



THE
CEYLON GOVERNMENT
GAZETTE

No. 8,040 – FRIDAY, MARCH 23, 1934.

Published by Authority.

PART II.—LEGAL.

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

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PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

205—J. N. 36242-603 (3/34)

B 1.

DRAFT ORDINANCES.**MINUTE.**

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

An Ordinance to provide for the payment of compensation to workmen who are injured in the course of their employment.

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Compensation payable in certain cases.

**An Ordinance to provide for the payment of compensation
to workmen who are injured in the course of their
employment.**

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

CHAPTER I.

Preliminary.

- Short title and commencement. 1 This Ordinance may be cited as the Workmen's Compensation Ordinance, No. of 1934, and shall come into operation on such date as the Governor shall appoint by proclamation in the Gazette.
- Interpretation. 2 (1) In this Ordinance, unless the context otherwise requires—
- “adult” and “minor” mean respectively a person who is not and a person who is under the age of fifteen years ;
- “Commissioner” means any person appointed under section 26 to be or to act as a Commissioner or as a Deputy Commissioner for Workmen's Compensation, and includes any person appointed under section 27 to be or to act as an Assistant Commissioner for Workmen's Compensation ;
- “compensation” means compensation as provided for in this Ordinance ;
- “dependant” means any of the following relatives of a deceased workman, namely :—
- (a) a wife, a minor legitimate son, an unmarried legitimate daughter, or a widowed mother ; and
- (b) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent ;
- “employer” includes His Majesty in His Government of this Island and any body of persons whether corporate or unincorporate and any managing agent of an employer and the heirs, executors or administrators of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him ;
- “Executive Committee” means the Executive Committee for Labour, Industry and Commerce ;
- “local authority” includes a Municipality, a District Council established under “The Local Government Ordinance, No. 11 of 1920,” a Sanitary Board, a Local Board, and a Village Committee ;
- “managing agent” means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer ;
- “partial disablement” means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time : provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement ;
- “prescribed” means prescribed by this Ordinance or by any regulation made thereunder ;
- “registered medical practitioner” means a person registered as a medical practitioner under the Medical Ordinance, 1927, or under any Ordinance amending that Ordinance ;

- “ registered ship ” means any sea-going ship or boat of any description which is registered or required to be registered in this Island as a British ship ;
- “ regulation ” means a regulation made under section 54 ;
- “ seaman ” means any person forming part of the crew of any registered ship, but does not include the master of any such ship ;
- “ total disablement ” means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement : provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per centum ;
- “ wages ” includes the monetary value of any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;
- “ workman ” means any person who is employed on wages not exceeding three hundred rupees per mensem in any such capacity as is for the time being specified in Schedule II, whether the remuneration is calculated by time or by work done or otherwise, and whether the contract of employment or service was made before or after the commencement of this Ordinance, and whether such contract is expressed or implied, oral or in writing ; but does not include—

- (a) a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business ;
- (b) a person working in the capacity of a member of His Majesty's naval, military or air forces or of any Defence Force Corps constituted under the Defence Force Ordinance, 1910 ;
- (c) a member of the police force of this Island.

(2) A reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(3) The exercise and performance of the powers and duties of any department of the Government or of any local authority shall, for the purposes of this Ordinance, unless a contrary intention appears, be deemed to be the trade or business of that department or local authority.

CHAPTER II.

Liability to pay compensation.

3 If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Ordinance :

Provided that the employer shall not be so liable—

- (a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding seven days ;
- (b) in respect of any injury, not resulting in death, caused by an accident which is directly attributable to—
 - (i) the workman having been at the time thereof under the influence of drink or drugs, or
 - (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
 - (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen.

Employer's liability to pay compensation for injury suffered by a workman.

Employer's liability to pay compensation for disease contracted by workman.

4 (1) If a workman, employed in any employment involving the loading, unloading, handling or transport of wool, hair, bristles, or animal carcasses or parts of such carcasses, or in any work in connection with animals infected with anthrax, contracts the disease of anthrax, or if a workman, whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any process mentioned in the second column of Schedule III, contracts the occupational disease mentioned in the corresponding entry in the first column of that Schedule opposite the description of the process, the contracting of the disease shall be deemed to be an injury by accident within the meaning of section 3, and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

(2) For the purposes of this section a period of service shall be deemed to be continuous which has not included a period of service under any other employer.

Compensation for other diseases.

5 Save as provided by section 4, no compensation shall be payable to a workman in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

CHAPTER III.

Amount of compensation.

Amount of compensation.

6 (1) Subject to the provisions of this Ordinance, the amount of compensation shall be as follows, namely:—

A. Where death results from the injury—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and
- (ii) in the case of a minor—two hundred rupees.

B. Where permanent total disablement results from the injury—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and
- (ii) in the case of a minor—twelve hundred rupees.

C. Where permanent partial disablement results from the injury—

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury:

Provided that in a case where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

- (i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and
- (ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees:

Provided that—

- (a) there shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be; and

- (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.

In a case where for the whole or any part of the period of disablement referred to in paragraph (a) of this proviso, a workman occupies any premises belonging to or provided by his employer and pays no rent to him for such occupation, the amount fixed by agreement between the workman and his employer or, failing such agreement, the amount determined by the Commissioner as a fair rental of the premises for the period of such occupation shall be deemed to have been received by the workman as an allowance by way of compensation from his employer for the purpose of computing the deduction to be made from any lump sum or half-monthly payments to which the workman is entitled.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

7 (1) For the purposes of this Ordinance the monthly wages of a workman shall be calculated as follows, namely:—

Method of calculating wages.

- (a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period ;
- (b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality ;
- (c) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

(2) For the purposes of this section a period of service shall be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

8 (1) Any half-monthly payment payable under this Ordinance, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application, either of the employer or of the workman accompanied by the certificate of a registered medical practitioner that there has been a change in the condition of the workman, or, subject to regulations made under this Ordinance, on application made without such certificate.

Review of half-monthly payments.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Ordinance, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

9 Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Commutation of half-monthly payments.

CHAPTER IV.

Payment, distribution and recovery of compensation.

10 (1) The compensation shall be payable to or for the benefit of the workman, or, where death results from the injury, to or for the benefit of his dependants as provided by this Ordinance.

Persons entitled to compensation.

(2) Where a dependant dies before a claim under this Ordinance is made, or, if a claim has been made, before an agreement or award has been arrived at or made, the heirs, executors, or administrators of that deceased dependant shall have no right to payment of compensation, and the amount of compensation shall be calculated and apportioned as if that dependant had died before the workman.

(3) Where there are both total and partial dependants, nothing in this Ordinance shall be construed as preventing the compensation being allotted partly to the total and partly to the partial dependants.

Deposit of
compensation
with
Commissioner
in certain cases.

11 (1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation :

Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees, and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer.

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.

(4) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

(5) If the employer fails to show cause to the satisfaction of the Commissioner, the Commissioner may make an award determining the total amount payable, and requiring the employer to deposit the deficiency.

Distribution of
compensation.

12 (1) On the deposit of any money under section 11 as compensation in respect of a deceased workman, the Commissioner shall deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding twenty-five rupees and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant resident in the Island in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(2) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (1), be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one dependant.

Payment of
compensation.

13 (1) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman or a person under a legal disability, and may in other cases, pay the money to the person entitled thereto.

(2) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct ; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on an application made to him in that behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

14 (1) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case :

Variation of
Commissioner's
order of
distribution, &c.

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(2) Where the Commissioner varies any order under sub-section (1) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in section 41.

15 (1) If a workman receiving or entitled to receive a half-monthly payment intends to leave the Island in order to reside permanently in another country, he shall give the Commissioner ten days previous notice of such intention ; and the Commissioner shall forthwith inform the other party, who may agree with the workman to continue the payments in the country in which the workman intends to reside. If the parties cannot agree, either party may apply to the Commissioner for the redemption of such half-monthly payments and the Commissioner shall thereupon determine the amount of the lump sum which shall be payable in lieu of such payments.

Workman
leaving Island
to reside
elsewhere.

(2) If a workman receiving or entitled to receive a half-monthly payment leaves the Island for the purpose of residing in another country without giving such notice as is required by the provisions of sub-section (1), he shall, if the Commissioner after inquiry certifies in writing that he has left the Island for such purpose and without giving due notice, cease to be entitled to any benefits under this Ordinance during his absence from the Island ; but he shall, for the purpose of section 6 (1) D, be deemed to have received half-monthly payments during such absence.

(3) A notice or application under this section may be given or made on behalf of any workman by the Commissioner.

16 (1) No proceedings for the recovery of compensation shall be maintainable before a Commissioner unless notice of the accident has been given, in the manner hereinafter provided, as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been instituted within six months of the occurrence of the accident or, in case of death, within six months from the date of death :

Procedure for
recovery of
compensation.
Notice and
claim.

Provided that, where the accident is the contracting of a disease in respect of which the provisions of section 4 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease :

Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings—

- (a) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or
- (b) if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or irregularity, or that such want, defect or irregularity was occasioned by mistake, absence from the Island, or other reasonable cause.

(2) The Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice required by sub-section (1) has not been given, or that the claim has not been instituted in due time as required by that sub-section, if he is satisfied that the failure so to give notice or to institute a claim, as the case may be, was due to sufficient cause.

Form of notice.

17 A notice under section 16 may be given either in writing or orally to the employer (or, if there is more than one employer, to one of such employers), or to any foreman or other official under whose supervision the workman is employed, or to any person designated for the purpose by the employer, and shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which the accident occurred.

Notice book.

18 (1) The Executive Committee may by regulation require any specified class of employers to maintain at their premises at which workmen are employed a notice book in the prescribed form which shall be readily accessible at all reasonable times to any workman who is injured while employed on the premises and to any person acting *bona fide* on his behalf.

(2) Any employer who acts in contravention of any regulation made by the Executive Committee under sub-section (1) shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding fifty rupees.

Service of notice.

19 A notice under section 16 may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book.

Power of Commissioner to require statements regarding fatal accidents from employers.

20 (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other or further information as he may think fit.

Medical examination.

21 (1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a registered medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Ordinance shall, if so required, submit himself for such examination from time to time :

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with regulations made under this Ordinance, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a registered medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause D of sub-section (1) of section 6, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a registered medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a registered medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a registered medical practitioner, and compensation, if any, shall be payable accordingly.

22 (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purpose of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Ordinance shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

Right of workman to recover compensation from principal of contractor under whom he is employed.

(2) Where the principal is liable to pay compensation under this section he shall be entitled to be indemnified by the contractor, or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation; and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

23 Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 22 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Remedies of employer against third parties.

24 (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Ordinance to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall

Insolvency of employer.

have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman :

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings and that the employer was insured and with whom.

(4) There shall be deemed to be included among the debts which—

- (a) under section 96 of Ordinance No. 7 of 1853, are to be paid out of the estate and effects of an insolvent before any other debts, and
- (b) under section 11 of the Joint Stock Companies Ordinance, 1893, are, in the distribution of the assets of any company being wound up, to be paid in priority to other debts,

the amount due in respect of any compensation or liability for compensation accrued before the following dates, that is to say—

- (i) in the first case, the date of the adjudication of insolvency ;
- (ii) in the second case, the date of the commencement of the winding-up of the company ;

and the provisions of the two Ordinances mentioned in this sub-section shall apply accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 9, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

CHAPTER V.

Masters and seamen.

25 This Ordinance shall apply in the case of workmen who are masters of registered ships or seamen subject to the following modifications, namely :—

(a) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.

(b) In the case of the death of a master or seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been, so lost.

(c) Where an injured master or seaman is discharged or left behind in any part of His Majesty's dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the

Special provisions relating to masters and seamen.

foreign country and transmitted by the person by whom they are taken to the Chief Secretary shall, in any proceedings for enforcing the claim, be admissible in evidence—

- (i) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made ;
- (ii) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness ; and
- (iii) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused ;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(d) In the case of the death of a master or seaman leaving no dependants, the Commissioner shall, if the owner of the ship is under any law in force for the time being in this Island relating to merchant shipping liable to pay the expenses of burial of the master or seaman, return to the employer the full amount of the compensation deposited under section 11 without making the deduction referred to in section 12.

(e) No half-monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being in this Island relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.

CHAPTER VI.

Appointment of Commissioner and other officers.

26 The Governor may, by notification in the Gazette, appoint any person by name or by office to be or to act as Commissioner for Workmen's Compensation for the Island and may, by a like notification, appoint any person by name or by office, to be or to act as Deputy Commissioner for Workmen's Compensation for the Island.

Appointment of
Commissioner
and Deputy.

27 The Governor may, by notification in the Gazette, appoint any person by name or by office to be or to act as an Assistant Commissioner for Workmen's Compensation for such local area as may be specified in the notification.

Appointment of
Assistant
Commissioners.

28 Any officer appointed under section 26 or section 27 shall be deemed to be a public servant within the meaning of the "Ceylon Penal Code".

All officers to
be public
servants.

29 No action shall be maintained against any public servant for anything by him done or omitted to be done in good faith under this Ordinance.

Protection of
public servants.

CHAPTER VII.

Proceedings before Commissioners.

30 If any question arises in any proceeding under this Ordinance as to the liability of any person to any compensation (including any question as to whether a person injured is or is not a workman), or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), or as to the age of any workman or dependant, the question shall, in default or agreement, be settled and determined by a Commissioner.

Disputes to be
settled by
Commissioner.

31 Where any matter is under this Ordinance required to be done by or before a Commissioner, the same shall, subject to the provisions of this Ordinance and to any regulations made thereunder, be done by or before a Commissioner entitled to function as such in the local area in which the accident took place which resulted in the injury :

Each
Commissioner
to deal with
matters relating
to accidents
in his local area.

Provided that, where the workman is the master of a registered ship or a seaman, any such matter may be done by or before a Commissioner entitled to function as such in the local area in which the owner or agent of the ship resides or carries on business.

Commissioner entitled to assistance of experts.

32 Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Ordinance, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry, to assist him in holding the inquiry.

Transfer of case from one Commissioner to another.

33 (1) If a Commissioner is satisfied by any party to any proceedings under this Ordinance pending before him that such matter can be more conveniently dealt with by any other Commissioner, whether in the same province or not, he may, subject to regulations made under this Ordinance, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings.

(2) The Commissioner to whom any matter is so transferred shall, subject to regulations made under this Ordinance, inquire thereinto, and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(3) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (1), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

Form of application to Commissioner for settlement of question in dispute.

34 (1) No application for the settlement of any matter by a Commissioner, other than an application by a dependant or dependants for compensation, shall be made unless and until some question has arisen between the parties in connexion therewith which they have been unable to settle by agreement.

(2) An application to a Commissioner may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely :—

- (a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims ;
- (b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission ;
- (c) the names and addresses of the parties ; and
- (d) except in the case of an application by dependants for compensation, a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

Powers of Commissioner.

35 A Commissioner shall have all the powers of a civil court under the Civil Procedure Code, 1889, for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects ; and a Commissioner shall be deemed to be a civil court for all the purposes of section 147 and Chapter XXXIV of the Criminal Procedure Code, 1898.

Appearance of parties.

36 Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorised in writing by such person.

Method of recording evidence.

37 The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record :

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided, further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

38 All costs incidental to any proceedings before a Commissioner shall, subject to regulations made under this Ordinance, be in the discretion of the Commissioner.

Costs.

39 A Commissioner may, if he thinks fit, submit any question of law for the decision of the Supreme Court, and, if he does so, he shall decide the question in conformity with such decision.

Reservation of points of law for adjudication by Supreme Court.

40 No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Ordinance required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Ordinance.

Civil court has no jurisdiction over matters required to be dealt with by Commissioner.

41 The Commissioner may recover any sum or amount due from or payable by any person under this Ordinance whether under an agreement or in terms of an award for the payment of compensation or otherwise, (including any sum payable by way of costs), as if it were a fine imposed by a Police Magistrate upon such person, and for the purposes of such recovery shall have all the powers conferred upon a Police Magistrate for the recovery of fines imposed by him.

Payments and money due to be recovered as fines.

CHAPTER VIII.

Registration of agreements.

42 Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a woman or a person under a legal disability, a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner :

Registration of agreements.

Provided that—

- (a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned ;
- (b) the Commissioner may at any time rectify the register ;
- (c) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a woman or a person under a legal disability ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement and may make such order including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

43 Where a memorandum of any agreement, the registration of which is required by section 42, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Ordinance, and notwithstanding anything contained in the proviso to subsection (1) of section 6, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Effect of failure to register agreement.

44 The Commissioner may, within six months after the registration of any memorandum of agreement referred to in section 42, order that the registration shall be cancelled if it is proved to his satisfaction that the agreement has been obtained by fraud or undue influence or other improper means, and may make such order, including an order as to any sum or amount already paid under the agreement, and an order for the registration of a new agreement, as he thinks just in the circumstances.

Cancellation of registration.

CHAPTER IX.

Insurance.

45 (1) It shall be lawful for the Commissioner on payment to him of the prescribed fees, to issue a licence to any person to undertake insurance against liabilities to workmen which may be incurred by employers under this Ordinance, if it is shown to his satisfaction, after such inquiry as he may think fit to make, that such person is financially able to undertake such insurance.

Licence to undertake insurance for the purpose of the Ordinance.

(2) Every person who undertakes any such insurance without being licensed for that purpose under sub-section (1), and every employer who insures against any such liability with a person who has not been licensed under that sub-section, shall on conviction after summary trial by a Police Magistrate, be liable for each offence to a fine not exceeding one thousand rupees.

Commissioner empowered to inspect accounts of licensee.

46 Every person licensed under section 45 shall produce for the inspection of the Commissioner at such times as the Commissioner may require, all the accounts of the insurance business which he undertakes for the purposes of this Ordinance, and in default of so doing shall, on conviction after summary trial by a Police Magistrate, be liable for each offence to a fine not exceeding one hundred rupees.

Suspension or cancellation of licensee.

47 (1) It shall be lawful for the Commissioner to suspend or cancel any licence issued to any person under section 45—

- (a) if he is satisfied that such person is no longer financially able to undertake insurance against liabilities which may be incurred by employers under this Ordinance ; or
- (b) if such person has been guilty of fraud, or has made undue delay in the payment or non-payment of claims arising out of such insurance ; or
- (c) if such person has been convicted under section 46.

(2) An order made under sub-section (1) for the suspension or cancellation of a licence shall be subject to an appeal to the Supreme Court in the manner hereinafter provided.

CHAPTER X

Appeals.

Appeals.

48 (1) An appeal shall lie to the Supreme Court from any of the following orders of a Commissioner, namely :—

- (a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum ;
- (b) an order refusing to allow redemption of a half-monthly payment ;
- (c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant ;
- (d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 22 ; or
- (e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions ; or
- (f) an order made under section 44 cancelling the registration of a memorandum of agreement ; or
- (g) an order made under section 47 suspending or cancelling a licence issued under section 45.

(2) No person shall appeal against an order mentioned in sub-section (1) unless such person is a party aggrieved by the order against which he appeals.

(3) No appeal shall lie against any order unless a substantial question of law is involved in the appeal.

(4) No appeal shall lie against an order such as is referred to in clauses (a), (c), (d) or (e) of sub-section (1) unless the amount in dispute in the appeal is not less than three hundred rupees.

(5) No appeal by an employer under clause (a) of sub-section (1) shall lie unless the petition of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

(6) No appeal shall lie in any case in which the parties have agreed in writing to abide by the decision of the Commissioner or in which the order of the Commissioner gives effect to an agreement so made by the parties.

Time limit for appeals.

49 (1) Every petition of appeal shall bear uncanceled stamps to the value of five rupees and shall be filed in the Supreme Court within a period of thirty days reckoned from the date of the order against which the appeal is preferred.

(2) In computing the time within which an appeal must be preferred the day on which the order appealed against was made shall be included, but all Sundays and public holidays shall be excluded.

50 The Supreme Court shall have power in all appeals under this Chapter to award such costs to be paid by or to the parties thereto as the Court, may consider just: provided that in no case shall an order for costs be made against the Commissioner.

Cost of appeal.

51. Subject to the provisions of this Chapter, the provisions of Chapter XXX of the Criminal Procedure Code, 1898, shall apply *mutatis mutandis*, in regard to all matters connected with the hearing and disposal of an appeal preferred under section 48 and, for such purpose, the order of the Commissioner shall be deemed to be the order of a court.

Procedure in appeal.

52 The Supreme Court may hear the Commissioner or any party concerned, in person or by counsel, when any question of law is submitted for decision under section 39.

Hearing of reference on point of law.

53 Where an employer makes an appeal under clause (a) of sub-section (1) of section 48, the Commissioner may, and if so directed by the Supreme Court shall, pending the decision of the appeal, withhold payment of any sum in deposit with him.

Withholding of certain payments pending decision of appeal.

Provided that the Commissioner may distribute, in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order, or fifty rupees, whichever is less, among persons entitled under his order to receive compensation who, in his opinion, are unable to support themselves, and in the event of the appeal being successful such sum shall not be recoverable by the employer.

CHAPTER XI.

Regulations.

54 (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Regulations.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters, namely:—

- (a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 8 when not accompanied by a medical certificate;
- (b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of section 21;
- (c) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Ordinance and by the parties in such cases;
- (d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases;
- (e) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another;
- (f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;
- (g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered;
- (h) for the withholding by Commissioners, whether whole or in part, of half-monthly payments pending decision on applications for review of the same;
- (i) for regulating the scales of costs which may be allowed in proceedings and appeals under this Ordinance;
- (j) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Ordinance;
- (k) for the maintenance by Commissioners of registers and records of proceedings before them;
- (l) for prescribing the classes of employers who shall maintain notice-books and the form of such notice-books;
- (m) for prescribing the form of statement to be submitted by employers under section 20;
- (n) all matters stated or required in this Ordinance to be prescribed; and
- (o) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this sub-section.

Approval of State Council and ratification by Governor.

55 (1) No regulation made under section 54 shall have effect unless it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(2) Every regulation shall, upon the publication of the approval and ratification of that regulation as provided for in sub-section (1), be as valid and effectual as if it were herein enacted.

Amendment of Schedules by regulation.

56 (1) The Executive Committee may, by regulation, modify, add to, alter or rescind any Schedule or part of any Schedule and may substitute a new Schedule for any Schedule herein enacted :

Provided that the provisions of Schedules II and III shall not be so modified, added to, altered or rescinded nor shall any new Schedule be substituted for either of those Schedules except after notification published in the Gazette declaring the intention of the Executive Committee so to effect such modification, addition, alteration, rescission or substitution, as the case may be, at a date not earlier than three months from the date of the first publication of such notification in the Gazette.

(2) For the purpose of the application of the provisions of any Schedule at any particular time, a reference in this Ordinance to any Schedule shall be construed as a reference to the provisions of that Schedule which are in force at that time.

CHAPTER XII.

Miscellaneous.

Reports and returns.

57 (1) Where a workman has been injured as a result of an accident occurring on the business premises of his employer or arising out of and in the course of his employment, and has absented himself from work for a period of seven consecutive days next succeeding that on which the accident occurred, his employer shall report the occurrence and the particulars of such accident to the Commissioner in the prescribed form within a period of fourteen days reckoned from the date on which the accident occurred.

(2) Where by any written law for the time being in force notice is required to be given to any person or authority, by or on behalf of an employer, of any accident occurring on his premises which results in death, the person required to give the notice shall, within a period of seven days reckoned from the date of death, send a report to the Commissioner giving the circumstances attending the death.

(3) The Executive Committee may, by notification in the Gazette, extend the provisions of sub-section (2) to any class of premises other than those which come within the scope of that sub-section, and may, by such notification specify the person or persons who shall send the report to the Commissioner.

(4) Every employer shall in every year during the months of January, April, July, and October send to the Commissioner a correct return in the prescribed form specifying—

- (a) the injuries in respect of which compensation has been paid by him or by any insurer with whom he has entered into a contract in respect of any liability under this Ordinance, during the previous quarter ending on the 31st December, 31st March, 30th June, or 30th September, as the case may be ; and
- (b) the amount of such compensation ; and
- (c) such other particulars in respect of such compensation as the Commissioner may require.

(3) Every employer who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding fifty rupees :

Provided that no employer shall be guilty of a breach of sub-section (1) if he proves that he had no knowledge of the accident within the period of fourteen days mentioned in that sub-section.

Compensation not to be assigned, attached or charged.

58 Save as provided by this Ordinance, no lump or half-monthly payment payable under this Ordinance shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Contracting-out.

59 Any contract or agreement whether made before or after the commencement of this Ordinance, whereby a workman relinquishes any right of compensation from the employer

for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Ordinance.

60 Nothing in this Ordinance contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a civil court an action for damages in respect of the injury against the employer or any other person; and no action for damages shall be maintainable by a workman in any court of law in respect of any injury—

Injured workman must elect between common-law and statutory remedy.

- (a) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or
- (b) if he has agreed with his employer to accept compensation in respect of the injury in accordance with the provisions of this Ordinance.

61 (1) Where an arrangement has been made between the Governor and the Government of any other part of His Majesty's dominions whereby sums awarded under the law relating to workmen's compensation in this Island to beneficiaries resident or becoming resident in such other part of His Majesty's dominions and sums awarded under the law relating to workmen's compensation in such other part of His Majesty's dominions to beneficiaries resident or becoming resident in this Island, may, at the request of the authority by which the award is made, be transferred to and administered by a competent authority in such other part of His Majesty's dominions or in this Island, as the case may be, regulations may be made—

Reciprocal arrangements.

- (a) for the transfer, in such manner as may be provided by the arrangement, to the part of His Majesty's dominions with which the arrangement is made of any money in the hands of the Commissioner, applicable for the benefit of any person resident in or about to reside in such part of His Majesty's dominions;
- (b) for the receipt and administration by the Commissioner of any money which under any such arrangement has been transmitted from the part of His Majesty's dominions with which the arrangement has been made as money applicable for the benefit of any person resident or about to reside in this Island.

(2) For the purposes of this section "His Majesty's dominions" includes territories under His Majesty's protection and such, if any, of the territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty as His Majesty may by Order in Council direct shall be treated as if they were included in His Majesty's dominions for the purposes of the Workmen's Compensation (Transfer of Funds) Act, 1927, of the Imperial Parliament.

SCHEDULE I.

(Section 2 (1).)

List of injuries deemed to result in permanent partial disablement.

Injury.	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow ..	70
Loss of left arm above or at the elbow ..	60
Loss of right arm below the elbow ..	60
Loss of leg at or above the knee ..	60
Loss of left arm below the elbow ..	50
Loss of leg below the knee ..	50
Permanent total loss of hearing ..	50
Loss of one eye ..	30
Loss of thumb ..	25
Loss of all toes of one foot ..	20
Loss of one phalanx of thumb ..	10
Loss of index finger ..	10
Loss of great toe ..	10
Loss of any finger other than index finger ..	5

Note.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE II.

(Section 2.)

List of persons who, subject to the provisions of section 2 (1), are included in the definition of "workman" in that section.

The following persons are workmen within the meaning of section 2 (1) and subject to the provisions of that section, that is to say, any person who is—

1. employed, otherwise than in a clerical capacity, in connexion with the operation or maintenance of any mechanically propelled vehicle (including a tramcar) used for the carriage or conveyance of passengers or goods for hire, or for industrial or commercial purposes ; or
2. employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, the making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, for transport, or for sale, of any article or part of an article, and wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed in any such process ; or
3. employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months, fifty or more persons have been employed in any process for, or incidental to, the making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, for transport, or for sale, of any article or part of an article or in any kind of work whatsoever incidental to or connected with that process or with the article so made, altered, repaired, ornamented, finished or adapted by that process ; or
4. employed, in any mine, in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground :
Provided that any excavation in which on no day of the preceding twelve months more than twenty-five persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause ; or
5. employed as the master of a registered ship or as a seaman ;
or
6. employed for the purpose of loading, unloading, fuelling, victualling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits as defined under section 5 of "The Master Attendants Ordinance, 1865," of any port in this Island, of goods which have been discharged from or are to be loaded into any vessel ; or
7. employed in the construction, repair or demolition of—
 - (a) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or
 - (b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or
 - (c) any road, bridge, or tunnel ; or
 - (d) any wharf, quay, sea-wall or other marine work including any moorings of ships ; or
8. employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard for the same ; or
9. employed in the construction, repair, inspection, upkeep or demolition of any underground sewer ; or
10. employed in the service of any fire brigade ; or
11. employed in any occupation involving blasting operations ;
or
12. employed in the making of any excavation in which on any one day of the preceding twelve months more than twenty-five persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet ; or
13. employed in the operation of any ferry boat capable of carrying more than ten persons ; or
14. employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cacao, cardamoms, cinchona, coconuts, coffee, rubber or tea and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed ; or
15. employed, otherwise than in a clerical capacity, in the supplying, generating or transforming of electrical energy or in the generating or supplying of gas ; or
16. employed on any boat, launch or vessel which ordinarily plies within the limits of any harbour of this Island or on any canal, river, lake or other inland navigable water and is propelled wholly or in part by steam or other mechanical power or by electricity ; or
17. employed, otherwise than in a clerical capacity, in the Ceylon Government Railway ; or

18. employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal or pipe-line ; or
19. employed in the training, keeping or working of elephants or wild animals ; or
20. employed as a diver ; or
21. employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures ; or
22. employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months ten or more persons have been so employed.

Explanation.—In this Schedule, the expression “ the preceding twelve months ” relates, in any particular case, to the period of twelve months ending with the day on which the accident in that case occurred.

SCHEDULE III.

(Section 4.)

Occupational diseases.

Description of Disease.	Description of Process.
Lead poisoning or its sequelae	Any process involving the use of lead or its preparations or compounds.
Phosphorus poisoning or its sequelae	Any process involving the use of phosphorus or its preparations or compounds.
Mercury poisoning or its sequelae	Any process involving the use of mercury or its preparations or compounds.
Arsenic poisoning or its sequelae	Any process involving the use of arsenic or its preparations or compounds.
Poisoning by benzene and its homologues or the sequelae of such poisoning	Handling benzene or any of its homologues, or any process in the manufacture or involving the use of benzene or any of its homologues.
Chrome ulceration or its sequelae	Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium, or their preparations.
Compressed air illness or its sequelae	Any process carried on in compressed air.

SCHEDULE IV.

(Section 6.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for—		Half Monthly payment as compensation for temporary disablement of adult.
		Death of adult.	Permanent total disablement of adult.	
(1)	(2)	(3)	(4)	(4)
More than—	But not more than—			
Rs.	Rs.	Rs.	Rs.	Rs. c.
0 ..	10	500	700	Half his monthly wages
10 ..	15	550	770	5 0
15 ..	18	600	840	6 0
18 ..	21	630	882	7 0
21 ..	24	720	1,008	8 0
24 ..	27	810	1,134	8 50
27 ..	30	900	1,260	9 0
30 ..	35	1,050	1,470	9 50
35 ..	40	1,200	1,680	10 0
40 ..	45	1,350	1,890	11 25
45 ..	50	1,500	2,100	12 50
50 ..	60	1,800	2,520	15 0
60 ..	70	2,100	2,940	17 50
70 ..	80	2,400	3,360	20 0
80 ..	100	3,000	4,200	25 0
100 ..	200	3,500	4,900	30 0
200 ..	—	4,000	5,600	30 0

Objects and Reasons.

The purpose of this Bill is to provide a comprehensive code to enforce and regulate the payment of compensation to workmen who are injured in the course of their employment. The Bill is modelled on the Indian Workmen's Compensation Act, (Act VIII of 1923), as revised and modified by the Amending Acts of 1924, 1925, 1926, 1929 and 1933. The Indian Amending Act of 1933 gives legislative sanction to the recommendations of the Royal Commission on Labour in India, (The Whitley Commission, 1929-1931). Many of the more important provisions of that amending Act will not come into force in India until July 1, 1934. Some of the clauses of this Bill are derived from the Straits Settlements Ordinance, No. 9 of 1932, which is also based on the Indian Workmen's Compensation Act of 1923. This Bill, like the Indian Act, follows the English model in its main principle; but distinctive features have been introduced with the object of providing simple and inexpensive machinery for the purpose of ascertaining definitely the quantum of compensation in individual cases and the parties who are entitled to such compensation.

2. Clause 2 defines "workman" to mean any person who is employed on wages not exceeding three hundred rupees per mensem in any such capacity as is for the time being specified in Schedule II. That Schedule contains twenty-two distinctive classes of employment most of which are hazardous in their nature. No employment has been included in that Schedule which is not included in the Indian Act as revised in accordance with the recommendations of the Whitley Commission. Schedule II can be amended or added to by regulation made by the Executive Committee for Labour, Industry and Commerce but only after three months' previous notice in the Gazette (Clause 56); and no regulation becomes operative until it has been approved by the State Council and ratified by the Governor. Clause 2 (2) provides that a reference to a workman includes a reference to his dependants in a case where the workman dies as a result of the injuries sustained in the course of his employment. The definition of the term 'dependant' received very careful examination during the passage of the Amending Indian Bill of 1933 through the Legislative Assembly and the definition adopted in this Bill is the definition which will become law in India on July 1, 1934.

3. Clause 3 provides that a workman is entitled to compensation if personal injury is caused to him by accident arising out of and in the course of his employment. There are three general categories into which all such accidents may be classified:

- (a) where the workman dies as a result of the accident;
- (b) where the workman is partially disabled;
- (c) where the workman is totally disabled.

If a workman as defined in the Bill dies as a result of an accident his dependants are entitled to compensation according to the scale provided in Schedule IV (Clause 6).

The amount of compensation, except in the case of a minor, varies according to the salary of the deceased workman and provision is made for calculating such salary (Clause 7). If a workman is disabled as the result of an accident, compensation is not paid until after a "waiting period" of seven days; in other words, the disablement must continue for seven consecutive days. Further, the accident should not be attributable to the intoxication of the workman, or to wilful disobedience to orders, or to a disregard of safety measures or devices. The contracting of anthrax or any other occupational disease mentioned in Schedule III is, for the purposes of the Bill, deemed to be an "accident".

4. Schedule I, read with the definitions of "partial disablement" and "total disablement" in Clause 2, provides an arbitrary but nevertheless simple and satisfactory method of ascertaining the extent of the disablement and consequently the amount of compensation. For instance, a workman who as the result of an accident loses the sight of both eyes is deemed to be permanently and totally disabled. It will thus be seen that the essential features of the Bill are really contained in the four Schedules: Schedule I which sets out a list of injuries together with a scale for ascertaining the percentage of loss of earning capacity; Schedule II which enumerates the employments and occupations in which a workman may be injured by accident; Schedule III which states what diseases shall be deemed to be accidents; and Schedule IV which provides a Table for calculating the amount of compensation which is based on the monthly wages of the deceased or injured workman where that workman is

an adult. A minor, for the purposes of the Bill, is a person under the age of fifteen years. Where a minor dies as a result of injuries sustained by accident in the course of his employment or is permanently disabled as the result of any such accident, a lump-sum is payable as compensation.

5. The difference between English legislation and the scheme sought to be introduced in the Bill is that under the English system the amount of the compensation and of the loss of earning capacity has to be proved for each particular case, whereas under the Indian system it is fixed according to scale. This rigid and inelastic nature of the scheme for ascertaining compensation is the principal characteristic of the Indian Workmen's Compensation Act, and the chief advantage derived from its inclusion in this Bill is that it leaves no room for contention and dispute.

6. Chapter IV provides for the payment, distribution and recovery of compensation. Where death occurs, payment has always to be deposited with the Commissioner (Clause 11); and such compensation is apportioned among the dependants by the Commissioner. (Clause 12 (2).) Clause 18 enables the Executive Committee to compel classes of employers specified by regulation to keep a "notice book" in the prescribed form so that a workman who is injured can conveniently give due notice of the accident to his employer by making an appropriate entry in the book. The principle of the "notice book" was introduced by the English Workman's Compensation Act of 1923 and has been adopted in India with effect from January 1, 1934. Clause 21 enables an employer at his expense to get his own medical practitioner to examine an injured workman and provides the necessary penalties in a case where a workman refuses to submit himself to such examination. Clause 22 deals with the right of a workman to recover compensation from the principal of a contractor under whom he is employed, and Clause 24 safeguards the interests of a workman in the event of the insolvency of his employer by giving priority to any amount due to that workman in respect of compensation payable under the Bill when it becomes law.

7. Chapter V makes special provision to meet the case of workmen who are employed as masters or seamen. It has been considered advisable to restrict this part of the Bill to masters and seamen of ships required to be registered in Ceylon as British ships.

8. Chapter VI provides for the appointment by the Governor of a Commissioner, a Deputy-Commissioner and such Assistant Commissioners as may be required for the purposes of administration. Chapter VIII deals with proceedings before Commissioners and provides the necessary procedure for the investigation and determination of claims to compensation. As in India, the powers of the Commissioner are, in the majority of cases, restricted by the fixed and definite provisions of the Schedules which are designed to avoid contentions and disputes in ascertaining the right to and the amount of compensation payable according to law.

9. Chapter VIII provides for the registration of agreements whereby employers undertake to commute the liability to make half-monthly payments by the payment of a lump-sum as compensation. Special provision has been made for the avoidance of agreements made fraudulently or by the exercise of undue influence and for the protection of the interests of women and persons under legal disability.

10. Special provision is made in Chapter IX to permit only such insurance companies as are licensed to undertake insurance against liabilities to pay compensation to workmen who are killed or injured in the course of their employment. As it is anticipated that most employers will seek to cover the risk of liability to pay compensation to their workmen by adequate insurance, it is essential, in the interests of the workmen, that only approved and reliable insurance companies should be permitted to undertake such business.

11. Chapter X provides for an appeal to the Supreme Court against the order of a Commissioner in specified cases. An employer is not allowed to prefer an appeal against an order awarding a lump-sum by way of redemption of a half-monthly payment or otherwise unless the petition of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against. No appeal is allowed against an order made by the Commissioner in a case where the parties have consented in writing to abide by his decision. The proviso to Clause 53 is intended to cover particular cases of hardship and is derived from analogous provisions in the Straits Settlements Ordinance. The Commissioner is empowered, pending the decision of an appeal, to distribute a sum not exceeding Rs. 50 out of the money

in deposit with him, to persons entitled to compensation under the order appealed against where he is satisfied that they are unable to support themselves through poverty. This amount is not refunded if the employer succeeds in his appeal.

12. Chapter XI provides for the making of Regulations by the Executive Committee of Labour, Industry and Commerce. Most of the necessary administrative machinery will have to be enacted in the form of subsidiary legislation and the safeguard has been inserted of submitting all regulations for approval by the State Council and for ratification by the Governor *before* they become law.

13. Chapter XII deals with miscellaneous matters. Clause 58 provides that compensation shall not be assigned or attached. Clause 59 makes null and void any agreement whereby an employer "contracts-out" with the object of removing or reducing his legal liability to pay compensation.

14. It is not intended that the Bill should deprive any workman of his ordinary common-law remedy and every workman is therefore at liberty to elect to proceed with his common-law action for damages or to claim compensation under the statutory provisions introduced by this Bill; but a workman cannot simultaneously prefer a statutory claim and maintain a common-law action. (Clause 60.) Clause 61 provides for the enforcement of reciprocal arrangements with other parts of the British Empire.

15. Clause 2 mentions the Crown in the definition of "employer" and, in paragraph 17 of Schedule II, the Ceylon Government Railway is specially mentioned in the list of scheduled employments. The provisions of the Bill will therefore apply equally to Government as well as to other workmen.

PERI SUNDARAM,
Minister for Labour, Industry and Commerce.
The Ministry of Labour, Industry and Commerce,
Colombo, March 20, 1934.

MINUTE.

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

An Ordinance to amend the Petroleum Ordinance, 1887.

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

Short title. 1 This Ordinance may be cited as the Petroleum (Amendment) Ordinance, No. of 193 .

Amendment of section 3 of the principal Ordinance. 2 Section 3 of The Petroleum Ordinance, 1887, (herein after referred to as "the principal Ordinance") is amended by substituting the following for the definition of "Dangerous Petroleum" therein, viz. :—

"Dangerous Petroleum" means petroleum of which the flashing point is below the temperature for the time being fixed by notification in the Government Gazette by the Governor with the advice of the Executive Committee of Home Affairs.

Amendment of section 14 of the principal Ordinance. 3 Section 14 of the principal Ordinance is amended by substituting the words "the temperature for the time being fixed by notification in the Government Gazette by the Governor with the advice of the Executive Committee of Home Affairs" for the words "one hundred and seventy five degrees of Fahrenheit's thermometer" occurring in the last two lines of the proviso.

Objects and Reasons.

The purpose of this Bill is to substitute for the existing rigid description of "dangerous petroleum," and "fuel oil" a definition which would permit of the flashing point in each case being fixed and altered by administrative action. At present a change in these flashing points can be effected only by legislative action.

D. B. JAYATILAKA,
Minister for Home Affairs.

The Ministry of Home Affairs,
Colombo, March 16, 1934.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,952. In the matter of the insolvency of T. H. A. de Soysa.

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 May 1, 1934, for proof of claims of—
 (1) P. M. A. Alagappa Chettiar, (2) Muthal Achy, (3) O. A. O. K. R. M. Arunachalam Chettiar, (4) Sir S. R. M. M. A. Annamalai Chettiar.

By order of court, K. RATNASINGHAM,
 March 15, 1934. Secretary.

In the District Court of Colombo.

No. 4,580/4,590 In the matter of the insolvency of O. N. Insolvency. Assanmohamed, O. N. Cader Saibo and O. N. Assen Cader, carrying on business as O. N. Assen Mohamad & Bros., at Lam street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court fixed for March 27, 1934, for proof of claims of Jambhulal Bros. of Lam street in Colombo.

By order of court, K. RATNASINGHAM,
 March 14, 1934. Secretary.

In the District Court of Colombo.

No. 4,688. In the matter of the insolvency of (1) Panadura Acharige Keerthiratne, and (2) Panadura Acharige Paulis Keerthiratne, carrying on business as P. A. Keerthiratne & Bros., at 50, Baillie street, Fort, Colombo.

WHEREAS a petition for the sequestration of the estate of the above-named P. A. Keerthiratne and P. A. Paulis Keerthiratne has been filed by N. Menasche of Paris, France, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said P. A. Keerthiratne and P. A. Paulis Keerthiratne insolvent accordingly; and that two public sittings of the court, to wit, on April 24, 1934, and on May 8, 1934, 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,
 March 14, 1934. Secretary.

In the District Court of Colombo.

No. 4,718. In the matter of the insolvency of E. Corea of Rajagiriya, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 15, 1934, for the grant of a certificate of conformity to the insolvent.

By order of court, K. RATNASINGHAM,
 March 14, 1934. Secretary.

In the District Court of Kandy.

No. 2,014. In the matter of the insolvency of Peena Moona Mohammado Kariza Rawther of Madawela road, Katugastota.

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 April 27, 1934, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, GERALD E. DE ALWIS,
 March 17, 1934. Secretary.

In the District Court of Kandy.

No. 2,035. In the matter of the insolvency of D. John de Silva of Penhros Group, Galboda.

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 April 27, 1934, to appoint an assignee.

By order of court, GERALD E. DE ALWIS,
 March 17, 1934. Secretary.

In the District Court of Galle.

No. 504. In the matter of the insolvency of Tittagalle Gamage Don Dias de Silva of Atanikita.

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 April 26, 1934, for proof of debts.

By order of court, L. B. CASPERSZ,
 March 13, 1934. Secretary.

In the District Court of Galle.

No. 690. In the matter of the insolvency of Dadallege Upasakappu of Ratgama.

NOTICE is hereby given that examination of the above-named insolvent will take place at the sitting of this court on May 7, 1934.

By order of court, L. B. CASPERSZ,
 March 14, 1934. Secretary.

In the District Court of Galle.

No. 692. In the matter of the insolvency of Abdul Aseez Mohamed of Small Cross street, Fort, Galle.

NOTICE is hereby given that examination of the above-named insolvent will take place at the sitting of this court on March 8, 1934.

By order of court, L. B. CASPERSZ,
 March 14, 1934. Secretary.

In the District Court of Matara.

No. 99. In the matter of the insolvency of Omer Saibu Abdul Caffoor of Kadeweediya in Matara.

NOTICE is hereby given that the examination of insolvent in the above case has been adjourned to June 11, 1934.

By order of court, R. MALALGODA,
 March 13, 1934. Secretary.

In the District Court of Badulla.

No. 16. In the matter of the insolvency of A. C. Wijeyekoon of Badulla.

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

By order of court, J. N. CULANTHAIVALU,
 Secretary.

In the District Court of Badulla.

No. 19. In the matter of the insolvency of M. H. Paackir Saibu of Badulla.

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 April 25, 1934, to examine the insolvent.

By order of court, J. N. CULANTHAIVALU,
 Secretary.

In the District Court of Badulla.

No. 20. In the matter of the insolvency of V. Neelamegam of Badulla.

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 April 25, 1934, to examine the insolvent.

By order of court, J. N. CULANTHAIVALU,
 Secretary.

In the District Court of Badulla.

No. 21. In the matter of the insolvency of V. M. Muttusamy Chettiar of Passara.

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

By order of court, J. N. CULANTHAIVALU,
 Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

M. G. Karunaratne & Co., Colombo Plaintiffs.

No. 43,387. ✓ Vs.

(1) Mrs. A. W. Perera of Old Kolonnawa road, Dematagoda, and another Defendants.

NOTICE is hereby given that on Friday, April 20, 1934, at 3 P.M., 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 the sum of Rs. 492·91, together with interest on Rs. 467·87 at 12 per cent. per annum from February 10, 1931, to November 20, 1931, and thereafter on the full aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of this action; taxed at Rs. 243·10, less Rs. 100, viz. :—

An undivided one-half share of all those premises bearing assessment No. 102, situated at Old Kolonnawa road within the Municipality and District of Colombo, Western Province; and bounded on the north by high road, on the east by property belonging to W. Perera, on the south by Crown land, and on the west by land belonging to Mr. Wijesinghe; and containing in extent about $\frac{1}{2}$ an acre more or less.

Fiscal's Office, C. H. W. KANNANGARA,
Colombo, March 21, 1934. Deputy Fiscal.

In the District Court of Colombo.

Widanelage Caroline Soysa of Mount Crest, Mount Lavinia Plaintiff.

No. 51,991. ✓ Vs.

(1) Tebuwana Acharige Nonohamy, (2) ditto Mangonona, (3) Don Haramanis, (4) Welatara Acharige Isabella Nona, (5) Delpachitra Acharige Nomis Singho for himself and also as legal representative of the estates of 1st, 3rd, and 4th defendants Defendants.

NOTICE is hereby given that on Thursday, April 19, 1934, at 3.30 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 94 dated December 24, 1929, and attested by H. E. S. Wickremaratne, 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 February 14, 1934, for the recovery of the sum of Rs. 3,562·50, together with interest on Rs. 2,500 at 15 per cent. per annum from January 25, 1933, to the date of decree (January 26, 1934), and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

An allotment of land marked A in plan No. 494 dated July 5, 1929, and made by M. I. L. Marikar, Licensed Surveyor, out of the land called Kahatagahawatta, together with the trees, plantations, and the two buildings bearing assessment Nos. 550 and 552, situated at Havelock road in Wellawatta ward, within the Municipal limits and District of Colombo, Western Province, which said lot A is bounded on the north by lot G of the same land, on the east by Havelock road, on the south by property belonging to D. D. Romanis Hamy, lot No. 169, and on the west by lot B of the same land; and containing in extent 22 7/100 perches. Prior registration Wel. 26/56.

Fiscal's Office, C. H. W. KANNANGARA,
Colombo, March 21, 1934. Deputy Fiscal.

In the District Court of Colombo.

N. M. A. R. Nallacaruppan Chettiar of Sea street, Colombo Plaintiff.

No. 53,830. ✓ Vs.

(2) K. K. Kungha of Park road, Havelock town, Colombo, and another Defendants.

NOTICE is hereby given that on Thursday, April 12, 1934, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 596·15, together with further interest on Rs. 590 at

15 per cent. per annum from September 12, 1933, up to date of decree (September 29, 1933), and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that lot marked B out of the land called Timbiri-gahawatta, situated at Kirillapcho, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north and east by a part of this property marked letter A, south by a part of this property marked letter C, and west by lot No. 150 said to belong to H. Bastian Fernando; containing in extent 1 rood and 36·37 perches. Registered Kirillapone 16/72.

Fiscal's Office, C. H. W. KANNANGARA,
Colombo, March 21, 1934. Deputy Fiscal.

In the Court of Requests of Colombo.

(1) Devan Elizabeth Buckley and (2) Bernard Augustus Buckley by her next friend, Devan Elizabeth Buckley, both of Cotta road, in Colombo Plaintiffs.

No. 85,438. Vs.

Mrs. E. D. Dias Abeysinghe of Havelock Town in Colombo, presently of Nagagam street, Grandpass, in Colombo Defendant.

NOTICE is hereby given that on Wednesday, April 25, 1934, commencing at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties, viz. :—

(1) The land called Imbugahakurunduwatta, situated at Pattanduwana in Dasiya pattu of Alutkuru korale, in the District of Negombo, Western Province; and bounded on the north by the garden of P. J. Perera and field, east by garden of Baronehiamy and others, south by garden of F. T. Perera, and on the west by Kajukotuwakumbura; containing in extent 8 acres and 29 perches.

(2) The field called Irawellekumbura and the adjoining Denibima, situated at Opatha in Dasiya pattu aforesaid; and bounded on the north by the Dalupothakumbura of David Fernando, Native Doctor, east by Miriswatta of Daniel Fernando, Native Doctor, and on the south and west by Nabalewala of Daniel Fernando, Native Doctor; containing in extent about 4 parras of paddy sowing ground.

(3) A portion of Nabalewala and the adjoining Denibima, situated at Opatha aforesaid; and bounded on the north and west by Nabalewala of Daniel Fernando, Native Doctor, east by Miriswatta alias Siriswatta of Daniel Fernando, Native Doctor, and on the south by Molewatta; containing in extent about 2 parras of paddy sowing ground.

Amount to be levied Rs. 319·25, with interest on Rs. 225 at 18 per centum per annum from November 24, 1932, to March 21, 1933; and thereafter at 9 per centum per annum on the aggregate amount till payment.

Deputy Fiscal's Office, A. W. ROSA,
Negombo, March 19, 1934. Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Yoosof Lebbe Marikar Aboosally of Nayapane Group, Pussellawa Plaintiff.

No. 42,905. Vs.

(1) Mohamedo Lebbe Marikar Jainudeen and his wife (2) Slema Umma, both of 75, New Sea street, Colombo, (3) P. R. M. L. R. M. R. M. Ramanathan Chettiar of 140, Sea street, Colombo, (4) P. L. M. T. T. Muttupalaniappa Chettiar of 178, Sea street, Colombo Defendants.

NOTICE is hereby given that on Tuesday, April 17, 1934, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said 1st and 2nd defendants for the recovery of the sum of Rs. 796·25, with legal interest thereon from November 28, 1933, till payment in full and costs of suit and poundage, in the following property, viz. :—

All that undivided half part or share of all that land and of the buildings and plantations standing thereon, situate in the town of Gampola in Gangapahala korale of Udapalata,

in the District of Kandy, Central Province, bearing present assessment Nos. 41, 42, and 43; and bounded on the east by the wall of the house built by Palaniappa Chettiar on the property of Mr. Saram, south by the limit of the land said to belong to Kalu Appa alias Bala Appu, west by the wall of the house built by Karuppen Chettiar on the property of Mr. Saram, and north by the Ambagawwa road; containing in extent between one hundred and one hundred and twelve feet in length and fifty-six feet in breadth. Registered in D 69/277 and all the right, title, interest, and claim whatsoever of the said 1st and 2nd defendants in, to, upon, or out of the said several premises mortgaged by the defendants upon bond No. 36 dated August 16, 1930, and attested by Mr. F. Sebastian, Notary Public, of Gampola.

Fiscal's Office, Kandy, March 20, 1934. A. RANESINGHE, Deputy Fiscal.

In the District Court of Kandy.

George Ernest de La Motte of Kandy Plaintiff.
No. 43,413. Vs.

Malwattege Alwis Peris of Wattarantenna, near Kandy Defendant.

NOTICE is hereby given that on Friday, April 27, 1934, at 12 noon, will be sold by public auction at the premises the right, title, interest, claim, and demand whatsoever of the said defendant in the recovery of the sum of Rs. 2,551.64, with legal interest on the sum of Rs. 2,428.35, from May 2, 1930, until payment in full, and poundage, in the following property, viz. :-

All that land called Godakumburewatta, situate at Wattarantenna in Gangawata korale of Yatinuwara, in the District of Kandy, Central Province; and bounded on the east by the fence of Arunasalem Pulle's garden, south by the limit of Walawvewatta, west by the bank of the field, and north by the remaining portion of this land; and containing in extent 2 acres and 20 perches according to the plan thereof made by S. W. Spencer, Licensed Surveyor of Kandy, bearing date July 8, 1882, together with the tiled house and everything thereon. Registered under A 46/23 and A 59/248, and mortgaged by the defendant upon bond No. 25,128 dated December 14, 1927, and attested by Mr. J. W. Wickremasinghe, Notary Public, and upon bond No. 1,340 dated April 12, 1930, and attested by Mr. W. B. Rodrigo, Notary Public.

Fiscal's Office, Kandy, March 20, 1934. A. RANESINGHE, Deputy Fiscal.

In the District Court of Kandy.

Hettiaratchige George Perera of Peradeniya road, Kandy Plaintiff.
No. 44,088. Vs.

(1) Samsair Ali's son, Mahamood Ali, (2) Samsair Ali's son, Seyed Ali, (3) Samsair Ali's son, Fuwad Ali, all of 13, Bahirawakanda, Kandy Defendants.

NOTICE is hereby given that on Monday, April 16, 1934, 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. 4,312, with further interest on Rs. 2,800 at 18 per cent. per annum from August 4, 1933, till October 4, 1933, and thereafter with legal interest on the aggregate amount till payment in full, and poundage, in the following property, viz. :-

Undivided six-ninth parts or shares of and in all that piece of land about 6 acres in extent in the whole, together with the buildings, plantations, and everything standing thereon bearing present assessment Nos. 17, 17A, 17B, 18, 18A, and 19, situate at Bahirawakanda in Gangawata korale of Yatinuwara, now within the town and Municipality of Kandy, in the District of Kandy, Central Province; and bounded on the east by the fence of Dingiri Appu's garden, now belonging to Mrs. Haniffa Beebee, south by the fence of Keerale's garden, now belonging to Mr. K. B. Herat, west by the ella of the field and north by the fence of the land now belonging to M. A. Hendrick Perera Appuhamy. Registered A 60/208 Kandy—and all the right, title, interest, and claim whatsoever of the said defendants in, to, upon, or out of the said several premises mortgaged by the defendants upon bond No. 112, dated July 11, 1930, and attested by K. Vijayaratham of Kandy, Notary Public.

Fiscal's Office, Kandy, March 20, 1934. A. RANESINGHE, Deputy Fiscal.

In the District Court of Kandy.

S. T. S. Waliappa Chettiar of Matale, administrator of the estate of S. T. S. Sidambaram Chettiar, deceased Plaintiff.
No. 43,346. Vs.

K. Abdul Cader's daughter, Suleiha Umma of Godapola road, Matale, administratrix of the estate of K. T. M. Marikkar of Matale Defendant.

NOTICE is hereby given that on Friday, April 27, 1934, at 12 noon, 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 the sum of Rs. 386.25, with legal interest from January 20, 1933, till payment in full, viz. :-

All that house and premises bearing assessment No. 581, situate at Trincomalee street, Matale town, within the Urban District Council limits of Matale; and bounded on the east by Trincomalee street, south by house and premises bearing assessment No. 582, west by the limit of land belonging to Government, and north by house and premises bearing assessment No. 580; containing in extent about 15 perches.

Deputy Fiscal's Office, Matale, March 20, 1934. S. C. FERNANDO, Additional Deputy Fiscal.

In the District Court of Kandy.

Seena Thana Seena Valliappa Chettiar of Trincomalee street, Matale Plaintiff.
No. 43,631. Vs.

(1) Seyyado Sara Umma, daughter of Muna Tawanna Seyyadu Ibrahim Saibo, (2) Muna Kana Muhammadu Muhaiyadeen Thamby Lebbe, both of 28, Godapola road, Matale Defendants.

NOTICE is hereby given that on Thursday, April 26, 1934, at 1 o'clock in the afternoon, 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 the sum of Rs. 2,376.56; with legal interest thereon from June 12, 1933, till payment in full, viz. :-

All that and those the house and premises bearing assessment No. 172 (former No. 185); containing in extent about 1 nelli kurakkan sowing, situate at Trincomalee street, within the Urban District Council limits of Matale town, in the District of Matale, Central Province; and bounded on the east by the limit of land belonging to Omeru and Mon Ahamadu now the land belonging to the said Muhammadu Muhaiyadeen Tamby Lebbe, south by the house and premises bearing No. 171 (former No. 184) now belonging to M. K. M. Marikar Tamby, west by high road, and on the north by house and premises No. 173 belonging to M. T. Muhammadu Thamby; containing in extent 6 43/100 perches, according to plan of survey No. 1,217, dated March 20, 1930, made by S. S. Kandasamy, Licensed Surveyor, and registered in A 7/276, mortgaged with the plaintiff upon bond No. 8,760, dated April 16, 1931, and attested by S. W. Wijeyatilleke, Notary Public, Matale.

Deputy Fiscal's Office, Matale, March 20, 1934. S. C. FERNANDO, Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Don Siyaris Epa. Seneviratna of Weihena and another Plaintiffs.
No. 21,318. Vs.

Jalathge Kavis Singho of Naranowita and others Defendants.

NOTICE is hereby given that on Monday, April 23, 1934, commencing at 1 P.M., will be sold by public auction at the premises the right, title, and interest of the 28th, 29th, 25th, 16th, 23rd, 24th, 12th, 36th, 37th, 38th, 8th, 9th, 10th, 14th, 4th, 5th, 44th, 45th, 43rd, 52nd, 53rd, and 11th defendants in the following property, viz. :-

Against 28th and 29th defendants.

1. An undivided 3/4 part of an allotment of land called lot No. 4 of Gedarakumbura, &c., situated at Naranowita in Bentota-Walallawiti korale in the Galle District, Southern Province; and bounded on the north by Mee-gahakumbura Kanuketiya, east by lot 46, south by lot 7, and east by lot 3; and containing in extent 3 acres and 10.300 perches.

2. An undivided $\frac{2}{3}$ part of an allotment of land called lot No. 13 of Gederakumbura, situated as aforesaid; and bounded on the north by Meegahakumbura Kanuketiya, east by lots 14, 16, 17, and 19, south by lot 11, and west by lots 10 and 11 of the same land; and containing in extent 2 roods and 27·400 perches.

Against the 25th defendant.

3. An allotment of land called lot No. 3 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by Rasanwila Pahalawagura, east by lots 4 and 26, south by Mullegederawela, and west by lot 1; and containing in extent 1 rood and 21·287 perches.

4. An allotment of land called lot No. 18 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 15, east by lot 20, south by lot 19, and west by lot 17; and containing in extent 13·500 perches.

Against the 16th defendant.

5. An allotment of land called lot No. 5 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 26, east by lot 6, south by Maddegoda, and west by Mullegederawela; and containing in extent 1 rood and 9·937 perches.

Against the 23rd and 24th defendants.

6. An allotment of land called lot No. 6 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 26, east by lot 7 and Crown land, south by Maddegoda and Crown land, and west by lot 5; and containing in extent 2 roods and 28·956 perches.

7. An allotment of land called lot No. 35 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 34, east by Crown land, south by lot 36, and west by lot 33 and Annasigalalangawatta lot C; and containing in extent 24·000 perches.

Against the 12th, 36th, 37th, 38th, 8th, 9th, and 10th defendants.

8. An allotment of land called lot No. 11 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lots 13 and 9, east by lots 22 and 23, south by lots 32, 48, 31, 47, and 12, and west by lots 10 and 47 of the same land; and containing in extent 3 acres and 24·335 perches.

9. An allotment of land called lot No. 29 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 25, east by lots 28 and 30, south by lots 32 and 33, and west by lots 11 and 32; and containing in extent 2 roods and 30·400 perches.

Against the 14th and 16th defendants.

10. An allotment of land called lot No. 34 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by Crown land, east and south by lot 35, and west by lots 30 and 33; and containing in extent 22·100 perches.

Against 4th defendant.

11. An allotment of land called lot No. 39 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lots 31 and 48, east by lot 40, south by lots 41, 42, and 43 defts, and west by Crown land; and containing in extent 2 roods and 03·896 perches.

Against 4th and 5th defendants.

12. An allotment of land called lot No. 24 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 21, east by Crown land, south by lots 25 and 27, and west by lots 22 and 23; and containing in extent 35·900 perches.

Against 5th defendant.

13. An allotment of land called lot No. 40 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lots 48 and 32, east by Annasigalalangawatta lot C, south by lots 43, 44, and 45, and west by lot 39; and containing in extent 2 roods and 13·896 perches.

Against the 44th and 45th defendants.

14. An allotment of land called lot No. 36 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 35, east by Crown land, south by lot 37, and west by Annasigalalangawatta lot C; and containing in extent 14·400 perches.

15. An allotment of land called lot No. 42 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 39, east by lot 43, south by Galmullekumbura, and west by lot 41; and containing in extent 1 rood and 25·373 perches.

Against the 43rd defendant.

16. An allotment of land called lot No. 27 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 24, east by Crown land, south by lot 28, and west by lot 25; and containing in extent 11·930 perches.

17. An allotment of land called lot No. 43 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lots 39 and 40, east by lot 44, south by Galmullekumbura, and west by lot 42; and containing in extent 1 rood and 14·478 perches.

Against the 52nd and 53rd defendants.

18. An allotment of land called lot No. 37 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 36, east by Crown land, south by lot 38, and west by Annasigalalangawatta lot C; and containing in extent 10·300 perches.

19. An allotment of land called lot No. 44 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 40, east by lot 45, south by Galmullekumbura, and west by lot 43; and containing in extent 1 rood and 06·723 perches.

Against 11th defendant.

20. An allotment of land called lot No. 21 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 20, east by Crown land, south by lot 42, and west by lot 22; and containing in extent 05·100 perches.

21. An allotment of land called lot No. 45 of Gederakumbura, &c., situated as aforesaid; and bounded on the north by lot 40, east by Annasigalalangawatta lot C, south by Galmullekumbura, and west by lot 44; and containing in extent 23·362 perches.

Writamounts—from 28th and 29th defendants, Rs. 93·54; from 25th defendant, Rs. 17·54; from 16th defendant, Rs. 11·71; from 23rd and 24th defendants, Rs. 31·19; from 12th, 36th, 37th, 38th, 8th, 9th, and 10th defendants, Rs. 144·24; from 14th and 16th defendants, Rs. 5·62; from 4th defendant, Rs. 19·68; from 4th and 5th defendants, Rs. 8·42; from 5th defendant, Rs. 19·68; from 44th and 45th defendants, Rs. 17·62; from 43rd defendant, Rs. 15·58; from 52nd and 53rd defendants, Rs. 13·38; from 11th defendant, Rs. 6·68; and writ costs.

Fiscal's Office, J. R. WEERASEKERA,
Galle, March 17, 1934. Deputy Fiscal.

In the Additional Court of Requests of Matara.

Cassim Lebbe Marikkar Amina Umma and husband,
both of Galbokka, Plaintiffs.

No. 18,107. Vs.

(1) Mohammad Ali Safa Umma and husband (2)
Ismail Lebbe Marikkar Abdul Manju, both of
Galbokka, Defendants.

NOTICE is hereby given that on Saturday, April 21, 1934, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 268·55 and legal interest on Rs. 205 at 18 per cent. per annum from December 26, 1929:—

1. An undivided $\frac{5}{24}$ parts of the soil and fruit trees, together with the planter's $\frac{1}{3}$ share of the 3rd and 4th plantations, of the land called Kiyandiyawatta, and an undivided $\frac{1}{2}$ part of the tiled house of 15 cubits standing towards the east, situated at Galbokka in the Weligam korale of the Matara District, Southern Province; and bounded on the north by Kadewatta, east by portion of the same land, south by road, and on the west by Aratchigewatta; and containing in extent about $1\frac{1}{2}$ acres.

2. The unexpired term of the lease created by deed of lease No. 8,592 of December 26, 1929, for a term of seven years, commencing from the date of the said deed of lease, in respect of the following property:—

All that the two boutique rooms towards the western direction of the three boutique rooms, adjoining each other, and bordering the road, standing on the portion bearing assessment No. 1413 of the remaining portion (exclusive of the portion covered by the railway) of the land called Talgahawatta, situated at Galbokka aforesaid; and bounded on the north by high road, east by Waduge-watta, south-west by road to the Railway Store; and containing in extent about $\frac{1}{4}$ of an acre.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, March 15, 1934. Deputy Fiscal.

In the Court of Requests, Tangalla.

(1) Tikirahennedige Lenohamy of Unakuruwa and others Substituted Plaintiffs.
No. 12,652. Vs. 33 16 39

Sinnoris de Silva Wiranagama of Walganiya, substituted defendant as administrator of the estate of the deceased.

NOTICE is hereby given that on Monday, April 16, 1934, 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 defendant in the following mortgaged property for the recovery of Rs. 507.43, with legal interest on Rs. 473.10 from December 1, 1933, and poundage, viz. :—

At Medaketiya.

(1) Undivided $\frac{1}{2}$ share of the soil and of all the plantations (exclusive of the planter's $\frac{1}{2}$ share of the plantation) of the land called Sitanpadinchiwasitiya Moragahawatta, situated at Medaketiya in West Giruva pattu of Hambantota District; and bounded on the north by Mahagigana-unnehegewatta, east by Samige Julgahakoratuwa, south by Hanumantaralage Suriyagahakoratuwa, and west by Guruwepadinchiwasitiyawatta; containing in extent 4 seers of kurakkan sowing. Value Rs. 450.

(2) Undivided $\frac{1}{2}$ share of the soil and of all the plantations, together with the buildings standing thereon built by the defendant of the land called Kottambagahawatta, situated at Madelpalagoda in Tangalla; and bounded on the north by Sitangewatta, east by dewata, south by Paranamahapara, and west by J. Juwangewatta; containing in extent 2 acres. Value Rs. 2,000.

Deputy Fiscal's Office, A. L. M. NOOR MOHAMED,
Tangalla, March 16, 1934. Additional Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Ramalingam Mavunasingham of Mavaddapuram ... Plaintiff.
No. 616. Vs. 25

(1) V. Samuel Subramaniam and wife (2) Arumanayakam alias Arumaimuttu, both of Veemankamam, Tellippalai Defendants.

NOTICE is hereby given that on Monday, April 16, 1934, at 11 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said 1st defendant in the following property for recovery of Rs. 2,500, and costs Rs. 54.80, poundage and charges, viz. :—

A piece of land situated at Murasumodda in Karachchi parish, Karachchi division of the Jaffna District, Northern Province, called "Murasumoddaikkadu", containing in extent 59 acres and 10 perches; and bounded on the east by road, north by the property belonging to the defendant and the land reserved for channel, west by sand road, and south by lot No. 45 (but exclusive of the land reserved for channel from north to south and way and water-course leading to the northern boundary land from the western boundary). The whole hereof.

The land is said to be under mortgage.

Fiscal's Office, S. TURAIYAPPAH,
Jaffna, March 19, 1934. Deputy Fiscal.

In the District Court of Jaffna.

(1) Muhammadu Aysa Umma of Moor street in Jaffna and her husband (2) Muhammadu Usuf of ditto... Plaintiff.
No. 26,639. Vs.

Meydeen Pitche Varisai Muhamadu of Moor street, Jaffna, Chellamma, widow of S. Subramaniam of Manipay, executrix of the last will and testament of the late Saranamuttu Subramaniam of Manipay Defendant.

NOTICE is hereby given that on Tuesday, April 17, 1934, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said 1st plaintiff in the following property for the recovery of Rs. 750, with interest at the rate of 10 per cent. per annum from February 20, 1933, until payment in full, and costs of writ being Rs. 14.40, poundage and charges :—

An undivided 1 lacham varagu culture with its appurtenances of all that piece of land situated at Vannarponnai West in Vannarponnai parish, Jaffna division of the Jaffna District, Northern Province, called "Thettavady or

Tettavady," in extent 3 $\frac{5}{16}$ lachams varagu culture and 9/16 kulies; and bounded on the east by the property of the heirs of Muttu Mohideen Nachchia wife of Mohideen Abdul Carder, and shareholders, and sand road, and property of S. M. Aboobucker and shareholders, north by the property of S. M. Aboobucker and shareholders, west by the property of S. M. Aboobucker and shareholders and others, and on the south by the property of the heirs of the late Muttu Mohideen Nachchi, wife of Abdul Carder.

Fiscal's Office,
Jaffna, March 16, 1934.

S. TURAIYAPPAH,
for Fiscal.

Eastern Province.

In the District Court of Batticaloa.

Saravanamuttu Kumaraswamy and wife Valliammai, presently of Pulvantivu Plaintiffs.

No. 7,104. Vs. 25 16 39

(1) Emily Crowther of Kiran (2) Israel Theodore Sathiretnam Crowther of Kiran, for himself and as legal representative of the estate of his deceased father S. A. Crowther of Kiran, Defendants.

NOTICE is hereby given that on Wednesday, April 18, 1934, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 2,097.63, with legal interest thereon from November 29, 1932, till payment in full, and cost Rs. 455.40. Less a sum of Rs. 50, viz. :—

A coconut estate called Villuthottam alias Kiran thottam bearing lot No. 1, situated at Kiran in Koralai pattu, Batticaloa District, Eastern Province; and bounded on the east by road, west and north by Villukulam, and south by the estate sold to the Catholic Mission; in extent 36 acres 1 rood and 32 perches, with house, well, coconut trees and produce.

Fiscal's Office, K. S. CHANDRASEGARAMPILLAI,
Batticaloa, March 15, 1934. for Fiscal.

North-Western Province.

In the District Court of Kurunegala.

(1) K. M. P. R. Kumarappa Chettiar, (2) K. M. P. R. Periya Caruppen Chettiar by their attorney Veeyanna Rana Balakristna Rawuth of Kurunegala Plaintiffs.

No. 15,018. Vs. 25 16 39

(1) Ena Hajji Lebbe of Thorayaya in Mahagalboda Megoda korale, (2) Meeyanna Kuna Hamidu of Kurunegala Defendants.

NOTICE is hereby given that on Monday, April 23, 1934, at 3 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 the sum of Rs. 635, with interest thereon at 18 per cent. per annum from October 20, 1927, to May 17, 1932, and thereafter with legal interest on the aggregate amount till payment in full, and poundage, viz. :—

All that portion adjoining the eastern boundary of lot B of the lands called Kahatagahamulawatta, Mudunpithena, and Bogahamulahena, situated at Teliyagonna in Tiragandha korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by remaining portion of this of Osan Saibo Mohammath Sadikeen, east by portion bearing lot "C" sold to Ana Abdul Careem; south by road leading from Kurunegala to Kandy, and west by reservation for a road of the remaining portion of this of Osan Saibo Mohammath Sadikeen; and containing in extent 30 feet wide from eastern boundary towards west, and 100 feet long from southern boundary towards north. With the plantations and buildings standing thereon, and registered in A 295/96.

Fiscal's Office,
Kurunegala, March 15, 1934.

A. BASNAYAKE,
Deputy Fiscal.

Province of Uva.

In the District Court of Badulla.

R. M. Ramasamy Pillai of Ampitigoda estate,
Bandarawela Plaintiff.
No. 5,129. Vs.

F. C. Dambawinne of Dambawinne Walawwa in
Wellimada Defendant.

NOTICE is hereby given that on Saturday, April 21, 1934, commencing at 1 o'clock in the afternoon, 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. 5,056.66, with legal interest thereon from November 19, 1930, till payment in full, and costs of suit Rs. 202.02, viz:—

1. An undivided one-seventh share of the field called Mahaulpotakumbura of 5 pelas of paddy sowing extent, situated at Dambawinnegama in Dambawinipalata korale of Udakinda division; and bounded on the east and south by Pansalepanguwa, north by ela and limit of Gannilekumbura and west by ela.

2. An undivided one-seventh share of the field called Muttettuwekumbura of about 5 amunams of paddy sowing in extent, situated as aforesaid; and bounded on the east by ela, south by wella, north by imaniyara, and west by ela.

3. An undivided one-seventh share of the field called Anlekumbura of 2 pelas and 5 lahas of paddy sowing extent, situated at Dambawinnegama aforesaid; and bounded on the east, south, north, and west by imaniyara.

4. An undivided one-seventh share of the field called Tingolpelekkumbura of one amunam of paddy sowing extent, situated at Dambawinnegama aforesaid; and bounded on the east by imaniyara, north by road, south by imaniyara and west by imaniyara.

5. An undivided one-seventh share of the field called Asweddumekumbura of 2 pelas and 5 lahas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east by imaniyara, north by live fence, south and west by imaniyara.

6. An undivided one-seventh share of the field called Alawattakumbura of 10 pelas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east and south by imaniyara, north and west by footpath.

7. An undivided one-seventh of the field called Lunuwattearawa of about 3 pelas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the north and south by imaniyara, east and west by imaniyara.

8. An undivided one-seventh share of the land called aswedduma of about 2 kurunies of kurakkan sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east, south and west by live fence, north by footpath.

9. An undivided one-seventh share of the field called Hatdawulekumbura of about 5 pelas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the north and east by kandura, south by the boundary of Tea estate, west by Pansalepanguwa.

10. An undivided one-seventh share of the field called Dambagollekumbura of 6 amunams of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east and north by the boundary of the Tea estate, south and west by kandura.

11. An undivided one-seventh share of the field called Imbulhitiyawakumbura of about 3 amunams of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east and south by imaniyara, north by footpath, and west by imaniyara.

12. An undivided one-seventh share of the land called Dambawinnepahalawalauwewatta of 3 kurunies of kurakkan sowing in extent, and of the tiled buildings and plantations standing thereon, situated at Dambawinnegama aforesaid; and bounded on the east by kandura, south by Wiharakotuwewatta, north by live fence of Pallegederawatta, and west by wella.

13. An undivided one-seventh share of the contiguous allotments of land called Deekirillagollehena, Dimbulgashulapapatana, Deekirillagollewatta, Dambagollehena, Digaroddekumburehena and Himbutuelhenapatana; and containing in extent 115 acres 2 roods and 17 perches, exclusive of roads pass through the lands; and bounded on the north by Huriyegastennekandura, minor road, and Crown patana, east by the minor road and land claimed by A. E. Dambawinne, south by Medagedera village and west by Medakandura, Dambagollekumbura, and Galpottekandura, subject to lease bond No. 3,619 dated February 26, 1908, and attested by B. L. Potger, Notary Public, for fifty years.

Fiscal's Office,
Badulla, March 19, 1934.

E. MUNASINHA,
Deputy Fiscal.

In the District Court of Ratnapura.

Rama Anatha Padmanathan of Ampitigoda estate,
Bandarawela Plaintiff.
No. 5,524. Vs.

H. A. Gunasekera, R. M., Batugedera, in Ratnapura,
administrator of the estate of H. A. Dambawinne,
deceased, of Ratnapura 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. 2,333.85, with interest on Rs. 2,150 at the rate of 9 per cent. per annum from April 28, 1931, till payment in full, and poundage, viz:—

Friday, April 20, 1934, commencing at 2 o'clock in the afternoon.

1. An undivided one-seventh share of the field called Godakumbura of about 6 pelas of paddy sowing in extent, situated at Bambaragama in Kumbalwela korale of Yatikinda division; and bounded on the east by Heendandulela, south by the boundary of the land belonging to Dorakodakumbure Ukku Banda, north by irrigating canal, and west by ela.

2. An undivided one-seventh share of the field called Henagehuellekumbura of 2 amunams of paddy sowing in extent, situated at Bambaragama aforesaid; and bounded on the east and south by Malakandura, north by Malakandura, and west by ela.

3. An undivided one-seventh share of the field called Peelkekumbura of about 6 pelas of paddy sowing in extent, situated at Bambaragama aforesaid; and bounded on the east by ela, north by Ampitigodewatta, south by kandura, and west by kandura.

4. An undivided one-seventh share of the field called Tawalamekumbura of 6 amunams of paddy sowing in extent, situated at Bambaragama aforesaid; and bounded on the east by oya, south by kandura, north by Tea estate and west by limit of Dehigaha-arawa.

5. An undivided one-seventh share of the field called Dehigaha-arawa of about 2 amunams of paddy sowing in extent; and bounded on the east by ode, north and south by kandura, and west by imaniyara, and situated at Bambaragama aforesaid.

6. An undivided one-seventh share of the field called Henaellakumbura of about 1 amunam of paddy sowing in extent, situated at Bambaragama aforesaid; and bounded on the east by oya, north by field belonging to Appuhamy, south by Nayewatta, and west by Tumpela.

Saturday, April 21, 1934, commencing at 1 o'clock in the afternoon.

7. An undivided one-seventh share of the field called Mahaulpotekumbura of 5 pelas of paddy sowing extent, situated at Dambawinnegama in Dambawinipalata korale of Udakinda division; and bounded on the east and south by Pansalepanguwa, north by ela and limit of Gannilekumbura, and west by ela.

8. An undivided one-seventh share of the field called Muttettuwekumbura of about 5 amunams of paddy sowing in extent, situated as aforesaid; and bounded on the east by ela, south by wella, north by imaniyara, and west by ela.

9. An undivided one-seventh share of the field called Ambekumbura of 2 pelas and 5 lahas of paddy sowing extent, situated at Dambawinnegama aforesaid; and bounded on the east, south, north, and west by imaniyara.

10. An undivided one-seventh share of the field called Tingolpelekkumbura of one amunam of paddy sowing extent, situated at Dambawinnegama aforesaid; and bounded on the east by imaniyara, north by road, south by imaniyara, and west by imaniyara.

11. An undivided one-seventh share of the field called Asweddumekumbura of 2 pelas and 5 lahas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east by imaniyara, north by live fence, south and west by imaniyara.

12. An undivided one-seventh share of the field called Alawattakumbura of 10 pelas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east and south by imaniyara, north and west by footpath.

13. An undivided one-seventh share of the field called Lunuwattearawa of about 3 pelas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the north and south by imaniyara, east and west by imaniyara.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of
 Jurisdiction. Walter Wakefield South, deceased.
 No. 6,721.

Terrence Michael South of No. 34, Baillie street,
 Colombo Petitioner.
 And

(1) Marc South of Police Court, Colombo, (2) Geoffrey
 Herbert South of Avissawella, (3) Rienzie Niel South,
 Colombo, (4) Derrick Christoffelsz, (5) Lorns
 Christoffelsz, (6) Haig Christoffelsz, (7) Cynthia
 Christoffelsz, (8) Roger Christoffelsz, and (9) Myles
 Christoffelsz, all of Colombo, (10) Eugene James
 Christoffelsz of Colombo Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 12, 1934, in the presence of Mr. Fritz Mack, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 10, 1934, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 22, 1934, show sufficient cause to the satisfaction of the court to the contrary.

February 12, 1934. G. C. THAMBYAH,
 District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the late
 Jurisdiction. Hinidumage Daniel *alias* Thelenis Silva,
 No. 5,178. deceased, of Kawatayamune estate,
 Matale.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on December 14, 1933, in the presence of Messrs. Wijayatilake & Wijayatilake, Proctors on the part of the petitioner, Hinidumage Sediya de Silva of Kawatayamune estate, Matale; and the affidavit of the said petitioner dated November 8, 1932, having been read:

It is ordered that the petitioner, as the brother of the deceased, be and he is hereby declared entitled to have letters of administration to the estate of the deceased issued to him accordingly, unless the respondents—(1) Lokuge Eliso Hamine of Madawala, Matale, (2) Mrs. Caroline Ranasinghe, wife of (3) H. W. P. Ranasinghe, both of Meetiyyagoda, Ambalangoda, (4) Mrs. W. H. Mathes de Silva, wife of (5) W. H. M. de Silva, both of Kawatayamune estate, Mahawala, (6) Hinidumage Catherine de Silva, (7) Hinidumage Lakshman de Silva, (8) Hinidumage Karunawathie de Silva, (9) Hinidumage Jayasundera de Silva, all of Kawatayamune estate, Mahawala; 8th and 9th respondents by their guardian *ad litem* the 6th respondent—shall, on or before January 25, 1934, show sufficient cause to the satisfaction of this court to the contrary.

December 14, 1933. R. F. DIAS,
 District Judge.

The date for showing cause is extended to February 26, 1934.

January 25, 1934. R. F. DIAS,
 District Judge.

The date for showing cause is extended to April 26, 1934.

February 26, 1934. R. F. DIAS,
 District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late
 Jurisdiction. Oswald Charles Northway, deceased, of
 No. 5,231. Kandy.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on February 27, 1934, in the presence of Messrs. Liesching & Lee, Proctors on the part of the petitioner, Phyllis Louise Northway; and the affidavit of the said petitioner dated February 23, 1934, having been read:

It is ordered that the petitioner, as the widow of the deceased, be and she is hereby declared entitled to the letters of administration to the estate of the deceased above named issued to her accordingly, unless any person interested shall, on or before April 16, 1934, show sufficient cause to the satisfaction of this court to the contrary.

February 27, 1934. R. F. DIAS,
 District Judge.

14. An undivided one-seventh share of the land called Assedduma of about 2 kurunies of kurakkan sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east, south, and west by live fence, north by footpath.

15. An undivided one-seventh share of the field called Hatdawulekumbura of about 5 pelas of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the north and east by kandura, south by the boundary of Tea estate, and west by Fansalepangaya.

16. An undivided one-seventh share of the field called Dambagollekumbura of 6 amunams of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east and north by the boundary of the Tea estate, south and west by kandura.

17. An undivided one-seventh share of the field called Imbulhitiyawekumbura of about 3 amunams of paddy sowing in extent, situated at Dambawinnegama aforesaid; and bounded on the east and south by imaniyara, north by footpath, and west by imaniyara.

18. An undivided one-seventh of the land called Dambawinnepahalawalawewatta of 3 kurunies of kurakkan sowing in extent, and of the tiled buildings and plantations standing thereon, situated at Dambawinnegama aforesaid; and bounded on the east by kandura, south by Wiharakotuwevatta, north by live fence of Pallegederawatta, and west by wella.

19. An undivided one-seventh share of the contiguous allotments of land called Deekirillgollehena, Dimbulgas-hulahapatana, Deekirillagollewatta, Dambagollehena, Digaroddekumburehena, and Himbutuelhenepatana, and containing in extent 115 acres 2 roods and 17 perches, exclusive of roads pass through the lands; and bounded on the north by Huriyagastennekandura, minor road, and Crown patana, east by the minor road and land claimed by A. E. Dambawinne, south by Medagedera village, and west by Medakandura, Dambagollekumbura, and Galpottekandura, subject to lease bond No. 3,619 dated February 26, 1908, and attested by B. L. Potger, Notary Public, for fifty years.

Fiscal's Office, E. MUNASINHA,
 Badulla, March 19, 1934. Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Galle.

P. R. A. R. M. Ramasamy Chettiyar, by his attorney
 Shyna Pana Cathiravelu Pillai of Kaluwella in
 Galle Plaintiff.
 No. 30,306. Vs.

G. H. John de Silva of Magallan Galle Defendant.

NOTICE is hereby given that on April 14, 1934, commencing at 3 o'clock 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. :-

An undivided block of land 6 acres in extent (including the 1 acre block of planted land called Galagederawatta and the house 32 square feet in area standing thereon) out of an undivided 1/4 part or share of and from the contiguous blocks of high and low lands called and known as Malgorakagahamulahena, Elakanuwehena, Pallewattehena, Conaoluwahena, Nelukosgahamulahena, Bilin-gahamulahena, Millakanuwehena, Thampalamandiyehena, Annasigalahena, Maliththahena, Galgodahena, Katukitilehena, Wellewalehena, Samanalapalawehena, Polgastennehena Assedduma, Hapugahamula Assedduma, Ambagahamulatennewatta, and Egodawatta, situated at Pelanpitiya in Lower Bulathgama in Kegalla District, Province of Sabaragamuwa; and together bounded on the north by Ihalagalperiya and Bambaragala, east by Coranwethichi-ela and Millagahamulapatalagala, south by Wee-oya and on the west by ela from Callena and Katukitule Galperiya and agala; and containing in extent within these boundaries about 40 amunams of paddy sowing.

For the recovery of the sum of Rs. 690.63, with legal interest from December 4, 1931, till payment in full, and costs of suit Rs. 48.92, less a sum of Rs. 27.90.

Deputy Fiscal's Office, J. A. F. SIRWARDENE,
 Kegalla, March 19, 1934. Additional Deputy Fiscal.

I, Ralph Marcus Meaburn Worsley, Fiscal for the Western Province, do hereby appoint Mr. R. B. Fernando to be Marshal for the District of Colombo, falling within the jurisdiction of the District Court of Negombo, Western Province, and authorize him to perform the duties and exercise the authority of Marshal from March 25, 1934, to April 21, 1934, for which this shall be his warrant.

Fiscal Office, R. M. M. WORSLEY,
 Colombo, March 12, 1934. Fiscal.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Rajadevi, wife of Theivendrasingam of Manipay, deceased.

No. 8,436. Se. Avanamuttu Theivendrasingam of Navaly . . . Petitioner.

Vs.

(1) Sothimany, daughter of Theivendrasingam of Navaly, a minor, appearing by her guardian *ad litem* the 2nd respondent, (2) Ponnusamy Kumarasamy Hallock of Manipay Respondents.

THIS matter of the petition of the petitioner, praying that the petitioner may be declared entitled as the lawful husband of the deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on January 10, 1934, in the presence of Mr. E. Murugesampillai, Proctor, for the petitioner; and the affidavit of the petitioner dated January 8, 1934, having been read:

It is ordered that the above-named petitioner be declared entitled, as the lawful husband of the deceased, to administer her estate, and letters of administration be issued to him, unless the above-named respondent shall appear before this court, on April 16, 1934, and state objections to the contrary.

C. COOMARASWAMY,
District Judge.

January 29, 1934.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Annapuraniammah, wife of Chellappah No. 8,441. Vaitilingam of Saravanai, deceased.

Sithamparappillai Subramaniam of Vaddukoddi West Petitioner.

Vs.

(1) Vaitilingam Perampalam, (2) Vaitilingam Kumarsingam, (3) Vaitilingam Kulasegarampillai, (4) Vaitilingam Rajasegarampillai, (5) Vaitilingam Kanagaratnam, (6) Chellappah Vaitilingam, all of Saravanai. The 1st to 5th respondents are minors appearing by their guardian *ad litem* the 6th respondent Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on February 12, 1934, in the presence of Mr. S. Nagalingam, Proctor, for the petitioner; and the affidavit of the petitioner dated February 12, 1934, having been read:

It is ordered that letters of administration in respect of the estate of the above-named deceased be granted to the petitioner, unless the above-named respondent or any other person shall, on or before March 28, 1934, show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY,
District Judge.

February 17, 1934.

In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late Chellam, wife of Kandiah of Chunnakam, No. 8,467. deceased.

Nagamany Vallipuram of Chunnakam Petitioner.

Vs.

Aenamuttu, wife of Nagamany Vallipuram of Chunnakam Respondent.

THIS matter of petition of the above-named petitioner, praying that he be declared entitled to letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on December 4, 1933, in the presence of Messrs. Kumaraswamy & Kanagaratnam, Proctors, on the part of the petitioner and on reading the affidavit and petition of the petitioner:

It is ordered that the petitioner be declared entitled to letters of administration to the estate of the above-named deceased and that letters be issued to him accordingly, unless the above-named respondent or any other person appear before this court on February 23, 1934, and show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY,
District Judge.

January 25, 1934.

Order Nisi extended to April 27, 1934.

February 23, 1934.

C. COOMARASWAMY,
District Judge.

In the District Court of Mannar.

Order Nisi.

Testamentary In the Matter of the Estate of the late Gardia Balage Carolis Appu of Uttavayankulam, deceased.

No. 486. Alvapillai Kanthapper Petitioner.

(1) Gardia Balage Appasimino, remand prisoner of Jaffna Jail, in case No. 5202, P.C., Mannar, (2) Gardia Balage Wilmot Shiva of Uttavayankulam, (3) Thavithu Gabriel Perera, Udayar of Mantai South . . Respondents.

THIS matter of the petition of Alvapillai Kanthapper Alvapillai, Secretary, District Court, Mannar, praying for letters of administration to the estate of the above-named deceased, Gardia Balage Carolis Appu, coming on for disposal before R. Y. Daniel, Esq., District Judge, on March, 1934; and the affidavit of the petitioner dated February 5, 1934, having been read: It is declared that the petitioner is official administrator of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before March 14, 1934, show sufficient cause to the satisfaction of this court to the contrary.

R. Y. DANIEL,
District Judge.

February 26, 1934.

Extended to April 18, 1934.

March 14, 1934.

R. Y. DANIEL,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jacobpillai Rosa Marie of Puliyantivu in Batticaloa, deceased.

No. 414. Anthothampillai Joseph of Batticaloa Petitioner.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Batticaloa, on February 19, 1934, in the presence of Mr. R. B. Kadramer, Proctor, on the part of the petitioner above named; and the petition and affidavit of the said petitioner dated February, 1934, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as the only son of the said deceased, to have letters of administration to the said estate issued to him, unless any person or persons interested shall, on or before March 27, 1934, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH,
District Judge.

February 19, 1934.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Warrakulasuriya Costantino Fernando No. 2,115 of Nanjundankare, deceased.

Warrakulasuriya Mikeliya Fernando of Nanjundankare Petitioner.

THIS matter coming on for disposal before N. J. Martin, Esq., Acting District Judge of Chilaw, on December 21, 1933, in the presence of Mr. C. V. M. Pandithasekere, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 28, 1933, having been read: It is ordered that the said petitioner, as the only son and sole heir of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless any person or persons concerned shall, on or before February 2, 1934, show sufficient cause to the satisfaction of this court to the contrary.

L. H. DE ALWIS,
District Judge.

December 21, 1933.

Showing cause against the *Order Nisi* is extended to March 27, 1934.

March 5, 1934.

L. H. DE ALWIS,
District Judge.