



THE  
**CEYLON GOVERNMENT**  
**GAZETTE**

---

No. 8,072 — FRIDAY, AUGUST 10, 1934.

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*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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B 1

## DRAFT ORDINANCES.

## MINUTE.

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

AR 44/33

**An Ordinance to amend the Rubber Control Ordinance,  
No. 6 of 1934.**

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 Rubber Control Amendment Ordinance, No. of 1934.

Amendment of  
section 47 of  
Ordinance  
No. 6 of 1934.

2 Section 47 of the Rubber Control Ordinance, No. 6 of 1934, is hereby amended in sub-section (1) thereof by the addition of the following proviso to that sub-section :—

“ Provided, however, that no such duty shall be charged or levied on any rubber imported into this Island from any of the territories mentioned in section 43 and re-exported in accordance with the provisions of that section.”

*Objects and Reasons.*

The object of this amendment is to declare that the export duty imposed on rubber by section 47 of the Rubber Control Ordinance, No. 6 of 1934, shall not be levied on rubber imported from abroad for the purpose of re-export. The duty is levied in order to provide funds for the administration of the Ordinance and there is no justification for the imposition in Ceylon of an export duty on rubber which is produced outside Ceylon.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.

Ministry of Agriculture and Lands,  
Colombo, August 2, 1934.

## MINUTE.

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

AR 44/33

No. 10 of 1930.

**An Ordinance to amend the Rubber Research  
Ordinance, 1930.**

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 Rubber Research Amendment Ordinance, No. of 1934.

Amendment of  
section 6 of  
Ordinance  
No. 10 of 1930.

2 Section 6 of the Rubber Research Ordinance, 1930, is hereby amended in sub-section (1) thereof by the addition of the following proviso to paragraph (a) of that sub-section :—

“ Provided, however, that no duty shall be charged or levied at the time of export on any rubber which is proved to the satisfaction of the Principal Collector of Customs to have been imported or brought into the Island for the purpose of re-export.”

*Objects and Reasons.*

The object of this amendment is to declare that the export duty imposed by section 6 of the Rubber Research Ordinance, 1930, shall not be levied on any rubber which has been imported solely for the purpose of re-export and has not therefore received any benefit from the provision made by the Ordinance for the conduct of rubber research in Ceylon.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.

Ministry of Agriculture and Lands,  
Colombo, August 2, 1934.

## MINUTE.

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

B 10/32

**An Ordinance to declare the consent of the State Council to the levy in Ceylon of the dues fixed in respect of certain lighthouses and a buoy placed on or near the coasts of the Bahamas and the Leeward Islands.**

WHEREAS by section 670 of the Merchant Shipping Act, 1894, it is provided that where any lighthouse, buoy or beacon has been erected or placed on or near the coasts of any British possession by or with the consent of the legislature of that possession His Majesty may by Order in Council fix such dues (in that Act referred to as colonial light dues) to be paid in respect of that lighthouse, buoy or beacon by the owner or master of every ship which passes the same and derives benefit therefrom as His Majesty may deem reasonable and may by like Order increase, diminish or repeal such dues, and those dues shall from the time mentioned in the Order be leviable throughout His Majesty's dominions and further that colonial light dues shall not be levied in any British possession unless the legislature of that possession has by address to the Crown or by Act or Ordinance duly passed signified its opinion that the dues ought to be levied :

Preamble.

And whereas the lighthouses and buoy specified in the First Schedule hereto have been erected or placed on or near the coasts of the Bahamas and the Leeward Islands by or with the consent of the legislatures of those Possessions :

And whereas His Majesty, in pursuance of the powers in that behalf vested in Him by the said section and by and with the advice of His Privy Council, has been pleased to fix the dues to be paid in respect of the lighthouses and buoy specified in the first part of the said Schedule by the owner or master of every ship at one penny per ton of her register tonnage for every occasion after the first day of April, 1932, on which such ship passes and derives benefit from any of the said lighthouses or the said buoy :

And whereas His Majesty has been further pleased to fix the dues to be paid in respect of the lighthouse specified in the second part of the said Schedule by the owner or master of every ship at a half-penny per ton of her register tonnage for every occasion after the first day of April, 1932, on which such ship passes and derives benefit from the said lighthouse :

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

1 This Ordinance may be cited as the Bahamas and Leeward Islands Light Dues Ordinance, No. of 1934.

Short title.

2 The opinion of the legislature is hereby signified that on all ships, other than ships belonging to His Majesty or to the Government of Ceylon, which before arriving or touching at any port or place in this Island have passed and derived benefit from any of the lighthouses or the buoy enumerated in the First Schedule, there shall be levied the light dues fixed by His Majesty by Order in Council dated the 17th day of December, 1931, and set out in the Second Schedule, or such other charges as may hereafter be fixed in like manner, and that the dues shall be levied in accordance with the provisions of any Order of His Majesty in Council for the time being in force in that behalf.

Consent of legislature to the collection in Ceylon of dues fixed in respect of lighthouses and buoy in the First Schedule.

## FIRST SCHEDULE.

## Part I.

	Latitude.	Longitude.
<i>Lighthouses.</i>		
Gun Cay ..	25° 34' N.	79° 19' W.
Abaco ..	25° 51' N.	77° 11' W.
Cay Sal ..	23° 57' N.	80° 28' W.
Great Isaac ..	26° 02' N.	79° 06' W.
Cay Lobos ..	22° 23' N.	77° 36' W.
Elbow Cay ..	26° 32' N.	76° 57' W.
Great Stirrup Cay ..	25° 50' N.	77° 54' W.
Castle Island ..	22° 07' N.	74° 20' W.
Inagua ..	20° 56' N.	73° 40' W.
Bird Rock ..	22° 51' N.	74° 22' W.
Watling Island ..	24° 06' N.	74° 26' W.
<i>Buoy.</i>		
Matañilla Shoal ..	27° 23' N.	79° 06' W.

## Part II.

	Latitude.	Longitude.
<i>Lighthouse.</i>		
Sombrero Island .	18° 36' N.	63° 28' W.

## SECOND SCHEDULE.

1. One penny per ton of the register tonnage of every ship for every occasion after the first day of April, 1932, on which such ship passes and derives benefit from any of the lighthouses or the buoy specified in Part I. of the First Schedule.
2. A half-penny per ton of the register tonnage of every ship for every occasion after the first day of April, 1932, on which such ship passes and derives benefit from the lighthouse specified in Part II. of the First Schedule.

*Objects and Reasons.*

1. The lighthouses in the Bahamas Imperial Light Service were built at the expense of the Imperial Government and till 1898 they were administered by the Board of Trade. By the Merchant Shipping (Mercantile Marine Fund) Act, 1898, the cost of these lighthouses was transferred to the General Lighthouse Fund which derives its revenue from light dues collected in the ports of Great Britain, Northern Ireland and the Irish Free State.

2. These lights became out of date and for some years past a scheme of improvement has been in progress involving very heavy expense to the General Lighthouse Fund. And as these improvements were effected in the interest of shipping of all nations deriving benefit from the lights, it became necessary to reconsider the incidence of the cost of the Service.

3. An Order in Council under section 670 of the Merchant Shipping Act, 1894, was accordingly made by His Majesty on 17th December, 1931, providing for the levy of a due of one penny per ton on all ships passing and deriving benefit from the lighthouses in the Bahamas and a half-penny a ton on ships passing and deriving benefit from the light at Sombrero. But as this section provides, *inter alia*, that dues under such an Order shall not be levied in any British possession unless the legislature of that possession has by address to the Crown or by Act or Ordinance signified its opinion that the dues should be so levied, the Order in question can only apply to vessels sailing to and from Great Britain or Northern Ireland.

4. The purpose of this Bill is to afford the State Council an opportunity to consent to the levy in Ceylon of the dues fixed by the Order in Council of His Majesty of 17th December, 1931. At present a large portion of the cost of the Service is borne by shipowners whose vessels never make use of the lights, while many vessels which pass the lighthouses escape the dues because they do not visit Great Britain or Northern Ireland. As a result of legislation on the present lines those actually deriving benefit from the lights will be made to bear the cost of the service.

Chief Secretary's Office,  
Colombo, July 30, 1934.

F. G. TYRRELL,  
Chief Secretary.

## MINUTE.

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

B 963

No. 6 of 1910.

**An Ordinance to amend the Municipal Councils Ordinance, 1910.**

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 Municipal Councils Amendment Ordinance, No. of 1934.

Amendment of section 137 of Ordinance No. 6 of 1910.

2 Section 137 of the Municipal Councils Ordinance, 1910, is hereby amended by the addition of the following proviso at the end thereof:—

“ Provided that the Council may by resolution waive the whole or any part of any rate or tax and any costs incurred for the purpose of recovering that rate or tax if it appears to the Council that the amount to be waived is inconsiderable or irrecoverable or that it should be written off on the ground of the poverty of the person liable therefor; and, in any case where any such resolution is passed, no warrant shall be issued and any warrant that may have been issued shall be recalled.”

*Objects and Reasons.*

The object of this Bill is to amend the Municipal Councils Ordinance, 1910, so as to empower a Municipal Council to waive any unpaid rate or tax and the costs that may have been incurred for the purpose of recovering any such rate or tax, in any of the following cases :—

- (a) where the defaulter is so poor as to make it inequitable to proceed against his sole remaining property ;
- (b) where the amount is too small to justify the trouble and the cost of the usual proceedings for its recovery ; and
- (c) where the amount is irrecoverable owing to the fact that no property of the defaulter is available for seizure and sale.

CHAS. BATUWANTUDAWE,  
Minister for Local Administration.

The Ministry of Local Administration,  
Colombo, July 31, 1934.

## MINUTE.

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

973/9 (S.B.)

**An Ordinance to amend the Ceylon State Mortgage Bank Ordinance, 1931.**

No. 16 of 1931.

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

1 This Ordinance may be cited as the Ceylon State Mortgage Bank Amendment Ordinance, No. of 1934.

Short title.

2 The following new section shall be added immediately after section 38 of the Ceylon State Mortgage Bank Ordinance, 1931, and shall have effect as section 38A of that Ordinance :—

Insertion of new section 38A in Ordinance No. 16 of 1931.

38A The interest and principal falling due in respect of any debentures that may be issued in contravention of the provisions of section 35, shall, if such debentures are issued in all other respects in accordance with the provisions of this Ordinance, be a charge upon and be paid from the general revenue of the Island.

*Objects and Reasons.*

The Trusts Ordinance, No. 17 of 1917, was amended by Ordinance No. 1 of 1934, which added the debentures of the Ceylon State Mortgage Bank to the list of authorised securities for the investment of trust funds.

2. Debentures duly issued by the Ceylon State Mortgage Bank carry a Government guarantee, but that guarantee will not attach to debentures which are issued in excess of the limits prescribed in the proviso to section 35 of the Ceylon State Mortgage Bank Ordinance, 1931. That Ordinance makes no provision to enable members of the public to ascertain whether debentures have been duly issued within the limits referred to, and the consequent uncertainty in regard to the guarantee by Government of all debentures which are issued appears to have caused some misgiving as to the advisability of investing trust moneys in debentures of the Bank.

3. The purpose of this Bill is to add to the principal Ordinance a new section which provides that those who purchase debentures of the Bank will have the right to look to Government for the payment of interest and principal as they fall due, even though the debentures so purchased were issued in excess of the limits prescribed by section 35. This amendment will, in effect, attach a Government guarantee to all debentures issued by the State Mortgage Bank and is introduced in order to attract to the Bank capital which may hitherto have been withheld by reason of the absence in the principal Ordinance of express provision for such additional security.

The General Treasury,  
Colombo, August 2, 1934.

H. J. HUXHAM,  
Financial Secretary.

## MINUTE.

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

M.L.A.—B 1037

No. 6 of 1910.

**An Ordinance to amend the Municipal Councils Ordinance, 1910.**

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 Municipal Councils Amendment Ordinance, No. of 1934.

Amendment of section 130 of Ordinance No. 6 of 1910.

2 Section 130 of the Municipal Councils Ordinance, 1910, is hereby amended as follows :—

(1) by the renumbering thereof as sub-section (1) of section 130 ;

(2) by the substitution, for all the words from " Provided " to " shall ", of the following :—

" (2) The Municipal Councils of Colombo, Kandy, and Galle, respectively, may " ;

(3) by the addition of the following new sub-section as sub-section (3) :—

(3) The Council may by resolution, approved by the Executive Committee of Local Administration and published in the Gazette, make over any toll established or taken and received by them or made over or to them as aforesaid in respect of any ferry, to any of the following local authorities or bodies—

- (a) any other Municipal Council constituted under this Ordinance or other written law ;
- (b) any Provincial Road Committee or District Road Committee ;
- (c) any Local Board ;
- (d) any District Council constituted under the Local Government Ordinance, No. 11 of 1920 ;
- (e) the inhabitants of any subdivision constituted under the Village Communities Ordinance, No. 9 of 1924, or deemed to be within the operation of that Ordinance.

*Objects and Reasons.*

The object of this Bill is to amend section 130 of the Municipal Councils Ordinance, 1910, so as to empower a Municipal Council to transfer to a neighbouring Local Authority or Village Committee the management and control of any toll levied by the Council in respect of a ferry.

2. The Bill further amends the proviso to section 130 by making it permissive and not imperative for the Municipal Councils of Colombo, Kandy and Galle to continue to receive tolls taken by those Councils prior to the enactment of the principal Ordinance.

CHAS. BATUWANTUDAWA,  
Minister for Local Administration.

The Ministry of Local Administration,  
Colombo, August 4, 1934.

## MINUTE.

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

M.L.A.—B 897

No. 6 of 1910.

**An Ordinance to amend the Municipal Councils Ordinance, 1910.**

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 Municipal Councils Amendment Ordinance, No. of 1934.

Amendment of section 110 of Ordinance No. 6 of 1910.

2 Section 110 of the Municipal Councils Ordinance, 1910, is hereby amended as follows :—

(1) by renumbering the three sub-sections following immediately after sub-section (20), in the order in which they occur, as sub-sections (21), (22), and (23) respectively ; and

(2) by the addition, immediately after re-numbered sub-section (23), of the following sub-section as sub-section (24) :—

(24) The prohibition of fishing in waters polluted by refuse and sewage and the regulation and control

*Objects and Reasons.*

The consumption of fish caught in inland waters which are polluted by refuse and sewage is injurious to health and a possible source of intestinal disease. The purpose of this Bill is to vest in a Municipal Council the power to make by-laws for the prohibition of fishing in polluted waters and for the regulation and control of fishing generally in waters within the administrative limits of a municipal town.

2. The opportunity has been taken to alter the numbers of sub-sections (21) and (22) of section 110 of the Municipal Councils Ordinance, 1910, so as to remove the confusion which has resulted from the conflict between the provisions of section 2 of the Municipal Councils Second Amendment Ordinance, 1931, and the provisions of section 4 of Municipal Councils Amendment Ordinance, 1932.

CHAS. BATUWANTUDAWA,  
Minister for Local Administration.

The Ministry of Local Administration,  
Colombo, August 4, 1934.

## MINUTE.

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

M.L.A.—G. 789

**An Ordinance to amend the Village Communities Ordinance, No. 9 of 1924.**

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

- |   |  |
|---|--|
| <p><b>1</b> This Ordinance may be cited as the Village Communities Amendment Ordinance, No.      of 1934.</p>   | <p>Short title.</p>  |
| <p><b>2</b> Section 6A of the Village Communities Ordinance, No. 9 of 1924, (hereinafter referred to as " the principal Ordinance " ), is hereby amended in the proviso to sub-section (1) and in sub-section (2), by the substitution in paragraph (a) of that proviso and that sub-section for all the words from " have power " to " meeting ", of the words " be entitled to attend or vote at any meeting of the inhabitants of the sub-division. "</p>  | <p>Amendment of section 6A of Ordinance No. 9 of 1924.</p>   |
| <p><b>3</b> Section 8 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—<br/>" 8 The Government Agent may, whenever it appears to him advisable to do so, call a meeting of the inhabitants of a sub-division. "</p>  | <p>Amendment of section 8 of the principal Ordinance.</p>  |
| <p><b>4</b> The following new section shall be added immediately after section 13 of the principal Ordinance and shall have effect as section 13A of that Ordinance :—<br/>" 13A Notwithstanding the provisions of section 10, the Government Agent may appoint any officer of Government to be the presiding officer at any meeting of the inhabitants of a subdivision, and the presiding officer so appointed shall be entitled to exercise all the powers and to perform all the duties that may be exercised or performed by the Government Agent at that meeting. "</p> | <p>Insertion of new section 13A in the principal Ordinance.<br/>Appointment of presiding officers.</p> |
| <p><b>5</b> Section 14 of the principal Ordinance is hereby amended as follows :—<br/>(1) by the repeal of sub-section (1) thereof and the substitution of the following sub-section for that sub-section :—<br/>" (1) In every subdivision there shall be a village committee elected by the inhabitants of that subdivision in accordance with the provisions of this Ordinance and the rules made thereunder. "</p>  | <p>Amendment of section 14 of the principal Ordinance.<br/>Village Committees.</p>                     |
| <p>(2) by the repeal of sub-section (2) thereof ; and<br/>(3) by the renumbering of the existing sub-section (3) as sub-section (2) thereof.</p>  |  |
| <p><b>6</b> Section 17 of the principal Ordinance is hereby amended in sub-section (1) thereof, by the omission from paragraph (a) of that sub-section of all the words from " if " to " them " forming the parenthesis in that paragraph.</p>  | <p>Amendment of section 17 of the principal Ordinance.</p>   |

Insertion of new section 23A in the principal Ordinance.

Nomination of members on failure of election.

Amendment of section 24 of the principal Ordinance.

Amendment of section 26 of the principal Ordinance.

Amendment of section 27 of the principal Ordinance.

Amendment of section 28 of the principal Ordinance.

Amendment of section 29 of the principal Ordinance.

Amendment of section 30 of the principal Ordinance.

Amendment of section 32 of the principal Ordinance.

7 The following new section shall be added immediately after section 23 of the principal Ordinance and shall have effect as section 23A of that Ordinance:—

“23A Where for any reason the inhabitants of a sub-division fail, on the date of the election meeting called by the Government Agent or on any later day to which the meeting may be duly adjourned, to elect a committee or one or more of the required number of members, it shall be lawful for the Executive Committee of Local Administration to nominate such number of duly qualified persons as may be necessary to constitute or to complete the committee, as the case may be, and the committee or the member or members so nominated shall be deemed for the purposes of this Ordinance to have been duly elected.”

8 Section 24 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution, for all the words from “the Government Agent” to “Village Committee”, of the following words:—

“a person duly qualified under section 18 shall, at a meeting called and held in accordance with provisions of sub-sections (2) and (3) of section 22, be elected to fill the vacancy, and such person shall hold office until the next general election of members for the committee: Provided, however, that in the case of a vacancy in any committee elected before the 22nd day of December, 1933, such person may be elected by the remaining members of that committee.”

9 Section 26 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution, for all the words from “or the Committee” to “that purpose”, of the words “at any meeting convened for the purpose, or the committee, may”.

10 Section 27 of the principal Ordinance is hereby amended by the repeal of sub-section (1) thereof and the substitution of the following sub-section for that sub-section:—

“(1) A committee may impose an annual tax upon the inhabitants of the sub-division for the payment of such number of police headmen as may be necessary for the protection of the subdivision, and may prescribe by rules the manner in which such tax shall be assessed and recovered.”

11 Section 28 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for all the words from “At any” to “levy”, of the words “A committee may impose and levy within the limits of the sub-division”.

12 Section 29 of the principal Ordinance is hereby amended as follows:—

- (1) by the substitution, for the word “inhabitants”, of the word “committee”;
- (2) in paragraph (1) thereof, by the omission of the word “ferries”;
- (3) by the insertion of the following new paragraph (1) (a) between paragraphs (1) and (2) thereof:—

“(1) (a) For the establishment, construction, maintenance, protection, and regulation of ferries between places situated wholly within the sub-division or between a place situated within the subdivision on any road or path maintained by the committee and any place in any adjoining subdivision or area, and for the prohibition of any private ferry over the same water within one quarter-mile of any ferry so established, constructed, maintained or protected by the committee”; and

- (4) in paragraph (22) thereof, by the substitution, for the words “For the collection of”, of the words “For the collection of, or for the sale of the right to collect”.

13 Section 30 of the principal Ordinance is hereby amended in sub-section (4) thereof by the substitution, for all the words from “The inhabitants” to “Ordinance”, of the words “Subject to the provisions of this Ordinance, the committee”.

14 Section 32 of the principal Ordinance is hereby amended by the substitution, for all the words from “All rules” to “shall continue”, of the following words:—

“All rules not inconsistent with the provisions of this Ordinance—

- (1) made under any Ordinance repealed by this Ordinance and in force at the commencement of this Ordinance, or



(2) duly made by, or by virtue of powers delegated by, the inhabitants of any subdivision under any written law relating to village communities which was in force at the time such rules were made, shall continue ”.

15 Section 35 of the principal Ordinance is hereby amended by the addition of the following new sub-section as sub-section (5) at the end thereof :—

Amendment of section 35 of the principal Ordinance.

“ (5) All securities given in respect of loans under this section shall be free from stamp duty.”

16 Section 36 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for the word “ inhabitants ”, of the word “ committee ”.

Amendment of section 36 of the principal Ordinance.

17 Section 39 of the principal Ordinance is hereby amended by the substitution, for all the words from “ out of ” to “ Ordinance ”, of the following words :—

Amendment of section 39 of the principal Ordinance.

“ in the manner prescribed by rules made under section 95 of this Ordinance, out of those inhabitants of the subdivision who—

- (a) possess the qualifications prescribed in section 18 for members of committees ; and
- (b) are not over 60 years of age ; and
- (c) do not labour under any bodily or mental incapacity likely to render them unfit to discharge the duty of a councillor.”

18 Section 44 of the principal Ordinance is hereby amended by the omission of the words “ inhabitants or ”.

Amendment of section 44 of the principal Ordinance.

19 The principal Ordinance may be reprinted from time to time by order of the Governor, together with all amendments, additions, alterations or modifications which may have been or may be made thereto by written law ; and any copy of that Ordinance so reprinted by order of the Governor shall be deemed for all purposes to be a correct copy of the principal Ordinance as so amended, added to, altered, or modified, at the date of such reprinting.

Reprinting of principal Ordinance.

#### *Objects and Reasons.*

The purpose of this Bill is to amend the Village Communities Ordinance, No. 9 of 1924, so as to achieve the following objects :—

- (1) to make it obligatory to elect a village committee for each subdivision (clauses 5 and 9) ;
- (2) to deprive the inhabitants of a subdivision of the power to make rules, impose taxes and tolls, and create offices, and to vest this power in the village committee (clauses 6, 10, 11, 12 (1), 13, 14, 16 and 18) ;
- (3) to deprive the inhabitants of the power to requisition meetings (clauses 2 and 3) ;
- (4) to give the Executive Committee of Local Administration power to nominate a committee or one or more members of a committee when the inhabitants fail to do so at any meeting called for the purpose (clause 7) ;
- (5) to enable a vacancy in any committee elected before the commencement of the amending Ordinance, No. 37 of 1933, to be filled up by the co-option of a member by the remaining members of that committee, under the law as it stood before that amendment (clause 8) ;
- (6) to enable a Government Agent to depute to any officer the duty of presiding at meetings of the inhabitants (clause 4) ;
- (7) to enable a village committee (a) to establish ferries, (b) to prohibit any competing private ferry within a quarter-mile of such ferries, and (c) to sell the right to collect tolls leviable at such ferries (clause 12) ;
- (8) to exempt from stamp duty bonds given by the inhabitants as security for loans (clause 15) ; and
- (9) to exempt inhabitants, who are over 60 years of age or are incapacitated by physical or mental defect, from the liability to serve as councillors in village tribunals (clause 17).

CHAS. BATUWANTUDAWA,  
Minister for Local Administration.

The Ministry for Local Administration,  
Colombo, August 4, 1934.



In the District Court of Colombo.

No. 4,740. In the matter of the insolvency of J. E. Phillips of Pagoda road, Nugegoda.

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 September 4, 1934, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,  
July 31, 1934. Secretary.

In the District Court of Kalutara.

No. 274. In the matter of the insolvency of Nagodage Don Simon Jayawardena of Panadure.

NOTICE is hereby given that a fresh meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 23, 1934, to take all necessary steps to sell the property belonging to the estate of the above-named insolvent.

By order of court, A. W. LUDEKENS,  
August 6, 1934. Secretary.

In the District Court of Kalutara.

No. 291/I. In the matter of the insolvency of Assona Lebbe Mohamad Cassim of China Fort, Beruwela.

WHEREAS Assona Lebbe Mohamad Cassim has filed a declaration of insolvency, and a petition for the sequestration of the said estate has been filed by Idroos Lebbe Marikar Mohamad Samsadeen, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Assona Lebbe Mohamad Cassim insolvent accordingly; and that two public sittings of the court, to wit, on August 24 and on September 14, 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, A. W. LUDEKENS,  
August 2, 1934. Secretary.

In the District Court of Kandy.

No. 2,001. In the matter of the insolvency of Mass Bagoos Hallaldeen of Peradeniya road, Kandy.

NOTICE is hereby given that a special meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 14, 1934, for the purpose of making a dividend of the insolvent's estate.

August 6, 1934. By order of court, E. J. DE ZILVA,  
Acting Secretary.

In the District Court of Kandy.

No. 2,023. In the matter of the insolvency of A. de S. Weerasooriya of Kandy.

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 September 14, 1934, to consider the granting of a certificate of conformity to the above-named insolvent.

August 6, 1934. By order of court, E. J. DE ZILVA,  
Acting Secretary.

In the District Court of Kandy.

No. 2,035. In the matter of the insolvency of D. John de Silva of Penrhos 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 September 14, 1934, to consider the granting of a certificate of conformity to the above-named insolvent.

August 6, 1934. By order of court, E. J. DE ZILVA,  
Acting Secretary.

In the District Court of Galle.

No. 685. In the matter of the insolvency of A. R. M. Hussen of Galle.

NOTICE is hereby given that examination of the above-named insolvent is adjourned for September 24, 1934.

July 31, 1934. By order of court, FRED. JANSZ,  
Secretary.

In the District Court of Galle.

No. 695. In the matter of the insolvency of W. S. W. Weerasinghe of Gimimellagaha.

WHEREAS Nanayakkarawasan Telikada Palliye Guruge Don Dias de Silva of Telkada has filed a declaration of insolvency, and a petition for the sequestration of the estate of W. S. W. Weerasinghe, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said W. S. W. Weerasinghe insolvent accordingly; and that two public sittings of the court, to wit, on August 21, 1934, and on September 28, 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, FRED. JANSZ,  
Secretary.

In the District Court of Matara.

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

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 2, 1934, to consider the granting of a certificate of conformity to the above-named insolvent.

August 2, 1934. By order of court, R. S. GUNASEKERA,  
Secretary.

In the District Court of Matara.

No. 105. In the matter of the insolvency of David Dias Wickramasekera of Midigama, insolvent.

NOTICE is hereby given that the insolvency proceedings in the above case have been dismissed.

August 1, 1934. By order of court, R. S. GUNASEKERA,  
Secretary.

In the District Court of Kurunegala.

No. 105. In the matter of the insolvency of John Edward Allen Tennekoon of Kurunegala.

NOTICE is hereby given that a certificate meeting of the above-named insolvent will take place at the sitting of this court on September 11, 1934.

August 1, 1934. By order of court, T. J. M. FERNANDO,  
Secretary.

## NOTICES OF FISCALS' SALES.

In the District Court of Colombo.

## Western Province.

In the District Court of Colombo.

Ana Roona Kana Nana Arunasalam Chettiar of  
Negombo, presently of Sea street, Colombo... Plaintiff.

No. 38,969. Vs.

(1) Abdul Rahiman Lebbe Ahamado Ali of Kastowita,  
Veyangoda, and (2) Ahamado Lebbe Mohamado  
Yousuff of Malwana, Colombo... Defendants.

NOTICE is hereby given that on Friday, September 14, 1934, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 2,321, together with interest on Rs. 2,300 at 18 per cent. per annum from June 26, 1930, up to July 9, 1930, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit taxed at Rs. 311/75, less a sum of Rs. 550, viz. :—

1. At 10 a.m.—All that divided  $\frac{1}{2}$  portion of the land called Delgahawatta, situated at Walgama in the Adikari pattu of Siyane korale in the District of Colombo, Western Province; which said portion is bounded on the north by garden of Madar Lebbe, on the east by a portion of the same land owned by Meera Lebbe, on the south by the garden of Madar Lebbe, and on the west by Keragalmawatta; containing in extent about 1 bushel of paddy sowing. Registered C 70/209, Colombo.

2. At 10.15 a.m.—An undivided  $\frac{1}{2}$  part or share from and out of all that land called Pokunelandawatta, situated at Walgama aforesaid; and bounded on the north and east by the remaining portion of this land, on south by Burullapitiyewalawwewatta, and on the west by the ditch and the road to Keragala; containing in extent 3 acres. Registered C 38/398, Colombo.

3. At 10.30 a.m.—An undivided  $\frac{1}{2}$  part or share from and out of the land and of the buildings standing thereon from and out of all that portion of land called Imbulgahawatta, situated at Walgama aforesaid; which said portion is bounded on the north by the portion of the same land owned by Hajji Marikar Ahamado Lebbe, on the east by Keragalmawatta, on the south by the portion of the same land owned by Hajji Marikar Ahamado Lebbe, and on the west by a portion of the same land owned by the said Hajji Marikar Ahamado Lebbe; and containing in extent 1 bushel of paddy sowing. Registered in Colombo C 182/131.

4. At 11 a.m.—An undivided  $\frac{1}{2}$  part or share from and out of all that land called Barukanatta, situated at Walgama aforesaid; and bounded on the north by Padiliralagewatta, on the east by the high road, on the south by portion of this land of Meera Lebbe Saibo, and on the west by Crown land (jungle); and containing in extent 3 bushels of paddy sowing. Registered C 67/333, Colombo.

5. At 1 p.m.—All that field called Othudena-ambagahakumbura, situated at Godagedera in the Meda pattu of Siyane korale in the District of Colombo, Western Province; bounded on the north by Uruwal-oya, on the east by limitary dam of Ranasinkankanamalage Otukumbura and the limitary dam of the field of Samarasinghe Siriwardene, Mudaliyar, on the south by limitary dam of Durainnekumbura, and on the west by limitary dam of Ranasinkankanamalage Amunudotte Kumbura; containing in extent about 20 kurunies of paddy sowing. Registered in E 14/213 Colombo.

6. At 1.15 p.m.—An undivided  $\frac{1}{2}$  part or share from an undivided portion in extent from east to west  $46\frac{1}{2}$  yards from the west along the road  $45\frac{1}{2}$  yards, west to east  $36\frac{1}{2}$  yards from and out of all that land called Amunudettekumbura, situated at Godagedera aforesaid; bounded on the north by Uruwala-oya, on the east by the property of Don Nicholas Gunatilleke, on the south by the land claimed by Baba Naidie, and on the west by a road; and containing in extent 1 rood and 39 perches. Registered in Colombo E 223/155.

Fiscal's Office, C. H. W. KANNANGARA,  
Colombo, August 7, 1934. Deputy Fiscal.

In the matter of the intestate estate of Wanigasundara Appuhamillage Don Daniel Appuhamy of Hakgalla, deceased.

No. 4,432 Testy.

Wijesundara Appuhamillage Dona Baby Nona Hamine of Hakgalla in the Udugaha pattu of Siyane korale... Petitioner.

NOTICE is hereby given that on Monday, September 10, 1934, at 11 a.m., will be sold by public auction at the premises the right, title, and interest of the estate of the above-named deceased in the following property for the recovery of the sum of Rs. 1,629/86, with interest thereon at 4 per cent. per annum from April 23, 1932, till date of payment, viz. :—

The land called Maragahalanda alias Meekanuwelena, situated at Walpola in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by ditch of the land belonging to Batadole estate, on the south by Kurundugahawilakumbura belonging to Batadole estate, on the east by land called Kosruppewatta belonging to W. M. Manuel Appuhamy of Attanagalla and the lands belonging to Ambepussage Singhappu of Haggalla and others, and on the west by water-course of the field belonging to John Singhappuhamy of Haggalla; containing in extent 12 acres 1 rood and 7 perches.

Fiscal's Office, C. H. W. KANNANGARA,  
Colombo, August 7, 1934. Deputy Fiscal.

In the District Court of Colombo.

(1) William Bartleet, (2) Percy John Parsons, (3) Arthur Boys, (4) Walter Sydney Flindall, and (5) Edwin Henry Fredrick Layard, carrying on business in partnership at Colombo, under the name, style, and firm of Bartleet & Company... Plaintiffs.

No. 44,672. Vs.

(1) A. D. S. Karunaratne Vidane Arachchi, Alutgama, Bentota, (2) E. D. S. Karunaratne of Bentota... Defendants.

NOTICE is hereby given that on Wednesday, September 5, 1934, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 216/65, being balance due with interest thereon at 9 per cent. per annum from November 24, 1932, till payment in full and costs of suit, taxed at Rs. 191/35, together with incidental costs incurred, viz. :—

2. All that undivided western  $\frac{1}{2}$  part of the soil of the land called Messabandahena, situated at Bondupitiya in Iddagoda pattu of Pasdun korale in the District of Kalutara, Western Province; the entire land is bounded on the north by the land described in plan No. 74,019 and Crown land, north-east and east by Crown lands and lands belonging to M. Konstantinu and others, south-east by land described in plan No. 103,745, south by land belonging to I. Don Hendrick and Crown land, south-west by Crown land and by land described in plan No. 74,017, west by land described in plans Nos. 74,017 and 74,018, and north-west by land described in plan No. 74,029; containing in extent about 82 acres and 1 rood.

The above-mentioned property will be sold at the risk of the original purchaser Marikkupranandu'age Simon Silva of Kaluwamodera in Alutgam badde in Kalutara totanune in the District of Kalutara.

Deputy Fiscal's Office, H. SAMERESINGHA,  
Kalutara, August 6, 1934. Deputy Fiscal.

## Southern Province.

In the District Court of Galle.

Sedigallego Agossingho Senaratna of Ambalangoda ..... Plaintiff.

No. 29,237.

Vs.

Obadage Nandiris de Silva Jayawardena of Polwatta ..... Defendant.

NOTICE is hereby given that on Saturday, September 8, 1934, at 2 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, viz. :—

An undivided 1/16 part of the soil and soil share trees of the land called Batalawatta *alias* Totawatta, situated at Polwatta in Ambalangoda in Wellaboda pattu of Galle District; and bounded on the north by Obadagepedrick-padinchipwatta, east by wela, south by the property whereon Bentarage Agossingho resided, and west by road; containing in extent 1 acre, together with the buildings standing thereon belonging to the said defendant.

Writ amount Rs. 1,445.26, with interest at 9 per cent. per annum from date of decree till payment, less Rs. 510.25 and costs.

Fiscal's Office,  
Galle, August 1, 1934.J. R. WEERASEKERA,  
Deputy Fiscal.

In the District Court of Tangalla.

A. N. Kailasan Pillai &amp; Co., Kotuwegoda, Matara. . Plaintiff.

No. 3,590.

Vs.

Mr. &amp; Mrs. D. U. Liyanage, both of Weliveriya, Matara ..... Defendants.

NOTICE is hereby given that on Friday, August 31, 1934, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 2,740 and poundage, viz. :—

*At Tissa.*—All that land in extent of about 2 acres and the tiled house of seven cubits standing thereon, and all its plantations, situated at Punchiakurugoda in Tissa in Magam pattu of the Hambantota District, Southern Province; and bounded on the north by Yakaduru-appuhameidama, on the east by ela, on the south by the reservation for ela, and on the west by Janis Appugewatta. Valuation Rs. 3,000.

Deputy Fiscal's Office,  
Hambantota, August 2, 1934.C. J. OORLOFF,  
Additional Deputy Fiscal.

In the Court of Requests of Colombo.

Walker, Sons &amp; Co., Limited, Colombo ..... Plaintiffs.

No. 82,492.

Vs.

D. P. A. Samaranayeke, "Wimmera," Nainamadama ..... Defendant.

NOTICE is hereby given that on Monday, September 10, 1934, at 9.15 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 175.70, with legal interest thereon from August 15, 1932, till payment in full and costs Rs. 24.25 and poundage, viz. :—

The land called Madangahawatta with the tiled buildings and plantations standing thereon, situate at Nainamadama in Kamnal pattu of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded on the

north by dewata road, east by land of Juan Perera, south by land of Pabilis Appuhamy, and west by land of Jagirias Fernando; containing in extent about 1 acre and 2 roods.

Deputy Fiscal's Office,  
Chilaw, August 6, 1934.L. F. ROSA,  
Additional Deputy Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Ernest Francis Vander Poorten of Jurisdiction. No. 6,889. Tigebang Sockaboerri, Java, and formerly of Galagedara in Ceylon, deceased.

Joe Vander Poorten of Greenwood Group, Galagedara ..... Petitioner.

And

(1) Rammenika Vander Poorten and (2) Antoine Joseph Vander Poorten, both of Greenwood Group, Galagedara ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on July 24, 1934, in the presence of Mr. Arthur Fernando, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 18, 1934, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as brother 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 September 13, 1934, show sufficient cause to the satisfaction of the court to the contrary.

July 24, 1934.

G. C. THAMBYAH,  
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late Sinnacutty Kanagaratnam, deceased, of Godahena, Dodangoda. No. 2,601.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on July 20, 1934, in the presence of Mr. H. O. W. Obeyesekere, Proctor, on the part of the petitioner, Kanagaratnam Rasammah of Godahena, Dodangoda; and the affidavit of the said petitioner dated May 28, 1934, having been read:

It is ordered that the will of Sinnacutty Kanagaratnam, deceased, dated September 23, 1919, be and the same is hereby declared proved, unless the respondents—(1) Mahallam Bikai Kanagaratnam by her guardian *ad litem* (2) Candasamy Ponnudurai of Galaha—or any other person or persons interested shall, on or before September 14, 1934, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Kanagaratnam Rasammah is the executrix named in the said will and that she is entitled to have probate issued to her accordingly, unless the respondents or any other person or persons interested shall, on or before September 14, 1934, show sufficient cause to the satisfaction of this court to the contrary.

And it is further declared that the said Candasamy Ponnudurai be and he is hereby appointed guardian *ad litem* over the said 1st minor respondent for all the purposes of this action, unless the respondent or any other person or persons interested shall, on or before September 14, 1934, show sufficient cause to the satisfaction of this court to the contrary.

July 20, 1934.

N. M. BHARUCHA,  
District Judge.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the deceased, Kaludura Neththoris de Zoysa Wijeratne of Randombe, deceased.

Kaludura Sacilas de Zoysa Wijeratne of Randombe ..... Petitioner.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on September 28, 1933, in the presence of Mr. R. Piyadasa de Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 26, 1933, having been read: It is ordered that the said petitioner, as 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 November 28, 1933, show sufficient cause to the contrary to the satisfaction of this court.

September 28, 1933.

T. W. ROBERTS,  
District Judge.

The date for showing cause is extended to August 23, 1934.

T. W. ROBERTS,  
District Judge.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the late, Diyangu Kankani Odris de Silva, deceased, of Ambalangoda.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on June 28, 1934, in the presence of Mr. A. S. Jayawickrama, Proctor, on the part of the petitioner, Diyangu Kankani Jan de Silva of Ambalangoda; and the affidavit of the said petitioner dated May 20, 1934, having been read:

It is ordered that the first respondent be appointed guardian *ad litem* over the 4th to 7th minor respondents, unless the respondents, viz., (1) Kupawege Jothiamy Fernando, (2) Diyangu Kankani Saris de Silva, (3) Diyangu Kankani Sophia de Silva, all of Ambalangoda, (4) Diyangu Kankani Thosinahamy de Silva, (5) Diyangu Kankani Kirihamy de Silva, (6) Diyangu Kankani Seelawathie de Silva, (7) Diyangu Kankani Regina de Silva, all of Ambalangoda, shall, on or before August 13, 1934, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as son of the deceased, is entitled to have letters of administration issued to him accordingly, unless the respondents above named shall, on or before August 13, 1934, show sufficient cause to the satisfaction of this court to the contrary.

June 29, 1934.

T. W. ROBERTS,  
District Judge.

In the District Court of Galle.

*Order Absolute declaring Will proved.*

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Charles Lamahewa, deceased, of Banewatta, Galle.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on July 24, 1934, in the presence of Mr. H. de S. Kularatne, Proctor, on the part of the petitioner, Ellen Leelawathie Lamahewa of Banewatta, Galle; and the affidavits of the said petitioner dated July 19, 1934, and of the attesting witnesses to the last will dated July 19, 1934, having been read:

It is ordered that the will of Charles Lamahewa of Banewatta dated April 15, 1934, and now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said petitioner is the executor in the said will, and that he is entitled to have probate of the same issued to her accordingly.

July 24, 1934.

T. W. ROBERTS,  
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Estate of the late Jurisdiction. Walahewage Aviappu of Denuwala, No. 3,846. deceased.

(1) Walahewage Eminona and husband (2) C. S. Gunaratne, both of Denuwala ..... Petitioners.

Vs.

Punchihewage Mepinoma of Denuwala ..... Respondent.

THIS matter coming on for disposal before C. E. de Pinto, Esq., District Judge of Matara, on June 28, 1934, in the presence of Mr. C. E. Ernest, Proctor, on the part of the petitioners above named; and the affidavit of the said petitioners dated June 28, 1934, having been read:

It is ordered that the petitioners above named be and they are hereby declared entitled, as daughter and son-in-law of the said deceased, to administer the said estate and that letters of administration do issue to them accordingly, unless the respondent above named or any person or persons interested shall, on or before September 3, 1934, show sufficient cause to the satisfaction of this court to the contrary.

June 28, 1934.

C. E. DE PINTO,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Valliammaippillai, wife of Vallipuram No. 8,495. deceased.

Vallipuram Ponnampalam of Tirunelvely West. Petitioner.

Vs.

(1) Alagaratnam Ratnasingham of Tirunelvely, (2) Pathmasamy, daughter of Ponnampalam of ditto, (3) Kamalavathy, daughter of Ponnampalam, presently of Uduyampalayam, minors, and (4) Vallipuram Subramaniam of Tirunelvely. Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, on May 16 and 18, 1934, in the presence of Mr. R. Sivagurunathan, Proctor for the petitioner; and an affidavit of the petitioner dated January 26, 1934, having been read:

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner accordingly, as he is the husband of the deceased, unless the respondents or any other person shall, on or before July 20, 1934, show sufficient cause to the satisfaction of the court to the contrary.

May 28, 1934.

C. COOMARASWAMY,  
District Judge.

Time to show cause extended to August 31, 1934.

July 20, 1934.

C. COOMARASWAMY,  
District Judge.

In the District Court of Batticaloa.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testament of the late Thambapillai Nalliah of Kalkudah in the District of Batticaloa, Eastern Province, deceased.

Thambapillai Nallathamby of Trincomalee, presently of Batticaloa ..... Petitioner.

Vs.

(1) Thuraiappah Visuvanathan and wife (2) Nallathamby Rasanemas, (3) Eliatamby Mathevi of Kalkudah, (4) Thambapillai Thangapillai of Puli-yantivu, (5) Samuel Kirupairajah Nallaretnam (minor), (6) Thambapillai Nallammah of Koddaimunai, (7) Thambapillai Thomas Nallaretnam of Koddaimunai, (8) Thambapillai Alagammah of Puliyantivu ..... Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Batticaloa, on July 12, 1934, in the presence of Mr. N. S. Rasiah, Proctor, on the part of the petitioner above named; and the affidavits of (1) of the said petitioner dated June 30, 1934, and (2) of the attesting witnesses dated June 30, 1934, having been read:

It is ordered that the last will of Thambapillai Nalliah, deceased, of which the original has been produced in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 16, 1934, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the above-named 7th respondent be and he is hereby appointed guardian ~~of the~~ of the minor, the above-named 5th respondent, unless the above-named respondents or any other person or persons interested shall, on or before August 16, 1934, show sufficient cause to the satisfaction of the court to the contrary.

July 12, 1934.

H. AL. DE SILVA,  
District Judge.

### PASSED ORDINANCES.

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

#### No. 9 of 1934.

##### An Ordinance to amend the Muslim Marriage and Divorce Registration Ordinance, 1929.

R. E. STUBBS.

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

1 This Ordinance may be cited as the Muslim Marriage and Divorce Registration (Amendment) Ordinance, No. 9 of 1934.

Short title.

2 Section one of the Muslim Marriage and Divorce Registration Ordinance, 1929, (hereinafter referred to as "the principal Ordinance") is hereby amended—

Amendment of section 1 of Ordinance No. 27 of 1929.

- (1) by the insertion of the words and figures "No. 27 of" between the word "Ordinance" and the figures "1929" in the second line of sub-section (1) thereof;
- (2) by the substitution of the words "as the Governor shall appoint by proclamation in the Gazette" for the words "not being less than three months after the passing thereof as the Governor with the advice of the Executive Council shall by proclamation appoint" in the second, third and fourth lines of sub-section (2) thereof;
- (3) by the deletion of the letter and parentheses "(a)" in paragraph (a) of the proviso to sub-section (2) thereof; and,
- (4) by the repeal of paragraph (b) of the proviso to sub-section (2) thereof.

3 Section two of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

Repeal of section 2 of the principal Ordinance and substitution of new section therefor.  
Interpretation.

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

- "Executive Committee" means the Executive Committee for Labour, Industry and Commerce;
- "Fasah divorce" means a divorce of spouses subject to Muslim law effected in accordance with the procedure prescribed in the Third Schedule in a case where proceedings originate in an application made by a wife without the consent of her husband for divorce on the ground of ill-treatment or on account of an act or omission on his part amounting to a "fault" under the Muslim law;
- "Kathi" means a Kathi appointed by the Governor under section 4;
- "officiating priest" means any Muslim licensed by the Provincial Registrar under section 3 to register marriages and divorces under this Ordinance;
- "order" means an order made under this Ordinance by a Kathi or by the Board of Kathis;
- "Provincial Registrar" means, subject to the provisions of sub-section (2), the person officiating or appointed in any province as the Provincial Registrar of Marriages of that province for the purposes of "The Marriage Registration Ordinance, 1907";

“Registrar-General” means the person appointed to be or to act as Registrar-General of Marriages in this Island under section 4 of “The Marriage Registration Ordinance, 1907” and includes an Assistant Registrar-General;

“regulation” means a regulation made under section 22.

(2) Where, for the purposes of “The Marriage Registration Ordinance, 1907”, any person is appointed to be or is entitled to function as an Assistant Provincial Registrar of Marriages in any district of this Island, any reference in this Ordinance to a Provincial Registrar in respect of any act, duty or power required to be done, performed or exercised by him in any such district, shall be construed as a reference to the Assistant Provincial Registrar of Marriages of that district appointed or entitled to function as such under the provisions of “The Marriage Registration Ordinance, 1907.”

Insertion of new section 2A.

4 The following section is inserted between sections two and three of the principal Ordinance and shall have effect as section 2A:—

Powers of Registrar-General.

“2A The Registrar-General shall, subject to the directions of the Executive Committee, have the general control and superintendence of the registration of marriages and divorces under this Ordinance.”

Amendment of section 3 of the principal Ordinance.

5 Section three of the principal Ordinance is hereby amended—

- (1) by the substitution of the word “cancel” for the word “revoke” in the fifth line of sub-section (1) thereof;
- (2) by the insertion of the words “shall be in original and counterfoil and” between the word “licence” and the word “shall” in the first line of sub-section (2) thereof;
- (3) by the insertion of the words “affixed to the counterfoil and” between the word “be” at the end of the second line and the word “duly” in the third line of sub-section (3) thereof;
- (4) by the deletion of the words “under this Ordinance” in the second line of sub-section (4) thereof; and,
- (5) by the addition of the three following sub-sections immediately after sub-section (4) thereof:—

“(5) Every officiating priest to whom a licence has been issued by the Provincial Registrar under sub-section (1) shall reside within the particular area specified in that licence as the area for which he is licensed to register marriages and divorces.

(6) In a case where an officiating priest is temporarily absent from the area for which he is licensed to register marriages and divorces or is temporarily incapacitated from the performance of his duties under this Ordinance by reason of illness or other sufficient cause, it shall be competent for the Provincial Registrar to issue a licence to a person duly qualified under sub-section (1) to act for such officiating priest for a specified period.

Every licence issued under this sub-section shall be free from stamp duty and shall be valid only for the period specified therein.

(7) An officiating priest shall be bound to attend the marriage ceremony for the purpose of registering a marriage if either of the contracting parties to that marriage requires his attendance at the ceremony for that purpose: provided that nothing in this sub-section contained shall affect or be construed to affect the right of an officiating priest to refuse to register any marriage sought to be registered in contravention of the provisions of this Ordinance or of the regulations made thereunder.”

Amendment of section 4 of the principal Ordinance.

6 Section four of the principal Ordinance is hereby amended—

- (1) by the deletion of the words “The letter of appointment shall be in such form as the Governor may specify and shall be signed by the Colonial Secretary or an Assistant Colonial Secretary” in the third, fourth and fifth lines of sub-section (1) thereof;
- (2) by the substitution of the words “The letter of appointment” for the word “It” in the fifth line of sub-section (1) thereof;



- (3) by the addition of the words "and the period for which the appointment is made" immediately after the word "therein" at the end of sub-section (1) thereof;
- (4) by the insertion of the following sub-section immediately after sub-section (2) thereof:—

"(3) Every Kathi shall reside within the particular area specified in his letter of appointment.";

- (5) by the substitution of the figure "4" for the figure "3" within the parenthesis at the commencement of sub-section (3) thereof, by the substitution of the word "area" for the word "district" at the end of the first line of that sub-section, and by the insertion of the words "or in the event of a Kathi being temporarily incapacitated from the performance of his duties under this Ordinance by reason of illness or other sufficient cause," between the word "appointed," and the words "the Governor" in the second line of that sub-section.

7 Section five of the principal Ordinance is hereby amended—

Amendment of section 5 of the principal Ordinance.

- (1) by the deletion of the words "not less than three and not more than" in the second line of sub-section (1) thereof;
- (2) by the substitution of the following sub-section for sub-section (2) thereof:—

"(2) Three members of the Board of Kathis shall form a quorum of that Board. No appeal shall be heard by the Board of Kathis unless a quorum is present. The decision of a majority of the members of the Board of Kathis who are present at the hearing of an appeal shall for all purposes be deemed to be the decision of the Board."

8 Section six of the principal Ordinance is hereby amended—

Amendment of section 6 of the principal Ordinance.

- (1) by the insertion of the words "or to cause such marriage to be registered" between the word "marriage" and the word "at" in the ninth line of sub-section (1) thereof;
- (2) by the substitution of the words "upon whom a duty is imposed by" for the words "liable under" in the first line of sub-section (2) thereof, by the insertion of the words "or to cause a marriage to be registered" between the word "marriage" where it occurs for the first time in the second line of that sub-section and the word "who" in the same line of that sub-section, and by the insertion of the words "or to cause such marriage to be registered" between the word "marriage" where it occurs for the second time in the second line of sub-section (2) and the word "shall" in the same line of that sub-section.

9 Section seven of the principal Ordinance is hereby amended—

Amendment of section 7 of the principal Ordinance.

- (1) by the substitution of the words "consent of such wali has been dispensed with" for the words "Kathi has expressly authorized the marriage" within the parentheses in the second and third lines of sub-section (1) thereof and by the addition of the words "It shall be the duty of the officiating priest to require the bridegroom and the wali, if any, to sign such declarations." at the end of that sub-section;
- (2) by the substitution of the following sub-section for sub-section (2) thereof:—
- "(2) The officiating priest shall then enter in duplicate in the English or Tamil language a statement of the particulars of the marriage in a marriage register which he is hereby required to keep for that purpose in the form prescribed in the First Schedule.";
- (3) by the substitution of the following sub-section for sub-section (3) thereof:—

"(3) The prescribed fee shall be paid in stamps which shall be supplied by the bridegroom. Such stamps shall be affixed to the duplicate of the marriage register and shall be duly cancelled by the officiating priest according to law."

10 Section eight of the principal Ordinance is hereby amended—

Amendment of section 8 of the principal Ordinance.

- (1) (a) by the substitution of the words "The marriage register" for the words "The entries relating to such register in both the certificate and the marriage register book" in the first and second lines of sub-section (1) thereof;

- (b) by the insertion of the word "the" between the word "by" at the end of the sixth line and the word "two" in the seventh line of that sub-section ;
- (c) by the deletion of the words "Where a person required to sign is not able to sign, he shall affix his mark." in the seventh and eighth lines of that sub-section ;
- (2) by the substitution of the words "marriage register." for the word "book," in the third line of sub-section (2) thereof and by the deletion of the words "and the number of the certificate shall correspond with that of the marriage register book." in the third and fourth lines of that sub-section.
- (3) by the insertion of the following sub-section immediately after sub-section (2) thereof :—

"(3) In a case where the officiating priest also conducts the marriage ceremonies it shall not be necessary for such officiating priest to sign the marriage register in more than one place."

Amendment of section 9 of the principal Ordinance.

11 Section nine of the principal Ordinance is hereby amended—

- (1) by the substitution of the word "duplicate" for the word "certificate" in the second line thereof ;
- (2) by the deletion of the word "book" in the third line thereof ;
- (3) by substituting the words "on or before the fifth day of the month following that in which the marriage was registered," for the words "within seven days from the date of the registration," in the fourth line thereof ;
- (4) by the substitution of the words "statement of the particulars entered in the marriage register, of the" for the words "said certificate," in the fourth line of the proviso thereof ;
- (5) by the addition of the word "Provincial" immediately before the word "Registrar" in the marginal note thereof ;
- (6) by the deletion of the words "to be filed of record in his office" in the sixth line thereof and in the seventh and eighth lines of the proviso thereof ;
- (7) by re-numbering the section as section 9 (1) and by adding the following as sub-section (2) thereof :—

"(2) All duplicates sent to the Provincial Registrar in accordance with the provisions of sub-section (1) shall be forwarded by him to the Registrar-General who shall cause such duplicates to be filed and preserved in his office."

Amendment of section 10 of the principal Ordinance.

12 Section ten of the principal Ordinance is hereby amended—

- (1) by the insertion of the words "who when required under this Ordinance to attend any marriage ceremony for the purpose of registering a marriage shall fail or refuse to attend that ceremony for that purpose without reasonable cause, or" between the word "priest" and the word "who" in the first line thereof ;
- (2) by the substitution of the words "to carry out any duty imposed upon him by sections 7, 8 or 9," for the words "to keep a marriage register book as required by section 7," in the sixth and seventh lines thereof ;
- (3) by the deletion of the word "book" in the ninth line thereof ; and,
- (4) by the substitution of the words "to comply with the provisions of" for the words "to send the declarations or the certificate duly stamped to the Provincial Registrar as required by" in the twelfth and thirteenth lines thereof.

Amendment of section 11 of the principal Ordinance.

13 Section eleven of the principal Ordinance is hereby amended—

- (1) by the substitution of the words "without good cause refuses or wilfully neglects to sign the marriage register," for the words "refuses or neglects to sign in the register book or the certificate," in the first and second lines thereof ; and,
- (2) by the substitution of the words "section 7 (3) who refuses or neglects to supply the stamp necessary for payment of the prescribed fee," for the words "section 7 who refuses or neglects to provide the necessary stamp for the certificate," in the third and fourth lines thereof.

14 Section thirteen of the principal Ordinance is hereby amended—

- (1) by the insertion of the words “ of the province in which such marriage was contracted ” between the word “ Registrar ” and the words “ to have such marriage ” in the sixth line thereof ; and,
- (2) by the substitution of the words “ and that it has not been registered or has been ” for the word “ or ” in the fourteenth line thereof.

Amendment of section 13 of the principal Ordinance.

15 Sub-section (2) of section fourteen of the principal Ordinance is hereby repealed.

Repeal of section 14 (2).

16 Section fifteen of the principal Ordinance is hereby amended—

- (1) by the substitution of the words “ Fasah divorce ” for the words “ Divorce by wife. ” in the marginal note thereof ; and,
- (2) by the repeal of sub-section (2) thereof.

Amendment of section 15 of the principal Ordinance.

17 Section sixteen of the principal Ordinance is hereby amended—

- (1) by the deletion of the words “ or decree ” at the end of the first line thereof ; and,
- (2) by the substitution of the word “ order ” for the word “ decision ” in the fourth and seventh lines thereof.

Amendment of section 16 of the principal Ordinance.

18 Section eighteen of the principal Ordinance is hereby amended by the deletion of the words “ in Executive Council ” in the fourth line thereof.

Amendment of section 18 of the principal Ordinance.

19 Section nineteen of the principal Ordinance is hereby amended—

- (1) by the substitution of the words “ in respect of which a permit has been ” for the words “ authorized by permit ” in the third line thereof ;
- (2) by the deletion of the word “ book ” in the eighth line thereof ;
- (3) by the substitution of the word “ duplicate ” for the word “ certificate ” in the eighth and twelfth lines thereof ;
- (4) by the deletion of the words “ and correction of registers ” from the marginal note thereof ; and,
- (5) by the addition of the following words at the end thereof :—

“ Provided that in effecting a Fasah divorce the prescribed fee mentioned in section 7 (3) shall not be levied. ”

Amendment of section 19 of the principal Ordinance.

20 Section twenty of the principal Ordinance is hereby amended by the substitution of the words—

“ Every person who omits to register a divorce which has been authorized by a permit issued under this Ordinance within a period of fourteen days reckoned from the date of issue of that permit, and every Muslim who aids or abets another Muslim to obtain or effect a divorce otherwise than in accordance with the provisions of this Ordinance, ”

for the words—

“ Every person who omits to register any such permit issued to him or her within fourteen days after the issue thereof, unless the permit has been revoked in the meantime, or who acts otherwise than in accordance with the procedure laid down in this Ordinance, and any Muslim priest, who aids or abets him or her in such omission, ”

in the first six lines of that section.

Amendment of section 20 of the principal Ordinance.

21 Section twenty-one of the principal Ordinance is hereby amended—

- (1) by the deletion of the words “ and to make order allowing or disallowing ” in the second and third lines of sub-section (1) thereof ;
- (2) by the deletion of the words “ by a wife ” in the first line of paragraph (a) of sub-section (1) thereof ;
- (3) by the substitution of the following paragraph for paragraph (b) of sub-section (1) thereof :—

“ (b) Claims for maintenance by or on behalf of a wife or a child (whether legitimate or illegitimate) where such claim does not exceed one hundred rupees a month in respect of the wife or fifty rupees a month in respect of a child ; ”

Amendment of section 21 of the principal Ordinance.

- (4) by the insertion of the words "the registration of" between the word "of" at the end of the third line of paragraph (c) of sub-section (1) thereof and the word "the" at the commencement of the fourth line of that paragraph of that sub-section and by the substitution of the word "last-mentioned" for the word "latter" in the fifth line of that paragraph of that sub-section;
- (5) by the repeal of paragraphs (d), (e) and (f) of sub-section (1) thereof;
- (6) by the insertion of the following immediately after paragraph (c) of sub-section (1) thereof:—

"(d) Claims for the increase or reduction of the amount of any maintenance ordered under this section:

Provided that no variation or alteration of any maintenance ordered under this section shall be made except upon good and sufficient cause shown to the Kathi and after notice to all the parties concerned: Provided further that the amount of any order of maintenance made under this section shall not in any case exceed the amount of the maximum claim permitted by this section."

- (7) by the substitution of the word "complaint" for the word "application" in the first line, and by the deletion of the words "or girl" in the second and fourth lines of sub-section (2) thereof;
- (8) by the addition of the following words at the end of sub-section (2) thereof:—

"Provided that where a woman has no wali, the Kathi may, after such inquiry as he may consider necessary, authorize the registration of her marriage and dispense with the necessity for the consent of a wali";

- (9) by the substitution of the words "any party aggrieved by an order made by a Kathi under this section" for the words "an aggrieved husband or wife" in the third line of sub-section (3) thereof;
- (10) by the deletion of the words "or persons or to the wife or child" in the fifth line and the words "as the case may be" in the sixth line of the second paragraph of sub-section (4) thereof;
- (11) by the repeal of sub-section (5) thereof and the substitution therefor of the following sub-section:—

"(5) A record shall forthwith be made by the Kathi in the prescribed book of any money received by him or remitted to him for payment under sub-section (4) and such money shall forthwith be paid by him to the person entitled thereto: provided that in a case where the person entitled to any money is a child under fourteen years of age, such payment may be made by the Kathi in his discretion to the person who from time to time has the custody of that child; and provided further that a record of every payment made shall forthwith be entered by the Kathi in the prescribed book and shall be supported by a receipt in the prescribed form signed by the payee.";

- (12) by the deletion of the words "recovering any sum of money for payment to a woman or child," in the first and second lines and of the words "such sum" in the third line of sub-section (6) thereof, and by the insertion of the words "any sum of money received by him or remitted to him for payment under sub-section (4)," between the word "thereto" and the word "shall" in the third line of that sub-section;
- (13) by the substitution of the words "received by a Kathi or remitted to him for payment under sub-section (4)" for the words "recovered under sub-section (4)" in the first line of sub-section (7) thereof.

Amendment of section 22 of the principal Ordinance.

22 Section twenty-two of the principal Ordinance is hereby amended—

- (1) by the substitution of the words "The Executive Committee may make regulations for or in respect of all or any of the following matters:" for the words "The Governor in Executive Council may make rules regulating—" in the first and second lines of sub-section (1) thereof;

- (2) by the addition of the following words at the end of paragraph (a) of sub-section (1) thereof :

“ in regard to matters for which no provision is made in this Ordinance ; ” ;

- (3) by the substitution of the word “ Kathis ” for the word “ them ” in the first line of paragraph (b) of sub-section (1) thereof ;
- (4) by the substitution of the words “ or other emoluments payable to Kathis ; ” for the words “ or emoluments to be paid as the travelling and other expenses of a special Kathi ; ” in the first and second lines of paragraph (j) of sub-section (1) thereof ;
- (5) by the substitution of the word “ Regulations. ” for the word “ Rules ” in the marginal note thereof ;
- (6) by the substitution of the following for sub-section (2) thereof :—

“ (2) Every regulation made by the Executive Committee under this section shall be published in the Gazette in the English and Tamil languages. A regulation shall not come into operation unless it has been approved by the State Council and ratified by the Governor nor until notification of such approval and ratification has been published in the Gazette. ” ;

- (7) by the addition of the following sub-section immediately after sub-section (2) thereof :—

“ (3) Any form in the First Schedule and any rule in the Second or Third Schedule may be rescinded, amended, varied or modified, and any Schedule may be added to, by regulation made under this section. ” .

23 Section twenty-three of the principal Ordinance is hereby amended—

Amendment of section 23 of the principal Ordinance.

- (1) by the substitution of the words “ of such ” for the words “ to her subsequent to the date of, and during the continuance of, the ” in the fourth and fifth lines of sub-section (1) thereof ;
- (2) by the substitution of the words “ Any party aggrieved by an order made by a Kathi at any inquiry held under sub-section (2) ” for the words “ An aggrieved husband or wife ” in the first line of sub-section (3) thereof ;
- (3) by the substitution of the words “ file the permit and to register the divorce or marriage in separate registers to be kept for that purpose in the prescribed form and the provisions of sections 9 and 19 shall apply accordingly, *mutatis mutandis*. ” for the words “ register the divorce or marriage in a separate register to be kept for that purpose and to file the permit ” in the eighth and ninth lines of sub-section (4) thereof ; and,
- (4) by the substitution of the word “ of ” for the words “ subsequent to the date of the re-marriage during ” in the fourth and fifth lines of sub-section (5) thereof.

24 Section twenty-four of the principal Ordinance is hereby amended by the insertion of the words “ except where otherwise prescribed, ” between the word “ him ” and the word “ and ” in the fourth line of that section.

Amendment of section 24 of the principal Ordinance.

25 Section twenty-five of the principal Ordinance is hereby amended by the substitution of the words “ forward to ” for the words “ personally appear before. ” in the second line thereof, by the deletion of the words “ and deposit ” in the third line thereof, and by the addition of the words “ unless otherwise prescribed ” immediately after the word “ thereto ” at the end of that section.

Amendment of section 25 of the principal Ordinance.

26 Section twenty-six of the principal Ordinance is hereby amended by the insertion of the words “ of such documents as may be prescribed, ” between the words “ Tamil language ” and the words “ in a general register, ” in the third line of that section.

Amendment of section 26 of the principal Ordinance.

27 Section twenty-seven of the principal Ordinance is hereby amended—

Amendment of section 27 of the principal Ordinance.

- (1) by the insertion of the words “ Registrar-General or the ” between the word “ the ” and the words “ Provincial Registrar ” in the fifth line thereof ; and,
- (2) by the deletion of the words “ and seal of office ” at the end thereof.

- Amendment of section 28 of the principal Ordinance.
- 28 Section twenty-eight of the principal Ordinance is hereby amended—
- (1) by the insertion of the words “and every extract therefrom,” between the word “register,” and the word “certified”, and by the deletion of the words “and seal” in the third line thereof; and,
  - (2) by the insertion of the words “or the Registrar-General,” between the words “Provincial Registrar,” and the word “to” in the fourth line thereof.
- Amendment of section 29 of the principal Ordinance.
- 29 Section twenty-nine of the principal Ordinance is hereby amended—
- (1) by the substitution of the words “kept under this Ordinance or heretofore kept” for the words “shall, with respect to any marriage or divorce registered under this Ordinance, or with respect to any marriage registered” in the second, third and fourth lines of sub-section (1) thereof;
  - (2) by the insertion of the word “shall” between the figures “1886” and the words “be accepted” in the fifth line of sub-section (1) thereof; and,
  - (3) by the addition of the following sub-section immediately after sub-section (2) thereof :—
 

“ (3) Where a duplicate entry made by an officiating priest is lost, the Registrar-General may cause the missing document to be replaced by a copy of the original entry certified by the officiating priest, if available, and countersigned by the Provincial Registrar; and a copy so certified shall be deemed to be the duplicate entry.”
- Repeal of section 30 (2) of the principal Ordinance.
- 30 Sub-section (2) of section thirty of the principal Ordinance is hereby repealed.
- Amendment of section 31 of the principal Ordinance.
- 31 Section thirty-one of the principal Ordinance is hereby amended as follows :—
- (1) In sub-section (2) thereof—
    - (a) by the deletion of the words “or being dismissed by the Governor,” in the third and fourth lines thereof;
    - (b) by the insertion of the words “or in the event of his death, his legal representative,” between the word “he” and the word “shall” in the fifth line thereof;
    - (c) by the insertion of the word “and” between the word “registers” and the word “indexes” in the sixth line thereof;
    - (d) by the deletion of the words “and seal of office” in the sixth line thereof; and,
    - (e) by the substitution of the words “on failure of such delivery” for the words “if he fails to do so, or if he dies,” in the seventh line thereof.
  - (2) In sub-section (3)—
    - (a) by the insertion of the word “or” between the word “register” and the word “index” in the second and fourth lines thereof; and,
    - (b) by the deletion of the words “or seal of office” where those words occur in the second, fourth, and fifth lines thereof.
- Repeal of section 32 of the principal Ordinance and substitution of new section therefor.
- 32 The following section shall be substituted for section thirty-two of the principal Ordinance :—
- “ 32 Every person who—
- (a) wilfully destroys or injures or causes to be destroyed or injured any register, book, permit or other document kept or issued under this Ordinance, or,
  - (b) falsely makes, fabricates or counterfeits in whole or in part any such register, book, permit or document or any document purporting to be a certified copy of any such register, book, permit or document, or part thereof or extract therefrom, or,
  - (c) wilfully inserts any false entry in any such register, book, permit or document,
- shall be guilty of an offence, and shall be liable on conviction to imprisonment of either description for a term not exceeding seven years.”
- Amendment of marginal note of section 34 of the principal Ordinance.
- 33 The marginal note of section thirty-four of the principal Ordinance is hereby amended by the deletion of the words “to Kathi” at the end thereof.

- 34** Section thirty-five of the principal Ordinance is hereby amended—
- (1) by the substitution of the word “cancelling” for the word “revoking” in the second line thereof;
- (2) by the substitution of the word “section” for the word “sections” in the third line thereof; and,
- (3) by the substitution of the word and figures “section 17” for the figures “19” in the fourth line thereof.
- Amendment of section 35 of the principal Ordinance.
- 35** Section thirty-six of the principal Ordinance is hereby amended—
- (1) by the substitution of the words “person under the provisions of this Ordinance.” for the words “person, or shall issue to any person any document being or purporting to be a permit of divorce or re-marriage.” in the fourth, fifth and sixth lines of sub-section (1) thereof;
- (2) by the insertion of the following sub-section as sub-section (2) immediately after sub-section (1) thereof :—
- “ (2) No officiating priest or Kathi shall permit any other person to take possession or to have the custody of any register, book, or other document required to be kept by such priest or Kathi under this Ordinance, except in such cases or on such occasions as may be prescribed or on the orders of a competent court.”;
- (3) by the re-numbering of sub-section (2) thereof as sub-section (3).
- Amendment of section 36 of the principal Ordinance.
- 36** The following section shall be inserted immediately after section thirty-six of the principal Ordinance and shall have effect as section 36A :—
- “ 36A Any person not being an officiating priest who registers or professes to register under this Ordinance any marriage or divorce or who, not being a Kathi, issues or professes to issue any permit under this Ordinance shall be guilty of an offence and shall on conviction be liable to imprisonment of either description for a term not exceeding seven years.”
- Addition of a new section 36A.
- 37** Section thirty-seven of the principal Ordinance is hereby amended—
- (1) by the insertion of the words “or cause to be inspected” between the word “inspect” and the word “from” in the second line of sub-section (1) thereof; and,
- (2) by the repeal of sub-section (2) thereof.
- Amendment of section 37 of the principal Ordinance.
- 38** Section thirty-nine of the principal Ordinance is hereby amended by the substitution of the words “Registrar-General” for the words “Provincial Registrar” wherever the latter words are used throughout that section.
- Amendment of section 39 of the principal Ordinance.
- 39** Section forty of the principal Ordinance is hereby amended by the deletion of the words “and shall be signed by the Colonial Secretary or an Assistant Colonial Secretary” in the eighth and ninth lines of sub-section (1) thereof.
- Amendment of section 40 of the principal Ordinance.
- 40** The following section shall be inserted immediately after section forty and shall have effect as section 40A :
- “ 40A Any reference to a Provincial Registrar in this Ordinance or in any regulation made thereunder shall, for the purposes of the application of the Ordinance or of any such regulation to a special officiating priest licensed under section 39 or to a special Kathi appointed under section 40, be read and construed as though the words “Registrar-General” were substituted for the words “Provincial Registrar” in the context in which such reference is made.”
- Addition of new section 40A.
- Registrar-General substituted for Provincial Registrar on application of Ordinance to special officiating priests or Kathis.
- 41** Section forty-one of the principal Ordinance is hereby amended by the substitution of the word “regulations” for the word “rules” in the third line thereof.
- Amendment of section 41 of the principal Ordinance.
- 42** Section forty-two of the principal Ordinance is hereby amended by the insertion of the words “appointed under section 4 or section 17,” between the word “Kathi” and the word “and” in the fourth line thereof, and by the insertion of the words “or of a special Kathi appointed under section 40,” between the word “Kathis” and the words “a bond” in the fifth line thereof.
- Amendment of section 42 of the principal Ordinance.

Amendment of section 43 of the principal Ordinance.	<p><b>43</b> Section forty-three of the principal Ordinance is hereby amended—</p> <p>(1) by the addition of the word “or” immediately after the word “wife” at the end of paragraph (h) of sub-section (1) thereof;</p> <p>(2) by the addition of the following paragraph immediately after paragraph (h) of sub-section (1) thereof:—</p> <p style="padding-left: 2em;">“(i) His wife’s sister during his wife’s life-time—”;</p> <p>(3) by the substitution of the word “woman” for the expression “woman or girl” wherever that expression is used in that section.</p>
Insertion of new section 44.	<p><b>44</b> The following section shall be substituted for section forty-four of the principal Ordinance:—</p> <p style="padding-left: 2em;">“44 Any clerical error which may from time to time be discovered in any register kept for the purposes of this Ordinance shall be reported to the Registrar-General who shall, after such inquiry as he may consider necessary, cause such amendment or correction to be made in the register as to him shall seem fit.”</p>
Correction of clerical errors in registers.	
New section 45.	<p><b>45</b> The following section shall be substituted for section forty-five of the principal Ordinance:—</p> <p style="padding-left: 2em;">“45 The time for the prescription or limitation of a suit or action for the whole or part of a woman’s mahr shall not begin to run until after the dissolution of the marriage by death or divorce, and such suit or action shall be maintainable if commenced within such time as any action shall be maintainable by the Ordinance No. 22 of 1871, or by any future Ordinance regulating the prescription of actions, for the recovery of money paid or expended by a plaintiff on account of a defendant, or for money received by a defendant for the use of a plaintiff.”</p>
Prescription of action for mahr.	
New section 46.	<p><b>46</b> The following section shall be substituted for section forty-six of the principal Ordinance:—</p> <p style="padding-left: 2em;">“46 (1) Every Kathi shall, upon appointment, take an oath in the prescribed form before he assumes office for the purposes of this Ordinance.</p> <p style="padding-left: 2em;">(2) Every Muslim Assessor who is empanelled for the purposes of this Ordinance shall take an oath in the prescribed form before he functions as an Assessor.</p> <p style="padding-left: 2em;">(3) Every Kathi is hereby empowered to administer oaths to witnesses or to Muslim Assessors for the purpose of taking any proceedings or of holding any inquiry under this Ordinance or of performing any duty imposed upon him by this Ordinance.”</p>
Oaths. Powers of Kathis.	
New First Schedule.	<p><b>47</b> The First Schedule of the principal Ordinance is hereby repealed and Schedule I in this Ordinance is substituted therefor.</p>
New Second Schedule.	<p><b>48</b> The Second Schedule of the principal Ordinance is hereby repealed and Schedule II of this Ordinance is substituted therefor.</p>
Amendment of Third Schedule of the principal Ordinance.	<p><b>49</b> The Third Schedule of the principal Ordinance is hereby amended—</p> <p>(1) by the substitution of the word “order” for the word “decision” in the seventh line of Rule 9 thereof;</p> <p>(2) by the substitution of the word “order” for the words “order or decree” wherever the latter words are collectively used in Rule 10 thereof;</p> <p>(3) by the substitution of the word “order” for the word “decision” in the first line of Rule 11 thereof;</p> <p>(4) by the deletion of the words “or decree” in the second and third lines, and by the substitution of the words “thirty days” for the words “one month” in the second line of Rule 12 thereof;</p> <p>(5) by the substitution of the word “order” for the word “decision” in the first, third and fourteenth lines of Rule 13 thereof; and,</p> <p>(6) by the substitution of the word “order” for the word “orders” in the fourth and fifth lines of Rule 14 thereof.</p>
Re-printing of principal Ordinance.	<p><b>50</b> The principal Ordinance may be reprinted from time to time by order of the Governor, together with all amendments, additions, or modifications made therein or thereto by this Ordinance or which may hereafter be made therein or thereto by any other written law; and a copy of that Ordinance so reprinted shall be deemed for all purposes to be a correct copy of that Ordinance as so amended, added to or modified, at the date of such reprinting, provided that it purports to have been printed by the Government Printer by order of the Governor.</p>





## FORM No. III.

(Section 7 (1).)

The Muslim Marriage and Divorce Registration  
Ordinance, No. 27 of 1929.*Form of declaration by Wali of bride under section 7 (1).*

I, the undersigned \_\_\_\_\_, do hereby give notice that a marriage is about to be/has been solemnized between \_\_\_\_\_ and \_\_\_\_\_ whose Wali I am for the purposes of such marriage, and I further hereby solemnly declare that to the best of my knowledge and belief the several particulars entered below are true and correct and that there is no lawful hindrance to the said marriage :

1. Bridegroom's name in full : \_\_\_\_\_.
2. Bridegroom's residence : \_\_\_\_\_.
3. Name of Bridegroom's guardian (if any) : \_\_\_\_\_.
4. Bride's name in full : \_\_\_\_\_.
5. Bride's residence : \_\_\_\_\_.
6. Whether the bride was previously married or not : \_\_\_\_\_
7. If previously married, to whom : \_\_\_\_\_.
8. Whether bride's previous husband is dead or divorced : \_\_\_\_\_.
9. If divorced, date and number of divorce registration and name, area and district of the officiating priest : \_\_\_\_\_.

(Sgd.) \_\_\_\_\_,  
*Signature of Wali.*

Residence of Wali : \_\_\_\_\_.

Signed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19—.

(Sgd.) \_\_\_\_\_,  
Officiating Priest licensed for the \_\_\_\_\_  
area of the \_\_\_\_\_ District.

FORM No. IV.  
(Section 7 (2).) No. —.

CEYLON. The Muslim Marriage and Divorce Registration Ordinance, No. 27 of 1929.

*Muslim Marriage Register.*

District: \_\_\_\_\_  
Officiating Priest's area: \_\_\_\_\_  
Name of Officiating Priest registering the marriage: \_\_\_\_\_

	Bride-groom	Bride
1. Name in full	..	..
2. Whether previously married or divorced	..	..
3. If divorced, evidence of divorce, if any	..	..
4. Residence	..	..
5. Name of father or other guardian	..	..
6. Nature of guardianship	..	..
7. Amount of Mahr and whether paid or not	..	..
*8. Amount of Stridannum	..	..
*9. Amount of Kaikuli	..	..
10. Place of marriage	..	..
11. Date and hour of marriage	..	..
12. Date of registration	..	..
13. Name and residence of first witness	..	..
14. Name and residence of second witness	..	..
15. Name of priest conducting marriage ceremony	..	..
16. Signature of—	Stamp.	
(1) Bridegroom	..	..
†(2) Bride's Wali	..	..
(3) First witness	..	..
(4) Second witness	..	..
(5) Priest conducting marriage ceremony	..	..
(6) Officiating priest	..	..

\* It is optional and not obligatory to enter details of items 8 and 9.  
† Signature of the bride's Wali may be omitted when the Kathi has expressly authorized the marriage under Section 21 (2).

FORM No. IV.  
(Section 7 (2).) No. —.

CEYLON. The Muslim Marriage and Divorce Registration Ordinance, No. 27 of 1929.

*Muslim Marriage Register.*

District: \_\_\_\_\_  
Officiating Priest's area: \_\_\_\_\_  
Name of Officiating Priest registering the marriage: \_\_\_\_\_

	Bride-groom	Bride
1. Name in full	..	..
2. Whether previously married or divorced	..	..
3. If divorced, evidence of divorce, if any	..	..
4. Residence	..	..
5. Name of father or other guardian	..	..
6. Nature of guardianship	..	..
7. Amount of Mahr and whether paid or not	..	..
*8. Amount of Stridannum	..	..
*9. Amount of Kaikuli	..	..
10. Place of marriage	..	..
11. Date and hour of marriage	..	..
12. Date of registration	..	..
13. Name and residence of first witness	..	..
14. Name and residence of second witness	..	..
15. Name of priest conducting marriage ceremony	..	..
16. Signature of—	Stamp.	
(1) Bridegroom	..	..
†(2) Bride's Wali	..	..
(3) First witness	..	..
(4) Second witness	..	..
(5) Priest conducting marriage ceremony	..	..
(6) Officiating priest	..	..

\* It is optional and not obligatory to enter details of items 8 and 9.  
† Signature of the bride's Wali may be omitted when the Kathi has expressly authorized the marriage under Section 21 (2).

FORM No. V.  
(Section 19.)

No. \_\_\_\_\_

CEYLON. The Muslim Marriage and Divorce Registration Ordinance, No. 27 of 1929.

*Muslim Divorce Register.*

- District : \_\_\_\_\_  
 Officiating priest's area : \_\_\_\_\_  
 Name of Officiating priest registering the divorce : \_\_\_\_\_
1. Husband's name in full : \_\_\_\_\_
  2. Husband's residence at time of divorce : \_\_\_\_\_
  3. Wife's name in full : \_\_\_\_\_
  4. Wife's residence at time of divorce : \_\_\_\_\_
  5. Name, area and district of officiating priest who registered the marriage : \_\_\_\_\_
  6. No. and date of the entry of marriage : \_\_\_\_\_
  7. Place of divorce : \_\_\_\_\_
  8. Nature of divorce (Talak or Fasah) : \_\_\_\_\_
  9. Name, area and district of Kathi authorizing the divorce : \_\_\_\_\_
  10. If Fasah divorce, whether granted by Kathi or on order of the Board of Kathis or of the Supreme Court : \_\_\_\_\_
  11. No. and date of Kathi's permit of divorce : \_\_\_\_\_
  12. Date and hour of divorce : \_\_\_\_\_
  13. Date of registration of divorce : \_\_\_\_\_
  14. Name and residence of first witness to divorce : \_\_\_\_\_
  15. Name and residence of second witness to divorce : \_\_\_\_\_
  16. Signature of—
    - (1) Husband (if present) : \_\_\_\_\_
    - (2) Wife (if present) : \_\_\_\_\_
    - (3) First witness : \_\_\_\_\_
    - (4) Second witness : \_\_\_\_\_
    - (5) Officiating priest registering the divorce : \_\_\_\_\_

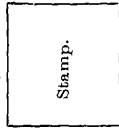
FORM No. V.  
(Section 19.)

No. \_\_\_\_\_

CEYLON. The Muslim Marriage and Divorce Registration Ordinance, No. 27 of 1929.

*Muslim Divorce Register.*

- District : \_\_\_\_\_  
 Officiating priest's area : \_\_\_\_\_  
 Name of Officiating priest registering the divorce : \_\_\_\_\_
1. Husband's name in full : \_\_\_\_\_
  2. Husband's residence at time of divorce : \_\_\_\_\_
  3. Wife's name in full : \_\_\_\_\_
  4. Wife's residence at time of divorce : \_\_\_\_\_
  5. Name, area and district of officiating priest who registered the marriage : \_\_\_\_\_
  6. No. and date of the entry of marriage : \_\_\_\_\_
  7. Place of divorce : \_\_\_\_\_
  8. Nature of divorce (Talak or Fasah) : \_\_\_\_\_
  9. Name, area and district of Kathi authorizing the divorce : \_\_\_\_\_
  10. If Fasah divorce, whether granted by Kathi or on order of the Board of Kathis or of the Supreme Court : \_\_\_\_\_
  11. No. and date of Kathi's permit of divorce : \_\_\_\_\_
  12. Date and hour of divorce : \_\_\_\_\_
  13. Date of registration of divorce : \_\_\_\_\_
  14. Name and residence of first witness to divorce : \_\_\_\_\_
  15. Name and residence of second witness to divorce : \_\_\_\_\_
  16. Signature of—
    - (1) Husband (if present) : \_\_\_\_\_
    - (2) Wife (if present) : \_\_\_\_\_
    - (3) First witness : \_\_\_\_\_
    - (4) Second witness : \_\_\_\_\_
    - (5) Officiating priest registering the divorce : \_\_\_\_\_



## SCHEDULE II.

(Section 48.)

## "SECOND SCHEDULE.

(Section 14.)

*Rules to be adopted in the case of a divorce by a husband.*

In these rules, the words "the Kathi" mean the Kathi licensed to register divorces in the area in which the husband who seeks to effect a divorce under this Ordinance resides, or a special Kathi appointed under section 40, as the case may be.

1. The husband shall pronounce the first Talak in the presence of the Kathi and two witnesses, and the Kathi shall forthwith record such pronouncement in the prescribed book, and shall cause notice thereof to be served upon the wife, if she is not present.

2. If the Kathi is satisfied by affidavit or sworn testimony that the wife is not in the Island and that in the circumstances of the case it is not possible to serve such notice upon her, he may order the notice to be served on the wife's nearest relative, or, if no relative is known to be in the Island, he may dispense with the necessity for serving such notice on the wife.

3. If the presence of the wife cannot be secured or if a reconciliation cannot be effected, the husband shall, on the expiry of a period of thirty days reckoned from the date on which the first Talak was pronounced, similarly pronounce the second Talak before the Kathi who shall, in like manner, forthwith record such second pronouncement, give notice thereof to the wife if she is not present, and endeavour once again to effect a reconciliation between the parties.

The provisions of Rule 2 shall apply equally in the case of any notice given or issued under this rule.

4. If the husband still persists in his intention to divorce his wife, he shall, on the expiry of a further period of thirty days reckoned from the date on which the second Talak was pronounced, similarly pronounce the third and final Talak before the Kathi who shall forthwith record such final pronouncement in the prescribed book and issue to the husband a permit in the prescribed form authorizing him to register the divorce."

Passed in Council the Eighteenth day of July, One thousand Nine hundred and Thirty-four.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of July, One thousand Nine hundred and Thirty-four.

C. C. WOOLLEY,  
Secretary to the Governor.

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

## No. 10 of 1934.

## An Ordinance to amend the Notaries Ordinance, 1907.

R. E. STUBBS.

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

1 This Ordinance may be cited as the Notaries Amendment Ordinance, No. 10 of 1934.

Short title.

2 The following new section 10A is inserted between section 10 and section 11 of the Notaries Ordinance, 1907 (hereinafter referred to as "the principal Ordinance") :—

Insertion of new section 10A in the principal Ordinance.

10A No notary shall have more than two offices unless permitted by the Registrar-General for special reasons to have a third office which shall be placed in charge of a partner or an assistant who is a notary.

Number of offices permitted.

3 Section 20 (1) (c) of the principal Ordinance is amended by the addition at the end, of the words "has been convicted three times or oftener for a violation or disregard of or neglect to observe the provisions of rule No. 24 in section 29; or".

Amendment of section 20 of the principal Ordinance.

Insertion of new section 20A in the principal Ordinance.

4 The following new section 20A is inserted between section 20 and section 21 of the principal Ordinance :—

Resignation of office.

20A (1) If a notary applies to the Registrar-General in writing to resign from and to cease to act in the office of notary, the Registrar-General shall forthwith forward the application to the Governor who may accept such resignation as from the date desired by the notary.

(2) When a notary has resigned under this section his warrant shall be deemed to be cancelled for the purposes of sections 21, 22, 23 and 24.

(3) Notwithstanding such resignation a notary shall continue to remain subject to the provisions of this Ordinance and all rules and regulations contained therein or made thereunder in respect of all things done or omitted by him in the exercise of his functions as notary prior to the resignation.

Amendment of section 26 of the principal Ordinance.

5 Section 26 (1) of the principal Ordinance is amended as follows :

(1) by substituting for the words “ containing his name and place or places of residence and office and the area in which he is authorized to practise,” the following words :—

“containing the following particulars :

- (a) his name and place or places of residence ;
- (b) the exact situation of his office or of each of his offices ;
- (c) the area in which he is authorised to practise ;
- (d) whether at any time since the date of the last declaration, if any, made by him under this section, the security given by him has perished or been lost or whether any surety who became bound for him has died or has departed from the Island or become insolvent or been discharged from his obligation as such surety ; and
- (e) whether he has since the date of the last declaration, if any, made by him under this section duly reported to the District Judge any fact which he is required to report under section 15.

and,

(2) by inserting the following words immediately after the word “ district ” within the parentheses in sub-section (1) :—

“ or has not furnished security as required by this Ordinance ”.

Amendment of section 29 of the principal Ordinance.

6 Section 29 of the principal Ordinance is amended as follows :—

(a) Rule (14) by the addition at the end, of the words :

“ And in the case of a mark he shall besides require such person to affix to the deed or instrument the impression of his left thumb and shall write over such impression at the time and in the manner aforesaid the words ‘ This is the left thumb impression of A. B.’ (here insert the name of the person whose thumb impression it is).”

(b) Rule (19) (f) by the deletion of the words “ and the name of the person by whom the stamps were supplied.”

(c) Rule (29) by the deletion thereof ;

(d) At the end, but immediately before the first proviso by insertion of the words :

“ Provided that where any notary shall act in violation of or shall disregard or neglect to observe the provisions of rule No. 24 the Registrar-General may by a written notice served on him personally or sent by registered post call upon such notary to comply with the requirements of the said rule within such further time as he may specify for such purpose, and any notary who fails to comply with the terms of such notice shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five hundred rupees.” ; and

(e) By the substitution of the words “ Provided further ” for the word “ Provided ” in the first proviso thereof.

7 Section 35 (2) of the principal Ordinance is amended by the deletion in lines 1 and 2, of the words " who are advocates or proctors of the Supreme Court ".

Amendment of section 35 of the principal Ordinance.

8 Schedule II Form E of the principal Ordinance is amended by the deletion in lines 30 and 31 of the words " and that the stamps were supplied by \_\_\_\_\_."

Amendment of Schedule II of the principal Ordinance.

Passed in Council the Eighteenth day of July, One thousand Nine hundred and Thirty-four.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of July, One thousand Nine hundred and Thirty-four.

C. C. WOOLLEY,  
Secretary to the Governor.