modification effected by such resolution.

11 (1) The Council may from time to time appoint from among the Councillors special committees, consisting of such number as it thinks fit, for the purpose of inquiring into and reporting upon any municipal matter.

Special committees.

(2) Every special committee shall at its first meeting elect by ballot its own chairman, and shall continue to be a committee until it has reported to the Council and until its report has been finally considered by the Council.

(3) Two-thirds of the members of any special committee shall form a quorum at any meeting thereof.

12 No municipal matter, except the election of the Mayor, Deputy Mayor, and standing and special committees and the nomination of the additional Councillors, if any, under section 59 shall be finally dealt with by the Council unless it has been first dealt with and reported upon by a standing or special committee, and the Commissioner shall furnish any information which is called for by any such committee with regard to any municipal matter with which it is dealing.

Powers of standing and special committees to deal with municipal matters.

13 (1) All meetings of standing and sub-committees shall be held at the Municipal Office or at such other place as the committee may decide and any such committee shall at its meetings and not otherwise have access to the books, deeds, contracts, accounts, vouchers and other documents and papers of the Municipality.

Custody of municipal books, papers, &c., and access thereto by committees and Councillors.

(2) The Commissioner shall be responsible for the custody of all books, deeds, contracts, accounts, vouchers and other documents and papers of the Municipality and shall permit any Councillor to inspect or peruse the same in the Municipal Office unless generally or specially authorised by the Mayor to refuse such inspection or perusal: Provided that no such books, deeds, contracts, accounts, vouchers or other documents or papers shall be removed from the Municipal Office by any Councillor without the consent in writing of the Mayor.

Qualifications and disqualifications.

14 (1) No person shall be qualified to vote at any election held under this Ordinance unless the name of such person appears in the new or revised list of persons duly qualified to vote, certified as hereinafter provided, and in force for the time being.

Qualifications of voters.

(2) No person shall be entitled to have his name placed on such list in any year as a person duly qualified to vote unless such person, on the date of the commencement of the preparation or revision, as the case may be, of such list for that year—

(a) is a British subject; and

(b) is not less than twenty-one years of age; and

- (c) has for a continuous period of at least six months in the period of eighteen months immediately prior to the said date resided in the ward to which the register relates ; and
- (d) is not serving a sentence of penal servitude or imprisonment imposed by any court in any part of His Majesty's dominions or in any country under His Majesty's protection or in respect of which a mandate is being exercised by His Majesty or by the Government of any part of His Majesty's dominions, for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months ; and is not under sentence of death imposed by any such court, and is not serving any term of imprisonment awarded in lieu of execution of such sentence ; and
- (e) has not been adjudged by a competent court to be of unsound mind ; and
- (f) has not within a period of five years immediately prior to the said date been convicted of an election offence in respect of any election held under the provisions of this Ordinance or of the Municipal Councils Ordinance, 1910.

(3) A person shall be entitled to have his name entered in any register of voters for which he is qualified.

Qualifications
for election
as Councillors.

15 (1) No person shall be proposed for election or nomination or be elected or nominated as a Councillor unless such person is qualified to be a Councillor under the provisions of this Ordinance.

(2) No person shall be qualified to be or to continue to be an elected or nominated Councillor or to sit or to vote in the Council as an elected or as a nominated Councillor unless such person—

- (a) is a British subject ; and
- (b) is not less than 21 years of age on the first day of May in the year in which he seeks election or is proposed for nomination, as the case may be ; and
- (c) is able to read and write English, Sinhalese or Tamil ; and
- (d) has resided within the limits of the Municipality for a continuous period of at least six months in the period of eighteen months immediately prior to the date specified in paragraph (b) aforesaid ; and
- (e) is not serving a sentence of penal servitude or imprisonment imposed by any court in any part of His Majesty's dominions or in any country under His Majesty's protection or in respect of which a mandate is being exercised by the Government of any part of His Majesty's dominions, for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months, and is not under sentence of death imposed by any such court, and is not serving any term of imprisonment awarded in lieu of execution of such sentence ; and
- (f) has not been adjudged by a competent court to be of unsound mind ; and
- (g) has not within a period of five years immediately prior to the said date been convicted of any election offence in respect of an election held under the provisions of this Ordinance or of the Municipal Councils Ordinance, 1910 ; and
- (h) does not hold any public office under the Crown in this Island ; and
- (i) does not, directly or indirectly, himself or by any other person whatsoever in trust for him or for his use or benefit or on his account, hold or enjoy, in the whole or in part, any contract or agreement or commission made or entered into with or accepted from any person for or on account of the Council ; provided that nothing herein contained shall extend to any pension or gratuity granted by the Council in respect of past service, nor to any contract, agreement or commission entered into or accepted in its corporate capacity by any incorporated trading company in which such person may be a member or a shareholder ; and
- (j) is not an uncertificated or undischarged bankrupt or insolvent ; and
- (k) is not an officer or servant of the Council in actual employment by and in receipt of a salary from the Council.

Provided, however, that the qualifications specified in paragraphs (d) and (h) aforesaid shall have no application in the case of a person who is proposed for nomination or is nominated as a Councillor under section 59.

16 The seat in the Council of an elected or nominated member shall become vacant—

Vacation of seats in the Council.

- (a) upon his death ; or
- (b) if by writing under his hand addressed to the Mayor he shall resign his seat in the Council ; or
- (c) if he shall become incapable of sitting or voting as a Councillor by reason of any of the provisions of section 15 ; or
- (d) if he fails to attend three consecutive general meetings of the Council ; or
- (e) upon the dissolution of the Council.

Provided that in the case referred to in paragraph (d) of this section the Council may by resolution restore to his office the Councillor in default.

17 Every Councillor who is, directly or indirectly, concerned or interested otherwise than as a shareholder in a joint stock company, in any contract with, or in any work done for the Council, shall vacate his office and cease to be a Councillor as from the date on which he became so concerned or interested in such contract or work and shall, upon summary trial and conviction by a Police Magistrate, be liable to a fine not exceeding five hundred rupees.

Penalty when Councillor is concerned in a contract with the Council.

18 If at any time it is proved to the satisfaction of a Police Magistrate that any Councillor has since his election ceased to be qualified to be or to continue to be an elected or a nominated Councillor or to sit or to vote in the Council as an elected or as a nominated Councillor and that such Councillor refuses to vacate his office, such Police Magistrate may, after notice to such Councillor and after necessary inquiry, make order declaring the seat of such Councillor to be vacant.

Procedure when disqualified Councillor refuses to vacate his seat.

19 Every Councillor who after his election knowingly continues to act as a Councillor notwithstanding that his office shall have become vacant or been declared to be vacant under this Ordinance shall be guilty of an offence and shall upon summary trial and conviction by a Police Magistrate, be liable to a fine not exceeding one thousand rupees and shall for ever be disqualified from being elected or nominated as a Councillor or from voting at any election held under the provisions of this Ordinance.

Penalty for Councillor acting while disqualified.

20 (1) Any person who shall be dissatisfied with any judgment or order pronounced by a Police Magistrate under section 17 or section 18 or section 19, may prefer an appeal to the Supreme Court against such judgment or order for any error in law or in fact by lodging with such Police Magistrate within ten days from the date on which such judgment or order was passed or made a petition of appeal addressed to the Supreme Court.

Appeal to Supreme Court.

(2) Every such petition of appeal shall bear uncanceled stamps to the value of five rupees and shall be heard and determined within a period of two months reckoned from the date on which the petition of appeal was received by the Supreme Court, in the same manner as if it were an appeal from an interlocutory order of a District Court.

(3) The Supreme Court may also make such order as to costs as it shall deem just.

(4) In computing the time within which an appeal must be so preferred the day on which the judgment or order complained of was pronounced shall be included, but all Sundays and public holidays shall be excluded. If the time for preferring a petition of appeal expires on a day on which the office of the court of the Police Magistrate is closed, the appeal shall be deemed in time if such petition be preferred on the first day next thereafter on which such office is open.

Electoral lists.

21 (1) The new and revised lists of persons qualified to vote, hereinbefore referred to, shall be prepared and revised in the manner following :—

Preparation and revision of lists.

- (a) on the first day of May in the year in which a general election is required to be held under this Ordinance, the Commissioner shall commence the preparation of the new lists for that year ;
- (b) on the first day of May in every year other than a year in which a general election is to be held, the Commissioner shall commence the revision of the lists for the time being in force ;
- (c) the said first day of May shall in each case be deemed to be the date of commencement of the preparation or revision of the lists, as the case may be ;

- (d) the Commissioner shall give due notice of the date of commencement of every preparation or revision of the lists by notification to be published in the Gazette and in two or more of the local newspapers and in such other manner as he shall think fit, at least three weeks before such commencement ;
- (e) the Commissioner shall also, in such notice, call upon all qualified persons whose names do not appear in the lists for the time being in force, or who desire that their names should be transferred from one of such lists to another, to apply to him in writing before the thirty-first day of May next following, on a form to be obtained from him, to have their names placed in the lists, or transferred from one list to another ;
- (f) the name of every such applicant whose application form reaches the Commissioner on or before the said thirty-first day of May shall be so placed in the lists or transferred, as the case may be, unless the Commissioner is of opinion that such applicant is not duly qualified, or unless his application form is improperly or incompletely filled in ;
- (g) all application forms which are improperly or incompletely filled in, or which reach the Commissioner after the said thirty-first day of May shall be disregarded, and no claim for inclusion in the lists for the year or for the transfer from one list to another, shall be entertained in respect thereof ;
- (h) in any preparation of lists and in any revision of lists for the time being in force, the Commissioner shall—
- (i) erase the name of any person who has died, or who is not, or has ceased to be, qualified to have his name retained in the lists, or who requests that his name shall be erased ;
 - (ii) insert the name of any person who is qualified to have his name placed in the lists, and who has made due application for that purpose ;
 - (iii) correct any mistake and supply any omission which may appear to him to have been made ; and
 - (iv) make such alterations as may appear to him to be necessary ;
- (i) in every preparation or revision of lists, the Commissioner shall cause to be made a separate list for each ward of the Municipality and each such list shall contain the names of all persons duly qualified to vote, arranged in such divisions as the Commissioner may think fit.

(2) In preparing or revising any such lists, the Commissioner may make such inquiries as he shall deem necessary, either by himself or by any officer appointed by him for that purpose, and every person intentionally giving any false information in connection with any such inquiry shall upon summary trial and conviction by a Police Magistrate be liable to a fine not exceeding one hundred rupees.

Publication of lists.

22 Such lists when prepared or revised shall be open to public inspection at all reasonable times of the day at the Municipal office or elsewhere, and notice thereof shall be given in the Gazette not later than the thirtieth day of June next following the date of the commencement of their preparation or revision.

Claims and objections.

23 (1) Every person duly qualified in any year to vote, who has made due application under section 21 to have his name placed in the lists for the year, or transferred from one list to another, or whose name was inserted in the lists for the previous year, and who finds at the time when the new or revised lists are open to inspection under section 22 that his name is omitted from such lists, or is not so transferred, and who claims to have his name inserted or transferred (such person being hereinafter referred to as "the claimant") may apply to the Commissioner to have his name inserted or transferred.

(2) Every person whose name appears in any such new or revised lists at the time when they are open to inspection, and who objects to the name of any other person appearing therein (such first-mentioned person being hereinafter referred to as "the objector") may apply to the Commissioner to have the name of such other person erased therefrom.

(3) Every such application shall be made, on a form to be obtained from the Commissioner, within a period of two weeks from the date on which the new or revised lists are open to inspection under section 22, and no such application which is received by the Commissioner after the expiry of the said period shall be entertained by him.

(4) The Commissioner shall on the expiry of the said period make a list of all such applications received by him, and shall post such list in the Municipal office and such other places as he shall think fit and shall further by notification in the Government Gazette and in two or more of the local newspapers declare that the said list is open to public inspection at the Municipal office and at such other places, from such date as may be specified in the notification.

(5) In the said notification, the Commissioner shall also—

(a) specify a day or days on which all such applications will be heard and determined, the first of such days being at least one week after the date referred to in sub-section (4); and

(b) call upon all persons who desire to oppose any such application to appear before him on the said day or days for that purpose.

(6) The Commissioner, or if the Commissioner refers the application to the Municipal Magistrate, the Municipal Magistrate, shall on the said day or days make summary inquiry into every such application, and after hearing and recording the evidence of the claimant or the objector, and of any person who has appeared for the purpose of opposing the application, and such further evidence as he may deem necessary, shall adjudicate on the application, and, subject to the provisions of sections 24 and 25, such adjudication shall be final.

24 (1) The claimant or the objector or the person whose name is objected to may, within ten days from the date of the adjudication, appeal therefrom to the Supreme Court on any question of law involved in the adjudication, but not on any other ground.

Appeal to
Supreme Court.

(2) Every such appeal shall be made by means of a petition, which shall bear uncanceled stamps to the value of five rupees, and shall be filed with the Commissioner, who shall on receipt thereof forward the same forthwith to the Registrar of the Supreme Court, together with the record relating thereto.

(3) The appellant in his petition shall name as respondent one of the following persons:—

(a) if the appellant is a claimant, the Commissioner;

(b) if he is an objector, the person whose name is objected to;

(c) if he is a person whose name is objected to, the objector.

(4) The appellant shall, within three days of the filing of the petition with the Commissioner, serve the respondent with a copy of the petition, either personally or by leaving the same at his last-known place of abode, and shall within five days after the service of the petition file with the Registrar of the Supreme Court an affidavit stating the time, place, and circumstances of such service.

(5) Every such appeal shall be heard and determined by a single judge of the Supreme Court before the fifteenth day of September in the year, and no appeal shall lie from an order made by such judge on any such appeal.

Order of
Supreme Court.

25 The Supreme Court, after hearing the appellant and the respondent or their respective advocates, shall make such order as to the insertion or omission of the name of the claimant or the erasure or continuance of the name objected to, and as to the payment of the costs of the inquiry, as it thinks just; and such order, if it directs the insertion or erasure of any name in the lists, shall be forthwith complied with by the Commissioner.

26 (1) After all the applications under section 23 in any year have been finally decided, the new or revised lists for the year, amended if necessary in accordance with the provisions of section 25, shall be certified under the hand of the Commissioner on or before the seventh day of October in that year, and shall thereupon be open to inspection at all reasonable times of the day at the Municipal office or elsewhere, and notice thereof shall be given in the Gazette.

Certifying of
lists.

(2) Such lists, when so certified, shall supersede and take the place of any lists previously in force and shall be final and conclusive, and the only evidence of the due qualification of the persons whose names appear therein to vote under the provisions of this Ordinance, until such lists are superseded by the new or revised lists certified in the following year.

Elections.

27 (1) During the month of October preceding the date on which the term of office of any Council constituted or deemed to be constituted under this Ordinance expires, the Commissioner shall, by notification published in the Government Gazette and in any two or more of the local newspapers declare that a general election of elected members of the Council will be held.

Notification of
dates and days
of nomination
for general
elections and by-
elections.

(2) Whenever the seat of an elected member becomes vacant, the Commissioner shall, if he is satisfied that such a vacancy has occurred, by notification published in the Government Gazette and in any two or more of the local newspapers declare that an election will be held to fill the vacancy.

(3) Every notification published under this section shall specify a date not being less than fourteen nor more than twenty-one days after the date of the publication of such notification in the Government Gazette, on which candidates for election shall be nominated and the place or places at which such nominations shall be made.

Returning officers.

28 (1) The Commissioner shall by notice published in the Government Gazette appoint a fit and proper person to be the returning officer of each ward, and may at any time revoke any such appointment; provided, however, that one person may be so appointed by the Commissioner to be the returning officer of more than one ward.

(2) If any returning officer shall by sickness or other cause be prevented or disabled from performing any of his duties under this Ordinance, and there shall not be time for another person to be appointed by the Commissioner in his stead, the returning officer may appoint a deputy to act for him. Every such appointment shall, as soon as possible, be reported to the Commissioner and may be confirmed or disallowed by the Commissioner, but without prejudice to the validity of anything already done by such deputy.

Nomination papers.

29 (1) Any person eligible for election to the Council may be nominated as a candidate for election.

(2) (a) Each candidate shall be nominated by means of one or more separate nomination papers each signed by two persons, whose names are on the register of voters for the ward for which the candidate seeks election, as proposer and seconder respectively.

(b) No person whose name appears on the list of qualified voters in any ward shall subscribe as proposer or seconder more than one nomination paper for that ward.

(c) The written consent of the candidate shall be annexed to, or endorsed on, the nomination paper.

(3) The signatures of the proposer and of the seconder shall be attested by a Justice of the Peace or by a Notary Public.

(4) Subject to the provisions of sub-section 2 (c), every nomination paper shall be in the form prescribed in the Second Schedule.

(5) The returning officer shall at any time between the date of the notification published under section 27 and one o'clock in the afternoon of the day of nomination supply a form of nomination paper to any registered voter requiring the same; but nothing in this Ordinance shall render obligatory the use of a nomination paper supplied by the returning officer, so, however, that the paper used be substantially in the form prescribed by, or in accordance with, this Ordinance.

Deposits by candidates.

30 (1) A candidate or someone on his behalf shall deposit or cause to be deposited, with the returning officer, between the date of the notification published under section 27 or section 35, and one o'clock in the afternoon of the day of nomination or the second day of nomination, as the case may be, the sum of two hundred and fifty rupees, and, if he fails to do so, he shall be deemed to have withdrawn from his candidature under section 34. The returning officer shall forthwith credit the said sum to the Municipal fund, in order that it may be dealt with in accordance with the provisions of this Ordinance.

(2) If a candidate is not nominated as a candidate for election, or if, after the deposit is made, the candidate withdraws from the candidature under section 34, the deposit shall be returned to the person by whom the deposit was made; and, if the candidate dies after the deposit is made, and before the poll is commenced, the deposit, if made by him, shall be returned to his legal personal representative, or if not made by him, shall be returned to the person by whom the deposit was made.

(3) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-tenth of the total number of votes polled, the amount deposited shall be forfeited to and appropriated by the Municipality; but in any other case that amount shall be returned to the candidate, where the candidate is elected, as soon as he assumes office as an elected Councillor, and, where the candidate is not elected, as soon as practicable after the result of the election is declared.

(4) For the purposes of this section the number of votes polled shall be deemed to be the number of votes counted other than rejected votes.

31 (1) The returning officer shall on the day appointed for the nomination of candidates (in this Ordinance called "nomination day") attend at the place where the nomination of candidates is to take place (in this Ordinance called the "place of nomination") from 12 noon until 1 P.M. to receive nomination papers.

Proceedings on nomination day.

(2) Every nomination paper must be delivered to the returning officer together with a true copy thereof on the day and at the place and between the hours aforesaid by the candidate or by his proposer or seconder, and, if not so delivered, shall be rejected.

(3) The returning officer shall forthwith cause a copy of the nomination paper to be posted in a conspicuous position outside the place of nomination.

(4) The returning officer shall permit the candidates and their proposers and seconds and one other person, if any, appointed by each candidate in writing to be present on the day and at the place of nomination between 12 noon and 1.30 P.M., and there and then to examine the nomination papers of candidates which have been received for that ward.

32 (1) Objection may be made to a nomination paper on all or any of the following grounds but on no other ground, viz. :—

Objections to nomination papers.

- (a) that the description of the candidate is insufficient to identify the candidate ;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of this Ordinance ;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not capable of being elected a member of the Council ; and
- (d) that the provisions of section 30 of this Ordinance, which relates to deposits, have not been observed.

(2) No objection to a nomination paper shall be allowed unless it is made to the returning officer between the hours of 12 noon and 1.30 P.M. on the nomination day.

(3) Every objection shall be in writing signed by the objector and shall specify the grounds of objection. The returning officer may himself lodge an objection.

(4) The returning officer shall with the least possible delay decide on the validity of every objection and inform the candidate concerned of his decision, and, if the objection is allowed, of the grounds of his decision. The decision of the returning officer shall be final and conclusive.

33 No person, other than the returning officer, the candidates and their respective proposers and seconds and one other person, if any, selected by each candidate shall, except with the consent of and for the purpose of assisting the returning officer, be entitled to be present at the proceedings specified in the two preceding sections.

Who may be present at nominations.

34 (1) A candidate may before one o'clock in the afternoon on nomination day, but not afterwards, withdraw his candidature by giving a notice to that effect signed by him to the returning officer.

Withdrawal of candidature.

(2) The returning officer shall forthwith cause notice of such withdrawal to be posted in a conspicuous position outside the place of nomination.

35 (1) If at 1 P.M. on nomination day in any ward and after the decision of any objections which have been or may be lodged, no candidate has been duly nominated for such ward, the returning officer shall forthwith report to the Commissioner the fact that no candidate has been duly nominated for such ward, and the Commissioner shall, not later than ten days after the date of the receipt of such report, publish a notification in the Government Gazette and in any two or more of the local newspapers prescribing another date (in this Ordinance called "second nomination day") not being less than fourteen nor more than twenty-one days after the date of the publication of such notification, on which candidates for election for such ward shall be nominated, and the place or places at which such nominations shall be made ; and, save as is expressly provided in this section, all the provisions of this Ordinance shall thereupon apply as though such second nomination day were the nomination day referred to in section 31 and as though the place or places prescribed in the notification published under this sub-section were the place or places of nomination referred to in section 31 ; provided, however, that such notification may be published later than in the month of October.

Procedure where no candidate is nominated on nomination day.

(2) If at 1 P.M. on second nomination day in any ward and after the decision of any objections which may have been or may be lodged, no candidate stands nominated for such ward, the returning officer shall forthwith report to the Commissioner the fact that no candidate has been duly nominated for such ward on second nomination day.

(3) Upon receipt of such report, the Commissioner shall publish in the Government Gazette a notification to the effect that no candidate has been duly nominated for such ward on second nomination day, and from the date of the publication of such notification no further steps shall be taken for the nomination of a candidate or for the election of a Councillor for such ward and the vacancy in the Council shall thereafter remain unfilled until such Council goes out of office or is dissolved whether by effluxion of time or otherwise.

Uncontested
election.

36 If at 1 P.M. on nomination day in any ward and after the decision of any objections which have been or may be lodged, not more than one candidate stands nominated for that ward, the returning officer shall forthwith declare the nominated candidate to be elected and report the result to the Commissioner who shall cause a notification thereof to be published in the Government Gazette.

Contested
election.

37 (1) If at 1 P.M. on nomination day in any ward and after the decision of any objections which have been or may be lodged, more than one candidate stands nominated for the ward, the returning officer shall forthwith adjourn the election to enable a poll to be taken in accordance with the provisions of this Ordinance and shall allot to each candidate a colour or combination of colours by which the ballot box for the reception of ballot papers in favour of such candidate shall be distinguished at the poll.

(2) Immediately after such adjournment the returning officer shall report to the Commissioner that the election is contested and shall send him copies of the nomination papers and a statement of the colour or combination of colours allotted to each candidate.

(3) Upon the receipt of such report, the Commissioner shall forthwith cause to be published in the Government Gazette, and also in two or more of the local newspapers, a notice specifying—

- (a) the ward in which the election is contested.
- (b) the date on which the poll will be taken, such date being not less than two nor more than four weeks after nomination day.
- (c) the names of the candidates as described in their respective nomination papers and the colour or combination of colours allotted to each, and the names of their proposers and seconders.
- (d) the situations of the polling stations and the areas of residence or the numbers of the voters on the register of voters allotted to each polling station and the particular polling stations, if any, allotted to such female voters as the notice shall specify.

(4) If after an election has been reported as contested, one of the candidates nominated shall die before the poll has commenced, the Commissioner shall, upon being satisfied of the fact of such death, countermand the notice for the poll, and shall appoint in manner prescribed by section 27 of this Ordinance a fresh date for the election. In such case, all proceedings with reference to the election shall be commenced afresh, provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

Presiding
officers.

38 (1) Subject to the general or special directions of the Commissioner, each returning officer shall appoint, and may revoke the appointment of one or more persons, hereinafter called "presiding officers", to preside at each polling station in his ward. If more than one presiding officer is appointed for any polling station, the returning officer may appoint one of the presiding officers to be the senior presiding officer who shall exercise general supervision over the other presiding officers, and over all arrangements for the conduct of the poll in that station. Each presiding officer shall be supplied with a copy of that part of the register of voters containing the names of voters on such register assigned to his polling station.

(2) If any presiding officer shall, by sickness or other cause, be prevented from acting at any election, and there shall not be time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall as soon as

possible be reported to the returning officer and may be confirmed or disallowed by the returning officer, but without prejudice to the validity of anything already done by such deputy.

(3) The returning officer, may, if he thinks fit, preside at any polling station, and the provisions of this Ordinance relating to a presiding officer shall apply to such returning officer with the necessary modifications as to things to be done by the returning officer in regard to the presiding officer, or by the presiding officer in regard to the returning officer.

39 (1) It shall be the duty of the returning officer to provide at each polling station reasonable facilities for the voters allotted to such station to enable them to vote in accordance with the provisions of this Ordinance, and he shall determine, or may authorise the presiding officer to determine, in what manner such facilities shall be distributed among the voters entitled to vote at such station.

Duty of returning officer to provide facilities at polling stations.

(2) An election shall not be questioned by reason of non-compliance with this section or any informality relative to polling stations.

40 (1) No person shall be admitted to vote at any polling station except the one allotted to him; provided that where a voter for any ward is employed as a presiding officer, police officer, or in any other official capacity at a polling station, and it is inconvenient for him to vote at the polling station in such ward which has been allotted to him, the returning officer may authorise the voter, by a certificate under his hand, to vote at any other polling station in the ward, and that polling station shall, for the purposes of this section, be deemed to be the polling station allotted to such voter.

Admittance to polling station.

(2) Such certificate shall be given under the hand of the returning officer, and shall state the name of the voter, his number, and description on the register of voters, and the fact that he is so employed as aforesaid.

(3) Unless the Commissioner, by notification in the Government Gazette, appoint any other hours, the poll in any ward shall open at eight o'clock in the forenoon of the day appointed by the Commissioner under section 37 and shall close at five o'clock in the afternoon of that day.

(4) The presiding officer shall keep order in his station, and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons, except the candidates, the polling agent or agents (not exceeding three in number) of each candidate, the police officers on duty and other persons officially employed at the polling station.

Provided that the Commissioner may by notice published in the Government Gazette, order that in the case of any polling station reserved exclusively for the use of female voters, no male polling agent shall be admitted to the station during the hours of polling.

(5) If any person misconducts himself in the polling station or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any police officer in or near that station or by any other person authorised in writing by the presiding officer or by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during the day.

Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a Police Magistrate.

Provided that the powers conferred by this section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

41 (1) At each polling station there shall be such number of compartments for the reception of ballot boxes as the returning officer shall consider sufficient for the voters allotted to such station. In each compartment there shall be one ballot box for each candidate for election and each compartment shall be so constructed, and the ballot boxes shall be so placed therein, that a voter can insert his ballot paper in any of the boxes in such compartment without being observed by any other person.

Ballot boxes.

(2) Each candidate's box shall be clearly marked with his name in English, Sinhalese, and Tamil, and shall be

coloured with the colour or combination of colours allotted to the candidate by the returning officer in accordance with section 37.

(3) Outside each polling station there shall be affixed in a conspicuous place by the presiding officer before the commencement of the poll a notice showing the name of each candidate in English, Sinhalese, and Tamil, and the colour or combination of colours with which his ballot box is coloured.

(4) Every ballot box shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn therefrom unless the box is unlocked.

(5) The presiding officer, immediately before the commencement of the poll, shall show each ballot box, for use at his polling station, empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such a manner that it cannot be opened without breaking the seal, and shall place it in one of the compartments for the receipt of ballot boxes, in accordance with sub-section (1).

Ballot papers.

42 (1) A ballot paper shall be in the prescribed form. Each ballot paper shall have a number printed on the back, and shall have attached a counterfoil with the same number printed on the face.

(2) The ballot paper shall be delivered to the voter by the presiding officer or a person acting under his authority. Immediately before the ballot paper is delivered to the voter, it shall be marked on one side with the official mark or it shall be perforated with that mark; and the number, name and description of the voter as stated in the copy of the register of voters, shall be called out, and the number of such elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

Manner of voting.

43 (1) The voter, on receiving a ballot paper, shall forthwith proceed to such one of the compartments containing ballot boxes as may be indicated by the presiding officer or by any person acting under such officer's authority, and shall insert his ballot paper in the box allotted to the candidate whom he prefers. He shall vote without undue delay and shall quit the polling station as soon as he has put his ballot paper into a ballot box.

(2) The presiding officer, or any person authorised by the presiding officer, on the application of a voter who, in his opinion is incapacitated by blindness or other physical cause from voting in the manner prescribed by this Ordinance, may give, or may direct any other person to give, such assistance to the voter as he may require to enable him to vote in accordance with this Ordinance.

(3) The presiding officer, or any person authorised by the presiding officer, may if he thinks fit, on the application of any voter, explain to the voter the method of voting in accordance with this Ordinance, but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular candidate.

(4) The presiding officer may at any time while a poll is proceeding enter any compartment where ballot boxes have been placed and may take such steps as may be necessary to ensure that the boxes remain ready for the reception of ballot papers in accordance with the provisions of this Ordinance and that no voter delays unduly in any such compartment and that not more than one voter is in any such compartment at a time.

(5) No vote shall be given by proxy.

Voter may be required to make declarations.

44 (1) The presiding officer at any polling station may in his discretion require any voter before he is given a ballot paper to make and subscribe all or any of the following declarations (which shall be exempt from stamp duty), viz. :—

First—" I (*name in full*) of (*address*), hereby declare that I am the same person whose name appears as *A. B.* on the register of voters now in force for this ward."

(Signature or mark of voter).

Declared before me this _____ day of _____, 19

(Signature of Presiding Officer).

Second—“ I (*name in full*) of (*address*), hereby declare that I have not voted either here or elsewhere at this election for the election of a member for this ward.”

(Signature or mark of voter).

Declared before me this _____ day of _____, 19

(Signature of Presiding Officer).

and,

Third—When the election is a general election “ I (*name in full*) of (*address*), hereby declare that I have not already voted at this general election in any other ward.”

(Signature or mark of voter).

Declared before me this _____ day of _____, 19

(Signature of Presiding Officer).

(2) If any person refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(3) If any person wilfully makes a false statement in any such declaration, he shall be guilty of an offence and shall be liable upon summary trial and conviction by a Police Magistrate to a fine not exceeding five hundred rupees or to imprisonment of either description for any term not exceeding six months.

45 A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering to the presiding officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Ordinance called a “spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

Spoilt ballot paper.

46 (1) If at any election any question arises as to the identity of any person claiming to be a person whose name is on the list of persons qualified to vote, the presiding officer shall have power to make necessary inquiry and, if it appears expedient to him, to administer an oath or affirmation to any person present at such election whom he shall think fit to examine with reference to such question.

Decision of presiding officer on questions of identity to be final.

(2) The decision of the presiding officer on any matter or question inquired into or investigated by him under subsection (1) shall be final.

47 No ballot paper shall be delivered to a voter after the hour fixed for closing the poll. But if at the hour aforesaid there is in the polling station any voter to whom a ballot paper has been delivered, such voter shall be allowed to record his vote.

Closing of poll.

48 (1) The presiding officer of each polling station, as soon as practicable after the close of the poll, shall, in the presence of the candidates or their polling agents, if desirous of being present, make up into separate packets, sealed with his own seal and the seals of the candidates or their agents if they desire to affix their seals—

Procedure on closing of poll.

- (a) The unused and spoilt ballot papers placed together; and
- (b) The marked copies of the register of voters and the counterfoils of the ballot papers.

(2) The ballot boxes unopened shall be secured by the presiding officer and sealed with his seal and with the seals of the candidates or their agents, if they desire to affix their seals, in such manner that the boxes cannot be opened and nothing can be inserted therein, without breaking the seals.

(3) The presiding officer shall despatch each such packet and the ballot boxes in safe custody to the returning officer.

49 (1) Each candidate may appoint one agent only to attend the counting of the votes, provided that written notice of the name and address of the agent so appointed shall be given by the candidate to the returning officer.

Counting votes.

(2) The returning officer shall make arrangements for counting the votes in the presence of each candidate or of his agent as soon as practicable after he has received all the ballot boxes relating to any ward and for that purpose shall give notice in writing to each candidate, or, if the candidate has appointed an agent, to such agent, of the time and place at which he will begin to count the votes.

(3) The returning officer, his assistants and clerks, and the candidates and their respective agents, but no other person, except with the sanction of the returning officer, may be present at the counting of the votes.

(4) The votes shall be counted in accordance with the following provisions. All the ballot boxes allotted to a particular candidate shall be placed together and separated from those allotted to any other candidate, and the counting of all the ballot papers contained in the boxes allotted to the same candidate shall be completed before the counting of the ballot papers contained in the boxes allotted to any other candidate is commenced. The order, as between the candidates, in which the counting of votes shall proceed shall be the alphabetical order of the candidates' names. The returning officer or a person authorised by him shall, in the presence of the candidates or their agents, open each ballot box and taking out the papers therein, shall stamp each paper with the name of the candidate to whom the box in which the paper was contained was allotted and shall count and record the number thereof, and shall seal in a separate packet all the ballot papers in support of each candidate. The returning officer or other person while counting and recording the number of ballot papers and counting the votes shall keep the ballot papers with their face upwards and shall take all proper precautions for preventing any person from seeing the numbers printed on the back of such papers.

(5) The returning officer shall endorse "rejected" on any ballot paper which he may reject as invalid.

(6) Nothing in this section contained shall render invalid a count of votes taken in the absence of a candidate or of his agent provided that notice in writing of the time and place at which the returning officer would begin to count such votes was duly given to the candidate or to his agent, as the case may be, in accordance with the provisions of sub-section (2).

(7) When the counting of the votes has been completed, the returning officer shall forthwith declare the candidate to whom the greatest number of votes is given to be elected; provided that upon the application of any candidate or his agent a recount shall be made before the returning officer makes the declaration.

(8) When an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of the candidates to be declared elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall determine.

(9) Upon the completion of the counting and after the result has been declared by him, the returning officer shall seal up the ballot papers and all other documents relating to the election and shall retain the same for a period of six months and thereafter shall cause them to be destroyed.

(10) No person shall be allowed to inspect any such ballot paper or document after it has been sealed up in pursuance of sub-section (9); but nothing in this sub-section contained shall debar any court duly constituted under the Courts Ordinance, 1889, from ordering the production of, or from inspecting, or from authorising the inspection of, any such ballot paper or document at any time within the period of six months referred to in sub-section (9).

Votes to be rejected.

50 (1) The returning officer shall reject as invalid the following ballot papers only, viz.:—

Any ballot paper—

- (a) which is not stamped or perforated with the official mark; or
- (b) on which anything except the number printed on its back is written or marked by which the voter can be identified.

(2) Before rejecting a ballot paper, the returning officer shall show it to each candidate or his polling agent and hear his views thereon, taking all proper precautions to prevent any person from seeing the number printed on the back of the paper.

(3) The rejection of a ballot paper shall not be invalid by reason of the fact that the returning officer was unable to comply with the requirements of sub-section (2) owing to the absence of any candidate or of his polling agent or to the failure of either to express his views on the proposed rejection of that ballot paper.

(4) The decision of the returning officer as to any question arising in respect of any ballot paper shall be final.

51 The returning officer shall without delay report the result of the election to the Commissioner who shall cause the name of the member elected to be published in the Government Gazette.

Publication of result of election in Gazette.

52 No election shall be invalid by reason of any failure to comply with the provisions contained in this Ordinance relating to elections if it appears that the election was conducted in accordance with the principles laid down in such provisions, and that such failure did not affect the result of the election.

Non-compliance with provisions of Ordinance.

53 (1) Every person who—

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper or delivers to the returning officer any nomination paper knowing the same to be forged; or
- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (c) without due authority supplies any ballot paper to any person; or
- (d) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (e) fraudulently takes out of the polling station any ballot paper; or
- (f) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election;

Offences in respect of nomination papers, &c.

shall be guilty of an offence, and be liable upon summary trial and conviction by a Police Magistrate, to a fine not exceeding five hundred rupees or to imprisonment of either description for any term not exceeding six months.

(2) Every person who aids or abets or attempts to commit an offence specified in this section shall be liable to the punishment provided for the offence.

(3) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers, and marking instruments at an election, the property in such papers, boxes, and instruments may be stated to be in the returning officer at such election as well as the property in the counter-foils.

54 (1) Every officer, clerk, candidate and agent authorised to attend at a polling station or at the counting of the votes shall, before so attending, make a statutory declaration of secrecy in the form given in the Third Schedule to this Ordinance or to the like effect. Such declaration shall be made by the returning officer and by the presiding officer in the presence of a Justice of the Peace and when made by any other person shall be made in the presence of the returning officer or of a Justice of the Peace or of a presiding officer.

Maintenance of secrecy at elections.

(2) Every officer, clerk, candidate and agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station, and shall not communicate, except for some purpose authorised by law, before the poll is closed to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper or voted at that station or as to the official mark.

(3) No such officer, clerk, candidate, or agent and no person whosoever shall attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted, or communicate at any time to any person any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station.

(4) Every officer, clerk, candidate, and agent in attendance at the counting of the votes shall maintain, and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(5) No person, except a presiding officer acting for a purpose authorised by this Ordinance, or a person authorised by the presiding officer and acting for such purpose as aforesaid, shall communicate or attempt to communicate with any voter after such voter shall have received a ballot paper and before he shall have placed the same in a ballot box.

(6) Every person who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on summary conviction by a Police Magistrate to a fine not exceeding five hundred rupees or to imprisonment of either description for any term not exceeding six months.

Penalty for voting in more than one ward.

55 (1) No person shall at any election vote in more than one ward.

(2) If any person at any election under this Ordinance votes in more than one ward or asks for a ballot paper for the purpose of so voting, he shall be guilty of an offence and shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding three hundred rupees, and shall upon such conviction become incapable for a period of five years from the date of conviction of being registered as a voter or of voting at any election or of being elected or nominated as a Councillor; and if on that date he has already been elected or nominated as a Councillor, his election or nomination, as the case may be, shall be vacated from the date of such conviction.

The Council.

Period of tenure of office of elected Councillors.

56 The Councillors duly elected at a general election shall hold office for a period of three years commencing on the first day of January next following the date of the election.

First meeting of Council, and election of Mayor and Deputy Mayor.

57 (1) As soon as convenient after the commencement of the term of office of the Councillors elected at any general election held under this Ordinance, the Commissioner shall by written notice summon the elected Councillors to the first meeting of the Council.

(2) The first business at such meeting shall be the election of a Mayor and Deputy Mayor of the Council for the year, and for the purpose of such election and until the same has been completed, the Commissioner shall be the Chairman of the meeting.

(3) The name of any elected Councillor may with his consent be proposed and seconded for election as Mayor or Deputy Mayor by any other elected Councillor present at such meeting and the Councillors present shall thereupon elect, by ballot, in each case, a Mayor and a Deputy Mayor from among the Councillors proposed and seconded for election as Mayor and Deputy Mayor respectively.

(4) If two or more Councillors receive an equal number of votes, and the addition of one vote would entitle any one of such Councillors to be elected as Mayor or Deputy Mayor, the determination of the person to whom the additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall direct.

(5) Immediately after the election of a Mayor and a Deputy Mayor, the Commissioner shall vacate the chair and the Mayor so elected shall be the Chairman and shall preside at such meeting. If the Mayor so elected is not present at the first meeting, the provisions of section 8 shall have effect but this special reference to that section shall not affect the general application thereof.

Term of office, and election for subsequent years, of Mayor and Deputy Mayor.

58 (1) Any Councillor so elected as Mayor or Deputy Mayor of the Council shall hold office in such capacity until the end of the year in which he is elected; and as soon as convenient after the commencement of each of the following years until the term of office of the Council expires, the Commissioner shall by notice in writing summon the elected and nominated members, if any, to the first meeting of the year and at such meeting a Mayor and Deputy Mayor of the Council shall be elected for the ensuing year in accordance with the provisions of section 57 (2), (3) and (4); and upon such election, the provisions of section 57 (5) shall apply accordingly.

(2) No person who has been elected as Mayor or Deputy Mayor shall be eligible for re-election as such during the term of office of the Council by which he was elected.

(3) If any elected Mayor or Deputy Mayor dies, or resigns, or vacates his office as a Councillor or ceases to be a Councillor, the Commissioner shall by written notice summon the Councillors and hold an election in accordance with the provisions of this section.

Nominated Councillors.

59 (1) At the first meeting of any Council elected at a general election and as soon as may be convenient after the election of a Mayor and a Deputy Mayor, the elected Councillors present at such meeting shall by resolution decide whether there shall be nominated Councillors in the Council in addition to themselves.

(2) If the elected Councillors so decide that there shall be nominated Councillors in addition to themselves, they shall forthwith by resolution decide the number, not exceeding four, of the Councillors who shall be so nominated.

(3) No person shall be eligible for nomination as a Councillor unless and until he has been duly proposed and seconded for such nomination.

(4) No elected Councillor shall propose any person for nomination as a Councillor unless he shall have previously obtained the written consent of such person to be so nominated, and the document containing such written consent shall be laid on the table at the meeting at the time the proposal is made. The proposal of any person for nomination as a Councillor shall be invalid and of no effect unless the written consent of such person is so laid on the table. In this sub-section "consent" means the unconditional and unequivocal consent of the person consenting.

(5) If no person is duly proposed and seconded for nomination after the passing of any resolution under sub-section (2), the elected Councillors shall be deemed to have decided that no person shall be nominated in addition to themselves, notwithstanding that any resolution to the contrary may have been passed under sub-section (1).

(6) If the number of those duly proposed and seconded for nomination as Councillors is the same as the number of Councillors required to be nominated in terms of any resolution under sub-section (2), the Mayor or other officer presiding as Chairman at the meeting shall forthwith declare the persons so proposed and seconded to be the duly nominated members of the Council.

(7) If the number of those duly proposed and seconded for nomination as Councillors is less than the number of Councillors required to be nominated in terms of any resolution under sub-section (2), the Mayor or other officer presiding as Chairman at the meeting shall forthwith declare the persons so proposed and seconded to be the duly nominated members of the Council, notwithstanding that a greater number of nominated Councillors may have been decided upon in terms of the resolution under sub-section (2); and, at such meeting, no other person shall be proposed or seconded for nomination thereafter.

(8) If the number of those duly proposed and seconded for nomination as Councillors exceeds the number of Councillors required to be nominated in terms of any resolution passed under sub-section (2), the required number of nominated Councillors shall be chosen by secret ballot without debate. Each elected Councillor for the purposes of such ballot shall have the same number of votes as the number of Councillors so required to be nominated: Provided that not more than one vote shall be given by an elected Councillor in favour of any one person who has been duly proposed and seconded. The choice as between persons who at the secret ballot receive an equal number of votes shall be determined by casting lots.

(9) A resolution under sub-section (2) shall not be varied during the term of office of the Council which passed such resolution, nor until the first meeting of the Council which succeeds such Council.

(10) Any matter of procedure not herein expressly provided for and arising at such meeting in regard to the ballot or to the method of recording votes or of casting lots shall be determined by the Mayor, or, in his absence, by such other person as may be presiding at such meeting on that occasion.

60 Within fourteen days after the date of the first meeting referred to in section 59, the Mayor shall cause to be published in the Government Gazette a notification specifying the name of every person who shall have been duly nominated as a Councillor under that section.

Names of nominated Councillors to be published in Gazette.

61 Every person nominated to be a Councillor under section 59, shall be deemed to have assumed office on the date of such nomination and shall ordinarily hold office for the same period as an elected Councillor.

Tenure of office of nominated Councillor.

62 (1) Every Councillor elected or nominated in accordance with the provisions of this Ordinance shall upon the expiry of his term of office be eligible to be again elected or nominated, as the case may be, unless he has ceased to be duly qualified.

Eligibility for re-election or re-nomination of elected and nominated Councillors.

(2) Every elected or nominated Councillor may at any time resign office by a written notice addressed to the Mayor.

Filling of
vacancies.

63 (1) Subject to the provisions of section 35, any vacancy occurring by reason of the death, disqualification or resignation of a Councillor, or by reason of a Councillor refusing to accept or vacating his office or ceasing to be a Councillor, or otherwise, shall be filled as soon as conveniently may be by the election or nomination in his place of another Councillor who shall hold office for so long only as the Councillor in whose place he is elected or nominated would have held office if the vacancy had not occurred.

(2) If the seat of an elected Councillor becomes vacant, the Commissioner shall hold an election in accordance with the provisions of this Ordinance in that ward only of the Municipality in which the vacancy has occurred, for the purpose of electing a Councillor to fill the vacancy.

(3) If the seat of a nominated Councillor becomes vacant, another Councillor shall, in accordance with the procedure prescribed in section 59, be nominated in his place at the first meeting of the Council held after the date on which the seat of such nominated Councillor became vacant, and for the purpose of such nomination the provisions of that section save sub-sections (1) and (2) thereof, shall apply accordingly.

Acts of Council
not invalidated
by vacancies or
absence of
Councillors.

64 Subject to the provisions of section 7, nothing which is done or determined by the Council under the provisions of this Ordinance or of any other written law shall be or be deemed to be illegal or invalid by reason only of the fact that any elected Councillor or nominated Councillor was absent from the Council or that there was any vacancy in the number of the elected or nominated Councillors at the time such thing was done or determined.

Effect of
alterations in
wards of the
Municipality.

65 (1) If the Governor at any time by order under section 4 (1) (b) amends, adds to or rescinds any of the provisions of the First Schedule, so as thereby to enlarge, divide or alter any of the wards of the Municipality, the Councillor or Councillors representing the wards affected shall thereupon vacate his or their office, and an election shall be held in the manner provided by this Ordinance for each of the said wards.

(2) If the effect of any such order is to create one or more new wards of the Municipality which were not in existence before the order, an election shall be held, in the manner provided by this Ordinance, for each of the wards so created.

(3) Every such election shall be held at such time as the Governor may appoint in the order, and in accordance with any directions contained therein as to the preparation of lists of qualified persons or any other matters which the Governor may consider necessary.

(4) Any Councillor or Councillors elected at any such election shall hold office only until the expiry of the current term of office of the Councillors elected for the other divisions of the Municipality.

Offences at
elections.

66 Every person who, at any election held under this Ordinance, commits the offence of bribery (including bribery by treating), or undue influence, or personation at an election, within the meaning of Chapter IXA of the Ceylon Penal Code, as enacted by the Ceylon Penal Code (Amendment) Ordinance, No. 5 of 1924, shall, in addition to the penalties to which he is liable under the said Chapter, be disqualified for ever from voting at any such election, and from being a Councillor.

Municipal officers and servants.

Appointment,
status, salary
and powers
of the
Commissioner.

67 (1) The Council shall appoint a fit person to be styled the Municipal Commissioner who shall be, next to the Mayor, the chief executive officer of the Council, and to whom all other municipal officers and servants shall be subordinate.

(2) The Commissioner shall exercise, perform and discharge all the powers, duties and functions conferred or imposed upon, or vested in, or delegated to him under this Ordinance or any other written law, and shall be paid such salary and allowances as the Council, with the approval of the Governor, may decide.

(3) The Commissioner, in the exercise and performance of the powers, duties and functions delegated to him under this Ordinance, shall not act in opposition to, or in contravention of, any resolution, decision, direction or order of the Council, except with the permission in writing of the Mayor, in cases of extreme urgency, when there would not be sufficient time to call a special meeting of the Council.

68 (1) The Council shall also appoint fit persons to be—

- (a) Deputy Municipal Commissioner ;
- (b) Medical Officer of Health ;
- (c) Municipal Treasurer ;
- (d) Municipal Engineer ;
- (e) Waterworks Engineer ;
- (f) Veterinary Surgeon ; and
- (g) Municipal Assessor,

Appointment and powers, &c., of other executive officers.

who shall together with the Commissioner be deemed to be executive officers of the Council :

Provided that the Council may, if it thinks fit, decide at any time by resolution that no person shall be appointed to be Deputy Municipal Commissioner, and no such appointment shall be made while such resolution remains in force.

(2) The executive officers appointed under this section shall exercise and perform all the powers, duties and functions conferred or imposed upon, or vested in, or delegated to them under this Ordinance or any other written law, and shall be paid such salary and allowances as the Council may decide.

69 (1) No executive officer or acting executive officer shall be removed or dismissed from his office except for misconduct or for neglect of, or incapacity for, his duties, and except on a resolution passed—

Approval of Governor required for dismissal of executive officers.

- (a) in the case of the Commissioner or acting Commissioner, by not less than two-thirds of the total number of Councillors, and confirmed by a resolution similarly passed not less than one month thereafter ; and
- (b) in the case of any other executive officer or acting executive officer, by not less than two-thirds of the total number of Councillors ;

and in either case subsequently approved by the Governor.

(2) No executive officer or acting executive officer shall be suspended or fined or reduced in status nor shall the increments to his salary be withheld for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duty or other misconduct except with the previous approval of the Governor.

70 Where an officer in the service of the Government is appointed to be an executive officer, the salary, allowances and conditions of service of such officer shall be determined by the Governor after consultation with the Council, and shall be paid to him by the Council, who shall further pay to the Government such contribution as may be required by the Government in respect of the pension, leave, pay and other privileges which would have accrued to the officer if he had not been employed in the service of the Council.

Government servants as executive officers.

71 In default of an appointment being made by the Council under sections 67 or 68, or pending the settlement of any such appointment, the Governor may, if he is of opinion that such default has continued for any unreasonable length of time, or that such settlement is unreasonably protracted, by order appoint a person to fill the vacancy temporarily, and may direct that the person so appointed shall be paid by the Council such salary and allowances as may be specified in the order, and such appointment shall for all purposes be deemed to have been made by the Council.

Appointment of executive officers by Government.

72 (1) The Council may also create such other offices and posts as it may consider necessary for carrying out the provisions of this or any other Ordinance, and may appoint thereto such officers and servants, and may employ such other servants, as it thinks fit, and shall assign to them such duties, and shall pay them such salary and allowances as it thinks reasonable.

Appointment of subordinate officers and servants.

(2) Notwithstanding anything in any written law to the contrary, the Commissioner may, if so authorized by the Council, from time to time appoint or promote persons to posts in the Municipal service whose initial salary does not exceed such sum as may be specified in the resolution of the Council whereby such authority is delegated to the Commissioner.

73 Subject to the provisions of this Ordinance with regard to acting executive officers, the Council shall also have power to appoint any person to act in the place of any municipal officer or servant during his absence or temporary incapacity, or during any vacancy, and every person so appointed shall exercise, perform and discharge all the powers, duties and functions conferred or imposed upon, or vested

Acting appointments.

in, or delegated to the officer or servant in whose office he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions of service as the said officer or servant and shall receive such salary and allowances as the Council shall determine.

Disqualifications for appointment as municipal officers and servants.

74 No person who—

- (a) has directly or indirectly any concern or interest in any contract or work made with or executed for the Council, or is a shareholder, director, secretary, manager or other officer of a joint stock company which has any such concern or interest; or
- (b) has acted or is acting professionally in relation to any matter on behalf of any person having any such concern or interest,

shall be appointed to be a municipal officer or servant.

Municipal officers and servants not to be interested in contracts of Council.

75 Any municipal officer or servant who has directly or indirectly any concern or interest in any contract or work made with or executed for the Council shall be liable to dismissal from his office or employment; and if his concern or interest is otherwise than as a shareholder in a joint stock company, he shall be guilty of an offence and shall upon summary trial and conviction by a Police Magistrate be liable to a fine not exceeding five hundred rupees.

Suspension, punishment and dismissal of officers and servants.

76 Any municipal officer or servant other than an executive officer may be suspended or dismissed, or fined or reduced in status, or the increment to the salary of such officer or servant may be withheld for any specified period, for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duty or other misconduct, (a) by the Council if such officer or servant receives a salary exceeding two hundred and fifty rupees a month and (b) by the Commissioner if his monthly salary does not exceed this sum.

Leave of absence.

77 Leave of absence may be granted to the executive officers, and to the other municipal officers in accordance with by-laws made by the Council for that purpose under the provisions of section 109 of the Municipal Councils Ordinance, 1910:

Provided that if any municipal officer or servant is an officer or servant employed in the Government service, leave of absence may be granted to him by the Governor, after consulting the Council, upon the same terms and conditions as those upon which leave of absence would be granted to him under the Financial Regulations of the Government.

Pensions and gratuities.

78 (1) The Council subject to the approval of the Governor may make rules for granting pensions, gratuities, retiring or other allowances, annuities, bonuses and other payments to municipal officers or servants after the termination of their service with the Municipality, and to the widows, children, next of kin and dependants of any such officers or servants who have died.

(2) The Council shall pay all such pensions, gratuities, allowances, annuities and other payments out of the Municipal fund.

(3) Any rules made for any of the purposes aforesaid under section 62 of the Municipal Councils Ordinance, 1910, before the commencement of this Ordinance, shall apply to all officers and servants of the Municipality, and for the purpose of such application may be amended, altered, added to or rescinded by rules made under this section.

Contracts.

Contracts not exceeding Rs. 1,500.

79 The Commissioner may, on behalf of the Council, enter into any contract for the execution or performance of any work or service, or for the supply of any articles or materials, involving an estimated expenditure of not more than one thousand five hundred rupees, if the contract will not or is not expected to endure for more than one year, and the necessary funds have been provided for the same in a sanctioned budget.

Contracts involving expenditure of more than Rs. 1,500.

80 Any contract for the execution or performance of any work or service or for the supply of any articles or materials for the Council, which involves an estimated expenditure of more than one thousand five hundred rupees, or which will or is expected to endure for more than one year, shall, if entered into in Ceylon, be reduced to writing, and signed

by the Mayor and the Commissioner on behalf of the Council, and sealed with the common seal of the Council, and shall specify—

- (1) the work or services to be executed or performed, or the articles or materials to be supplied ;
- (2) the price or rate to be paid for the work, service, articles or materials ;
- (3) the time or times within which the work or service is to be completed, or the articles or materials are to be supplied ; and
- (4) any penalty or penalties to be imposed in case of breach.

81 Before any such contract as is referred to in section 80 is entered into,—

Tenders.

- (1) the Commissioner shall, if the Council so directs, take sufficient security for the due performance of the contract ;
- (2) the Commissioner shall, unless otherwise authorised by a resolution of the Council in any particular case, call for tenders by advertisement ;
- (3) the invitations to tender and the tenders, if any, or copies thereof, shall be laid before the Council who shall either accept one of such tenders, or reject all of them ; and
- (4) the contract shall be sanctioned by the Council, after satisfying itself that the necessary funds have been provided for the same in a sanctioned budget.

82 (1) The Council may at any time by resolution appoint an agent or agents outside Ceylon for the purpose of entering into contracts on its behalf with persons resident or carrying on business outside Ceylon, for the execution or performance of any work or service or for the supply of any articles or materials.

Appointment of agents outside Ceylon.

(2) Any such appointment shall, until revoked by the Council, confer on the agent or agents appointed full authority to enter into any such contract on behalf of the Council when requested to do so by the Council.

Loans and sinking funds.

83 (1) If any money borrowed by the Council in accordance with the provisions of sections 216 or 218 of the Municipal Councils Ordinance, 1910, or any interest or costs due in respect thereof, is or are not repaid according to the conditions sanctioned by the Governor, then the Governor may if the Government is the lender, and if the Government is not the lender, shall, on the application of the lender, attach the Municipal fund or any portion thereof, for the purpose of ensuring the repayment of such money, interest or costs.

Attachment of Municipal fund for repayment of loan.

(2) After such attachment no person, except an officer appointed by the Governor for the purpose, shall in any way deal with the attached fund or portion thereof.

(3) Any such officer may do all acts in respect of the attached fund or portion thereof, which the Council or the Chairman or any Municipal officer or servant might have done if such attachment had not been made, and may apply the proceeds in satisfaction of the arrears, and of all interest and costs due, and of the expenses of the attachment and subsequent proceedings.

(4) No such attachment shall defeat or prejudice any debt for which the attached fund or portion thereof was previously pledged in accordance with law ; and all such prior charges shall be paid out of the said proceeds before any part thereof is applied in satisfaction of the liability in respect of which the attachment was made.

84 (1) All sinking funds established by the Council under the Municipal Councils Ordinance, 1910, for the purpose of discharging the principal moneys borrowed by the Council under that Ordinance shall be subject to annual examination by the Auditor-General for the purpose of ascertaining whether the provisions of that Ordinance in relation to sinking funds are complied with.

Annual examination of sinking funds.

(2) The Council shall forthwith pay into any sinking fund any amount which the Auditor-General certifies to be deficient :

Provided that if any dispute arises as to the accuracy of any certificate issued by the Auditor-General, the Council shall pay into the sinking fund, in accordance with the Governor's orders, such amount as may be directed by the Governor.

(3) If the Council fails to make any such payment as is required by sub-section (2), the Governor may attach the Municipal fund or any portion thereof, and for the purpose of ensuring such payment, the provisions of section 83 (2), (3) and (4) shall, with all necessary modifications, be deemed to apply.

Annual statement as to loans.

85 (1) The Commissioner shall prepare, at the end of each year, a statement showing—

- (a) the amount which has been invested during the year under section 219 of the Municipal Councils Ordinance, 1910 ;
- (b) the date of the last investment made previous to the date of such statement ;
- (c) the aggregate amount of the securities held by the Council under the said section 219 ; and
- (d) the aggregate amount which has, up to the date of the statement, been applied towards the repayment of moneys borrowed by the Council.

(2) Every such statement shall be laid before a meeting of the Council and shall be published in the Gazette.

Control by Governor.

Additional powers of Governor.

86 The powers and duties conferred or imposed upon the Governor by this Ordinance shall be in addition to and not in derogation of any powers or duties conferred or imposed upon him by any other written law.

Suspension of action.

87 The Governor may by written order suspend the execution of any resolution of the Council, or any order of the Council or of any municipal officer, or prohibit the doing of any act which is about to be done, or is being done, by the Council or by such officer in pursuance of or under cover of this or any other Ordinance, if in the opinion of the Governor such resolution, order or act exceeds the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public or to any class or body of persons.

Annulment of illegal proceedings.

88 The Governor may, after consideration of any representation by the Council, by written order annul any proceeding of the Council which, in the opinion of the Governor, is not in conformity with the provisions of this or any other Ordinance; and may do all things necessary to secure such conformity.

Extracts from proceedings.

89 The Governor may by written order require the Council to furnish him with any extract from any proceedings of the Council, or of any standing or special committee of the Council and the Council shall furnish the same without unreasonable delay.

Dissolution of Council for incompetency, &c.

90 (1) If at any time, upon representation made or otherwise, it appears to the Governor that the Council is not competent to perform, or persistently makes default in the performance of, any duty or duties imposed upon it, or persistently refuses or neglects to comply with any lawful order made by the Governor, the Governor may by order published in the Gazette, direct that the Council shall be dissolved and superseded, and thereupon such Council shall, without prejudice to anything already done by it, be dissolved, and cease to have, exercise, perform and discharge any of the rights, privileges, powers, duties and functions conferred or imposed upon it, or vested in it, by this or any other Ordinance.

(2) By the same order or by any subsequent order published in like manner, the Governor may—

- (a) appoint a Special Commissioner or Special Commissioners to have, exercise, perform and discharge such of the rights, privileges, powers, duties and functions conferred or imposed upon the Council, or vested in it, by this or any other Ordinance as may be set forth in such order, or in any order or orders amending the same ; or
- (b) appoint other Councillors to constitute a Council in place of the Council which has been so dissolved, and confer and impose upon them any of such rights, privileges, powers, duties and functions as aforesaid ; or
- (c) direct that another Council shall be elected and nominated in accordance with the provisions of this Ordinance.

(3) Every order made under this section shall contain such directions as may be necessary for the purpose of giving effect to the order, and shall, on publication in the Gazette, have the force of law.

(4) Whenever, in consequence of the exercise of the powers conferred by this section, it becomes necessary for any period of time to elapse between the dissolution of the Council, on the one hand, and the appointment of a Special Commissioner or Special Commissioners, or of other Councillors, or the election and nomination of another Council, on the other hand, the Municipal Commissioner appointed under section 67 of this Ordinance shall during such period have, exercise, perform and discharge all the rights, privileges, powers, duties and functions conferred or imposed on the Council, the Chairman, the Assistant Chairman, the Mayor, or Deputy Mayor, or vested in it or them by this or any other Ordinance.

91 (1) The Governor may by written order direct the auditor, or auditors of municipal accounts appointed under section 103 of the Municipal Councils Ordinance, 1910, to call the attention of the Council to any material defect, impropriety or irregularity in the expenditure of monies by, or in the recovery of monies due to, the Council or in the municipal accounts.

Irregularities
in accounts.

(2) The Council shall report to the Governor as soon as possible the action which it has taken, or which it proposes to take, in respect of any such defect, impropriety or irregularity.

(3) The Governor may make such orders as he thinks fit upon such report, and such orders shall be final and shall be complied with by the Council and all other persons.

92 The Council may from time to time require the aforesaid auditor or auditors to furnish information concerning the extent, method or progress of any audit, or to make any special audit.

Powers of
Council in
relation to
auditors.

93 The Council shall from time to time pay out of the Municipal Fund as remuneration to the aforesaid auditor or auditors such sums as the Financial Secretary may certify as reasonable for their services.

Remuneration
of auditors.

94 (1) Every auditor of municipal accounts, acting in pursuance of the powers conferred upon him by this or any other Ordinance, shall disallow every item of the municipal accounts which is contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person the amount of any deficiency or loss incurred by the negligence or misconduct of that person and any amount which ought to have been, but is not, brought into account by that person, and shall in each case certify the amount due from such person and communicate his decision in writing to such person :

Surcharges
and appeals
therefrom.

Provided that no expenses paid by the Council shall be disallowed by any such auditor if such expenses have been sanctioned by the Governor.

(2) Before making any disallowance or surcharge against any person, the auditor shall afford an opportunity to such person to be heard or to make any representation with regard to the matter which he may think fit, and shall in the event of his making such disallowance or surcharge furnish such person in writing, on application being made to him for that purpose, with the reasons for his decision in respect of such disallowance or surcharge.

(3) Any person aggrieved by any such disallowance or surcharge may, within fourteen days after the date of the decision of the auditor being communicated to him, appeal therefrom to the Governor :

Provided that no such appeal shall be entertained in any case in which the appellant has failed or neglected to make any representation with regard to the matter of such disallowance or surcharge after an opportunity to do so has been afforded to him by the auditor in accordance with the provisions of sub-section (2).

(4) Upon any such appeal, the Governor shall decide the same according to the merits of the case, and may by order direct the recovery from the appellant of the whole or any portion of the amount disallowed or surcharged, if he thinks fit to do so ; and if he finds that any disallowance or surcharge has been lawfully made, but that the subject-matter thereof was incurred in such circumstances as to make it fair and equitable that the disallowance or

surchage should be remitted, the Governor may by order direct that the same shall be remitted, but that the amount of the costs and expenses which may have been incurred by the auditor in the enforcing of such disallowance or surcharge or any portion thereof, shall be recovered from such person.

(5) Any amount directed to be recovered from any such person by any order made by the Governor under this section may forthwith be recovered by the Commissioner in the same manner as any sum certified to be due by an auditor is recoverable under the provisions of this section.

(6) Every sum certified to be due from any person by any auditor as aforesaid shall be paid by such person to the Commissioner within fourteen days after the decision of the auditor has been communicated to such person, unless there is an appeal against the decision; and if such sum is not so paid and there is no such appeal, it shall be the duty of the Commissioner to recover the same from such person, and any sum so certified, together with all costs and expenses incurred in connection with the enforcement thereof, may, on application to a Police Magistrate having local jurisdiction, be recovered in the same manner as if it were a fine imposed by such magistrate.

Miscellaneous.

Extension, &c.,
of prescribed
times.

95 (1) It shall be lawful for the Governor by order in any particular case to extend or alter the time or times prescribed by this Ordinance for the holding of any election, or the preparation or revision of any lists of qualified persons, or for any other similar purpose, if it appears to him for any reason to be necessary or expedient to do so.

(2) Every such order shall be published in the Gazette and shall contain such directions as may be necessary for giving effect to the order, and shall have the force of law.

Councillors and
others to be
public servants.

96 Every Councillor, and every municipal officer or servant duly appointed, and every contractor or agent to whom the collection of any municipal rate, tax, rent or toll, or of any payment on account of, or in connection with, municipal land is entrusted by or on behalf of the Council, and every servant or other person employed by such contractor or agent, shall be deemed to be a public servant within the meaning of the Ceylon Penal Code.

Protection of
Councillors.

97 (1) No matter or thing done or omitted to be done, and no contract entered into by the Council, and no matter or thing done or omitted to be done under the direction of the Council, by any Councillor or municipal officer or by any other person whomsoever shall, if the matter or thing so done or omitted to be done or the contract or thing so entered into was done or omitted to be done or entered into *bona fide* for the purpose of carrying out the provisions of this or any other Ordinance relating to the powers and duties of the Council, the Chairman, the Assistant Chairman, the Mayor, the Deputy Mayor, or the Commissioner, or of any by-law, rule or regulation made thereunder, subject any Councillor or any such officer or other person personally to any action, liability, claim or demand whatsoever, and any expense incurred by the Council, or by any Councillor, or municipal officer or other person acting as aforesaid shall be borne and repaid out of the Municipal fund.

(2) Subject and without prejudice to any other powers, the Council, where the defendant in any action, prosecution or other proceeding is a Councillor, or an officer, agent or servant of the Council, may, if it thinks fit, except so far as the court before which the action, prosecution or other proceeding is heard and determined otherwise directs, pay out of the Municipal fund all or any part of any sums payable by the defendant in or in consequence of the action, prosecution or proceeding, whether in respect of costs, charges, expenses, damages, fines or otherwise.

Schedules.

98 (1) The provisions of the Schedules annexed to this Ordinance shall remain in force until amended, or rescinded in accordance with the provisions of this Ordinance.

(2) All references in this or any other Ordinance to the said Schedules shall be construed as references to the Schedules in force for the time being.

Rules.

99 (1) The Governor may make rules—

(a) regulating the practice and procedure to be followed and observed in any matter relating to elections and in all matters incidental thereto or connected therewith, save as is expressly provided for in this Ordinance;

(b) prescribing the fees and fixing the charges to be made for any act, matter or thing under this Ordinance to be done or observed;

- (c) prescribing the form of any books, registers or documents required to be kept for the purposes of this Ordinance ;
- (d) generally for carrying into effect any of the purposes or provisions of this Ordinance :

Provided always that nothing in this section contained shall in any way restrict or be construed to restrict the generality of the powers so conferred on the Governor, but such powers shall extend to all matters, whether similar or not, to those in this section mentioned, as to which it may be expedient to make rules for the better carrying into effect of the objects of this Ordinance.

(2) All rules made under this Ordinance shall be laid, as soon as conveniently may be, on the table of the State Council at two successive meetings of the Council, and shall be brought before the Council at the next subsequent meeting held thereafter by a motion that the said rules shall not be disapproved, and if upon the introduction of any such motion, or upon any adjournment thereof, the said rules are disapproved by the Council, such rules shall be deemed to be rescinded as from the date of such disapproval, but without prejudice to anything already done thereunder ; and such rules, if not so disapproved, shall continue to be of full force and effect and shall be as valid and effectual as if they were herein enacted. Notification of such disapproval shall be published in the Government Gazette.

Transitory provisions.

100 (1) Notwithstanding anything contained in this Ordinance or in any other written law, the Municipal Council of Colombo which is in existence at the commencement of this Ordinance (hereinafter referred to as " the existing Council ") shall continue in office until a date to be fixed by the Governor by notification in the Gazette, and its term of office shall be deemed to expire on the said date.

Continuance in office of existing Council.

(2) Nothing in this Ordinance shall, unless otherwise expressly provided, have effect, or shall apply to or affect the existing Council or its Chairman, Assistant Chairman or any of its members, officers or servants, or its administration of the affairs of the Municipality, during the remainder of the term of office of the existing Council.

101 (1) At some convenient time prior to the said date, a general election of Councillors shall be held as far as possible in accordance with the provisions of this Ordinance.

General election of new Councillors.

(2) For the purposes of such election—

- (a) The Municipality shall be divided into the wards authorised by section 3 and set out in the First Schedule, and Councillors shall be elected for such wards according to the numbers specified in the second column of the said Schedule, and the provisions of sections 4, 65 and 66 shall apply accordingly.
- (b) Lists shall be prepared of persons qualified to vote in accordance with the provisions of sections 21 to 26 (both inclusive) and the qualifications required by section 14 shall apply for the purpose of the preparation of such lists.
- (c) All the powers, duties and functions conferred or imposed upon, or vested in, the Commissioner by this Ordinance, in relation to the holding of the election and the preparation of lists may be performed, exercised and discharged by the Chairman of the existing Council, or by some other person appointed by the Governor for that purpose, either of whom may by notification in the Gazette, appoint in place of the dates or times specified in the said sections, or the said Schedule, such other dates and times as may be convenient, having regard to the need for holding an election of Councillors with the least possible delay after the commencement of this Ordinance. Any person so appointed by the Governor shall be paid out of the Municipal fund such remuneration as the Governor may direct.

102 (1) The Councillors so elected shall come into office on the date fixed by the Governor under section 100 and shall be deemed to be the first Council duly constituted under the provisions of this Ordinance (hereinafter referred to as " the new Council "), and shall hold office for a period of three years commencing on the first day of January next following the date of the election.

Nomination of new Councillors. Constitution of new Council and election of Chairman.

(2) The new Council shall elect a Mayor and a Deputy Mayor as provided in section 57 and shall further, at its first meeting, proceed in accordance with the provisions of section 59 to decide whether additional Councillors should be nominated and if so, to nominate such number of additional Councillors as may be required; and all the provisions of sections 57 and 59 shall apply accordingly.

Chairman of existing Council to be Commissioner until appointment made.

103 From the date on which the new Council comes into office, and until a Commissioner is appointed by the new Council, the Chairman of the existing Council or any other person appointed by the Governor for that purpose, shall be deemed to be the Commissioner for the purposes of this Ordinance, and to have been appointed by the new Council.

Continuance of employment for municipal officers and servants.

104 All municipal officers and servants in the employment of the existing Council at the date on which its term of office expires shall continue to be employed as such by the new Council on terms and conditions not less favourable than those on which they are then employed, and shall be deemed to have been appointed by the new Council under the provisions of this Ordinance.

Option for pensionable officers to retire.

105 (1) Any permanent officer or servant holding a pensionable appointment under the existing Council who continues to be employed by the new Council under the provisions of section 104 shall, without prejudice to his ordinary right to retire, have the option, exercisable at any time after the expiry of six months from the date on which the new Council comes into office (provided that he has given six months notice in writing to the new Council of the date on which he intends to exercise the option), of retiring from the service of the new Council.

(2) Any such officer or servant who has given notice under sub-section (1) of the date on which he intends to exercise an option shall retire on the said date, unless he withdraws his notice with the permission of the Council, but shall not by reason of any such withdrawal forfeit his right to exercise the option at a later date.

(3) It shall be lawful for the Governor to make rules regarding the terms of retirement of such officers and servants on pension or with a gratuity, provided that such rules shall be in general conformity with the regulations under Article 88 of the Ceylon (State Council) Order in Council, 1931.

(4) No officer or servant who retires under this section shall be liable to be recalled for service with the Municipality without his consent, and if he is so recalled, his salary, allowances and conditions of service shall be as agreed upon between himself and the Council.

Vesting of rights, liabilities, &c., of existing Council in new Council.

106 On and after the date on which the new Council comes into office—

- (1) all the rights, powers, duties, functions, privileges, responsibilities, protections, and immunities of or belonging to, or vested in, the existing Council at the said date, shall, subject to the provisions of this Ordinance, be transferred and belong to, or be vested in, the new Council in direct succession to the existing Council, and the new Council shall in all respects whatsoever be deemed to be the successor of the existing Council;
- (2) all rules, by-laws, regulations, notifications, orders, licences and permits duly made, published, issued or granted by the existing Council, and in force at the said date, shall be deemed to have been duly made, published, issued or granted by the new Council;
- (3) all debts, liabilities and obligations incurred, and all contracts, deeds, bonds, agreements and other instruments executed or entered into, and all matters and things engaged to be done by, with or for, the existing Council at the said date shall be deemed to have been incurred, executed, entered into or engaged to be done by, with or for the new Council;
- (4) all rates, taxes, rents, tolls, fines, penalties and sums of money due to the existing Council at the said date shall be deemed to be due to the new Council;
- (5) all suits, prosecutions, appeals or other legal proceedings, civil and criminal, instituted, or which might have been instituted, by or against the existing Council at the said date may, subject to the provisions of any other written law, be continued or instituted by or against the new Council;
- (6) all decrees or orders made by any competent court in favour of, or against, the existing Council prior to the said date shall be deemed to have been made in favour of, or against, the new Council;

- (7) the balance standing to the credit of the Municipal fund of the existing Council at the said date, and all interest or profits arising from any investment or transaction in connection therewith, together with the total amount of any such investments, shall be transferred to and vested in the Municipal fund of the new Council.
- (8) all budgets passed, and assessments, valuations, measurements and divisions made by the existing Council at the said date shall be deemed to have been respectively passed and made by the new Council;
- (9) all property movable or immovable which has been vested in, or legally purchased or acquired by, or leased to, or placed at the disposal of, or in any other manner transferred to the existing Council, or which is held in trust for the existing Council, or is in its possession or control at the said date shall be held by or in trust for the new Council subject to the trusts, charges, liabilities, reservations, servitudes or other incumbrances, and on the terms and conditions appertaining, attaching or applicable thereto at the said date.

107 (1) It shall be lawful for the Governor to make orders providing for any unforeseen or special circumstances, or for determining or adjusting any question or matter, that may arise in connection with the holding of the general election required to be held by section 101, the preparation of lists for the purpose of such election, or the administration of the affairs of the Municipality or the Council during the period that elapses between the commencement of this Ordinance and the date on which the new Council comes into office, for which no provision is otherwise made in this Ordinance.

Orders for transitional period.

(2) All such orders shall, upon publication in the Gazette, have the force of law and shall be as valid and effectual as if they were herein enacted.

108 (1) This Ordinance may be reprinted from time to time by order of the Governor, together with all amendments, additions, alterations or modifications which may be made thereto by any written law, whether in its application to the Municipal Council of Colombo or to any other Municipal Council to which it may be applied by proclamation under section 1; and any copy of this Ordinance so reprinted shall be deemed to be a correct copy of the Ordinance as so amended, added to, altered or modified at the date of such reprinting, in its application to the Municipal Council of Colombo or to any other Municipal Council which may be specified in such copy, provided that it purports to have been printed by the Government Printer by order of the Governor.

Reprinting of this Ordinance and of the Municipal Councils Ordinance, 1910.

(2) The Municipal Councils Ordinance, 1910, may be reprinted from time to time by order of the Governor, together with all amendments, additions, alterations or modifications which may have been or may be made thereto by any written law; and any copy of that Ordinance so reprinted shall be deemed for all purposes to be a correct copy of that Ordinance as so amended, added to, altered or modified, at the date of such reprinting, provided that it purports to have been printed by the Government Printer by order of the Governor.

FIRST SCHEDULE.

Wards of the Municipality.

(s. 3 (2) .)

1	2
Ward.	Number of Councillors to be elected.
Mutwal	1
Kotahena	1
Matakuliya	1
St. Paul's North	1
St. Paul's South	1
New Bazaar East	1
New Bazaar West	1
Pettah	1
San Sebastian	1
Fort	1
Maradana North	1
Maradana South	1
Dematagoda	1
Slave Island North	1
Slave Island South	1
Cinnamon Gardens	1
Kollupitiya	1
Timbirigasyaya	1
Bambalapitiya	1
Wellawatta	1

SECOND SCHEDULE.

Form of Nomination Paper.

(s. 29 (4) .)

Nomination Paper for the _____ ward.

1. Name of candidate in full _____.
2. Address _____.
3. Occupation _____.
4. Name of proposer in full _____.
5. Name of seconder in full _____.

Signature of proposer _____.

Signed by the above-named _____ (proposer) in my presence
this _____ day of _____ 19____.

A.B. (a Justice of the Peace or a Notary Public).

Signature of seconder _____.

Signed by the above-named _____ (seconder) in my presence
this _____ day of _____ 19____.

C.D. (a Justice of the Peace or a Notary Public).

THIRD SCHEDULE.

Form of Declaration of Secrecy.

(s. 54.)

I solemnly promise and declare that I will not at this election for the _____ ward do anything forbidden by section 54 of the Colombo Municipal Council (Constitution) Ordinance, No. _____ of 1933, which has been read to me.

Signature of declarant. _____

Date _____.

Signature of person taking the declaration. _____

Note.—The section must be read to the declarant by the person taking the declaration.

Objects and Reasons.

1. The object of this Bill is to provide a new constitution for the Municipality of Colombo. The Bill accordingly repeals the whole of Part II (Sections 4 to 44) of the Municipal Councils Ordinance, 1910, and other provisions of that Ordinance which deal, directly or indirectly, with matters affecting the constitution of the Municipal Council, the qualifications of voters and Councillors, and the conduct of elections. The remainder of the Municipal Councils Ordinance, 1910, and all other written law, so far as the same is not inconsistent with the provisions of this Bill, will continue to have legislative effect and this Bill will for all purposes be read and construed as one with that Ordinance.

2. For the purposes of the Bill, the present intention is to divide the Municipality of Colombo into twenty wards each of which will be represented in the Municipal Council by one elected Councillor (Clause 3 (2) and Schedule I). Provision has also been made authorising these elected Councillors to nominate additional Councillors not exceeding four in number. (Clause 59). The new Municipal Council of Colombo will therefore consist of not less than twenty and not more than twenty-four Councillors.

3. The chief executive officer of the Council will be the Mayor (Clause 67), who will be assisted by a Deputy Mayor. The Mayor and the Deputy Mayor will be chosen from among the elected members of the Council (Clause 57). Councillors duly elected at a general election will ordinarily hold office for a period of three years reckoned from the first day of January next following the date of their election (Clause 58). A Mayor will ordinarily hold office until the end of the year in which he is elected and there will be an annual election of a Mayor at the commencement of each year until the term of office of the Council expires (Clause 58).

4. All executive and administrative powers are vested in the Council except where the Bill otherwise specially provides. Provision has, however, been made for an extensive delegation of the powers, duties and functions of the Council, subject to adequate safeguards. (Clause 9).

5. The chief executive officer next to the Mayor will be the Municipal Commissioner who will be appointed by the Council and will be paid such remuneration as the Council will fix with the approval of the Governor. (Clause 67). 'Governor' has been defined in the Bill to mean 'the Governor acting with the advice of the Executive Committee of Local Administration'.

6. At the first general meeting in each year, the Council will, by ballot, divide itself into a standing committee on finance consisting of five Councillors with the Mayor as Chairman, and not less than three other standing committees, each consisting of six Councillors. (Clause 10). No Councillor may serve on more than two committees. The Council will decide the nature of the duties which will be assigned to each committee. In addition, the Council is authorised to appoint special committees for the purpose of inquiring into and reporting upon any municipal matter (Clause 11).

7. The provisions in Clauses 14 and 15 relating to the qualifications and disqualifications of voters and Councillors have been adapted from the corresponding provisions in the Ceylon (State Council Elections) Order in Council, 1931. There has been a wide extension of the franchise and both men and women will be equally entitled to vote at any municipal election or to be elected as municipal Councillors. Every British subject who is not less than twenty-one years old and has, for a continuous period of at least six months in the period of eighteen months immediately prior to the date of the commencement of the preparation or revision of the electoral lists, resided in a particular ward, is entitled to be registered in the register relating to that ward. (Clause 14). A person is entitled to have his name entered in any register of voters for which he is qualified (Clause 14 (3)), but no person may vote in more than one ward at any election. (Clause 55). In the case of a Councillor, non-residence in the ward is not a disqualification provided that he can establish residence within the limits of the Municipality for a continuous period of at least six months in the period of eighteen months immediately prior to the first day of May in the year in which the election is held. (Clause 15 (2)). In other words, any voter duly qualified under Clause 15 will be entitled to seek election for any ward, and not merely for the ward in which he ordinarily resides. The residential qualification does not apply in the case of a nominated Councillor and Government Servants are not debarred from being nominated as Councillors by the Council (Proviso to Clause 15).

8. Clauses 21 to 26 make necessary provision for the preparation, revision and publication of the electoral lists. The Commissioner is the officer entrusted with the preparation and revision of these lists. New lists are prepared in every year in which a general election is required. Thereafter, the lists are revised annually. Claims and objections to the inclusion or to the omission of any name from any list are heard and determined by the Commissioner (Clause 23), unless the Commissioner prefers to refer the matter to the Municipal Magistrate for decision. An appeal lies to the Supreme Court against the decision of the Commissioner or of the Municipal Magistrate, as the case may be. (Clause 24).

9. Clauses 27 to 55 deal with the procedure to be followed at elections. These clauses have, in the main, been adapted from the corresponding Articles of the Ceylon (State Council Elections) Order in Council, 1931. No provision has been made for election petitions or for 'tendered votes'. Clause 16 declares the circumstances in which the seat of an elected or nominated Councillor becomes vacant. A Police Magistrate is authorised to declare the seat of a Councillor vacant if it is proved to his satisfaction that such Councillor has, since his election, ceased to be qualified to be a Councillor. (Clause 18). An appeal to the Supreme Court lies against the Magistrate's order and provision has been made that such appeals shall be heard by two Judges of the Supreme Court as though the appeal were from an interlocutory order of a District Court (Clause 20).

10. The provisions of Clause 35 are entirely new. This Clause deals with a contingency which may possibly arise, as experience in the working of the State Council elections has shown. If, on nomination day, no candidate stands duly nominated for election in any ward, the Commissioner is authorised to prescribe a 'second nomination day' so as to afford a further opportunity for the due nomination of candidates qualified for election in that ward. If no candidate is duly nominated for that ward on 'second nomination day', the Commissioner is authorised to publish a notification to that effect in the Gazette and from the date of such publication no further steps need be taken for the nomination of a candidate or for the election of a Councillor for that ward until the expiry of the term of office of the Council; and the vacancy in the Council thus remains unfilled until the next election. Clause 64 provides that nothing which is done or determined by the Council shall be invalidated by reason of the fact that

any Councillor was absent or that there was a vacancy in the number of the Councillors at the time such thing was done or determined.

11. Clauses 100 to 107 make provision for the change over from the existing constitution to the constitution introduced by this Bill. Clause 100 provides that the Municipal Council in existence on the date on which this Bill becomes law shall continue in office until a date to be fixed by the Governor by notification in the Gazette. At some convenient time prior to the date so notified, a general election will be held as far as possible in accordance with the provisions of this Bill (Clause 101). During this period of transition, the powers and duties conferred and imposed upon the Commissioner will be exercised and performed by the Chairman of the existing Council. The first Council elected under the provisions sought to be introduced in this Bill will come into office on the first day of January next succeeding the date of such general election.

12. Clause 106 provides for the transfer of rights, liabilities &c., from the existing Council to the new Council, and Clause 107 enables special orders with statutory force to be made for the purpose of meeting unforeseen contingencies which may arise during the period of transition.

13. Though the object of the Bill is primarily to provide a new constitution for the Municipal Council of Colombo, provision has been made that the Bill may, by Proclamation, be applied with necessary modifications to any other Municipal Council.

Colombo, June 16, 1933. CHAS. BATUWANTUDAWA,
Minister of Local Administration.

MINUTE.

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

An Ordinance to amend the Ceylon (State Council) Order in Council, 1931.

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

Short title.

1 This Ordinance may be cited as the (State Council) Order in Council, 1931, Amendment Ordinance, 1933, and shall come into operation on a date to be fixed by the Governor by proclamation in the Government Gazette.

Repeal of Article 6.

2 Article 6 of the said Order in Council is hereby repealed.

Duties of Chief Secretary.

3 Whenever in the said Order in Council or in any other Order in Council or Letters Patent or Instructions or Ordinance or law the expression Chief Secretary shall occur it shall be taken to mean the Minister or other person on whom the functions now exercised by the Chief Secretary shall devolve.

Duties of Legal Secretary.

4 Whenever in the said Order in Council or in any other Order in Council or Letters Patent or Instructions or Ordinance or law the expression Legal Secretary shall occur it shall be taken to mean the Minister of Law or other person on whom the functions now exercised by the Legal Secretary shall devolve.

Duties of Financial Secretary.

5 Whenever in the said Order in Council or in any other Order in Council or Letters Patent or Instructions or Ordinance or law the expression Financial Secretary shall occur it shall be taken to mean the Minister of Finance or other person on whom the functions now exercised by the Financial Secretary shall devolve.

Repeal of paragraph (a) of Article 7.

6 Paragraph (a) of Article 7 of the said Order in Council is hereby repealed.

Repeal of paragraph (1) of Article 16.

7 Paragraph (1) of Article 16 of the said Order in Council is hereby repealed.

Repeal of paragraph (2) of Article 16.

8 Paragraph (2) of Article 16 of the said Order in Council is hereby repealed and the following paragraph shall be inserted:—

The Speaker of the State Council shall take precedence of the other members.

9 Paragraph (3) of Article 16 of the said Order in Council is hereby repealed and the following paragraph shall be substituted :—

Repeal of paragraph (3) of Article 16.

Members who are Ministers shall take precedence next after the Speaker and among themselves the first in order of precedence shall be the Minister elected by the Board of Ministers to be the Chairman thereof and after him the Vice-Chairman elected by the Board of Ministers and after him the other Ministers in the order of the date of their appointment as Ministers, and two or more Ministers appointed on the same day shall rank in the alphabetical order of their names, provided that a Minister re-appointed as a Minister, whether to the same office or another shall, except in regard to the Chairman or Vice-Chairman aforesaid, take precedence according to the date from which he shall have held office as a Minister without an interruption of more than one month.

10 Article 21 is hereby amended by deleting the figures 22 and 80.

Amendment of Article 21.

11 Articles 22 and 23 of the said Order in Council are hereby repealed.

Repeal of Articles 22 and 23.

12 The words "among the Officers of State or" in Article 24 of the said Order in Council are hereby repealed.

Amendment of Article 24.

13 The words "exclusive of the Officers of State" in Article 25 of the said Order in Council are hereby repealed.

Amendment of Article 25.

14 The words "excluding the Officers of State" in Article 26 of the said Order in Council are hereby repealed.

Amendment of Article 26.

15 The words "and the Officers of State" in Article 31 (3) of the said Order in Council are hereby repealed.

Amendment of Article 31 (3).

16 Paragraph (5) of Article 31 of the said Order in Council is hereby repealed.

Repeal of paragraph (5) of Article 31.

17 The words "unless he is an Officer of State" in Article 31 (6) of the said Order in Council are hereby repealed.

Amendment of paragraph (6) of Article 31.

18 In Article 32, paragraph (1), of the said Order in Council the word "seven" before the word "groups" shall be deleted and the word "nine" substituted and the word "First" before the word "Schedule" shall be deleted.

Amendment of Article 32 (1).

19 Paragraph (2) of Article 32 of the said Order in Council is hereby amended to read as follows :—

Amendment of Article 32 (2).

The Council may, by resolution, amend the schedule and may declare that any subjects or functions not expressly mentioned in it shall be deemed to be included in any one of the groups specified therein, provided that no such resolution or declaration shall have effect until it has been approved by the Governor.

20 In paragraphs (3) and (4) of Article 32 of the said Order in Council the word "First" before the word "Schedule" is hereby repealed.

Amendment of Article 32 (4).

21 Article 33 of the said Order in Council is hereby repealed.

Repeal of Article 33.

22 Paragraph (1) of Article 34 shall be amended to read as follows :—

Amendment of paragraph (1) of Article 34.

At the first meeting of the Council after the commencement of this Ordinance and thereafter at the first meeting after every general election, the Council shall elect by secret ballot from among its members nine Executive Committees each of which shall be charged with the administration, subject to the provisions of this Order, of such one of the nine groups of subjects and functions specified in the Schedule hereto as the Council when electing the Committee shall determine. Each of the Executive Committees shall act until the dissolution of the Council.

23 In paragraph (2) of Article 34 of the said Order in Council strike out the words "and the Officers of State".

Amendment of paragraph (2) of Article 34.

24 Article 35 of the Order in Council is hereby amended to read as follows :—

Amendment of Article 35.

35 (1) As soon as may be after the election of the Executive Committees in accordance with Article 34 and before any other business is proceeded with, the State Council shall by secret ballot elect a Chairman for each of the Committees, from among the members of the respective Committees. And whenever the office of Chairman of an Executive Committee shall become vacant the State Council shall, in like manner, elect a member thereof to be the Chairman of the Committee.

(2) The member elected by the State Council to be the Chairman of each Committee shall be appointed by the Governor to be the Minister of that group of subjects and functions which the Committee of which he is the Chairman was elected to administer; provided that the Governor may, in his discretion, decline to appoint as a Minister any member of a Committee so elected as aforesaid, and in such case, the election of such member as the Chairman of the Committee shall stand cancelled and the State Council shall elect another member to be the Chairman of the Committee.

(3) If at any time any Minister shall be prevented temporarily by absence from the Island, or by illness or other sufficient cause, from exercising the functions of his office, the State Council may elect another member of the Committee in manner aforesaid, to act as the Chairman of the Committee until the Minister shall resume the exercise of the functions of his office. A member so elected shall be appointed by the Governor to act in place of the Minister until such time as aforesaid; provided that the Governor may, in his discretion, decline to elect the member so elected and the Council shall thereupon elect another member to act for the Minister. All the provisions of this Order which apply to a Minister shall apply to any member appointed to act for a Minister during the period of such appointment.

(4) Subject to the provisions of this Article, the procedure for the election of the Chairman and Acting Chairman of Executive Committees shall be as prescribed by the Standing Orders of the Council.

(5) There shall be paid to each Minister or Acting Minister such salary as may be determined by the Council with the approval of the Governor.

Repeal of paragraph (2) of Article 39 and amendment of paragraph (1).

25 Paragraph (2) of Article 39 of the said Order in Council is hereby repealed and paragraph (1) is amended by interpolating the words "have charge of and" between the word "shall" and the word "exercise".

Amendment of paragraphs (5) and (6) of Article 41.

26 Paragraphs (5) and (6) of Article 41 are hereby amended by the deletion of the words "and to the Chief Secretary".

Repeal of Article 43.

27 Article 43 of the said Order in Council is hereby repealed.

Amendment of Article 46.

28 Paragraph (3) of Article 46 is hereby amended to read as follows:—

The Governor may either ratify or decline to ratify any report so submitted to him as aforesaid. If the Governor declines to ratify any such report he shall declare that the report involves an important question of principle and refer the report back to the Council and require that the report shall be re-submitted to the Council and shall be passed by a two-thirds majority of all the members of the Council excluding the Speaker or other presiding member. Provided however that the Governor shall accept any such decision of the Council and forthwith ratify such report.

Amendment of paragraph (1) of Article 50.

29 Paragraph (1) of Article 50 of the said Order in Council is hereby amended by striking out the words "the Officers of State and".

Repeal of paragraph (2) of Article 50.

30 Paragraph (2) of Article 50 of the said Order in Council is hereby repealed.

Amendment of paragraph (3) of Article 50.

31 Paragraph (3) of Article 50 of the said Order in Council is amended to read as follows:—

There shall be a Chairman of the Board of Ministers who shall be elected by an absolute majority from among the Board of Ministers. In like manner the Board shall elect a Vice-Chairman.

Repeal of paragraph (4) of Article 50.

32 Paragraph (4) of Article 50 of the said Order in Council is hereby repealed.

Amendment of paragraph (5) of Article 50.

33 Paragraph (5) of Article 50 of the said Order in Council is hereby amended to read as follows:—

The Chairman of the Board of Ministers and in his absence the Vice-Chairman shall preside over the Meeting of the Board.

Prime Minister.

34 Article 51 of the said Order in Council is amended to read as follows:—

The Chairman of the Board of Ministers and in his absence the Vice-Chairman, shall be the representative of the Board in Council and shall be styled the Prime Minister.

35 Article 53 (1) of the said Order in Council is amended to read as follows :—

Amendment of paragraph (1) of Article 53.

The Board of Ministers shall not proceed to the despatch of business unless duly summoned by the Chairman, or in his absence by the Vice-Chairman, who may from time to time and as often as it may be necessary, convene a meeting of the Board.

36 Paragraph 53 (2) is repealed and the following paragraph shall be substituted :—

Amendment of paragraph (2) of Article 53.

No business shall be transacted unless there shall be present at least five members.

37 Article 55 of the said Order in Council is hereby amended by striking out the words " or Officers of State ", and by the deletion of the words " Subject to the provisions of Article 22 ".

Amendment of Article 55.

38 Paragraph (1) of Article 56 of the said Order in Council is hereby amended by striking out the words " in consultation with the Financial Secretary ".

Amendment of paragraph (1) of Article 56.

39 Paragraph (1) of Article 57 of the said Order in Council is hereby amended by striking out the words " Subject to the provisions of Article 22 " and the words " or an Officer of State " and paragraph (2) of the same Article is amended by striking out the words " and including the observations of the Financial Secretary thereon ".

Amendment of Article 57.

40 Paragraph (1) of Article 58 of the said Order in Council is hereby amended to read as follows :—

Amendment of Article 58.

Each Minister shall not later than the month of April in each year submit to the Board of Ministers the Estimates of expenditure proposed by the Minister's Executive Committee for the ensuing financial year in connection with the subjects or functions under the control of such Committee.

And paragraph (2) of the same Article is amended by striking out the words " or Officer of State " whenever they occur.

41 Paragraph (1) of Article 59 of the said Order in Council is hereby amended by the deletion of the words " to the extent to which such expenditure shall not previously have been authorized by any law in force in the Island ".

Amendment of paragraph (1) of Article 59.

42 Article 61 of the said Order in Council is hereby repealed.

Repeal of Article 61.

43 Article 64 and paragraph (1) of Article 65 of the said Order in Council are hereby amended by the deletion of the words " after prior consultation with the Financial Secretary " and paragraph (3) of the said Article 65 and paragraph (2) of Article 67 of the said Order are hereby amended by the deletion of the words " and including the observations of the Financial Secretary thereon ".

Amendment of Articles 64, 65 and 67.

44 Article 72 of the said Order in Council is hereby repealed and the following inserted in lieu thereof :—

Right of Council to Legislate.

It shall be lawful for the Governor with the advice and consent of the State Council to make laws for the peace, order and good government of the Island.

45 Article 76 of the said Order in Council is amended to read as follows :—

Amendment of Article 76.

When an Ordinance or Bill passed by the Council is presented to the Governor for his assent, he shall subject to the provisions of this Order, declare that he assents thereto or that he refuses his assent to the same or that he reserves the same for the signification of His Majesty's pleasure. The Governor shall not assent to any Bill or Ordinance falling within any of the following class :—

- (a) For the divorce of persons joined together in holy matrimony ;
- (b) For the grant of land or money, or other donation or gratuity, made to himself ;
- (c) Affecting the currency of the Island, or relating to the issue of Bank Notes ;
- (d) Introducing provisions which shall appear inconsistent with obligations imposed on His Majesty the King by treaty ;
- (e) Interfering with the discipline or control of His Majesty's Forces by land or by sea ;

(f) Legislation of an extraordinary nature and importance whereby His Majesty's prerogative, or the rights and property of His Majesty's subjects not residing in the Island, or the trade and shipping of any part of His Majesty's Dominions, may be prejudiced ;

(g) An Ordinance or Bill the principle of which is likely to involve oppression or unfairness to any minority or which introduces discriminating laws whereby persons of any particular community or religion are made liable to any disabilities or restrictions to which persons of other communities or religions are also not subjected or made liable or are granted advantages not intended to persons of other communities or religions ;

(h) Any Bill containing provisions to which His Majesty's assent has been once refused or which have been disallowed by His Majesty.

Amendment of Article 77.

46 Article 77 of the said Order in Council is hereby amended to read as follows :—

The Governor may reserve any Bill passed by the Council for the signification of His Majesty's pleasure thereon and he shall so reserve any such Ordinance or Bill by which any provision of this Order or any other Order of His Majesty is repealed or varied, or which is in any way repugnant to or inconsistent with any provisions of this Order or of any such other Order, except where by this Order or by any such other Order, power is expressly given to the Council to make provision by law. He shall also so reserve any Bill or Ordinance assent to which he is expressly prohibited from giving by the previous Article.

Repeal of Article 78.

47 Article 78 of the said Order in Council is hereby repealed.

Repeal of Article 80.

48 Article 80 of the said Order in Council is hereby repealed.

Repeal of Article 81.

49 Article 81 of the said Order in Council is hereby repealed.

Repeal of paragraphs (1), (2) and (4) of Article 87.

50 Paragraphs (1), (2) and (4) of Article 87 of the said Order in Council are hereby repealed.

Amendment of Article 89.

51 Article 89 of the said Order in Council is hereby amended to read as follows :—

(1) Except as hereinafter provided the Governor shall in the exercise of the powers conferred upon him by Article 86 act on the advice of a Public Services Commission to consist of a senior member of the Public Service to be nominated by the Governor and two other persons to be nominated by the Governor on the recommendation of the Board of Ministers.

(2) The Governor may at any time revoke the appointment of any member of the public service as aforesaid, and in like manner he may revoke the appointment of the other two members of the Commission if so advised by the Board of Ministers.

(3) The Governor shall, in the exercise of the powers conferred upon him by Article 86, with regard to judicial appointments, act on the advice of a judicial appointments Board which shall consist of the Minister of Law, the Chief Justice and a Puisne Judge of the Supreme Court, provided however that the Chief Justice may delegate another Puisne Judge of the Supreme Court to act in his place on the Board where the appointment of a Judge is to a Court other than the Supreme Court.

(4) The State Council may by regulation, subject to the approval of the Governor, prescribe the duties of and the procedure to be followed by the Commission and the Board in the exercise of their duties and the number which shall form a quorum at meetings.

Repeal of Article 91.

52 Article 91 of the said Order in Council is hereby repealed.

Amendment of Article 94.

53 Article 94 of the said Order in Council is hereby amended by the deletion of the words " to any Officer of State or "

54 The first and second schedules to the said Order in Council are hereby repealed and the following schedule is substituted.

Amendment of Schedules.

55 On the date of the coming into operation of this Ordinance the Executive Committees; the Officers of State and the Ministers appointed by virtue of the provisions of the said Order in Council shall cease to function and immediately thereafter new Executive Committees and Ministers shall be elected as provided in this Ordinance.

Appointment of new Executive Committees and Ministers.

56 The repeal and amendment of the various Articles of the said Order in Council hereinbefore referred to shall not affect any act duly done or any right, privilege, obligation or liability acquired, accrued or incurred under the said Articles.

Saving Clause.

SCHEDULE.

I.—Minister and Executive Committee of Finance :

Finance : Financial records, cash and bank balances, receipt and disbursement of public money imprests, advances, deposits and suspense accounts; supervision of accounting and financial methods of all departments; communication of financial sanctions to departments including sanctioned estimates of works; losses of public money; investments public debt; currency; exchange; correspondence with Crown Agents and other agents abroad on financial business; financial regulations; taxations and revenue generally including railway rates and fares and other payments to Government for services rendered; sales or gifts of Government property not provided for by law or regulation.

Supply : Annual and Supplementary Estimates; contracts; the Board of Local Loans and Development Commissioners; the Loan Board; the Ceylon Savings Bank; the State Mortgage Bank.

Stores and printing : Supervision and control of stores purchases; stores accounts; custody of stores; storekeeping regulations in all departments; losses and depreciation of stores; stationery and office furniture; the Government stores; the Government press.

Establishments : Salaries, wages, allowances, remuneration and fees of Government employees; travelling regulations; expenses of jurors, witnesses, assessors, and unofficial members of boards, commissions, &c.; leave regulations; passages of Government officers; holiday warrants; periodical railway passes and concession tickets; season tickets for Government employees; regulation of advances of salary to Government officers; cadres of staffs; security of public officers; pensions; widows' and orphans' pensions; provident, guarantee, benevolent, benefit and other funds relating to Government officers; estate duty and stamps; valuations on behalf of Government; departmental estimates of Auditor-General; Customs; Income Tax.

II.—Minister and Executive Committee in charge of Law.

Legal advice to Government; Administration of justice; elections to the State Council; drafting of legislation; functions of the Public Trustee; extradition and fugitive offenders; aliens; custody of Government archives and of Government records made prior to the establishment of the State Council; Registration of deeds and other commercial documents, registration of births, deaths and marriages; advocates, proctors and notaries.

III.—Minister and the Executive Committee in charge of Home Affairs.

Police and crime; vagrancy; prevention of cruelty to children; nuisances (excluding insanitary nuisances); gaming and wagers prevention of cruelty to animals; wild animals in captivity; trespass by domestic animals; public meetings; fairs and exhibitions; festivals; pilgrimages; processions; firearms; fireworks; explosives; petroleum; traffic control and temporary closing of thoroughfares in connection with it; public ceremonial, public entertainment, decoration of public places; public holidays; regulation of private printing presses; registration of books published in Ceylon; treasure trove; religious associations and temporalities; prisons; reformatories; probation officers; training schools for youthful offenders; excise; local option; functions of the Government Analyst.

IV.—Minister and Executive Committee in charge of Agriculture and Lands.

Crown lands generally; alienation, reservation and development of Crown land; settlement of Crown land; colonization; registration of title to land; Crown forests; wild game; game sanctuaries; flora and fauna; irrigation; cultivation regulations; irrigation rates; flood protection; surveying; meteorology; agriculture; agricultural and horticultural research work; botanical gardens; soil erosion; plant pests; licences for produce; food production; co-operative societies; veterinary services; animal diseases and quarantine; destruction of dogs; cattle branding; cattle vouchers; registration and licensing of animals, stables, galas; Government dairies.

V.—Minister and Executive Committee in charge of Local Government and Administration.

Local Government including Local Government Board, Municipalities, District Councils, Boards of Improvement, Local Boards, Boards of Health, Sanitary Boards, Road Committees, and Village Committees; police rates, registration of vehicles, sites for monuments; acquisition of land for public purposes; censorship of cinemas and public performances; salt; mines; mineralogy; metallurgy; gemming; quarries; sand royalties on minerals; fisheries.

VI.—Minister and Executive Committee in charge of Health.

Medical services; hospitals; asylums, maternity homes; dispensaries; nurses and midwives; hospital visitors; medical charitable institutions; sale of opium and the control of dangerous drugs; medical education and research; professions of medicine, dentistry and pharmacy; sanitary services; health education; social hygiene; maternity and child welfare; medical inspection of schools and health units; insanitary nuisances; epidemic and endemic diseases; cemeteries and the disposal of the dead; pharmacies and drugs stores; food and foodhandling establishments; dangerous and offensive trades; laundries and public bathing places; dairies other than Government dairies; wells and pits; latrines; sanitary engineering (water supplies, sewage disposal, drainage, &c.), housing of the poorer classes; indigenous medicine; quarantine.

VII.—Minister and Executive Committee in charge of Labour, Industry and Commerce.

Industrial welfare; industrial associations; industrial disputes; conditions, wages and hours of work of labour including Indian labour; inspection of factories and working places and protection and safeguarding of workers; registration of domestic servants; social insurance; poor relief; charitable institutions other than medical and educational; unemployment; food control in emergencies; commerce generally; overseas trade; trade exhibitions representation of Ceylon trade abroad; incorporation and registration of associations and commercial companies; copyright; patents, trade mark, business names; weights and measures; vital and other statistics; census; Blue Book; Ceylon Manual; Amalgamated Annual General Report of Ceylon.

VIII.—Minister and Executive Committee in charge of Education.

Education in primary, secondary and technical schools; training colleges and teachers; education district committees; art gallery; cottage industries; crafts; school gardens; vernacular languages; translation; conduct of examinations for the public services; university education; museums; science journals; archæology; palæography.

IX.—Minister and Executive Committee in charge of Communications and Works.

Public works; Government roads and buildings, inland waterways; tolls; thoroughfares, reservations and encroachments; closing of roads owing to impassability; proclamation of thoroughfares for various grades of traffic; protection of Government buildings from fire; Government railways; electrical undertakings; ports; harbour oil installations other than those belonging to the Admiralty; posts; telegraphs; telephones; cables; wireless; State telegrams, authority of frank official letters; post office savings banks; post office cash certificates.

Objects and Reasons.

This Ordinance is introduced with a view to give effect to the following resolutions adopted by the State Council:

- (a) This Council claims the exclusive control of the Public Purse as an inalienable constitutional right of the people of Ceylon and demands the immediate repeal of Articles 22, 61, 87 (1) and (4), and 91 of the Ceylon (State Council) Order in Council, 1931, as contravening that right.
- (b) This Council claims the exclusive right of legislation for the peace, order and good government of the Island as a vested constitutional right of the people of Ceylon and declare that the inclusion of the proviso to Article 72 in the Ceylon (State Council) Order in Council, 1931, is unconstitutional.
- (c) This Council demands the withdrawal of the requirement under Article 87 of the Ceylon (State Council) Order in Council, 1931, of the Governor's sanction for the discussion of such matters affecting public officers as are referred to therein as an unwarranted interference with the rights of the legislature.

- (d) This Council condemns the division of the subjects and functions of Government into two classes in respect of one only of which the State Council is charged with the administration and demands the amendment of the constitution so that all subjects and functions of Government may be placed within the administration of the State Council.
- (e) This Council declares that the addition of the subjects in the Royal Instructions of April 22, 1931, in respect of which the Governor's assent may be refused to legislation, except in so far as may be necessary to render discrimination against communities or religions impossible, is unnecessary and retrograde and that the same should be repealed. That provision for requiring the previous consent of the Governor or the Secretary of State for any class of legislation is objectionable in principle calculated to subvert the authority of the legislature and should be withdrawn.
- (f) This Council declares that the enhanced powers granted to the Governor under the Ceylon (State Council) Order in Council, 1931, such as the power to enact laws himself and to suspend laws passed by the Council are in derogation of the rights of the legislature and reactionary in character and ought to be repealed.

The method adopted is to repeal or amend the several Articles of the Order in Council which are contrary to the aforesaid resolutions and the Articles of the Order in Council are dealt with seriatim.

Section 2 provides for the repeal of Article 6 of the Order in Council whereby provision is made for the appointment of three Officers of State and most of the following sections provide for consequential amendments.

Section 11 provides for the repeal of Articles 22 and 23. Repeal of Article 23 is consequential on the repeal of Article 22.

Sections 18, 19, 20 and 22 provide for alteration in the schedules attached to the Order in Council defining the subjects under each Ministry and provide for nine instead of seven Ministers.

Section 24 deals with the election of Chairman of Committees.

A new method is suggested whereby the Chairman and Acting Chairman must be elected by the whole Council.

Sections 29, 30, 31, 32 and 33 provide for the election of a Chairman and Vice-Chairman of the Board.

Section 36 alters the quorum for a meeting of the Board of Ministers to five members.

Section 42 repeals Article 61 of the Order in Council.

By section 44 the proviso to Article 72 is repealed.

Section 45 defines and limits the classes of bills to which the Governor shall not assent.

Section 46 amends Article 77.

Sections 47, 48 and 49 repeal Articles 78, 80 and 81 whereby the Governor has the power (1) to postpone the operation of any law for a period; and (2) to require that any Bill shall obtain a two-third majority. Repeal of Article 81 is consequential on the repeal of Articles 78 and 80.

Section 50 repeals Article 87 (1), (2) and (4). Repeal of Article 87 (2) was not asked for in the resolutions adopted by the State Council, but it is considered that the State Council should be charged with the duty of fully controlling the financial provision for the public services.

Section 51 amends Article 89 by providing for the appointment of a Public Services Commission consisting of a member of the Public Service to be nominated by the Governor and two other persons to be nominated by the Governor on the recommendation of the Board of Ministers.

Section 52 repeals Article 91 under which the salaries of the Governor and the Officers of State are fixed.

Section 54 seeks to rearrange the functions that will be distributed among the nine Committees.

It will be noted that the Ordinance deals with a few matters not covered by the resolutions referred to earlier but that their inclusion in an amending Ordinance are necessary will be seen on a perusal of the Ordinance.

Colombo, June 13, 1933.

G. C. S. COREA,
Mover of the Bill.

MINUTE.

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

An Ordinance to amend the Ceylon (State Council Elections) Order in Council, 1931.

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

- Short title. 1 This Ordinance may be cited as the Ceylon (State Council Elections) Order in Council, 1931, Amendment Ordinance, 1933, and shall come into operation on a date to be fixed by the Governor by proclamation in the Government Gazette.
- Repeal. 2 Article 3 (2) of the said Order in Council is hereby repealed.
- Minister of Law. 3 In Articles 31 and 32 (2) of the said Order in Council and wherever it shall occur the expression Legal Secretary shall be struck out and the expression Minister of Law shall be substituted.
- Minister of Finance. 4 In Article 26 of the said Order in Council and wherever it shall occur the expression Financial Secretary shall be struck out and the expression Minister of Finance shall be substituted.
- Election petition Rules. 5 Article 83 (2) of the said Order in Council is hereby repealed and the following shall be inserted in its place:—

The State Council may from time to time subject to the approval of the Governor, make rules, to be published in the Government Gazette, amending, rescinding or supplementing such rules.

Objects and Reasons.

In view of the amendments to the Ceylon (State Council) Order in Council, 1931, embodied in Ordinance No. of providing for the abolition of the offices of Financial Secretary and the Legal Secretary in the State Council it is considered necessary to make consequential amendments in the Ceylon (State Council Elections) Order in Council, 1931. This Ordinance is introduced to give effect to this.

In addition it is proposed to amend Article 82 (2) so as to vest in the State Council, instead of in the Governor, the right to make rules amending, rescinding or supplementing rules made in the Order in Council for the regulation of elections.

G. C. S. COREA,
Member, State Council.

Colombo, June 13, 1933.

NOTIFICATION OF CRIMINAL SESSIONS.

By virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Districts of Jaffna, Mannar, and Mullaitivu will be holden at the District Court-house at Jaffna, on Monday, July 24, 1933, at 11 o'clock of the morning of the said day.
And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Jaffna, June 21, 1933.

S. TURAIAPPAN,
for Fiscal.

In the District Court of Colombo.
No. 4,644. In the matter of the insolvency of Garumuni Robert de Zoysa of Hill Crest, Foster lane, Colombo.

WHEREAS A. Baur and Company of Colombo have filed a petition for the sequestration of the estate of the above-named Garumuni Robert de Zoysa, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Garumuni Robert de Zoysa insolvent accordingly; and that two public sittings of the court, to wit, on July 11, 1933, and on July 25, 1933, 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,
June 19, 1933. for Secretary.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.
No. 4,602. In the matter of the insolvency of S. Ponnambalam of Bambalapitiya, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court fixed for July 11, 1933, for the appointment of an assignee.

By order of court, K. RATNASINGHAM,
June 14, 1933. Secretary.

In the District Court of Colombo.
No. 4,668. In the matter of the insolvency of V. M. Elagupillai of 47, Norris road, Colombo.

WHEREAS the above-named V. M. Elagupillai has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. A. Suppa Reddiar of Front street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said

court has adjudged the said V. M. Elagupillai insolvent accordingly; and that two public sittings of the court, to wit, on July 11, 1933, and on July 25, 1933, 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, K. RATNASINGHAM,
June 13, 1933. Secretary.

In the District Court of Colombo.

No. 4,669. In the matter of the insolvency of Meeran Saibo Mohamed Abdur Raof of Slave Island, Colombo.

WHEREAS the above-named Meeran Saibo Mohamed Abdur Raof has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Mohideen Ibrahim Mohamed Ibrahim of Chatham street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Meeran Saibo Mohamed Abdur Raof insolvent accordingly; and that two public sittings of the court, to wit, on July 18, 1933, and on August 1, 1933, 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, K. RATNASINGHAM,
June 19, 1933. Secretary.

In the District Court of Kalutara.

No. 260/I. In the matter of the insolvency of Dedimuni Veraniel de Silva of Kalutara.

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 July 28, 1933, to consider the grant of certificate of conformity.

By order of court, A. W. LUDEKENS,
June 13, 1933. Secretary.

In the District Court of Kalutara.

No. 270/I. In the matter of the insolvency of Mullekandage John Perera of Mawala.

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 July 14, 1933, to consider the grant of certificate of conformity.

By order of court, A. W. LUDEKENS,
June 14, 1933. Secretary.

In the District Court of Kalutara.

No. 282/I. In the matter of the insolvency of Caluwadewage Albert Dhammadasa of Uggalboda.

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 August 3, 1933, to examine the insolvent.

By order of court, A. W. LUDEKENS,
June 16, 1933. Secretary.

In the District Court of Kandy.

No. 2,020. In the matter of the insolvency of Eragoda Weesin Mudiyansele Polkotuwe Punchirala of Gampolawela.

WHEREAS Eragoda Weesin Mudiyansele Polkotuwe Punchirala of Gampolawela has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Hatarakoragedera Heen Appu of Kehelgomuwa, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Eragoda Weesin Mudiyansele Polkotuwe Punchirala insolvent accordingly; and that two public sittings of the court, to wit, on July 28, 1933, and on August 18, 1933, 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, GERALD E. DE ALWIS,
June 15, 1933. Secretary.

In the District Court of Nuwara Eliya.

No. 20. In the matter of the insolvent estate of Mabadawilage Pieris Appuhamy of Hedunawa in Kotmale, Nuwara Eliya District.

NOTICE is hereby given that Mabadawilage Pieris Appuhamy, the insolvent above named, has been granted a certificate of conformity in Class III.

By order of court, E. GUNAWARDANE,
June 20, 1933. Secretary.

In the District Court of Galle.

No. 683. In the matter of the insolvency of Kalupahana John de Silva of Dodanduwa.

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 July 18, 1933, for assignee's report.

By order of court, L. B. CASPERSZ,
June 16, 1933. Secretary.

In the District Court of Matara.

Insolvency Case No. 95. In the matter of the insolvency of Osman Aiub carrying on business under the name and style and firm of A. H. Osman of Kadeweediya, Matara.

NOTICE is hereby given that the above-named insolvent has been awarded a certificate of conformity as of the first class.

By order of court, H. L. D. DE SILVA,
June 15, 1933. Secretary.

In the District Court of Matara.

No. 101. In the matter of the insolvency of Ediriweera Jayasekera Kurundu Patabendige Janis Appu of Dondra.

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 August 21, 1933, for examination of the above-named insolvent.

By order of court, R. MALALGODA,
June 14, 1933. Secretary.

In the District Court of Matara.

No. 103. In the matter of the insolvency of Ahamado Lebbe Marikkar Mahammado Lebbe Marikkar of Weligama.

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 July 4, 1933, to appoint an assignee.

By order of court, H. L. D. DE SILVA,
June 16, 1933. Secretary.

In the District Court of Kurunegala.

Insolvency Case No. 98. In the matter of the insolvency of C. W. Palipana of Kurunegala.

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 August 30, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, A. L. GUNARATNA,
June 14, 1933. Secretary.

In the District Court of Kegalla.

Insolvency No. 62. In the matter of the insolvency of Segu Amala Marikkar Hadijar Udumma Lebbe Marikkar of Mawanella.

NOTICE is hereby given that a sitting of this court on the above matter will be held on September 7, 1933, for the examination of the insolvent.

By order of court, A. DE S. KANAKARATNE,
June 20, 1933. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

His Majesty's Attorney-General in the Island of Ceylon..... Plaintiff.

No. 48,444. Vs.

(1) Wiswalingam Sangarapillai alias Wiswalingam Sangarapillai, (2) Annamma Sangarapillai, both of Station Road, Wellawatta, Colombo, (3) Mrs. L. A. Vairakiam of Thimbringasyaya Road, Colombo..... Defendants.

NOTICE is hereby given that on Thursday, July 20, 1933, at 4 P.M. will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 825 dated February 27, 1930, attested by David E. Martensz of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated December 22, 1932, for the recovery of the sum of Rs. 75,165.15, together with interest on Rs. 70,175 at 7 per cent. per annum from April 1, 1932, till date of decree (September 16, 1932), and thereafter on the aggregate amount of decree at 9 per cent. per annum till payment in full and costs of suit, viz. :-

All that allotment of land with the buildings thereon bearing assessment Nos. 29, 29 (2), 29 (3), 29 (4), and 31, Pamankada road, being lots Q3, Q6, and Q7, and half of the road reservation, west by lots Q3 and Q6 being subdivisions of lot Q which is a part of lot 374 in registered plan No. 2 called Kudawellawatta now amalgamated into one lot marked 374x, situated at Station road (now called Pamankada road), Wellawatta, in Wellawatta Ward, within the Municipality and District of Colombo, Western Province; and bounded on the north by lot R premises belonging to the estate of Mr. H. J. Peris, on the east by lot T bearing assessment No. 73/63 belonging to the estate of Mr. H. J. Peris and lots U and V bearing assessment No. 77/55A belonging to Mr. C. C. Gauder, on the south by Station road leading to Wellawatta Railway Station, and on the west by the other half of the road reservation attached to lots Q1, Q2, Q5 and now forming part thereof bearing assessment No. 79/55 belonging to Mr. S. Somasundaram; containing in extent 3 roods and 32 50/100 perches according to the survey and plan thereof No. 1,556 dated February 18, 1925, made by A. R. Savundranayagam, Licensed Surveyor and Leveller, together with the buildings now standing and hereafter to be erected thereon and all rights, ways, privileges, easements, servitudes, and appurtenances whatsoever thereunto belonging or in any wise appertaining or held, used, or enjoyed therewith and all the estate, right, title, interest, claim, and demand, whatsoever of the 1st and 2nd defendants in, to, out of, or upon the same and every part or portion thereof. Registered 28/256.

Fiscal's Office, Colombo, June 21, 1933.

P. E. ALDONS, Deputy Fiscal.

In the District Court of Colombo.

Simittra Arachchige Don Paulis Appuhamy of Etul Kotte..... Plaintiff.

No. 48,622. Vs.

Salathsinhelage Punchi Nona Cooray of Etul Kotte, legal representative of the estate of Paranavidanelage Cornelis Boteju of Etul Kotte, deceased... Defendant.

NOTICE is hereby given that on Monday, July 24, 1933, at 3 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 11,476 dated November 1, 1928, and attested by Cornelis de Silva, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated November 25, 1932, for the recovery of the sum of Rs. 309.33, with further interest on Rs. 200 at 16 per cent. per annum from March 29, 1932, till date of decree (May 16, 1932), and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, Rs. 157, viz. :-

All that undivided 1/2 share towards the southern boundary of an allotment of land called Bogahawatta, together with the trees, plantations, and the buildings standing thereon, situated at Etul Kotte in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and

bounded on the north and east by dewata road, south by portion of this land claimed by Uswatteliyanage Hendrick Silva, and west by Kotte high road; and containing in extent 22 perches according to the plan dated June 5, 1888, made by M. C. Perera, Surveyor, and all the right, title, interest, and claim whatsoever of the said defendant in, to, prior, or out of the said premises.

Prior registration M 152/186.

Fiscal's Office, Colombo, June 21, 1933.

P. E. ALDONS, Deputy Fiscal.

In the District Court of Colombo.

V. R. U.S. T. Sathappa Chettiar of Sea street, Colombo..... Plaintiff.

No. 49,133.

Vs.

M. A. M. Hussain of Mumtaz Mahal, Colpetty, in Colombo..... Defendant.

NOTICE is hereby given that on Tuesday, July 18, 1933, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 9,819.50, with further interest on Rs. 8,500 at 18 per cent. per annum from June 9, 1932, to date of decree (June 29, 1932), and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit, viz. :-

At 3 P.M.

1. All that two in one annexed houses marked No. 7 1/2, the portion facing Main street, formerly bearing assessment Nos. 81, 82, and 83, and presently bearing assessment Nos. 216, 218, and 220, the portion facing Third Cross street, formerly bearing assessment Nos. 65, 66, 67, 68, 69A, and 70, and presently bearing assessment Nos. 117, 119, 125, 129, 133, 135, and 137, situate and lying in the block O in the Pettah, within the Municipality, and in the District of Colombo, Western Province; bounded on the north-west by the Koning street, now called Main street, on the north-east by the Shedent street, now called Third Cross street, on the south-east by the houses of Jan Hendrick Flok, and on the south-west by the house of widow Visser; containing in extent more or less than 12 27/50 square perches according to the figure and survey bearing date October 30, 1804, duly authenticated by G. Schneider, Surveyor-General, and registered in the said Land Registry Office under Title A 10/108 and A 65/160, which said premises have been recently surveyed and is presently described as follows :-

An allotment of land with the buildings thereon, bearing assessment Nos. 117, 119, 125, 129, 133, 135, and 137, Third Cross street, and Nos. 216, 218, and 220, Main street, situated at Pettah, within the Municipality of Colombo, Western Province; bounded on the north by Main street, on the east by Third Cross street, on the south by premises bearing assessment No. 115, Third Cross street, and on the west by premises bearing assessment No. 214, Main street; containing in extent 11 29/100 perches according to the figure of survey thereof bearing No. 2,566 dated March 26 and April 2, 1931, made by James Rodrigo, Licensed Surveyor and Leveller.

At 3.30 P.M.

2. All that house and ground presently bearing assessment No. 149, Fourth Cross street, situated in the Pettah, within the Municipality and in the District of Colombo, Western Province; bounded on the north by house and ground bearing assessment No. 153, Fourth Cross street, on the east by Fourth Cross street, on the south by house and ground bearing assessment No. 145 of M. S. Hibtula Bhoj and Company, and on the west by houses and ground bearing assessment Nos. 76 and 78, Third Cross street, being the remaining portion of the same land; containing in extent 6 13/100 perches as shown in figure of survey thereof bearing No. 2,567 dated April 20, 1931, made by Jas Rodrigo, Licensed Surveyor and Leveller, and in plan No. 727 dated December 21, 1930, made by A. C. Schokman, Licensed Surveyor, being a defined portion of all those premises bearing assessment Nos. 76 and 78, Third Cross street, and No. 149, Fourth Cross street, situated in the Pettah aforesaid; bounded on the north by premises bearing assessment Nos. 80 and 82, Third Cross street, and No. 153, Fourth Cross street, on the east by the Fourth Cross street, on the south by premises bearing assessment No. 74, Third Cross street, and No. 145, Fourth Cross street, on the west by Third Cross street; containing in extent 17 13/100 perches, and registered under A 115/58.

At 4 P.M.

3. All that house and ground presently bearing assessment No. 161, Fourth Cross street, situated in the Pettah aforesaid; bounded on the north by premises bearing assessment Nos. 238, Keyzer street, of Hadjie Ibrahim and Nos. 240, Keyzer street, and 163, Fourth Cross street, belonging to the estate of the late J. B. Fernando, on the east by Fourth Cross street, on the south by premises bearing assessment No. 157, Fourth Cross street, and on the west by premises bearing assessment No. 236, Keyzer street, of F. G. de S. Wijeratne; containing in extent 1 40 perches as shown in plan No. 727, being a defined portion of all that allotment of land and premises presently bearing assessment Nos. 153, 157, and 161, Fourth Cross street, situated in the Pettah, within the Municipality aforesaid; bounded on the north by Keyzer street, on the south by the house of Mr. S. Andriesz, on the east by the other part of this garden; containing in extent 21 50/100 square perches, and registered in the said Land Registry Office under Title A 196/126, the said premises being presently described as follows:—

All that allotment of land with the buildings thereon, bearing assessment Nos. 153, 157, and 161, Fourth Cross street, situated at Pettah aforesaid; bounded on the north by premises bearing assessment Nos. 230, 234, 236, and 238, Keyzer street, of Sister Mary Mount Carmel, Miss Adeline de S. Wijeratne, F. G. de S. Wijeratne, and Hadjie Ibrahim, respectively, and No. 240, Keyzer street, No. 163, Fourth Cross street, belonging to the estate of the late J. B. Fernando, on the east by Fourth Cross street, on the south by premises bearing assessment No. 149 belonging to the intestate estate of the late Mr. M. J. Mohamed Alie, J.P., and on the west by premises bearing assessment Nos. 80 and 82 belonging to M. H. M. Salih; containing in extent 11 59 square perches as per plan No. 2,565 dated April 1, 1931, made by S. C. Schokman, Licensed Surveyor.

Fiscal's Office,
Colombo, June 21, 1933.

P. E. ALDONS,
Deputy Fiscal.

In the District Court of Kalutara.

Mercenege Walter Salgado of Wekada in Panadure Plaintiff.
No. 17,336. Vs.

(1) Mahawaduge Daya Perera, (2) Kudatolge Caroline Catherine Peiris, (3) Bodiabaduge Salmon Perera, all of Wekada, (4) K. K. K. N. Ramasamy Chettiar of 116, Sea street, Colombo (K. M. N. S. Sannathan Chettiar of 94, Sea street, Colombo) .. Defendants.

NOTICE is hereby given that on Tuesday July 18, 1933, commencing at 3.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following property (mortgaged by the 1st defendant with plaintiff and declared bounded and executable for the decree entered in the said case) for the recovery of Rs. 7,270, less Rs. 946 66, with interest on Rs. 4,000 at 12 per cent. per annum from February 11, 1932, till February 9, 1933, and thereafter at the rate of 9 per cent. per annum on the aggregate till payment in full, and costs of suit, viz. :—

1. All that land called Malagorakahena, together with the pravei half share of the trees of the second plantation (excluding the planter's half share thereof) and all the trees of the 1st plantation and 1/10 share of the planters' half share of the second plantation above excluded standing thereon, situated at Raigama in Adikari pattu of Rayigam korale in the District of Kalutara, Western Province; and bounded on the north by the lands appearing in plans Nos. 54,524 and 54,539, east by the land which belonged to Wettasinghage Lewis Dias Appuhamy, south-east by the land belonging to D. S. Karunaratna, Notary, south by the land which was in the name of Kaluachchige Davith Perera, on the south-west, west, and north-west by the lands belonging to Hettige Babappu and Salmon Perera; containing in extent 11 acres and 8 perches, and also 1/10 part or share of the planters' half share of all the trees, exclusive of the trees of the 1st plantation of the said land, called Malagorakahena above described.

2. All that divided one-seventh part or share of allotment of land called No. 5 block of the land called Delgahawatta alias Uswatta, situated at Wekada in Talpitibadde of Panadure totamune in Kalutara District, Western Province; bounded on the north by the road leading to Pinwala, on the east by No. 6 block of the same land allotted to Peduru Fonseka, south by portion of Delgahawatta belonging to Mathes Perera, and west by No. 4 block of the same land allotted to Bastian Soysa; containing in extent about ½ acre or 75 feet and 7 inches by 104 feet.

Deputy Fiscal's Office,
Kalutara, June 19, 1933.

D. J. JAYASUNDERA,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

S. P. R. M. R. M. Ramasamy Chettiar of Kandy. Plaintiff.

No. 38,962.

Vs.

Ranaweera Mudiyansele Appuhamy of Pallegama in Ampitiya in Gandahaye korale of Lower Hewaheta Defendant.

NOTICE is hereby given that on Saturday, August 26, 1933, commencing at 10 A.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff and decreed to be sold under the decree entered in the above case for the recovery of the sum of Rs. 11,344.59, with interest thereon at the rate of 9 per cent. per annum from January 15, 1930, till payment in full, and poundage, viz. :—

(1) All that allotment of land called Medagederawatta of 9 lahas in paddy sowing extent, situate at Ampitiya in the Gandahaye korale of Lower Hewaheta in the District of Kandy, Central Province; and bounded on the east by the ditch of Mapagederawatta, on the south by an ella, on the west by the ditch of Dissanayakegederadama, presently belonging to Yatawara Ratamahatneya, on the north by limit of Walawwewatta, with the buildings and everything thereon. Registered in G 115/224.

(2) One undivided third part or share of land in all that portion in extent 7 lahas of paddy sowing from and out of all that allotment of land called Abbuvidanegewatta of about 8 kurumies in paddy sowing extent, situate at Ampitiya aforesaid; which said portion of 7 lahas in extent is bounded on the east by the fence of Dissanayakegederawatta, on the south by the fence of Viharekumbura and the fence of Hekekumbura, on the west by the limit of the remaining portion of the same land, and on the north by the fence of Abbuvidanegewatta and the fence of Katugahavidanegewatta, with everything thereon. Registered in G 118/211.

(3) All that allotment of land called Walawwewatta of about 2 pelas in paddy sowing extent, situate at Ampitiya aforesaid; and bounded on the east by ditch of Mapagederawatta, on the south by the fence of Medagederawatta, on the west by the ditch of Ranghamy's garden, and on the north by the ditch of Pambederahena, with everything thereon. Registered in G 128/161.

(4) All that allotment of land called Katugahavidanelagewatta of 1 pela in paddy sowing extent, situate at Ampitiya aforesaid; and bounded on the east by the land of Hippola Mahanayake Therunnanse, on the south by the limit of Dissanayakegederawatta, on the west by the fence of Walawwewatta, and on the north by the limit of Mawaturegedera Ranghamy's garden, with everything thereon. Registered in G 128/162.

(5) One undivided half part or share of and in all that allotment of land called Pahalawatta of about 1 pela in paddy sowing extent, situate at Ampitiya aforesaid; and bounded on the east by the fence of Ranghamy's land, on the south by the high road, on the west by the limit of Dissanayakegederawatta, and on the north by ela, with everything thereon save and except the Gansabhawa road of 12 feet. Registered in G 117/219.

(6) All that western half part or share, presently bearing assessment No. 52A; containing in extent 1 rood and 22 perches according to the survey and description thereof dated December 27, 1926, and made by James T. Trowell of Kandy, Licensed Surveyor, from and out of all that allotment of land called Muttettuttennewatta; containing in extent 3 roods and 4 perches according to the said survey, situate at Madawela road, Katugastota, within the town, Municipality, and District of Kandy, Central Province (formerly described as situate at Kahalla in Pallegampaha of Pata Dumbara in the District of Kandy, Central Province; which said western half share is bounded on the east by the remaining portion of the same land belonging to D. C. de Silva and another, on the south by the high road to Panwila, and on the west and north by the Katugastota Post Office premises and the property of K. Abram Saibo, with everything thereon. Registered in A 52/224.

(7) All that western portion marked "B", containing in extent 38 perches from and out of an allotment of land containing in extent 1 rood and 36 perches according to the survey and description thereof dated September 16, 1912, and made by James T. Trowell of Kandy, Licensed Surveyor, situate at Madawela road, Katugastota aforesaid; which said western portion is bounded on the north by road, on the east by the eastern portion of the same land marked "A" and allotted to Dona Louisa de Silva Hamine, on the south by the Crown land, and on the west by the property of

Seeni Rawather, with the buildings thereon bearing assessment Nos. 71A and 72, and everything thereon. Registered in A 52/75.

And all the right, title, interest, and claim whatsoever of the defendant in, to, upon, or out of the said several premises mortgaged by the defendant upon bond No. 1,676 dated March 25, 1927, and attested by Mr. E. H. Wijenaike, Notary Public.

Fiscal's Office,
Kandy, June 20, 1933.

A. RANESINGHE,
Deputy Fiscal.

In the District Court of Kandy.

John Walter de Silva of Gampola Plaintiff.
No. 40,767. Vs.

(1) Welhenage Enso Hamine and (2) Edward Walter Aloysinghe, both of Kandy road, Gampola .. Defendants.

NOTICE is hereby given that on Monday, July 17, 1933, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendants for the recovery of the sum of Rs. 2,385.62, with interest thereon at the rate of 9 per cent. per annum from the date of the decree until payment in full, and costs of action and poundage in the following property, viz. :—

All that land called Malwatta of 12 lahas paddy sowing, situated at Embilmeegama in Medapalate of Yatinuwara, Kandy District, Central Province; and bounded on the east by Iddawalagedawatteagala, south by Minipittaniyewatteagala and below the ella of Pansalawatta, west by Gansabhawa road and deniya, and north by Iddawalagedawatteagala and fence, which said land has been surveyed on August 26, 1925, by G. E. de la Motte, and according to the figure of survey, containing in extent 1 acre and 24 perches; and bounded on the east by agala and fence separating Iddawalagedarawatta *alias* Hitinagedarawatta belonging to U. B. Beddewela, south by the ella separating Minipittaniyewatta, west by Gansabhawa road leading from Embilmeegama to Murutalawa, and north by Gansabhawa road and agala and fence separating Iddawalagedarawatta Hitinagedarawatta belonging to U. B. Beddewela, together with the buildings, plantations, and everything thereon, and registered in Kandy Land Registry Office under B 96/236 and all the right, title, interest, and claim whatsoever of the defendants in, to, upon, or out of the said several premises mortgaged by the defendants upon bond No. 228 dated June 7, 1929, and attested by Mr. S. Kanagasabai, Notary Public.

Fiscal's Office,
Kandy, June 20, 1933.

A. RANESINGHE,
Deputy Fiscal.

In the District Court of Colombo.

Broughams, Ltd. of York Arcade, Fort, Colombo. . Plaintiffs.
No. 50,988. Vs.

Alan Bowie of Wewakelle estate. Kumbalgamuwa Defendant.

NOTICE is hereby given that on Monday, July 17, 1933, at 1.15 P.M. in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

That estate called Wewakelle estate, situated at Kumbalgamuwa in the District of Nuwara Eliya; bounded on the north by main road (Kandy to Walapone), on the east by fields and gardens claimed by villagers, on the south by fields and chena lands claimed by villagers, T. Ps. Nos. 112,709, 112,708, village claims and Narangala patana, and on the west by T. P. No. 105,890 and Yakkunagawakandura, together with the bungalow and cooly lines standing thereon; containing in extent about 50 acres more or less.

For the recovery of the sum of Rs. 2,127.27, with interest thereon at the rate of 12 per centum per annum from November 16, 1932, to March 13, 1933, and thereafter on the aggregate amount at the rate of 9 per centum per annum till payment in full, and costs of this action.

Valuation Rs. 25,000.

Deputy Fiscal's Office,
Nuwara Eliya, June 14, 1933.

W. J. A. VAN LANGENBERG,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Matara.

Vidanagama Babunchihamy and others Plaintiffs.
No. 3,784 Vs.

(1) Andrabaduge Nonahamy of Nupe and others Defendants.

NOTICE is hereby given that on Thursday, July 20, 1933, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st, 3rd, 5th, 6th, 7th, and 9th defendants in the following property for the recovery of a sum of Rs. 1,101.87

All that the divided and separated lot B of the land called Walakandawattahena and Walakandawatta, situated at Peddapitiya in the Wangan Korale of the Matara District, Southern Province; and bounded on the north by lot A of the same land, east by Nilwala-ganga, south by lands appearing in plans Nos. 259,034 and 24A, and on the west by lands appearing in plans Nos. 19D, 154,186, and 154,185; and containing in extent 16 acres and 28.25 perches.

Deputy Fiscal's Office,
Matara, June 17, 1933.

E. T. GOONEWARDENE,
Deputy Fiscal.

In the District Court of Matara.

J. E. Karunanayake of Matara Plaintiff.
No. 5,891. Vs.

(1) Don Charles Senarat and another, both of Waharakgoda Defendants.

NOTICE is hereby given that on Thursday, July 13, 1933, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 242, with further legal interest thereon from June 26, 1931, and poundage :—

(1) An undivided $\frac{1}{2}$ share of the soil and fruit trees and the entirety of the 13 cubits tiled house thereon of the land called Medahena, situated at Waharakgoda in West Giruwa pattu of Hambantota District; and bounded on the north by Dematagahawala, east by Kankanangewatta, south by Maha-athegamima, and west by dewata and Galheressewatta; containing in extent about 5 acres; value Rs. 1,250.

Deputy Fiscal's Office,
Tangalla, June 16, 1933.

A. L. M. NOOR MOHAMED,
Additional Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

(1) Arumugam Krishnaswamy, and wife (2) Kanagambikai of Maviddapuram Plaintiffs.
No. 23,380. Vs.

(1) Kasinather Swaminather, and wife (2) Sinnappillai of Palaly Defendants.

NOTICE is hereby given that on Monday, July 17, 1933, at 3 P.M. in the afternoon, will be sold by public auction at the spots the right, title, and interest of the said defendants in the following decreed property for the recovery of Rs. 1,831.25, with interest on Rs. 1,250 at the rate of 9 per cent. per annum from February 16, 1928, until payment in full, and costs of suit being Rs. 127.17, poundage and charges, viz. :—

1. A piece of land situated at Palaly in Myliddy parish, Valigam North Division of the Jaffna District, Northern Province, called Kundaichchiseemah; containing in extent $4\frac{1}{2}$ lachams varagu culture, with coconut trees, mango tree, stone built house, and share of well standing on the western boundary; and bounded on the east by road, north by the property of Velauther Arumugam and others, west by the property of Nanny, wife of Kangesu, and others, and south by lane.

2. A piece of land situated at ditto, called Allsluvai; containing in extent $12\frac{1}{2}$ lachams varagu culture; and bounded on the east by the property of the defendants and shareholders, north by the property of the defendants, west by the property of Theivanai, wife of Sithamparanather, and others, and south by the property of Sithamparanather Kathirgamar and others.

3. An undivided 19½ lachams varagu culture, with its appurtenances of a piece of land, situated at ditto, called Pallisiddy; containing in extent 80 lachams varagu culture with palmyrahs; and bounded on the east by the property of Kasippillai Thambipillai and his brothers and sisters, north by the property of Ayamperumal Sithampananther and shareholders, west by the property of Elayapillai, daughter of Kayilayar, and shareholders, and south by the property of Sithampananther Kathirgamar.

Fiscal's Office,
Jaffna, June 20, 1933.

M. SELVADURAI,
Deputy Fiscal.

In the District Court of Colombo.

Messrs. The Holland Colombo Trading Society of the Imperial Bank building, Fort, in Colombo . . . Plaintiffs.
No. 48,172. Vs.

Seena Vana Seena Kailayan Chettiar of Perumal Kovilady, Vannarponnai in Jaffna . . . Defendant.

NOTICE is hereby given that on Saturday, July 15, 1933, at 10 o'clock in the forenoon will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,462.84, with interest thereon at the rate of 9 per cent. per annum from November 23, 1931, till payment in full, and costs of suit (to be taxed), poundage, and charges, viz. :—

A piece of land situated at Vannarponnai East in Vannarponnai parish, Jaffna Division of the Jaffna District, Northern Province, called "Peria Valavu Uiyaladdy Kulanthaiantharai and Neeraviththalamadai"; containing in extent 4 lachams varagu culture, with well, hut, and cultivated plants; and bounded on the east by road, north by the property of the heirs of Kathiravelar, west by the property of Supramaniar Elaiyathamby Ponnamma, wife of Chellathurai, and south by the property of Muttamma, widow of Veluppillai, and S. Manickam Thigarajah.

Fiscal's Office,
Jaffna June 16, 1933.

S. THURAIYAPPAN,
Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

Halvatage Yavonis Perera of Sevendana, deceased.
No. 3,914r. Vs.

Halvatage Edmund Perera of Sevendana in Recopattu korale . . . Administrator.

NOTICE is hereby given that on Saturday, July 15, 1933 at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said deceased in the following property for the recovery of the sum of Rs. 35.40 and Rs. 45.60 being schedule stamps and deficiency respectively, and poundage, viz. :—

An undivided ½ share of Sevendanawatta situate at Sevendana in Recopattu korale of Dambadeni hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by village limit of Ambagammana and wire fence of the garden of Ranham, ex Arachchi, east by high road leading from Bemmullegedara to Wadakkada, south by garden of Punchi Menika and others and mukalana, and on the west by village limit of Yakkawita and wire fence of the garden of Heratham and Kirimudiyanse, Coroner; containing in extent about 34 acres 2 roods and 30 perches, with the plantations thereon.

Fiscal's Office,
Kurunegala, June 20, 1933.

A. BASNAYAKE,
Deputy Fiscal.

In the District Court of Puttalam.

S. M. S. P. Muttiah Chettiar by his attorney M. S. P. Sithambaram Chettiar of Puttalam . . . Plaintiff.
No. 4,268. Vs.

(1) K. E. Mohamado, (2) Muna Mohamado, (3) Pana Muna Mohamado, (4) Kana Abdul Hameedu, late of Puttalam . . . Defendants.

NOTICE is hereby given that on Thursday, July 20, 1933, at the time mentioned below, will be sold by public auction the right, title, and interests of the defendants in the following lands :—

1. 10 a.m.—The land called Manelkundukadu, situate at Manelkundu, Puttalam Gravets, Puttalam District, North-Western Province, in extent 29 acres 2 roods; is

bounded on the north by reservation, east by land shown in title plan Nos. 135,237 and 88,296, south by reservation and west by land shown in title plan No. 183,088 and undivided ¼ share and subject to the life interest of T. E. N. Naina Mohamado Lebbe.

2. 12 noon.—The land called Puliyadikani, situate at Chetty street, Puttalam Gravets as aforesaid, in extent 17 perches bearing assessment No. 13/15; is bounded on the north by lane, east by land belonging to N. L. M. Rawther Marikar, south by land belonging to N. L. M. Rawther Marikar, and west by Chetty street of this an undivided ¼ share subject to the life interest of T. E. N. Naina Mohamado Lebbe.

Amount of writ Rs. 4,431.10, with interest on Rs. 4,010.05 at 15 per cent. from March 16, 1931, to September 23, 1931, and thereafter at 9 per cent. till payment in full, costs, and poundage.

Deputy Fiscal's Office,
Puttalam, June 20, 1933.

K. ALVAPPILLAI,
Deputy Fiscal.

In the District Court of Puttalam.

S. T. V. R. S. Veerappa Chettiar by his attorney Ana Murugiapilla of Puttalam . . . Plaintiff.
No. 4,454. Vs.

Charles Wilmot Brito of Puttalam . . . Defendant.

NOTICE is hereby given that on Wednesday, July 19, 1933, at the time mentioned below will be sold by public auction the right, title, and interest of the defendant in the following properties, viz. :—

1. 9 a.m.—The two combined portions of land called Nindanichenai also known as Kombimunaikany, situate at Nindani in Chenaikudirippu in the Puttalam Gravets, Puttalam District, North-Western Province, and according to plan No. 922 dated March 26, 1914, and made by A. M. Sundram, Surveyor, 14 acres 2 roods and 38 perches in extent; is bounded on the north by a portion of the lands mentioned in T. P. Nos. 128,624 and 132,824, east by stream (alai), south by land of Assena Marikar Muhamado Unoos, on the west by land reserved for road. The entirety within these boundaries.

2. 11 a.m.—The portion of land called and known as Poolaadymadukadu, situate at Daluwa, Mel Akkarai pattu theku, Puttalam District aforesaid, in extent 22 acres and 36 perches; is bounded on the north and south by lands reserved for roads, east by lots Nos. 13 and 12 in P. P. 4,550 and land described in T. P. No. 319,429, and west by land belonging to the defendant and lots 4 and 5 in P. P. 4,550 and Crown land. The entirety within these boundaries.

3. 11.30 a.m.—The portion of land called Poolaadymadukany, situate at Daluwa aforesaid, in extent 9 acres 3 roods and 10 perches; and bounded on the north by land reserved for road, east by land described in T. P. No. 206,265, south by land of the defendant and others, and west by Crown land. The entirety within these boundaries.

Amount of writ Rs. 5,000, with interest on Rs. 3,800 at 15 per cent. per annum from December 5, 1932, to January 24, 1933, and thereafter at 9 per cent. till payment in full, costs, and poundage.

Deputy Fiscal's Office,
Puttalam, June 19, 1933.

K. ALVAPPILLAI,
Deputy Fiscal.

In the District Court of Negombo.

S. A. R. N. S. N. Narayanan Chettiar by his attorney Arumugam Ambalam of Negombo . . . Plaintiff.
No. 5,409. Vs.

Subasinghe Mudiyanseleage Punchi Banda of Handalankawa . . . Defendant.

NOTICE is hereby given that on Thursday, August 3, 1933, at 10.30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 660.23, with interest on Rs. 450 at 24 per cent. per annum from May 19, 1931, till June 23, 1931, and thereafter at 9 per cent. per annum till payment and poundage, viz. :—

The contiguous allotments of land called and known as Ambagahaovita marked B 352 and a portion of Ambagaha-hena marked C 352, situate at Motemulla in Otara palata of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded on the north by the Kohombagahawatta claimed by K. P. Silva alias K. Paulu Silva and the land appearing in plan No. 161,634 of Anthony Mendis and others, east by Dematagahakumbura claimed

by D. Appuhamy and others, south by the other portion of Ambagahahena marked C 352 of Laiya and others, and west by the land appearing in plans Nos. 127,708 and 127,707 of Senarath Dassanayeke Appuhamilage Don Carolis Appuhamy Aratchi Mahatmaya; containing in extent 3 acres and 3 roods with the buildings and plantations thereon.

Deputy Fiscal's Office,
Chilaw, June 20, 1933.

F. G. DALPETHADO,
Deputy Fiscal.

In the District Court of Negombo.

M. R. R. M. S. P. Ramanadan Chettiyar of Negombo Plaintiff.

No. 6,000. Vs.

Mahatantrige Paulina Navaratne Nona of Gal-muruwa Defendant.

NOTICE is hereby given that on Tuesday, August 1, 1933, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 732.40, with interest on Rs. 600 at 18 per cent. per annum from November 25, 1931, till February 17, 1932, and thereafter at 9 per cent. per annum till payment and poundage less Rs. 250, viz. :—

The land called Paluwatta, with the buildings and plantations standing thereon, situate at Medagoda in Yatakalan pattu of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded on the north by Rolkanda-oya and Atuwewatta, east by boundary road, south by lands of Hendrick Singho, Vel-Vidane, and others, and west by Gansaba road and Atuwewatta and Dewate; containing in extent about 8 acres.

Deputy Fiscal's Office,
Chilaw, June 20, 1933.

F. G. DALPETHADO,
Deputy Fiscal.

In the District Court of Colombo.

P. K. N. Adappa Chettiyar of 197, Sea street, Colombo Plaintiff.

No. 51,617. Vs.

(1) Kona Mana Kaveena Moona Mana Kumarappa Chettiyar of Madampe Defendant.

NOTICE is hereby given that on Friday, July 21, 1933, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 4,442.00, with interest thereon at 9 per cent. per annum from January 31, 1933, till payment in full, costs of suit, and poundage, viz. :—

An allotment of land with the tiled house in extent 2½ acres out of the land called Eppanthiyawatta, situate at Madampe in Yagam pattu of Pitigal korale north in the District of Chilaw, North-Western Province; and bounded on the north by the land and boutique belonging to K. L. K. Kulanthavelan Chettiyar, east by land of Philip Wijesinghe Jayawardene Ralahamy and others, south by land belonging to R. M. M. V. Suppiramaniam Chettiyar and others and a boutique and a common wall, and west by the road leading to Kurunegala, including the stone-built well, coconut plant, and other plantations.

Deputy Fiscal's Office,
Chilaw, June 20, 1933.

F. G. DALPETHADO,
Deputy Fiscal.

Province of Uva

In the District Court of Kandy.

O. A. Muttucaruppan Kangany of Poonagala Group, Koslanda Plaintiff.

No. 36,328. Vs.

J. A. Rambukpota of Ampitiya, Kandy, presently of Ekneligoda Walauwa, Kuruwita Defendant.

NOTICE is hereby given that on the respective dates given below, commencing at the time indicated below, will be sold by public auction at the respective premises

the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 28,720, with interest thereon at 9 per cent. per annum from August 6, 1930, till payment in full, viz. :—

Monday, July 24, 1933, commencing at 10 A.M.

1. All that allotment of land called and known as Huriyagahawagurehena *alias* Uriyawangytotum and Elenpahalawatta, containing in extent 1 pela and 5 kurunies of kurakkan sowing, situated in Kahagolla in Mahapalata korale in Udukinda division in Badulla District of the Province of Uva; bounded on the north by patana and ditch, east by ditch, south by Watteagala, and west by ela, but more correctly bounded as follows:—East by lots 44 and 31 and by Kahagolleoya, south by lot 96, west by lots 57A and 58, north by lots 57A and 44; containing in extent 22 acres 1 rood and 20 perches, as shown in the final village plan of Kahagolla village published under the Waste Lands Ordinances, 1907, previously registered in C 91/21 and 110/139 at the Badulla Land Registry.

2. The contiguous allotments of land called (1) Bingenenna, (2) Dikirilla Ulpota, and (3) Galpottearawa being lots respectively 23, 23A, and 24 in P.P. 115, situated in Kahagolla aforesaid, containing in the aggregate 5 acres and 39 perches; and bounded on the north and east by Bingenennapatana (Crown land), south by Bingennekumbura and Bingennehena (private), Diyakirilla Ulpota, Udawewepatana (Crown land), west by Bingennekumpatana *alias* Udawewepatana (Crown land), (save and except an undivided portion of 1 acre to the south of the above land sold to D. D. Gunasekara), and registered under reference C 86/362.

3. Ampitigodapatana, situated in Kahagolla aforesaid, being lots 30 and 30A in P. P. 115, containing in extent 2 acres and 29 perches; bounded on the north by Kahattewela village boundary, east by Ampitiyapatana (Crown) and T. P. 274,643, south by old Gansablawwa road, west by Kahagollewewa and lands claimed by Rambukpota, R. M., and registered in C 86/364.

4. Asweddumehena lot 26 in P. P. 115, situated at Kahagolla aforesaid, containing in extent 3 acres 1 rood and 10 perches; bounded on the north by Bingenenna (Crown), east by Girawatta and Ratpahewatta, south by Asweddumekumbura and Asweddumewatta claimed by Rambukpota, R. M., west by footpath, subject to lease for 25 years commencing from April 17, 1932, and registered in C 86/361.

5. Etolugodewatta, situated in Kahagolla aforesaid, containing in extent 3 kurunies of kurakkan sowing; bounded on the east by ela, south by ditch, west and north by patana, and registered in C 86/355.

6. Ambagahaulpota, situated in Kahagolla aforesaid, containing 3 pelas of paddy sowing in extent; bounded on the east, west, and north by patana, south by Ambadandegannille, and registered in C 86/354.

7. Undivided ½ of Liyadikumbura *alias* Gannile, situated in Kahagolla aforesaid, containing 5 amunams of paddy sowing; bounded on the north by Heraliya and Heenmedakumbura, east by Kudaulpotegadarawatta, south by Herainbe, west by Walawwewatta, and registered in C 89/60.

8. Talawewpota of 5 pelas of paddy sowing in extent, situated in Kahagolla aforesaid; bounded on the north by oya, east and south by patana, west by Walgollekandura, and registered in C 106/71.

9. Talakumbura of 5 pelas of paddy sowing in extent, situated in Kahagolla aforesaid; bounded on the north by kandura, east, south, and west by patana, and registered in C 106/72.

10. Diyakirillaulpota of 1 amunam of paddy sowing in extent, situated in Kahagolla aforesaid; bounded on the north, west, and south by patana, east by Pinarawa, and registered in C 106/73.

11. Galpattiarawa of 1 amunam of paddy sowing in extent, situated in Kahagolla aforesaid; bounded on the north by Talawewatta, east and west by patana, south by kandura, and registered in C 106/74.

12. Undivided ½ of Pusselarawa of 5 pelas of paddy sowing in extent, situated in Kahagolla aforesaid; and bounded on the north by patana and agala, east by Pusselarawewatta, south by kandura and oya, west by Kehelwatta, and registered in C 106/75.

13. Bingenenna of 6 pelas of paddy sowing in extent, situated in Kahagolla aforesaid; bounded on the north and south by patana, east by Bingennekumbura, west by kandura, and registered in C 106/76.

14. Marabeddeewatta of 3 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by agala, east by Galkando-ela, south by Warakawekumbura, west by Marabeddekumbura, and registered in C 106/77.

15. Undivided $\frac{3}{4}$ of Pansalewatta of 3 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by Hinpitaha, east by Mudunpitakumbura and ela, south by Ellekumbura, west by Medahinnemulla, and registered in C 106/78.
16. Udawelawalawwewatta of 1 pela of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by Ketamillagaha-arawa, east by agala, south by Etoluwegoda-agala, west by Gabbalakele, and registered in C 106/79.
17. Undivided $\frac{3}{4}$ of Naranmankadadelugahawatta of 3 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north, east, and south by agala, west by oya, and registered in C 106/81.
18. Wahumpurawatta of 3 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north, east, south, and west by agala, and registered in C 106/82.
19. Undivided $\frac{3}{4}$ of Datchagedarawatta of 2 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north, east, south, and west by agala, and registered in C 106/83.
20. Undivided $\frac{3}{4}$ of Wasurewatta of 2 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north, east, south, and west by agala, and registered in C 106/84.
21. Undivided $\frac{3}{4}$ of Weliliyaddegoda Jambughawatta of 2 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north, south, and west by agala, east by ela, and registered in C 106/85.
22. Undivided $\frac{3}{4}$ of Mahawatta of 2 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by agala of Jambughawatta, east by ela, south and west by agala, and registered in C 106/86.
23. Undivided $\frac{3}{4}$ of Meda-arawegedarawatta of 2 $\frac{1}{2}$ kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north, south, and west by agala, east by ela, and registered in C 106/87.
24. Undivided $\frac{3}{4}$ of Perawatta of 1 $\frac{1}{2}$ kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north, south, and west by agala, east by ela, and registered in C 106/88.
25. Undivided $\frac{3}{4}$ of Pussellewatta of 1 kurunie of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north, south, and west by agala, east by ela, and registered in C 106/89.
26. Undivided $\frac{3}{4}$ of Kahagollegedarawatta of 4 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north, east, south, and west by agala, and registered in C 106/90.
27. Undivided $\frac{3}{4}$ of Hapurodawatta of 2 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north and south by agala, east by ela, west by patana and agala, and registered in C 106/91.
28. Undivided $\frac{3}{4}$ of Pusselarawa *alias* Diganettenwatta of 3 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north by agala and patana, east by Ambandekumbura and agala, south by kandura, west by Pusselarawekumbura, and registered in C 106/92.
29. Kehelwatta of 6 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north by patana and agala, east by Puswelarawa, south by Pitare, and west by agala, and registered in C 106/93.
30. Undivided $\frac{3}{4}$ of Kolluwatta of 4 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north by Mahapollekumbura and agala, east by Hapukotuwearawe-ela, south by agala, west by patana and ela, and registered in C 106/94.
31. Talawewatta of 2 pelas of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north by Ulpota, east by patana, south by kandura, west by Diya-agala, and registered in C 106/95.
32. Undivided $\frac{3}{4}$ of Ukkuralasahamihitiyawatta of 1 pela of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north by garden whereon Wewe Appuhamy lives, east by fence, south by agala of Bingahattenwatta, west by agala and patana, and registered in C 106/96.
33. Undivided $\frac{3}{4}$ of Weweappuhamyhitinawatta of 6 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by garden whereon Rama lived, east by kumbura, south by garden whereon Hami lived, west by patana and agala, and registered in C 106/97.
34. Undivided $\frac{3}{4}$ of Ramahitiyawatta of 6 kurunies of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north by kumbura and agala, east by Pitawatteagala, and registered in C 106/98.
35. Undivided $\frac{3}{4}$ of Pitawatta of 1 kurunie of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by agala of Aswedduma, east by ulpota, south by Bingetennewatta and agala, west by patana and agala, and registered in C 106/99.
36. Undivided $\frac{3}{4}$ of Asweddumewatta of 5 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by agala, east by kumbura, south by agala, west by patana and agala, and registered in C 106/100.
37. Undivided $\frac{3}{4}$ of Ratpahewatta of 3 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north and south by agala, east by kumbura, west by patana and agala, and registered in C 106/101.
38. Undivided $\frac{3}{4}$ of Hinnarankotuawatta *alias* Geta-watta of 1 $\frac{1}{2}$ kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by garden whereon Katan Peruma lived, east by kumbura, south by Weweaswedduma, west by Ratpahewatta, and registered in C 106/102.
39. Ampitigodaukwattedambukella of 1 kurunie of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north and south by agala, east by Ukkuralahitiyawatta, west by road, and registered in C 106/103.
40. Ampitigodapahalawatta of 3 kurunies of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north, south, and east by agala, west by road, and registered in C 106/104.
41. Unagahayata-arawewatta of 1 kurunie of kurakkan sowing in extent, situated at Kahagolla aforesaid; bounded on the north and east by patana, south by Bokotuawatta, west by kumbura, and registered in C 106/105.
42. Bokotuawatta of 1 pela of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by wewa, east by road, south and west by patana and agala, and registered in C 106/106.
43. Melapolewatta of 1 kurunie of kurakkan sowing in extent, situated in Kahagolla aforesaid; bounded on the north by oya, east by patana and agala, south by patana, west by Mahaoya, and registered in C 106/107.
44. Undivided $\frac{3}{4}$ of Mahamedakumbura of 2 amunams of paddy sowing in extent, situated in Kahagolla aforesaid; bounded on the north by Wakkumburehewaliya, east by Hinmedakumbura and Wakkumburehewaliya, south by Mudunpita, west by Mahapitaha, and registered in C 106/108.
45. Kehelwattarawa of 1 amunam of paddy sowing in extent, situated in Kahagolla aforesaid; bounded on the north by Katuwala-arawa, east and south by patana, west by imaniyara of Welgolla, and registered in C 106/110.

Wednesday, July 26, 1933, commencing at 8 A.M.

46. An undivided $\frac{1}{2}$ share of Walawwewatta *alias* Dewale House and the buildings thereon, containing in extent about $\frac{1}{2}$ acre bearing assessment No. 541, situated in King street in the town of Badulla; bounded on the north by Deiyanneweedyemahapara (now by Dewale lane), south by bank and Crown land (now by bank and live fence), east by wire fence and live fence of Dewategedarawatta, west by high road (King street), and registered in A 12/180.
47. An undivided $\frac{1}{4}$ share of all that land called Rendoliya bearing assessment No. 1500, situated in Badulupitiya in Badulla town, containing in extent 2 amunams 2 pelas and 5 kurunies of paddy sowing; bounded on the north and east by imaniyara, south by high road and imaniyara, west by Hewaliya, and registered in A 12/181.
48. An undivided $\frac{1}{4}$ share of the contiguous lands called (1) Nika-atttekumbura, (2) Nike-attedepela, and (3) Thibbotugaha-arawa respectively, bearing assessment Nos. 1493, 1494, and 1492, situated in Badulupitiya aforesaid; containing in extent respectively 4 $\frac{1}{2}$ amunams, 1 amunam, 3 pelas and 3 $\frac{1}{2}$ amunams of paddy sowing; bounded on the east by ela, west by jak tree and Kansawela, north by Warakagahawatta, and south by Hewaliya, and registered in A 12/182.
49. An undivided $\frac{1}{4}$ share of Mahabohitiyawa bearing assessment No. 1511, situated in Badulupitiya aforesaid; containing in extent 10 pelas of paddy sowing; bounded on the east by Hewaliya and footpath, west by Haliyadde-ela, north by Warakagahawatta, south by Thibbotugaha-arawa, and registered in A 12/183.
50. An undivided $\frac{1}{4}$ share of Kudabohitiyawa bearing assessment No. 1512, situated in Badulupitiya aforesaid, containing in extent 10 pelas of paddy sowing; bounded on the east by road, west by Hewaliya, north by Hewaliya and imaniyara, south by path and Hewaliya, and registered in A 12/184.
51. An undivided $\frac{1}{4}$ share of the contiguous lands called (1) Digaroddekumbura, (2) Isdangaha-arawa, (3) Dehiatttekumbura, (4) Mahamuttetuwa, and (5) Dehiattedaranedappenguwa, situated in Badulupitiya aforesaid, bearing respectively assessment Nos. 1507, 1505, 1506,

1508, and 1506; and containing in extent respectively the following paddy areas:—(1) 3 amunams and 3 pelas, (2) 3 amunams and 1 pela, (3) 2 amunams and 3 pelas, (4) 3 amunams and 2 pelas, (5) 1 pela and 2 kurunies or 13 amunams 2 pelas and 2 kurunies in the aggregate; bounded on the north by Hewaliya, east by wella and imaniyara, south by high road, west by Hewaliya and hospital, and registered in A 12/185.

52. An undivided $\frac{1}{3}$ share of the contiguous allotments of land called (1) Ambagahakumbura, (2) Hamba-arawa, (3) Uguressawattekumbura bearing assessment Nos. respectively 1481, 1482, and 1484; containing respectively the following paddy extents:—(1) 2 amunams, (2) 1 amunam, (3) 2 amunams and 3 pelas or 5 amunams and 3 pelas in the aggregate, situated in Badulupitiya aforesaid; bounded on the north by road, south by imaniyara, east by imaniyara, west by Hospital road and registered in A 12/186.

Fiscal's Office,
Badulla, June 20, 1933.

J. W. GOONEWARDENE,
for Fiscal.

Proctor, on the part of the petitioner, David Ernest Martensz of Colombo; and (1) the affidavit of the said petitioner dated June 6, 1933, (2) the power of attorney dated March 12, 1933, and (3) the order of the Supreme Court dated June 2, 1933, having been read: It is ordered that the will of the said Andrew John Ormiston, deceased, dated August 9, 1892, a certified copy of which under the seal of His Majesty's High Court of Justice in England, 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 David Ernest Martensz is the attorney in Ceylon of the executrix named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before June 29, 1933, show sufficient cause to the satisfaction of this court to the contrary.

June 9, 1933.

G. C. THAMBYAH,
District Judge.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Widanelage Hendrick de Mel of
No. 5,191. Moratuwella in Moratuwa, deceased.

Widanelage Henry Peter de Mel of Moratuwella in
Moratuwa Petitioner.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 4, 1933, in the presence of Mr. T. W. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 30, 1933, having been read:

It is ordered that the last will of Widanelage Hendrick de Mel, 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, as son of the above-named deceased, is entitled to have letters of administration with copy of the said will annexed issued to him, unless any person or persons interested shall, on or before June 29, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 4, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Sophia Tudugalle, late of Seda-
No. 6,454. watta in the District of Colombo,
deceased.

(1) Don George Frederick Tudugalle of 19th lane,
Bambalapitiya in Colombo, (2) Robert Henry Tudugalle of Peliyagoda, Kelaniya Petitioners.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on June 8, 1933, in the presence of Mr. G. H. Gratiaen, Proctor, on the part of the petitioners above named; and the affidavits (1) of the said petitioners dated June 5, 1933, and (2) of the attesting notary dated June 6, 1933, having been read:

It is ordered that the last will of Sophia Tudugalle, 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 petitioners are the executors named in the said will, and that they are entitled to have probate thereof issued to them accordingly, unless any person or persons interested shall, on or before July 20, 1933, show sufficient cause to the satisfaction of this court to the contrary.

June 8, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Andrew John Ormiston
No. 6,457 N.T. of Holly Lodge, 715, St. Margarets on
Thames, in the County of Middlesex,
England.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo on June 9, 1933, in the presence of Mr. James F. van Langenberg,

29 In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Isabella Murray of 24,
No. 6,462 N.T. Belgrave Terrace in the City of Aberdeen
Scotland, and formerly of Ambetenne
Neboda in the Island of Ceylon, widow,
deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on June 13, 1933, in the presence of Mr. James F. van Langenberg, Proctor, on the part of the petitioner, David Ernest Martensz of Colombo; and (1) the affidavit of the said petitioner dated June 6, 1933, (2) the power of attorney dated February 21, 1933, and (3) the order of the Supreme Court dated June 2, 1933, having been read: It is ordered that the will of the said Isabella Murray, deceased, dated May 4, 1925, a certified copy of which under the seal of the Commissary Court of Aberdeenshire, 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 David Ernest Martensz is the attorney in Ceylon of the executors named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before June 29, 1933, show sufficient cause to the satisfaction of this court to the contrary.

June 13, 1933.

G. C. THAMBYAH,
District Judge.

51 In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Mihidukulasuriya Patabendige John
No. 2,886. Fernando of Kadirana, Negombo,
deceased.

Kurana Patabendige Anthonia Bernardo de Perera of
Kadirana, Negombo Petitioner.

(1) Mihidukulasuriya Patabendige Joseph Emmanuel Marshal Fernando of Kadirana (minor), (2) Mihidukulasuriya Anthony Waas of Kurana, Negombo, (3) Mihidukulasuriya Patabendige James Gedfrey Fernando of Nainamadama (minor), (4) Warnekulasuriya Itchampilige Charles Fernando of Nainamadama, (5) Mihidukulasuriya Patabendige Joan Theresa Monica Fernando (minor), (6) ditto Mary Zelia Fernando (minor), (7) ditto Lucy Milani Rita Fernando (minor), all of Kadirana, (8) Kurana Patabendige Albert Perera of Weliveriya Respondents.

THIS matter coming on for disposal before M. H. Kentawala, Esq., District Judge of Negombo, on May 17, 1933, in the presence of Mr. T. Quentin Fernando, Proctor, on the part of the petitioner; and the petition and affidavit of the above-named petitioner dated December 19, 1932, and December 12, 1932, respectively, 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 June 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent, that the 4th respondent be appointed guardian *ad litem* over the 3rd respondent, and that 8th respondent be appointed guardian *ad litem* over the 5th, 6th, and 7th respondents, who are minors, for the purpose of this case, unless any person or persons interested shall, on or before June 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

May 17, 1933.

L. H. DE ALWIS,
District Judge.

Time for showing cause against this *Order Nisi* is extended to June 20, 1933.

June 6, 1933.

L. H. DE ALWIS,
District Judge.

Time for showing cause against this *Order Nisi* is extended to July 7, 1933.

June 20, 1933.

L. H. DE ALWIS,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Soththige Gabriel Fernando of Dandugama, deceased. No. 2,888.

Dehiwattage Inacia Fernando of Dandugama .. Petitioner.

Vs.

(1) Soththige Livinist Fernando, (2) ditto Rosaline Fernando, both of Dandugama, .. Respondents.

THIS matter coming on for disposal before M. H. Kantawala, Esq., District Judge of Negombo, on May 5, 1933, in the presence of Messrs. De Zoysa & Loos, Proctors, on the part of the petitioner; and the petition and affidavit of the said petitioner dated May 5, 1933, and May 4, 1933, respectively, 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 June 6, 1933, show sufficient cause to the satisfaction of this court to the contrary.

L. H. DE ALWIS,
District Judge.

Time for showing cause against this *Order Nisi* is hereby extended till June 19, 1933.

June 6, 1933.

L. H. DE ALWIS,
District Judge.

Time for showing cause against this *Order Nisi* extended till July 7, 1933.

June 19, 1933.

L. H. DE ALWIS,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Pinoris Ferdinandiz Siriwardana of Hatuwa Piyadigama, deceased. No. 7,500.

Gardis Ferdinandiz Siriwardana of Hatuwa, Piyadigama .. Petitioner.

(1) Peter Ferdinandiz Siriwardana, presently of Deraniyagala, (2) David Ferdinandiz Siriwardane, presently of G. P. O., Colombo, (3) Telenis Ferdinandiz Siriwardana, presently of Anuradhapura, (4) Barnet Ferdinandiz Siriwardane, presently of Hatuwa Piyadigama, (5) Dionisious Samaraweera, presently of Matara, (6) Deonis Samaraweera, presently of Matara .. Respondents.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on April 3, 1933, in the presence of Mr. P. P. Sumanatilaka, Proctor, on the part of the petitioner, Gardis Ferdinandiz Siriwardane of Hatuwa Piyadigama; and the affidavit of the said petitioner dated March 16, 1933, and the affidavits of the notary and attesting witnesses to the last will dated April 3 and March 14, 1933, having been read: It is ordered that the will of Pinoris Ferdinandiz Siriwardane, deceased, dated June 10, 1932, and now deposited in this court, be and the same is hereby declared proved, unless the respondents—(1) Peter Ferdinandiz Siriwardana, presently of Deraniyagala, (2) David Ferdinandiz Siriwardane, presently of G. P. O., Colombo, (3) Telenis Ferdinandiz Siriwardane, presently of Anuradhapura, (4) Barnet Ferdinandiz Siriwardane, presently of Hatuwa Piyadigama,

(5) Dionisious Samaraweera, presently of Matara, (6) Deonis Samaraweera, presently of Matara—shall, on or before May 25, 1933, show sufficient cause to this court to the contrary.

It is further ordered and decreed that the 6th respondent be appointed guardian *ad litem* over the minor 5th respondent, unless the respondents above named shall, on or before May 25, 1933, show sufficient cause to this court to the contrary.

It is further declared that the said petitioner, as son of the deceased, be entitled to have administration, with copy of will annexed, unless the respondents above named shall, on or before May 25, 1933, show sufficient cause to this court to the contrary.

April 3, 1933.

T. W. ROBERTS,
District Judge.

Date of showing cause is extended to June 30, 1933.

T. W. ROBERTS,
District Judge.

In the District Court of Galle.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Lokanwattege Don Dias No. 7,501. de Silva, deceased, of Uluwitike.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on April 10, 1933, in the presence of Mr. C. H. Wikramanayake, Proctor, on the part of the petitioner, Lokanwattege Charles de Silva of Uluwitike; and the affidavits of the said petitioner dated April 7, 1933, and the affidavit of the notary and the attesting witnesses to the will dated April 7, 1933, having been read:

It is ordered that the will of Lokanwattege Don Dias de Silva, deceased, dated April 29, 1927, and now deposited in this court be and the same is hereby declared proved, unless the respondent, Lokanwattege Sinno Appu of Uluwitike, shall, on or before June 1, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as nephew and heir of the deceased above named, is entitled to have letters of probate of the same issued to him accordingly, unless the above-named respondent shall, on or before June 1, 1933, show sufficient cause to the satisfaction of this court to the contrary.

April 10, 1933.

T. W. ROBERTS,
District Judge.

Extended to July 7, 1933.

T. W. ROBERTS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of late Sinnappu Jurisdiction. Kandiah of Kokuvil, deceased. No. 8,113.

Sellamuttu, widow of Sinnappu Kandiah of Kokuvil .. Petitioner.

Vs.

(1) Kandiah Thiyagarajah, (2) Kandiah Somasundaram, (3) Kandiah Kanagasabai, (4) Thangaretnam, daughter of Kandiah, (5) Kandiah Sivapiragasam, all of Kokuvil, (6) Sinnatamby Selvadurai of ditto; the 4th and 5th respondents are minors appearing by their guardian *ad litem* the 6th respondent .. Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before D. H. Balfour, Esq., District Judge, on May 23, 1932, in the presence of Mr. V. Manickavachakan, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated May 19, 1932, having been read: It is declared that the petitioner is as the lawful widow of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondents or any other person shall, on or before November 23, 1932, show sufficient cause to the satisfaction of this court to the contrary.

September 29, 1932.

D. H. BALFOUR,
District Judge.

Order Nisi is extended to June 12, 1933.

Extended to July 3, 1933.

S. RODRIGO,
Acting District Judge.

D. H. BALFOUR,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Kandapper Arumugampillai of Vannarponnai East, deceased. No. 8,132.

K. Arumugampillai Kangasabai of Vannarponnai East Petitioner. Vs.

(1) Medchumi, widow of Arumugampillai of Vannarponnai East, (2) Arumugampillai Sivasubramaniam of ditto Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on June 9, 1933, in the presence of Mr. C. C. Somasegaram, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the lawful son of the 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, appear on or before March 15, 1933, and show sufficient cause to the satisfaction of this court to the contrary.

D. H. BALFOUR, District Judge.

Order Nisi extended for June 26, 1933.

D. H. BALFOUR, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sivaparkiam, wife of Sengarapillai Sannugam of Kopay South, deceased. No. 8,241.

Sithamparapillai Naganather of Kopay South Petitioner. Vs.

Sengarapillai Sannugam of Chulipuram Respondent.

THIS matter of the petition of the above-named petitioner, praying that letters of administration to the estate of the above-named deceased be granted to him, coming on for disposal before S. Rodrigo, Esq., Additional District Judge of Jaffna, on November 18, 1932, in the presence of Messrs. Sivaprakasam & Katiresu, Proctors, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner, as the father and sole heir of the said deceased, unless the above-named respondent or any other person shall, on or before January 25, 1933, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

December 9, 1932.

D. H. BALFOUR, District Judge.

Order Nisi extended for March 13, 1933.

D. H. BALFOUR, District Judge.

Further extended for June 28, 1933.

D. H. BALFOUR, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Elaiyathamby Kandiah of Colombogam, deceased. No. 8,268.

Thevathasan Packianathan Aruliah of Colombogam, presently of Mt. Lavana, Colombo Petitioner. Vs.

Muttammah, wife of Thevathasan Packianathan Aruliah of Colombogam Respondent.

THIS matter of the petition of the above-named petitioner, praying that letters of administration to the estate of the above-named deceased be granted to the

petitioner, coming on for disposal before D. H. Balfour, Esq., District Judge of Jaffna, on January 18, 1933, in the presence of Mr. A. Ratnasabapathy, Proctor, for petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner, as the petitioner is the husband of the above-named respondent, who is the sole heir of the above-named deceased, unless the above-named respondent appear before this court on February 10, 1933, and show sufficient cause to the satisfaction of this court to the contrary.

February — , 1933.

Extended for May 18, 1933.

Extended for June 23, 1933.

S. RODRIGO, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sinnachepillai, widow of Sannugam No. 8,274. Karthikeyan of Vaddukkodai West, deceased.

Kanthappar Arumugam of Vaddukkodai West Petitioner. Vs.

(1) Kanthappar Arunasalam of Vaddukkodai West, presently of Kaula Lumpur, (2) Kanapathipillai Thambirajah, and (3) Kanapathipillai Kanagammah minors, appearing by their guardian ad litem the 4th respondent, (4) Theyvanapillai, widow of Kanapathipillai, all of Vaddukkodai West Respondents.

THIS matter of the petition of the above-named petitioner, praying for grant of letters of administration to the estate of the above-named deceased, coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on March 20, 1933, in the presence of Mr. A. Modlr. Velupillai, Proctor, for petitioner; and the affidavit of the petitioner dated March 16, 1933, having been read: It is ordered that letters of administration to the estate of the above-named deceased be issued to the petitioner, as an heir of the deceased, unless sufficient cause be shown to the satisfaction of this court to the contrary on April 10, 1933.

March 24, 1933.

D. H. BALFOUR, District Judge.

Time to show cause is extended to June 26, 1933.

S. RODRIGO, District Judge.

In the District Court of Jaffna.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Mohamed Cassim Mohamed No. 8,300. Sultan Mohideen of Vannarponnai West in Jaffna, deceased.

Mohamed Meera Mohideen Nachchia, daughter of Mohamed Sultan Mohideen of Vannarponnai West in Jaffna Petitioner.

Vs.

(1) Mohamed Nachchia, widow of M. S. Mohideen, (2) M. Neyna Mohamed Lebbe and his wife (3) Meeran Kandu Umma, (4) Mohamed Pathumma Nachchia, daughter of M. S. Mohideen, all of Vannarponnai West, Jaffna, (5) Mohamed Aysha Umma, daughter of M. S. Mohideen of ditto, (6) Zainabu, daughter of M. S. Mohideen of ditto, (7) Mohamed Sultan Mohideen Sahul Hameed of ditto, the 5th, 6th, and 7th respondents are minors appearing by their guardian ad litem (8) A. M. M. Abdul Cader of ditto Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on April 3, 1933, in the

presence of Mr. K. Aiyadurai, Proctor, on the part of the petitioner; and the petition and the affidavit of the petitioner having been read:

It is ordered and declared that letters of administration to the estate of the above-named deceased be granted to the petitioner, as an heir and creditor of the said deceased, unless the above-named respondents shall appear before this court, on or before May 29, 1933, and show cause to the contrary.

May 15, 1933.

Extended to June 26, 1933.

D. H. BALFOUR,
District Judge.

29 In the District Court of Jaffna.

Testamentary Jurisdiction. In the Matter of the Estate of the late Murugesu Thambipillai of Thirunelvely, No. 8,295. deceased.

Arumugam Selliah of Thirunelvely Petitioner.

Vs.

- (1) Sinnammah, widow of Murugesu Thambipillai of Thirunelvely, (2) Mageswary, daughter of Murugesu Thambipillai, (3) Thangaratnam, daughter of Murugesu Thambipillai, (4) Thambipillai Navaratnam, and (5) Visuvar Suppiah, all of Thirunelvely, the 2nd, 3rd, and 4th respondents are minors appearing by their guardian *ad litem* the 5th respondent . . . Respondents.

THIS matter of the petition of the above-named petitioner praying for grant of letters of administration in respect of the estate of the above-named deceased, coming on for disposal before S. Rodrigo, Esq., District Judge, Jaffna, on May 16, 1933, in the presence of Mr. R. Sinnadurai, Proctor, for petitioner; and the affidavit and petition of the petitioner dated March 31 and April 5, 1933, having been read:

It is ordered that letters of administration to the estate of the above-named deceased be issued to the above-named petitioner, unless the respondents show sufficient cause to the satisfaction of this court to the contrary on June 28, 1933.

June 12, 1933.

D. H. BALFOUR,
District Judge.

30 In the District Court of Jaffna.

Testamentary Jurisdiction. In the Matter of the Estate of the late Saraswathi, wife of Ponnusamy Ramakrishnan, Thiagarajah of Jaffna, deceased.

Ponnusamy Ramakrishnan Thiagarajah of Jaffna Petitioner.

Vs.

- (1) Thiagarajah Mahason of Jaffna Town, (2) Sittampalam Ponnusamy of ditto, (3) Swaminathapillai Kanagaratnam Swaminathan, (4) Subramaniam Saravanamuttu, (5) Sellammah, widow of Subramaniam, all of Manipay; the 1st respondent is a minor appearing by his guardian *ad litem* the 2nd respondent Respondents.

THIS matter of the petition of the above-named petitioner, coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on May 8, 1933, in the presence of Mr. V. Ramalingam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated April 4, 1933, having been read: It is ordered that letters of administration to the estate of the above-named deceased, be granted to the petitioner, unless the respondents or any other person shall, on or before June 19, 1933, show sufficient cause to the satisfaction of the court to the contrary.

June 12, 1933.

D. H. BALFOUR,
District Judge.

Time to show cause is extended for June 26, 1933.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Dane Abbas Noordeen of Chilaw, No. 2,103. deceased.

Dane Nona of Chilaw Petitioner.

Vs.

- (1) Tuan Raden Abbas Noordeen, (2) Tuan Bargas Abbas Noordeen, (3) Nona Kumala Noordeen, (4) Nona Suleiha Noordeen, (5) Nona Jurathi Noordeen, (6) Tuan Saheer Abbas Noordeen, all of Chilaw, 3rd, 4th 5th, and 6th are minors by their guardian *ad litem* the 2nd respondent . . . Respondents.

THIS matter coming on for disposal before W. Sansoni Esq., District Judge of Chilaw, on April 7, 1933, in the presence of Mr. C. V. M. Pandittesekere, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated April 3, 1933, having been read: It is ordered that the 2nd respondent be appointed guardian *ad litem* of the 3rd, 4th, 5th, and 6th respondents who are minors, and the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to the said estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before June 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

April 7, 1933.

W. SANSONI,
District Judge.

Time for showing cause against the Order Nisi is extended to June 30, 1933.

June 9, 1933.

W. SANSONI,
District Judge.

LIST OF JURORS AND ASSESSORS.

SOUTHERN PROVINCE.—Tangalla District.

LIST of Persons in the Tangalla District, Southern Province, qualified to serve as Jurors and Assessors, under the provisions of "The Criminal Procedure Code, 1898," as amended by Ordinance, No. 1 of 1910, for the year July 1, 1933, to June 30, 1934.

N.B.—The Jurors numbered in a separate series in the left of those indicating Ordinary Jurors are qualified to serve as Special Jurors.

New names added are denoted by an asterisk.

ENGLISH-SPEAKING. JURORS.

- 1*Abeywira, J. D., chief clerk, Kachcheri, Hambantota
- 2 Amarakera, H. E., landed proprietor, Hambantota
- 3 Andrade, P. M., second clerk, Kachcheri, Hambantota
- 4 Blake, A. J., draughtsman, Irrigation Office, Tangalla
- 5 Cassim, T. J. T., clerk, Kachcheri, Hambantota
- 6 Cassim, T. T. A., landed proprietor, Hambantota
- 7*Coomaraswamy, A., shroff, Kachcheri, Hambantota
- 8 Daluwatta, W. P., land clerk, Kachcheri, Hambantota
- 9 Dharmapala, P. V., irrigation sub-inspector, Ridiyagama
- 10 Dissanayaka, D. E., sanitary inspector, Hambantota
- 11 Dissanayaka, D. S., salt storekeeper, Hambantota
- 12 Domingopillai, S., chief clerk, Public Works Department, Hambantota
- 13 Doole, B. R., landed proprietor, Hambantota
- 14 Doole, T. Y., landed proprietor, Hambantota
- 15 Drieberg, L. D., sub-divisional officer, Weeraketiya
- 16*Ginige, S., special licensed surveyor, Tangalla
- 17 Gunasekera, J., head clerk, Irrigation Office, Tangalla
- 18 Hamid, S. L. A., landed proprietor, Tangalla
- 19 Hanifa, A. L. M., petroleum agent, Hambantota
- 20 Hanifa, U. L. M., assistant shroff, Kachcheri, Hambantota
- 21 Hayden, R. C., cultivation officer, Mamadala
- 22*Hewakopara, B. S., irrigation overseer, Mamadala
- 23 Ibrahim, I. L. M., treasury officer, Tangalla
- 24*Jainudeen, A. L. M., recordkeeper, Kachcheri, Hambantota
- 25 Jayakoddy, D. G., sanitary inspector, Hambantota
- 26 Jayasekera, R. S., pensioner, Tangalla
- 27 Jayasinghe, R., clerk, Land Registry, Tangalla
- 28 Kalpage, H., district engineer, Hambantota
- 29 Karunaratne, P. D., head clerk, District Road Committee, Hambantota
- 30 Koch, E. R. F., special licensed surveyor, Netolpitiya
- 31 Madawala, F. C., superintendent, Minor Roads, Tangalla
- 32 Marjan, G. A., clerk, Kachcheri, Hambantota
- 33 Murath, C. L. M., chief clerk, Irrigation Office, Ridiyagama

- 34 Obeyesinha, W. C., landed proprietor, Tangalla
- 35 Outschoorn, E. E., irrigation inspector, Ridiyagama
- 36 Outschoorn, R. W., irrigation sub-inspector, Tangalla
- 37 Peiris, J. F., sanitary inspector, Beliatta
- 38 Ponniah, S. K., irrigation inspector, Hambantota
- 39 Rajapaksa, D. M., landed proprietor, Weeraketiya
- 40 Rajaretnam, A. P. C., sanitary inspector, Tangalla
- 41* Ratnayaka, J. A., special licensed surveyor, Tangalla
- 42 Rodrigo, C., superintendent, Village Committee, Tangalla
- 43 Samarasinghe, R. R., clerk, Kachcheri, Hambantota
- 44 Samuel, N. D., head teacher, Christ Church English School, Tangalla
- 45 Senanayake, J. E., landed proprietor, Tangalla
- 46 Senaratne, E. E. de S., assistant land clerk, Kachcheri, Hambantota
- 47 Seneviratne, H. D., registrar of lands, Tangalla
- 48 Silva, D. S., clerk, Irrigation Office, Tangalla
- 49* Silva, R. D. de, assistant land clerk, Hambantota
- 50 Singam, C. R. R., irrigation inspector, Ridiyagama
- 51* Singappuli, W., agricultural instructor, Ambalantota
- 52* Webb, F. L., irrigation engineer, Ridiyagama
- 53 Welamuna, E. W. G., forest ranger, Hambantota
- 54* Wickramanayaka, C. L., special licensed surveyor, Kadigamuwa
- 55 Wickramasuriya, C. P., special licensed surveyor, Tangalla
- 56 Wickramasuriya, D. A., landed proprietor, Beliatta
- 57 Wickramasuriya, J. A., notary public, Hambantota
- 58 Wijesinghe, A. W., landed proprietor, Wauwa
- 59 Wijesuriya, A. E., head teacher, Nakulugamuwa School, Nakulugamuwa
- 60 Zoysa, T. P., irrigation clerk, Kachcheri, Hambantota

SINHALESE-SPEAKING JURORS.

- 1 Alahapperuma, D. H., landed proprietor, Beminiawila
- 2 Amadoru, O., landed proprietor, Minietiliya
- 3* Amarasinghe, D. J., contractor, Tangalla
- 4* Amarasinghe, D. S., overseer arachchi, P. W. D., Tangalla

- 5* Amarasinghe, P., overseer, P. W. D., Hambantota
- 6 Atapattu, D. J., landed proprietor, Nakulugamuwa
- 7 Baisappu, K. T. H., trader, Tangalla
- 8 Daluwatta, D. M., landed proprietor, Tangalla
- 9 Davithsingho, I. M. D., trader, Ambalantota
- 10 Dissanayaka, D. D. J., landed proprietor, Pallegama
- 11 Dissanayaka, D. G. J., landed proprietor, Pallegama
- 12 Dissanayaka, D. H. K., landed proprietor, Beminiawila
- 13 Edirisinghe, M., overseer, P. W. D., Hambantota
- 14 Ediriwickrema, D. D., landed proprietor, Walganeliya
- 15 Sabapathy D. D., landed proprietor, Ambalantota
- 16 Samarasinghe, M., trader, Ambalantota
- 17 Silva, P. H. M., landed proprietor, Hambantota
- 18 Sigheppu, V., landed proprietor, Tangalla
- 19 Siriwarnasinghe, D. H., landed proprietor, Hatagala
- 20 Vidanepatirana, D. D. M., landed proprietor, Etbatua
- 21 Weeraman, D. D. R., landed proprietor, Pallegama
- 22 Weerawarna, D. A., landed proprietor, Kiula
- 23 Wijesuriya, D. N., landed proprietor, Welipatanwila
- 24 Wijetunga, E., teacher, Hambantota

TAMIL-SPEAKING JURORS.

- 1 Abdul Latiff, S. K., trader, Hungama
- 2 Abdul Majid, A. L. M., trader, Tangalla
- 3 Ahamadu Lebbe, Pitche Bawa, trader, Hungama
- 4 Careem, A. A., landed proprietor, Hambantota
- 5 Cassim, P. S. M., trader, Tangalla
- 6 Deen, Usuph, contractor, Hambantota
- 7 Doole, T. W., landed proprietor, Hambantota
- 8 Ismail, I. L. M. P. M., landed proprietor, Tangalla
- 9 Rahaman, S. E. A., trader, Ambalantota
- 10* Shariff, A. H. M., trader, Hambantota
- 11 Sinhawansa, A. W., landed proprietor, Hambantota
- 12 Wahid, O. M. A., trader, Tangalla

A. L. M. NOOR MOHAMED,
Tangalla, July 1, 1933. Additional Deputy Fiscal.