



THE  
**CEYLON GOVERNMENT  
 GAZETTE**

---

No. 7,995 – FRIDAY, AUGUST 4, 1933.

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*Published by Authority.*

**PART II.—LEGAL.**

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PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

621—J. N. 81955-615 (7/33)

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**DRAFT ORDINANCES.****MINUTE.**

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

**An Ordinance to provide for the Registration and Control of Trade Unions.**

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(Section 41.)

**An Ordinance to provide for the Registration and Control of Trade Unions.**

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

## CHAPTER I.

*Preliminary.*

1 This Ordinance may be cited as the Trade Unions Ordinance, No. of 1933, and shall come into operation on such date as the Governor may appoint by proclamation in the Gazette.

Short title and commencement.

2 In this Ordinance, unless the context otherwise requires,—

Interpretation.

“ executive ” means the body, by whatever name called, to which the management of the affairs of a trade union is entrusted and includes the president, the secretary and the treasurer of any trade union ;

“ lock-out ” means the closing of a place of employment or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment ;

“ officer ”, when used with reference to a trade union, includes any member of the executive thereof, but does not include an auditor ;

“ prescribed ” means prescribed by regulations made under section 46 of this Ordinance ;

“ register ” means the register of trade unions maintained by the Registrar under section 7 ;

“ registered office ” means that office of a trade union which is registered under this Ordinance as the head office of the trade union ;

“ registered trade union ” means a trade union registered under this Ordinance ;

“ Registrar ” means the person for the time being appointed by the Governor under section 3 by name or by office to be or to act as Registrar of Trade Unions and includes any person appointed by the Governor under section 4 to be or to act as an Assistant Registrar of Trade Unions ;

“ regulation ” means a regulation made by the Executive Committee of Labour, Industry and Commerce under section 46 ;

“strike” means the cessation of work by a body of persons employed in any trade or industry acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of persons who are, or have been so employed, to continue to work or to accept employment;

“trade dispute” means any dispute or difference between employers and workmen, or between workmen and workmen connected with the employment or non-employment, or the terms of the employment, or with the conditions of labour, of any person;

“trade union” means any association or combination of workmen or employers, whether temporary or permanent, having as its object or objects one or more of the following objects:

- (a) the regulation of relations between workmen and employers, or between workmen and workmen or between employers and employers; or
- (b) the imposing of restrictive conditions on the conduct of any trade or business; or
- (c) the representation of either workmen or employers in trade disputes; or
- (d) the promotion or organization or financing of strikes or lock-outs in any trade or industry or the provision of pay or other benefits for its members during a strike or lock-out;

and includes any federation of two or more trade unions;

“workman” means any person who has entered into or works under a contract with an employer in any capacity, whether the contract is express or implied, oral or in writing, and whether it is a contract of service or of apprenticeship, or a contract personally to execute any work or labour.

## CHAPTER II.

### *Appointment of Registrar and other officers.*

Appointment of Registrar.

3 (1) The Governor shall appoint a Registrar of Trade Unions who shall be responsible for the due performance of the duties and functions assigned to him as Registrar under this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Registrar shall be subject to the general direction and control of the Executive Committee of Labour, Industry and Commerce.

Appointment of Assistant Registrars and other officers.

4 The Governor may appoint one or more Assistant Registrars of Trade Unions and such other officers as may from time to time be required for the purposes of this Ordinance.

All officers to be public servants.

5 All officers appointed under sections 3 and 4 of this Ordinance shall be deemed to be public servants within the meaning of the “Ceylon Penal Code”.

Protection of public servants.

6 No suit shall lie against any public servant for anything done or omitted to be done by him in good faith under this Ordinance.

## CHAPTER III.

### *Registration.*

Register of trade unions.

7 (1) The Registrar shall keep and maintain in such form as may be prescribed, a register of trade unions in which shall be registered the prescribed particulars relating to any registered trade union and any alteration or change which may from time to time be effected in the name, rules, officers or executive thereof or in the situation of the registered office thereof, and all such other matters as may be required to be registered therein under this Ordinance.

(2) A certified copy of any entry in the register shall be conclusive proof of the facts specified therein as on the date of such certified copy.

Necessity for registration.

8 (1) Every trade union established before the date of the commencement of this Ordinance shall apply to be registered under this Ordinance within a period of three months reckoned from that date.

(2) Every trade union established after the commencement of this Ordinance shall apply to be registered under this Ordinance within a period of three months reckoned from the date on which it was so established.

(3) The Registrar may, if he thinks fit, from time to time grant an extension of the periods respectively specified in sub-sections (1) and (2), provided that neither of such periods shall, in any particular case, be so extended as to exceed a period of six months in the aggregate.

(4) For the purposes of this Ordinance, a trade union is established on the first date on which any workmen or employers agree to become or to create an association or combination for the furtherance of any one or more of the objects specified in the definition of a trade union in section 2.

(5) For the purpose of prosecuting any trade union which fails to apply for registration in accordance with the provisions of this section, the date of establishment of that trade union shall, in the absence of proof of the date referred to in sub-section (4), be deemed to be—

- (a) the date on which any person is proved to have been accepted or admitted as a member of that trade union; or,
- (b) the date on which any act is proved to have been done by that trade union in furtherance of any one or more of the objects specified in the definition of a trade union in section 2;

and, in a case where proof is available of both the dates referred to in paragraphs (a) and (b), the earlier of such dates shall be deemed so to be the date of the establishment of that trade union.

9 (1) Every application for registration of a trade union shall be made to the Registrar in the prescribed form and shall be signed by at least seven members of the union, any of whom may be officers thereof.

Application for registration.

(2) Uncancelled stamps to the value of five rupees shall be affixed to every such application which shall be accompanied by a copy of the rules of the trade union and a statement of the following particulars, namely:—

- (a) the names, occupations and addresses of the members making the application;
- (b) the name of the trade union and the address of its head office; and
- (c) the titles, names, ages, addresses and occupations of the officers of the trade union.

(3) A trade union established before the commencement of this Ordinance shall deliver to the Registrar, together with its application for registration, a general statement of the assets and liabilities of the trade union prepared in such form and containing such particulars as may be prescribed.

10 The Registrar, if he is satisfied that a trade union applying for registration has complied with the provisions of this Ordinance and of the regulations made thereunder and that the objects, rules and constitution of the union do not conflict with any of such provisions and are not unlawful, shall register the trade union in the prescribed manner:

Registration.

Provided that if any one of the objects of such trade union is unlawful, the registration of the trade union shall be void.

11 The Registrar, on registering a trade union under section 10, shall issue to the trade union a certificate of registration in the prescribed form and that certificate, unless proved to have been cancelled or withdrawn, shall be conclusive evidence for all purposes that the trade union has been duly registered under this Ordinance.

Certificate of registration.

12 The Registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of section 9 or that the trade union is entitled to registration under this Ordinance and may refuse to register the trade union until such information is supplied.

Power of Registrar to call for further particulars.

13 If the name under which a trade union is proposed to be registered is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall require the persons applying for registration to alter the name of the trade union stated in the application, and shall refuse to register the trade union until such alteration has been made.

Power of Registrar to require alteration of name.

14 The Registrar may refuse to register any trade union if he is not satisfied that the trade union has complied with the provisions of this Ordinance or of any regulations made thereunder, or if he is of opinion that any one of the objects or rules, or the constitution of the union is unlawful or conflicts with any such provision.

Refusal of registration.

Cancellation or withdrawal of registration.

15 (1) A certificate of registration of a trade union may be withdrawn or cancelled by the Registrar—

- (a) at the request of the trade union upon its dissolution to be verified in such manner as the Registrar may require;
- (b) if he is satisfied,
  - (i) that the certificate of registration was obtained by fraud or mistake;
  - (ii) that any one of the objects or rules of the trade union is unlawful;
  - (iii) that the constitution of the trade union or of its executive is unlawful;
  - (iv) that the trade union has wilfully and after notice from the Registrar contravened any provision of this Ordinance or allowed any rule to continue in force which is inconsistent with any such provision, or has rescinded any rule providing for any matter, for which provision is required by section 32;
  - (v) that the funds of the trade union are expended in an unlawful manner or on an unlawful object or on an object not authorised by the rules of the union;
  - (vi) that the trade union has ceased to exist.

(2) Except in a case falling within sub-section (1) (a), not less than two months' previous notice in writing specifying the ground on which it is proposed to withdraw or to cancel its certificate of registration shall be given by the Registrar to a trade union before such certificate is withdrawn or cancelled.

(3) A trade union served with a notice under sub-section (2) may, at any time within a period of two months reckoned from the date of such notice, show cause in writing against the proposal to withdraw or to cancel its certificate of registration, as the case may be; and, if such cause is shown, the Registrar may hold such enquiry as he may consider necessary in the circumstances.

(4) The Registrar may, after the expiration of the period of two months referred to in sub-section (3), withdraw or cancel the certificate of registration of any trade union which has failed duly to show cause under that sub-section, or which, having so shown cause, has failed to satisfy him that its certificate of registration should not be withdrawn or cancelled, as the case may be.

(5) An order made by the Registrar under this section withdrawing or cancelling the certificate of registration of any trade union shall be dated as of the date on which it was made and shall forthwith be served on the trade union affected thereby.

Appeal to District Court.

16 (1) Any person aggrieved by the refusal of the Registrar to register a trade union or by an order made by the Registrar under section 15, may appeal against such refusal or order by filing a petition of appeal in the District Court within a period of thirty days reckoned from the date of such refusal or order.

(2) Every petition of appeal under sub-section (1) shall—

- (a) name the Registrar as respondent;
- (b) state the grounds of appeal and the date of the refusal or order against which the appeal is preferred;
- (c) be signed by the appellant; and
- (d) be stamped with a stamp of one rupee.

(3) It shall be competent for the District Court in appeal—

- (a) to direct the appellant or the Registrar to furnish further information;
- (b) to hold an inquiry and to take and record such evidence as it may deem necessary;
- (c) to allow the appeal and to order the registration of the trade union or to reverse any order made by the Registrar under section 15;
- (d) to dismiss the appeal; or
- (e) to make such order as it shall consider just and to give such directions as it may consider necessary, including directions as to the costs of the appeal and the procedure to be observed at the hearing of the appeal.

(4) Save as is otherwise in this section provided, an appeal to the District Court against a refusal of the Registrar to register a trade union or against an order made by the Registrar under section 15 shall be deemed to be a civil action of the value of one thousand rupees for the purposes of the Stamp Ordinance, 1909, and of the Civil Procedure Code, 1889.

(5) In this section, "District Court", in the case of an appeal against the refusal of the Registrar to register a trade union, means the District Court of Colombo; and, in the case of an appeal against an order made by the Registrar under section 15, means the District Court having local jurisdiction over the place where the registered office of the trade union affected by that order is situated.

17 An appeal shall lie to the Supreme Court against an order made by a District Court under section 16 and the provisions of the Civil Procedure Code, 1889, shall apply accordingly in all matters relating to or connected with such appeal.

Appeal to  
Supreme  
Court.

18 If any trade union does not apply for registration in due time, or if the registration of any trade union is refused, withdrawn, or cancelled, then—

Consequences of  
failure to  
register or of  
cancellation of  
registration.

- (a) the trade union shall be deemed to be an unlawful association and shall cease to enjoy any of the rights, immunities, or privileges of a registered trade union, but without prejudice to any liabilities incurred or to be incurred by the trade union which may be enforced against the union and its assets;
- (b) the trade union shall not, nor shall any of its officers or agents on behalf of the union, take part in any trade dispute or promote, organize or finance any strike or lock-out, or provide pay or other benefits for its members during a strike or lock-out;
- (c) the trade union shall be dissolved and its funds shall be disposed of in accordance with the rules of the union; and
- (d) no person shall, except for the purpose of defending proceedings against the union or dissolving the union and disposing of its funds in accordance with the rules, take any part in its management or organisation, or act or purport to act on behalf of the union or as an officer of the union.

#### CHAPTER IV.

##### *Rights and liabilities of trade unions.*

19 A trade union shall not enjoy any of the rights, immunities or privileges of a registered trade union until it is registered.

Disabilities of  
unregistered  
union

20 No action or other legal proceeding shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute to which a member of the trade union is a party on the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills.

Immunity from  
civil action in  
certain cases.

21 An action against a trade union or against any members or officers thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

Liability in  
tort.

22 Every trade union shall be liable on any contract entered into by it or by an agent acting on its behalf: provided that a trade union shall not be so liable on any contract which is void or unenforceable at law.

Liability in  
contract.

23 The objects of a registered trade union shall not, by reason only that they are in restraint of trade be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise or to render void or voidable any agreement or trust.

Objects in  
restraint of  
trade not  
unlawful in  
case of  
registered  
trade union.

24 (1) A registered trade union may sue and be sued and be prosecuted under its registered name.

Proceedings by  
and against  
trade unions.

(2) An unregistered trade union may be sued and prosecuted under the name by which it has been operating or is generally known.

(3) A trade union whose registration has been cancelled or withdrawn may be sued and prosecuted under the name by which it was registered.

(4) Execution for any money recovered from a trade union in civil proceedings may issue against any property belonging to or held in trust for the trade union other than the benevolent fund of a registered trade union.

(5) Any fine ordered to be paid by a trade union may be recovered by distress and sale of any movable property belonging to or held in trust for the trade union in accordance with the provisions of the Criminal Procedure Code, 1898.

(6) It shall be competent for a registered trade union to file a proxy in any court or in any civil or other judicial proceedings provided that the proxy is signed by at least two of the trustees of that registered trade union.

#### CHAPTER V.

##### *Constitution.*

Membership of minors.

25 A person under the age of twenty-one, but above the age of sixteen, may be a member of a registered trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules; but shall not be a member of the executive or a trustee of a registered trade union.

Officers of trade union.

26 (1) Not less than one-half of the total number of the officers of every registered trade union shall be persons actually engaged or employed in an industry or occupation with which the trade union is connected.

(2) The Executive Committee of Labour, Industry and Commerce may, by special or general order published in the Gazette, declare that the provisions of this section shall not apply to any registered trade union or class of registered trade unions specified in the order.

Change of name.

27 Any registered trade union may, with the consent of not less than two-thirds of the total number of its members and subject to the provisions of section 28, change its name.

Amalgamation.

28 Any two or more registered trade unions may become amalgamated together as one trade union with or without dissolution or division of the funds of such trade unions or either or any of them, provided that the votes of at least one-half of the members of each or every such trade union entitled to vote are recorded, and that at least sixty per centum of the votes recorded are in favour of the proposal.

Notice of change of name or amalgamation.

29 (1) Notice in writing shall be given to the Registrar of every change of name and of every amalgamation, signed, in the case of a change of name, by the secretary and by seven members of the trade union changing its name, and, in the case of an amalgamation, by the secretary and by seven members of each and every trade union which is a party thereto.

(2) If the proposed name is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.

(3) Save as is provided in sub-section (2), the Registrar shall, if he is satisfied that the provisions of this Ordinance in respect of change of name have been complied with, register the change of name in the prescribed manner, and the change of name shall have effect from the date of such registration.

(4) If the Registrar is satisfied that the provisions of this Ordinance in respect of amalgamation have been complied with and that the trade union formed thereby is entitled to registration under section 10, he shall register the trade union in the prescribed manner and the amalgamation shall have effect from the date of such registration.

(5) An appeal shall lie to the District Court against a refusal of the Registrar to register either a change of the name of a registered trade union or the amalgamation of any two or more registered trade unions and all the provisions of section 16 shall apply accordingly for the purposes of such an appeal as though the refusal to register a change of name or an amalgamation were a refusal to register a trade union. A further appeal to the Supreme Court shall lie against any order made by the District Court on such appeal and the provisions of section 17 shall apply accordingly.

Effect of change of name or amalgamation.

30 (1) A change in the name of a registered trade union shall not affect any rights or obligations of that trade union or render defective any legal proceeding by or against the trade union, and any legal proceeding which might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.



(2) An amalgamation of two or more registered trade unions shall not prejudice any right of either or any such trade unions or any right of a creditor of either or any of them.

31 (1) Every registered trade union shall have a registered office to which all communications and notices may be addressed.

Registered  
office.

(2) Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and shall be registered by him, and the trade union shall not be deemed to have complied with the provisions of this Ordinance until such notice has been given.

(3) Every trade union which—

(a) operates without having a registered office, or without giving notice of the situation of its registered office as hereinbefore required; or

(b) operates at any place to which its registered office may have been removed, without having given notice of the change in the situation thereof to the Registrar,

shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding ten rupees for every day during which it is so in operation; and every officer of any such trade union shall be liable to be convicted and fined a like amount in respect of the same offence.

32 (1) The rules of every registered trade union shall provide for all the matters specified in the First Schedule.

Rules.  
First  
Schedule.

(2) A copy of the rules for the time being in force of any registered trade union shall be prominently exhibited at the registered office thereof and shall be furnished by the secretary of such trade union to any person on demand on payment of a sum not exceeding fifty cents.

(3) A copy of every new rule and of every alteration made in the rules of a registered trade union shall be sent to the Registrar within seven days of the making of such rule or alteration and shall be registered by the Registrar on payment of the prescribed fee.

33 Notice of all changes of officers or of the title of any officer shall be prominently exhibited in the registered office of every registered trade union, and shall, within seven days after the change, be sent to the Registrar by such trade union together with the prescribed fee, and the Registrar shall thereupon correct the register accordingly.

Notification  
of change of  
officers, &c.

34 When a registered trade union is dissolved, notice of the dissolution signed by seven members and by the secretary of the trade union shall, within fourteen days of the dissolution, be sent to the Registrar and shall be registered by him if he is satisfied that the dissolution has been effected in accordance with the rules of the trade union; and the dissolution shall have effect from the date of such registration.

Notification  
of dissolution.

35 (1) The rules of a trade union shall provide for the appointment or election of trustees and for the filling of vacancies in the office of trustee so that, as far as may be, there shall always be at least three trustees of the union.

Trustees.

(2) Any officer or member of a registered trade union may be a trustee thereof.

## CHAPTER VI.

### *Property.*

36 All property, movable or immovable, of a registered trade union shall be vested in its trustees for the use and benefit of the union and its members and shall be under the control of the trustees.

All property  
vested in  
trustees.

37 Upon any change in the office of the trustee, the property of a registered trade union shall vest in the trustee or trustees for the time being of the union for the same estate and interest as the former trustee had therein, and subject to the same trusts, without any conveyance or assignment.

Devolution  
of property.

38 Subject to any provision in its rules, it shall be lawful for a registered trade union to purchase or to take upon lease for the purposes of the union and in the names of its trustees any land not exceeding one acre in extent or any buildings and, subject to any written or other law which may be applicable, to sell, exchange, hypothecate or lease any such land or building which may be so purchased.

Purchase or  
lease of land  
or buildings.

## CHAPTER VII.

*Funds and accounts.*

Application  
of funds.

39 The funds of a registered trade union may, subject to the rules thereof and to the provisions of this Ordinance, be applied for any lawful object for which that trade union has been established.

Prohibition  
of payment  
of fines or  
penalties.

40 The funds of a registered trade union shall not be applied either directly or indirectly in payment of the whole or part of any fine or penalty imposed upon any person by sentence or order of a court of justice.

Political  
objects and  
political fund.

41 (1) A registered trade union may constitute a separate fund, hereinafter in this Ordinance called "the political fund", from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the civic and political interests of its members, in furtherance of any of the objects, hereinafter in this Ordinance called "political objects" specified in sub-section (2).

(2) The political objects referred to in sub-section (1) are:—

- (a) the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election as a member of the State Council or to any public office, before, during, or after the election, in connection with his candidature or election; or,
- (b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or,
- (c) the maintenance of any person who is a member of the State Council or who holds a public office; or,
- (d) the compilation or revision of any register of electors, the registration of electors, or the selection of a candidate for membership of the State Council or for any public office; or,
- (e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

In this sub-section, "public office" means the office of any member of any Municipal Council, District Council, Local Board, Sanitary Board, Village Committee or any other local authority constituted by or under any written law and which has or may have the power to raise money, either directly or indirectly, by means of the imposition or levy of any tax, rate or fee.

(3) No political fund shall be created by any registered trade union unless a resolution in favour of the creation of a political fund is passed by a majority of the members of the union present and voting at a general meeting specially convened for the purpose. The voting at a general meeting so convened shall be by ballot held in the prescribed manner.

(4) No payment in furtherance of any political object shall be made by any registered trade union except out of the political fund of that union.

(5) No member of a registered trade union shall be liable to contribute to the political fund of that union unless he has signed and delivered at the registered office thereof a notice substantially in the form contained in Part I of the Second Schedule of his willingness to contribute to that fund and has not withdrawn such notice by signing and delivering at the registered office of the union a notice substantially in the form contained in Part II of that Schedule.

(6) A notice under sub-section (5) may be delivered personally or by an agent or servant, and shall be deemed to have been duly delivered if it is sent by registered post addressed to the secretary of the registered trade union at its registered office.

(7) No member shall be compelled or required to make a contribution to the political fund unless he is liable for such contribution.

(8) Where a member of a registered trade union is liable to contribute to the political fund of that union, every demand made to that member for a contribution to the funds of the union shall specify separately the amount, if any, demanded from him as a contribution to the political fund; and every receipt issued to any member of a registered trade union for any contribution made by that member to the funds of that union shall specify separately what sum, if any, out of the total amount of such contribution was received from that member on account of the political fund.

(9) No assets of a trade union, other than the contributions of members liable to contribute to the political fund and voluntary contributions to the political fund received from non-members, shall be credited to the political fund; and no assets of a trade union not forming part of the political fund shall be directly or indirectly applied in furtherance of any political object.

(10) A member of a registered trade union who does not contribute to the political fund thereof shall not be expelled therefrom nor be excluded from any benefits of that trade union nor be placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of that trade union (except in relation to the control or management of the political fund) by reason of his not contributing to that fund; and a contribution to the political fund shall not be made a condition for admission to the trade union.

42 An injunction restraining any unauthorised or unlawful expenditure of the funds of a registered trade union may be granted on the application of any person having a sufficient interest in the relief sought, or of the Attorney-General.

Injunction to restrain misuse of funds.

43 (1) Every treasurer of a registered trade union and every other officer thereof who is responsible for the accounts of the union or for the collection, disbursement, custody or control of the funds or moneys thereof, shall, upon resigning or vacating his office and at least once in every year at such time as may be specified by the rules of the union and at any other times at which he may be required to do so by a resolution of the members of the union or by the rules thereof, render to the union and its members a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office, or if he has previously rendered an account, since the last date upon which he rendered such account, and of the balance remaining in his hands, at the time of rendering such account and of all bonds, securities, or other property of the trade union entrusted to his custody or under his control.

Treasurer to render accounts.

(2) The form of account may be prescribed by regulation.

(3) The account shall be verified by affidavit, and the union shall cause the account to be audited by some fit and proper person approved by the Registrar.

(4) After the account has been audited, the treasurer or other officer referred to in sub-section (1) shall forthwith hand over to the trustees of the union, if required by them to do so, such balance as appears to be due from him, and also, if so required, all bonds, securities, effects, books, papers, and property of the union in his hands or custody, or otherwise under his control.

44 (1) The secretary of every registered trade union shall furnish annually to the Registrar on or before the prescribed date in each and every year a general statement audited in the prescribed manner, of all receipts and expenditure during the period of twelve months ending on the thirty-first day of March next preceding such prescribed date, and of the assets and liabilities of the trade union as at such thirty-first day of March. The statement shall be prepared in such form and shall comprise such particulars as may be prescribed.

Annual returns.

(2) Together with the general statement referred to in sub-section (1), the secretary of each registered trade union shall furnish to the Registrar a copy of all alterations or amendments of rules, and of all new rules, and a list of all changes of officers, made by the union during the period of twelve months preceding the said thirty-first day of March, and a copy of the rules of the trade union in force on that day.

(3) In the case of a registered trade union which was established before the commencement of this Ordinance, it shall be lawful for the Registrar, on application made to him in that behalf, by writing under his hand to substitute the day on which the financial year of that trade union ends for the thirty-first day of March mentioned in sub-sections (1) and (2) and, if necessary, some other date for the date prescribed for the purposes of sub-section (1); and all the provisions of this section shall thereupon apply accordingly in the case of that registered trade union as though the date and the day so substituted were respectively the date referred to in sub-section (1) and the day referred to in sub-sections (1) and (2).

(4) Every member of a registered trade union shall be entitled to receive free of charge a copy of the general statement referred to in sub-section (1) and the secretary of each registered trade union shall deliver a copy of such statement to every member of his union who makes application to him therefor.

(5) Any secretary of a registered trade union who fails to comply with any of the requirements of this section shall be guilty of an offence, and shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding one hundred rupees.

(6) Every person who wilfully makes or orders or causes or procures to be made any false entry in or omission from any general statement, copy or list delivered to the Registrar under sub-sections (1) and (2) shall be guilty of an offence and shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding one hundred rupees.

Inspection of accounts and documents.

45 The account books of a registered trade union and a list of the members thereof shall be open to inspection by any officer or member of the trade union at such times as may be provided for in the rules of the trade union.

#### CHAPTER VIII.

##### *Regulations.*

Regulations.

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

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

- (a) all matters stated or required in this Ordinance to be prescribed;
- (b) the books and registers to be kept for the purposes of this Ordinance and the forms thereof;
- (c) the manner in which trade unions and the rules of the trade unions shall be registered and the fees payable on registration;
- (d) the manner in which, and the qualifications of persons by whom, the accounts of registered trade unions or of any class of such unions shall be audited;
- (e) the conditions subject to which inspection of documents kept by the Registrar shall be allowed and the fees which shall be chargeable in respect of such inspections;
- (f) the due disposal and safe custody of the funds and moneys of a trade union;
- (g) the creation, administration, protection, control and disposal of the benevolent funds of registered trade unions and all matters connected therewith or incidental thereto; and
- (h) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this sub-section.

(2) The Executive Committee of Labour, Industry and Commerce may by regulation declare that any regulation made under head (g) of sub-section (1) shall apply to a specified trade union only or that any particular trade union or class of trade union shall be exempt from the operation of any regulation made under that head of that sub-section.

Approval by State Council and ratification by Governor.

47 (1) No regulation made under section 46 shall have effect unless it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(2) Every regulation made by the Executive Committee of Labour, Industry and Commerce shall, upon the publication of a notification of the approval and ratification of that regulation as provided for in sub-section (1), be as valid and effectual as if it were herein enacted.

#### CHAPTER IX.

##### *Offences and penalties.*

Penalty for misuse of money or property of a registered trade union.

48 (1) Where, on complaint made by a member of a registered trade union, it is shown to the satisfaction of a Police Magistrate that any officer or member of that union has in his possession or control any property of the union except in accordance with the rules of the union, or has unlawfully expended or withheld any money of the union, the Magistrate shall, if he considers the justice of the case so requires, order such officer or member to deliver all such property to the trustees of the union and to pay to them the money so unlawfully expended or withheld.

(2) A complaint made under sub-section (1) shall not be entertained unless the Police Magistrate is satisfied that the complainant is, on the date of that complaint, a member of the registered trade union in respect of the property of which such complaint is so made.

(3) Any person bound by an order made under sub-section (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in such order shall be guilty of an offence and shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding one hundred rupees.

(4) An order under sub-section (1) shall not affect or prevent a prosecution of, or civil proceedings against, any such officer or member.

49 Any person who, with intent to deceive, gives to any member of a registered trade union or to any person intending or applying to become a member of such trade union any document purporting to be a copy of the rules of the trade union or of any alterations thereto which he knows, or has reason to believe, is not a correct copy of such rules or alterations as are for the time being in force, or any person who, with the like intent, gives a copy of any rules of an unregistered trade union to any person on the pretence that such rules are the rules of a registered trade union, shall be guilty of an offence and shall on conviction after summary trial by a Police Magistrate be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for any period not exceeding three months, or to both such fine and imprisonment.

Supplying false information regarding trade unions.

50 If default is made on the part of any registered trade union in doing any act, in giving any notice, or in sending any statement, return or other document as required by this Ordinance or by the regulations made thereunder, every officer or other person bound by the rules of the trade union or under the provisions of this Ordinance or the regulations made thereunder to do such act, or to give such notice, or to send such statement, return or document, or, if there is no such officer or person, every member of the executive of that registered trade union shall severally be guilty of an offence and shall on conviction after summary trial by a Police Magistrate be liable to a fine not exceeding fifty rupees.

Failure to submit returns.

51 (1) Every person who, and every trade union which, contravenes any provision of this Ordinance or any regulation made thereunder shall be guilty of an offence and shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding one hundred rupees unless some other punishment is provided for such offence by this Ordinance.

General penalty.

(2) Upon conviction of an unregistered trade union under sub-section (1), every person proved to have been a member of the executive of that trade union at any time after the commencement of this Ordinance shall be deemed severally to be guilty of the offence for which the trade union was so convicted and the Police Magistrate shall, after necessary enquiry, declare in his judgment and verdict the name of each person so deemed to be guilty and shall pass sentence upon him according to law.

52 No prosecution shall be instituted under this Ordinance except by, or at the instance of, or with the written consent of, the Attorney-General.

Limitation of prosecutions.

53 The offences and penalties specifically defined and provided in this Ordinance are in addition to and not in substitution of those defined and provided in any other written law.

Saving of offences under other written law.

## CHAPTER X.

### *Miscellaneous.*

54 This Ordinance shall not affect—

- (1) any agreement between partners as to their own business; or
- (2) any agreement between an employer and those employed by him as to such employment; or
- (3) any agreement in consideration of the good will of a business or of instruction in any profession, trade or handicraft.

Ordinance not to affect certain agreements.

Certain Ordinances not to apply to trade unions.

55 The following Ordinances, namely :

- (a) The Joint Stock Companies Ordinance, 1861,
- (b) The Societies' Ordinance, 1891,
- (c) The Registration of Business Names Ordinance, No. 6 of 1918, and

(d) The Co-operative Societies Ordinance, No. 34 of 1921, shall not apply to any trade union ; and the registration of any trade union under any of those Ordinances shall be void.

Service of legal process.

56 Every summons, notice or other document required to be served on a trade union in any civil or criminal proceeding shall be deemed to be duly served if it is delivered at the registered office of the trade union or if it is served personally on the president or the treasurer or the secretary or on any officer of the trade union provided that such service is otherwise in compliance with the requirements of written law.

#### FIRST SCHEDULE.

(Section 32.)

Matters for which provision must be made in the rules of every registered trade union.

1. The name of the trade union and the place of meeting for the business of the trade union.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, the conditions under which any member thereof may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member thereof.
3. The manner of making, altering, amending, and rescinding rules.
4. The appointment or election and removal of an executive and of trustees, secretaries, treasurers, and other officers, of the trade union.
5. The custody and investment of the funds of the trade union, the designation of the officer or officers responsible therefor, and the annual or periodical audit of its accounts.
6. The inspection of the books and names of members of the trade union by any person having an interest in the funds of the trade union.
7. The manner of the dissolution of the trade union and the disposal of the funds thereof available at the time of such dissolution.

#### SECOND SCHEDULE.

(Section 41.)

##### PART I.

Form of political fund contribution notice.

##### POLITICAL FUND CONTRIBUTION NOTICE.

Name of Trade Union : \_\_\_\_\_

I, \_\_\_\_\_, hereby give notice that I am willing, and agree, to contribute to the political fund of the above Trade Union ; and I understand that I shall, in consequence, be liable to contribute to that fund, and shall continue to be so liable, unless I deliver at the office of the Union a written notice of withdrawal.

(Signed) A. B.

Address : \_\_\_\_\_

Date of delivery : \_\_\_\_\_

Membership number (if any) : \_\_\_\_\_

##### PART II.

Form of withdrawal of political fund contribution notice.

##### WITHDRAWAL OF POLITICAL FUND CONTRIBUTION NOTICE.

Name of Trade Union : \_\_\_\_\_

I, \_\_\_\_\_, hereby give notice that I withdraw the political fund contribution notice delivered by me at the registered office of the above Trade Union, signifying my willingness to contribute to the political fund of that Union ; and I understand that from the date of delivery of this notice at the registered office of the Union I shall not be liable to contribute to the political fund of the Union, unless I deliver at the registered office of the Union a further contribution notice.

(Signed) A. B.

Address : \_\_\_\_\_

Date of delivery : \_\_\_\_\_

Membership number (if any) : \_\_\_\_\_

*Objects and Reasons.*

1. The object of this Bill is to make provision for the registration and control of trade unions.
2. The greater part of the Bill is derived from corresponding provisions in the Trade Union Act, 1871, (34 & 35 Vict. c. 31), the Trade Union Act (Amendment) Act, 1876, (39 & 40 Vict. c. 22), The Trade Disputes Act, 1906, (6 Edw. 7, c. 47), The Trade Union Act, 1913, (2 & 3 Geo. V. c. 30), The Trade Disputes and Trade Unions Act, 1927, (9 & 10 Geo. 5. c. 46) and The Indian Trade Unions Act, 1926, (Act XVI of 1926) which have been modified, adapted and, in some matters, re-drafted to meet local conditions and requirements.
3. The definition of the word "workman" in Clause 2 has been taken over from the Industrial Disputes (Conciliation) Ordinance, 1931, and has been inserted in order to extend the scope and application of the Bill so as to include all employees working under any employer in any capacity and under any contract, whether express or implied.
4. Chapter II deals with the appointment of a Registrar of Trade Unions and of other officers who may be required for the purposes of the Bill. All officers are declared to be public servants within the meaning of the Ceylon Penal Code and are protected against civil actions in respect of acts *bona fide* done or omitted to be done in the discharge of their duties.
5. Clause 8 makes it compulsory for all trade unions established either before or after the commencement of the Ordinance to be registered locally; and Clause 9 provides the procedure to be followed by a trade union when applying for registration. The Registrar is given the power to call for further particulars from applicants for registration (Clause 12) and to refuse registration in specified circumstances. A certificate of registration is issued to every trade union which is duly registered. (Clause 11). Clause 15 details the cases in which the Registrar is empowered to cancel or to withdraw a certificate of registration. Clause 16 enables a party aggrieved by a refusal of the Registrar to register a union or by an order of the Registrar cancelling or withdrawing a certificate of registration to appeal in the first instance to the District Court. A further appeal is allowed to the Supreme Court. (Clause 17).
6. The consequences of a failure to register a trade union in due time are set out in Clause 18. A trade union which has not been duly registered becomes an unlawful association and has no authority to take part in any trade dispute. Clause 19 provides that a trade union shall not enjoy any of the rights, immunities or privileges of a registered trade union until it is registered in accordance with the provisions of the Bill.
7. Chapter IV deals with the rights and liabilities of registered trade unions. A registered trade union is protected against an action in tort (Clause 21); but any trade union, including an unregistered union is liable in contract. (Clause 22). In the case of a registered trade union the fact that its objects are in restraint of trade does not render such objects unlawful or expose any member of the union to an action for criminal conspiracy. (Clause 23). Clause 24 enables a registered trade union to sue and to be sued in its own name; but an unregistered trade union has no right to sue though it may be sued and prosecuted under the name by which it operates or by which it is generally known.
8. Chapter V deals with the constitution of trade unions. Minors under the age of 21 but above the age of 16 may become members unless the rules of the trade union otherwise provide. (Clause 25). The "executive" of a trade union is defined to mean the body, by whatever name called, to which the management of the affairs of a registered trade union is entrusted. (Clause 2). Clause 26 provides that not less than one-half of the number of officers of a trade union shall be composed of persons actually engaged or employed in an industry or occupation with which the trade union is connected.
9. Clauses 27 to 30 deal with the amalgamation of trade unions and the procedure for changing the name of a trade union. Every registered trade union has to keep a registered office (Clause 31). A change in the situation of the registered office has to be duly notified and registered.
10. Clause 32 provides that every registered trade union shall make provision in its rules for all the matters specified in the First Schedule. Item 4 of the First Schedule makes it compulsory for every trade union to provide for the appointment, election and removal of a secretary and a treasurer.

This provision has been inserted because the Bill specifically casts certain duties on the treasurer and the secretary and it is therefore essential that there should be a secretary and a treasurer for each registered trade union.

11. Registered trade unions have not been declared to be corporations though they have virtually the status of corporations. Following analogous provisions in the English law, all property belonging to trade unions has been vested in trustees who are empowered to purchase or to lease land or buildings for the purposes of their respective unions.

12. Perhaps the most important provisions of the Bill are those contained in Chapter VII which deals with funds and accounts. The funds of a trade union cannot be applied in paying a fine imposed on a member by a court of justice (Clause 40). Money can be spent on a "political object" only out of a special "political fund" which has to be separately constituted from contributions separately levied for or made to that fund. The principle of "contracting in" introduced by the English Trade Disputes and Trade Unions Act, 1927, has been adhered to. The Second Schedule provides the form on which a member of a trade union may "contract in" by notice delivered at the registered office of the union. Ample safeguards have been introduced for auditing the accounts of trade unions and for securing regular returns of accounts, assets, and expenditure.

13. The Executive Committee of Labour, Industry and Commerce is entrusted with the duty of framing the necessary regulations generally for the purpose of carrying out the principles of the Ordinance and specifically in matters of ancillary procedure. All regulations have to receive the approval of the State Council and must be ratified by the Governor before they become effective.

14. Chapter IX deals with offences and penalties. All offences are declared to be summarily punishable by a Police Magistrate but the enumeration of offences and penalties in the Bill does not exclude the operation of other penal statute law.

15. Clause 55 provides that a trade union shall not be registered under the Joint Stock Companies Ordinance, 1861, the Co-operative Societies Ordinance, 1921, the Societies Ordinance, 1891, or the Registration of Business Names Ordinance, No. 6 of 1918.

16. Clause 56 provides for the service of legal process. Service at the registered office of a trade union or on the president, treasurer or secretary thereof is deemed to be good service provided that such service is otherwise in compliance with the requirements of other written law.

PERI SUNDARAM,

Minister of Labour, Industry and Commerce.  
Ministry of Labour, Industry and Commerce,  
Colombo, August 2, 1933.

### MINUTE.

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

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

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 Notaries Ordinance, No. of 1933.

Insertion of new section 10A in the principal Ordinance.

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") :—

Number of offices permitted.

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.

Amendment of section 20 of the principal Ordinance.

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 disregard or neglect to observe the provisions of rule No. 24 in section 29 ; or "



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

Insertion of new section 20A in the principal Ordinance.

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.

Resignation of office.

(2) When a notary has resigned under this section he shall be entitled to retain his warrant which shall nevertheless 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.

5 Section 26 (1) of the principal Ordinance is amended (a) by substituting in line 3 for the words "and office" the words "the office", and (b) by inserting in line 4 between the word "practise" and the word "shall" the words "and such particulars concerning the security he has given as he is required to report under section 15".

Amendment of section 26 of the principal Ordinance.

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

Amendment of section 29 of the principal Ordinance.

(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 ; and

(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."

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.

#### *Objects and Reasons.*

1. This Bill makes certain amendments in The Notaries Ordinance, 1907.

2. Clause 2 limits the number of offices that a notary may have. This provision is designed to prevent notaries from having a larger number of offices than they are able to control adequately.

3. Clause 3 provides definitely for the number of offences under section 29, rule 24, which should constitute repeated breaches or an aggravated breach of the rule.

Section 20 (1) (c) as it stands is inadequate to check slackness and dishonesty on the part of notaries. It is considered that the amendment suggested would be effective in checking such slackness and dishonesty as the offence is specified and the number of repetitions made definite and provides a method of dealing with the offender summarily.

4. Clause 4 provides for the resignation of office by a notary when he desires to cease to practise. There is at present no provision for this purpose in the Ordinance.

5. Clause 5 introduces an amendment which will require an annual declaration by a notary regarding the security given by him. The existing provision in section 15 does not sufficiently ensure that relevant information regarding the security is promptly brought to the notice of the District Judge.

6. Clause 6 provides principally (a) that a person signing documents with a mark should be made to affix to it his thumb impression as well, and (b) a more expeditious method than is at present available for dealing with notaries who do not forward their duplicates, &c., as required in section 29, rule 24.

7. Clause 7 extends to notaries who are not advocates or proctors the right of retaining documents which is a privilege that is essential if they are to practise in partnership with one another.

8. Clause 8 makes an amendment which supplements that occurring in clause 6 (b). They delete certain words which are no longer of any use because the system of sale of stamps by vendors no longer exists.

PERI SUNDARAM,

Minister for Labour, Industry and Commerce.

Colombo, August 2, 1933.

### MINUTE.

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

**An Ordinance to amend the Prevention of Crimes Ordinance, No. 2 of 1926.**

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 Prevention of Crimes Amendment Ordinance, No. of 1933.

Amendment of section 18 of the principal Ordinance.

2 Section 18 of The Prevention of Crimes Ordinance, No. 2 of 1926, is amended as follows:—

(a) The section is renumbered as section 18 sub-section (1), by the insertion of the figure " (1) " at the beginning;

(b) At the end of the said sub-section (1) the following is added:—

" And on such revocation the person whose licence is so revoked may, if at large, be arrested by any peace officer without a warrant and committed by any Police Magistrate to undergo the term of imprisonment or preventive detention to which he shall be liable under section 19 by reason of such revocation."

(c) After the said sub-section (1) the following new sub-section (2) is added:—

" (2) Whenever by virtue of sub-section (1) a Police Magistrate commits a person to undergo a term of imprisonment or preventive detention, such Police Magistrate shall forthwith report such committal to the Police Magistrate by whom such person was convicted of the offence under section 16 that led to the revocation of his licence."

*Objects and Reasons.*

If a convict, who is at large under a licence issued under the Prevention of Crimes Ordinance, No. 2 of 1926, is convicted of a breach of a condition attached to the licence, he becomes liable to the punishment imposed for that offence and, in addition, the Governor may revoke his licence. When a licence is so revoked the convict becomes liable under section 19 of the Ordinance to serve the portion of his sentence that remained unexpired when his licence was granted.

2. It may happen that the punishment for the breach of a condition attached to the licence terminates before the licence itself is revoked by the Governor; and in such cases, as there is no authority to detain him, the convict is set at liberty before he can be legally required to serve the unexpired portion of his sentence as required in section 19.

3. The purpose of this Bill is to authorise the arrest of a convict when he is at liberty in the circumstances mentioned in the preceding paragraph.

Attorney-General's Chambers,  
Colombo, August 1, 1933.

E. ST. J. JACKSON,  
Attorney-General.

**DISTRICT AND MINOR COURTS NOTICES.****Destruction of Valueless Records.**

NOTICE is hereby given that the valueless records of the District Court of Colombo for the years 1915 to 1917 (records Nos. 42,151 of July 9, 1915 to 49,000 of November 5, 1917) will be destroyed in terms of Ordinance No. 12 of 1894 at the expiration of three months from October 1, 1933.

Any person interested in any such record or records may personally, by proctor, or by duly authenticated petition, claim, upon good cause shown, that such record or records may not be destroyed.

District Court,  
Colombo, July 26, 1933.

G. C. THAMBYAH,  
District Judge.

**The Village Communities Ordinance, No. 9 of 1924.**

IT is hereby notified in terms of section 98 of the Village Communities Ordinance, No. 9 of 1924, that the Village Tribunal of Kukul korale, Ratnapura District, has with the approval of the Government Agent, Province of Sabaragamuwa, prescribed the building noted below as a Village Tribunal Court-house, with effect from August 1, 1933, in place of the District Road Committee circuit bungalow at Weddagala.

The Kachcheri,  
Ratnapura, August 1, 1933.

N. J. MIDDINGTON,  
Government Agent.

Court-house.

Jurisdiction.

House standing on the land called Batawelpanawewatta at Weddagala. The whole of Uda pattu, Kukul korale

**NOTICES OF INSOLVENCY.**

In the District Court of Colombo.

No. 4,298. In the matter of the insolvency of C. S. Fernando of Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 3, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, K. RATNASINGHAM,  
July 26, 1933. Secretary.

In the District Court of Colombo.

No. 4,447. In the matter of the insolvency of M. Z. Cassim of Messenger street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 10, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, K. RATNASINGHAM,  
July 26, 1933. Secretary.

In the District Court of Colombo.

No. 4,489. In the matter of the insolvency of A. Morais of Fourth Cross street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 17, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, K. RATNASINGHAM,  
July 26, 1933. Secretary.

In the District Court of Colombo.

No. 4,551. In the matter of the insolvency of P. M. Mohideen Batcha of Victoria Arcade, Fort, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 10, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, K. RATNASINGHAM,  
July 26, 1933. Secretary.

In the District Court of Colombo.

No. 4,654. In the matter of the insolvency of W. Arunachalampillai of Maliban street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 26, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, K. RATNASINGHAM,  
July 26, 1933. Secretary.

In the District Court of Colombo.

No. 4,681. In the matter of the insolvency of Francis Xavier Silva of 24/177, Grandpass road, Colombo.

WHEREAS the above-named Francis Xavier Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Suppiah Chellappah of Wine street, Mutwal, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Francis Xavier Silva insolvent accordingly; and that two public sittings of the court, to wit, on August 22, 1933, and on September 5, 1933, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, K. RATNASINGHAM,  
July 27, 1933. Secretary.

In the District Court of Colombo.

No. 4,682. In the matter of the insolvency of F. Gunasinghe of Ekanayake avenue, Nugegoda.

WHEREAS the above-named F. Gunasinghe has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. P. D. Gabriel of Dam street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said F. Gunasinghe insolvent accordingly; and that two public sittings of the court, to wit, on August 29, 1933, and on September 12, 1933, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, K. RATNASINGHAM,  
July 28, 1933. Secretary.

In the District Court of Negombo.

Insolvency Jurisdiction. In the matter of the insolvency of Lionel Wilfred Mendis Abeysekera of Bomugammana estate, Divulapitiya. No. 227.

NOTICE is hereby given that Lionel Wilfred Mendis Abeysekera of Bomugammana estate, Divulapitiya, has been adjudged an insolvent, and August 21, 1933, 10 A.M., has been fixed for the said insolvent to file a balance sheet of his transactions.

By order of court, C. EMMANUEL,  
July 31, 1933. Secretary.

In the District Court of Galle.

No. 676. In the matter of the insolvency of Hewawana-witage Hinni Appunhamy of Denepitiya.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 28, 1933, for appointment of an assignee.

By order of court, I. H. CASPERSZ,  
July 25, 1933. Secretary.

In the District Court of Galle.

No. 681. In the matter of the insolvency of Omer Yusoof of Main street, Galle.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 15, 1933.

By order of court, L. B. CASPERSZ,  
July 25, 1933. Secretary.

In the District Court of Matara.

Insolvency Case No. 78. In the matter of the insolvency of Mohamadu Neina, Marikkar Mathicham Mohamad Zeinyudeen Alim of Kotuwegoda.

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

By order of court, R. MALALGODA,  
Secretary.

July 18, 1933.

In the District Court of Badulla.

No. 15. In the matter of the insolvency of M. A. S. Seyyadu Abbas of Bandarawela.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 30, 1933, to examine the insolvent.

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

In the District Court of Badulla.

No. 19. In the matter of the insolvency of M. H. Packir Saibo of Badulla.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 30, 1933, to examine the insolvent.

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

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Colombo.

In the matter of the estate of Wadumestrige Don Smanhamy of Kalubowila, deceased.

No. 16,051 Testy.

Ramanayake of Baseline road,  
Colombo ..... Person Accountable.

NOTICE is hereby given that on Thursday, August 31, 1933, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said person accountable in the following property for the recovery of the sum of Rs. 268, with interest thereon at 4 per cent. per annum from September 20, 1926, till date of payment being estate duty payable by him in this case, together with a further sum of Rs. 9, viz. :—

All that undivided 1/20 and 1/264 parts from and out of the land called Mahakosgahawatta *alias* Palumuthagewatta, Madangahawatta, Madangahaowita, Kebellagahawatta *alias* Madangahawatta, and Ambagahaowita, together with the entirety of the buildings standing thereon, situated at Kalubowila in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and bounded on the north by the lands of Subbaddewaduge Don Suwaris and others and owita, on the east by the remaining portion of the same land belonging to Wadumestrige Don Loren and others, on the south by the boundary wall of the land sold by Mahabalage Christombu Appuhamy and a ditch, and on the west by the lands of Ratnaweera Acharige people and others and owita; containing in extent ground sufficient to plant about 1,000 coconut plants.

Fiscal's Office,  
Colombo, August 2, 1933.

CARL E. ARNDT,  
Deputy Fiscal.

In the District Court of Colombo.

N. R. M. N. Ramanathan Chettiar of Sea street in  
Colombo ..... Plaintiff.

No. 37,479. Vs.

(1) D. A. A. Samaranyake, Inspector of Motor Cars, presently at Daluwakotuwa, Negombo, and another ..... Defendants.

NOTICE is hereby given that on Thursday, September 7, 1933, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 1,776.50. with interest on Rs. 1,700 at 18 per cent. per annum from March 31, 1930, to June 6, 1930, and

thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, less the sum of Rs. 1,080, viz. :—

31 The land called Delgahalanda, situated at Tawalanpitiya in Udugala pattu of Hapitigam korale in the District of Negombo, Western Province; and bounded on the north-east by Molewatta belonging to Mr. Wijewardene, east by the land belonging to D. E. Perera Vidane, Aratchige James Appu, and Don William Amerasekera, south by the land of Velup Appu south-west by the property belonging to the Roman Catholic Church, and on the north-west by the road; containing in extent 16 acres 2 roods and 12 perches, excluding an extent of 2 roods more or less on the south-eastern corner which belongs to the estate of the late Don William Amerasekera, and all the buildings standing thereon. Registered under F 45/178.

Fiscal's Office,  
Colombo, August 2, 1933.

CARL E. ARNDT,  
Deputy Fiscal.

34 In the District Court of Colombo.

M. R. P. L. M. Mutturaman Chettiar of 80, Sea street,  
Colombo ..... Plaintiff.

No. 51,621.

Rosaline Gunaratnam Nilsof Temple road in  
Colombo, executrix of the last will and testament of  
the late J. P. Nilsof ..... Defendant.

NOTICE is hereby given that on Monday, September 4, 1933, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 2,754.63, with interest on Rs. 2,250 at 15 per cent. per annum from February 1, 1933, till March 23, 1933, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, less a sum of Rs. 562, viz. :—

An allotment of land marked lot No. 25, with the buildings standing thereon, presently bearing assessment No. 38, School avenue, Galle road, Wellawatta, from and out of all those allotments of land known as Mohandiram's land, being a partitioned portion of all the amalgamated lots 276, 276F, 275, 278, 279, 282, 283, 288A, 288B, 291B, 298, 300, and 301 in registered plan No. 2 and bearing assessment Nos. 326/265, 317/247, 329/255, &c., lot 25 being portion of lot 301, situated at Galle road, Wellawatta Ward, within the Municipality and District of Colombo, Western Province; and bounded on the north by roadway 30 feet wide (sanctioned) being lot 286, on the east by lot 26, on the south by lots 308 and 308A of H. S. Manatunga and others, and on the west by lot 24 and lot 299 assessment No. 312/235 of H. John Peiris; containing in extent 37 4/100 perches. Registered in Wellawatta 17/32.

Fiscal's Office,  
Colombo, August 2, 1933.

CARL E. ARNDT,  
Deputy Fiscal.

21 In the District Court of Kalutara.

In the matter of the estate of Warusahennedige Selina Perera-Gunaratne nee Soysa of Kalutara North.

No. 2,201.

B. S. P. Gunaratne of Kalutara North ..... Defendant.

NOTICE is hereby given that on Tuesday, September 5, 1933, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 50.44, with interest at 4 per cent. per annum from April 22, 1926, to date of payment with Rs. 14.80 and a further sum of Re. 1.50, viz. :—

All those 4 allotments of land called Amarakoonwatta now forming one property consisting of two lots marked letters A and B of plan No. 1,304 dated January 22, 1925, made by T. F. Collette, Licensed Surveyor, and which said lots A and B bearing assessment Nos. 1339-1341 and 1343, situated at Kalutara North, Kalutara totamune, in the District of Kalutara, Western Province; and bounded on the north by a portion of the same land and distillery road, on the east by a portion of the same land and field, on the south by Kosgahawatta *alias* Jossagewatta and portion of the same land belonging to Mr. A. D. de Fonseka, and on the west by the old road; containing in extent 1 acre 3 roods and 32 perches.

Deputy Fiscal's Office,  
Kalutara, July 31, 1933.

D. J. JAYASUNDERA,  
Deputy Fiscal.

## North-Western Province.

24/16/33  
 District Court of Kurunegala.  
 (1) Don Estabrick de Silva, (2) H. W. Charlis de Silva,  
 both of Kurunegala ..... Plaintiffs.  
 No. 14,901. Vs.

K. S. T. Appusingho of Muttettugala, Kurunegala ..... Defendant.

NOTICE is hereby given that on Thursday, September 7, 1933, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 378.21, with legal interest on the aggregate amount from March 24, 1930, till payment in full and poundage, less Rs. 245, viz. :—

The land called Dangahamulahena *alias* watta, situate at Getuwana in Tiragandahe korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by Viharekanda, east by footpath, south by Dambulla road, west by wire fence of the land of Ahamadeen. With the plantations and buildings standing thereon; containing in extent 2 acres 1 rood and 14 perches; held and possessed by the judgment in D. C., Kurunegala, case No. 11,791.

Fiscal's Office,  
 Kurunegala, August 1, 1933.

A. BASNAYAKE,  
 Deputy Fiscal.

## In the District Court of Kurunegala.

30  
 K. M. P. R. Kumarappa Chettiar, (2) K. M. P. R. Periya Karuppen Chettiar, by their attorney Veeyanma Rana Balakrishna Riwuth of Kurunegala ..... Plaintiff.  
 No. 15,770. Vs.

K. Walter Peris of Katugampola Pannala ..... Defendant.

NOTICE is hereby given that on Saturday, September 2, 1933, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 8,493.75, with interest on Rs. 7,500 at 18 per cent. per annum from April 23, 1931, to July 10, 1931, and thereafter with legal interest on the aggregate amount till payment in full and poundage, less Rs. 4,430, viz. :—

All that allotment of land called Talgahamulawatta, situate at Dandagomuwa in Katugampola korale of the Katugampola hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by the lands of Setuhamy and others, and Dasanayaka Mudiyanseelage Manelhamy Koralearachchy, east by the road, south by the lands of Silva Gunsekara and Dr. J. H. de Silva, and west by the land belonging to Dr. J. H. de Silva; and containing in extent 26 acres and 38 perches. Registered in C 415/77, G 454/54, C 554/96.

Subject to mortgage in favour of K. M. P. R. Kumarappa Chettiar and Periya Caruppen Chettiar for the sum of Rs. 4,000.

Fiscal's Office,  
 Kurunegala, July 31, 1933.

A. BASNAYAKE,  
 Deputy Fiscal.

## In the District Court of Kurunegala.

The Chettinad Corporation, Limited, by its attorney, Kawanna Suppiah Pullé of Elabodagama ..... Plaintiff.  
 No. 16,877. Vs.

F. B. Jayatileke of Pannala in Katugampola Medapattu korale west ..... Defendant.

NOTICE is hereby given that on Tuesday, August 29, 1933, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,323.77, with further interest on Rs. 1,000 at 24 per cent. per annum from February 13, 1933, to June 13, 1933, and thereafter with legal interest on the aggregate amount till payment in full, and poundage, viz. :—

The land called Debaraliyaddewatta, situate at Pannala in Medapattu korale west of Katugampola hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by lots A and C of this land, east by lot C of this land and menumpara between Nagahamukalana of Bandaranyake, south by Debaraliyaddemahawatta of Elizabeth Perera, west by Debaraliyaddewela and lot A

of this land, with the buildings and everything thereon; containing in extent 36 acres 2 roods and 39 1/8 perches. Registered under C 546/229.

Fiscal's Office,  
 Kurunegala, July 19, 1933.

A. BASNAYAKE,  
 Deputy Fiscal.

## In the District Court of Colombo.

K. R. M. T. T. A. L. Alagappa Chettiar of 202, Sea street, in Colombo ..... Plaintiff.  
 No. 43,803. Vs.

(1) S. M. K. S. Mohammadu Sahul Hameed, (2) S. M. K. S. Seyedu Mohamadu, (3) S. M. K. S. Seiyadu Ahamadu Neima, all of Kurunegala ..... Defendants.

NOTICE is hereby given that on Friday, September 1, 1933, at the times shown below, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 2,092, with interest on Rs. 2,000 at 18 per cent. per annum from April 27, 1931, till October 7, 1931, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, costs of suit and poundage, viz. :—

The life interest of the 1st defendant in and to following lands, to wit :—

(1) 2 p.m.—The divided south-eastern portion of the land called Etewatta, situated at Bamunussa in Kudagalboda korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; and which said divided portion is bounded on the north by the land belonging to Davith Perera and others, east by Karambewatta and the garden of Heenappu, south by Beruwalawatta, west by the remaining portion belonging to Sena Moona Kana Mohammedo Kadija Umma; and containing in extent 106 acres, with the houses, buildings, plantations, and everything standing thereon.

(2) 3.30 p.m.—An allotment of land in plan No. 85,326, in extent 1 22/100 perches bearing assessment No. 57, Esplanade street, in the town of Kurunegala; and bounded on the north by land in plan No. 85,325, and land of Assan Ali, east and south by land of Piloappu, west by Esplanade street; with the buildings thereon.

(3) 3.45 p.m.—An allotment of land bearing assessment No. 66, situate at Esplanade street aforesaid; and bounded on the north by land of Sallay, east by Esplanade street, south by land of Tamby Sallay, west by Morris lane; containing in extent about 3 perches, with the buildings thereon.

(4) 4 p.m.—The boutique formerly bearing assessment No. 61, now bearing No. 62, situate at Esplanade street aforesaid; and bounded on the north-east by Esplanade street, south, west, and north by lands claimed by natives; containing in extent 1 perch.

The above properties are under seizure under D. C., Colombo, 45,471, 47,990, D. C., K., 15,842, 15,849, and 16,029.

Fiscal's Office,  
 Kurunegala, July 24, 1933.

A. BASNAYAKE,  
 Deputy Fiscal.

## In the District Court of Negombo.

A. R. R. M. Arunasalam Chettiar of Negombo ..... Plaintiff.  
 No. 5,487. Vs.

Mirisage Paulu Fernando of Lunuwila ..... Defendant.

NOTICE is hereby given that on Tuesday, August 21, 1933, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,408.43, with interest on Rs. 1,150 at 15 per cent. per annum from June 11, 1931, till June 17, 1931, and thereafter at 9 per cent. per annum till payment and poundage, viz. :—

The lots L and E in plan No. 371 dated September 23, 1912, made by Mr. Moses Waas, Licensed Surveyor, adjoining each other, with buildings and plantations standing thereon, situate at Lunuwila in Otara palata of Pitigal korale south in the District of Chilaw, North-Western Province; the lots L and E adjoining each other is bounded on the north by lots K and D, east by high road, south by land of Philip Daberera and lot F, and west by Gim-oya; containing in extent 4 acres 2 roods and 22 perches (exclusive of the Railway road passing through the land) subject to mortgage bond No. 738 dated June 16, 1926, attested by N. W. Guneratne, Notary Public.

Deputy Fiscal's Office,  
 Chilaw, July 31, 1933.

F. G. DAEPETHADO,  
 Deputy Fiscal.

## Province of Uva.

In the District Court of Badulla.

Nanayakkarage Sophia Perera of Gregory road,  
Badulla, presently of Kalutara ..... Plaintiff.

No. 5,464.

Vs.

Tissera Sandanayaka Seneviratne of  
Badulla ..... Defendant.

NOTICE is hereby given that on Saturday, September 2, 1933, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 12,425, together with interest on Rs. 10,000 at the rate of 12 per centum per annum from January 12, 1932, till date of decree and thereafter on the aggregate amount of the decree at 9 per centum per annum from April 1, 1932, till payment in full, and costs Rs. 287.44, less a sum of Rs. 25, viz. :—

All that allotment of land called Wewewatta *alias* Nelugollewatta; containing in extent about 15 acres, situated at Ellegama in Mahapalata korale of Udukinda division; and bounded as described in deed of transfer No. 2,978 dated August 2, 1917, attested by M. T. Basnayaka, Notary Public, as follows: north by Agala (now by Agala separating Crown land), east by Wella (now by Kandura separating Crown land), south by Agala (now by Guruarawa Kandura), west by Agala (now by Kandura separating land belonging to Huduhamy and Siyatu).

2. All that defined southern portion out of the land called Ellapitawatta *alias* Ulpothewatta; containing in extent  $\frac{1}{2}$  seer of kurakkan sowing, together with the tiled building thereon bearing assessment No. 146, situated at Bandarawela town in Mahapalata korale of Udukinda division; and bounded on the north by Ela separating Crown patana, east by boutique room belonging to Kande-Baduge Megale Fernando, south by Bandarawela-Badulla road, west by the common wall separating the room sold to Simon Silva Manukulasuriya.

3. An allotment of land called Sillath Ampa, together with the tiled building standing thereon, containing in extent 1 acre 2 roods and 12 perches, situated at Udukumbalwela in Kumbalwela korale of Yatikinda division; and bounded as described in T. P. No. 222,134 as follows: north and west by lot 3 in P. P. 26, east by lot 13 in P. P. 27, south by lots 56 and 57 in P. P. 27.

4. An allotment of land called Sillath Ambepatana, together with the tiled buildings standing thereon, containing in extent 1 acre 3 roods and 32 perches, situated at Ettalapitiyagama in Mahapalata korale aforesaid; and bounded as described in T. P. No. 238,980 as follows: north by lot 3G in P. P. 26, east by land described in T. P. No. 222,134 and lot 3G in P. P. 26, south by lot 57 in P. P. 26, and west by lot 3 in P. P. 26.

Fiscal's Office,  
Badulla, July 29, 1933.J. W. GOONEWARDENE,  
for Fiscal.

## Province of Sabaragamuwa.

In the District Court of Ratnapura.

Silpaberakarsyalage Babagura of Kiribath-  
gala ..... Plaintiff.

No. 5,382.

Vs.

Batuwitaliyana Sophia de Silva of Dela .... Defendant.

NOTICE is hereby given that on Saturday, September 2, 1933, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 2,814.27, with interest on Rs. 2,400 at 6 per cent. per annum from September 23, 1930, to February 13, 1931, and thereafter at 9 per cent. per annum on the amount of the decree, and poundage, less Rs. 1,200, viz. :—

The whole of the Mangalore tiled house bearing assessment No. 59, and the adjoining 3 rooms built on the eastern side of Berakarayagewatta, situated at Dela; bounded on the north by Peelapitiyedola, east by Peelapitiya and Berakarayagekumbura, south by Wewa-assedduma and galweta; west by rubber estate; containing in extent about 6 seers of kurakkan sowing and the bakery and the tiled house where the defendant resides standing thereon.

Fiscal's Office,  
Ratnapura, July 28, 1933.H. C. WIJESINHA,  
Additional Deputy Fiscal.

In the District Court of Colombo.

S. P. P. Wickaya Reddiar & Co. of Pettah,  
Colombo ..... Plaintiffs.(1) Abdul Basman Oosman and (2) Jackaria Oosman,  
carrying on business under the name, style, and firm  
of A. R. Oosman & Co., Prince street, Pettah,  
Colombo ..... Substituted Plaintiffs.

No. 34,700.

Vs.

(1) A. D. Lobbe, (2) Ana Lena Ana Wahab, both of  
Talduwa, Avissawella ..... Defendants.

NOTICE is hereby given that on Saturday, August 26, 1933, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 500, with legal interest thereon from September 24, 1929, till payment in full and costs, viz. :—

1. An undivided  $\frac{1}{4}$  share of the land called Kiriattulehenyaya, Ritigahawattchenyaya, Moranetunpanehenyaya appertaining to Parapitiye Gamwasama, situated at Uragala in Patha Bulathgama of Kitulgampalatha in the District of Kegalla, Province of Sabaragamuwa; and bounded on the east by Badalpitiye tea estate and Mango Nona's land, south by Ethkili-oya, west by Ilabattulewatta, and Ethaennagalagawahena, north by Kendawathu-ela; containing in extent about 20 amunams paddy sowing excluding therefrom 4 acres.

2. At 3.30 p.m.—An undivided  $\frac{1}{4}$  share of the lands called Mahakumbura, Paruswellerallekumbura, Dangallehenyaya; containing in extent 15 amunams of paddy sowing and excluding Paruswellerallekumbura, and situated at Uragala aforesaid; and bounded on east by Belungala-ela, south by Galpoththeowita and Kelani river, west by Aliwatte tea estate and Dangala, north by Eriyagaha-ela.

3. At 4 p.m.—An undivided  $\frac{1}{4}$  share of the lands called Ambalamekumbura, Halgahakumbura, Dickpurana; containing in extent 1 amunam and 5 lahas paddy sowing and situated at Uragala aforesaid; and bounded on the east by Galagawa-asweddumfniyara, south by Kendawathu-ela and Bogahakumbura, west by Belungala-ela and Pansalewatta, north by Dickpurana and Nawatawatta.

4. At 4.30 p.m.—An undivided  $\frac{1}{4}$  share of the lands called Galpoththewatta and Hengamayagewatta, containing in extent 3 pelas paddy sowing, and situated at Uragala aforesaid; and bounded on the east by Gapoththa and Katuwawalage Gamwasama, south by Kendawathu-ela, west by Perumagewatta, north by Katuwawalage Gamwasama.

5. At 5 p.m.—An undivided  $\frac{1}{4}$  share of Pahalawatta, containing in extent 1 pela paddy sowing, situated at Uragala aforesaid; and bounded on the east by ditch, south by Kalugalagewatta, west by ela, north by ditch.

Valuation Rs. 1,125.

Fiscal's Office,  
Avissawella, July 26, 1933.CHARLES DE SILVA,  
Additional Deputy Fiscal.

In the District Court of Kegalla.

(1) P. R. S. P. N. K. N. Natchiappa Chettiar and (2)  
P. R. S. P. N. K. N. Narayanan Chettiar, by their  
attorney P. R. S. P. N. K. N. Naaciyyappa Cheittyar  
of Colombo ..... Plaintiffs.

No. 10,207.

Vs.

Assen Lebbe Abdul Hamid of Dippitiya ..... Defendant.

NOTICE is hereby given that on August 28, 1933, commencing at the hours specified below, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, viz. :—

1. Sale on August 28, 1933, commencing at 12 noon.—The land called Kahataborehena now rubber estate of 8 lahas of paddy sowing in extent, situated at Kalwana in Tumpalata pattu of Paranakuru korale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the north by Pelainiweta, east by Mahagala (rock), south by ela, and west by Pansalehenaima.

2. An undivided  $\frac{1}{4}$  share of the land called Kahataborehena now rubber estate of 1 pela in paddy sowing in extent, situated at Kalwana aforesaid; and bounded on the north by Ampe Vidanelage Kumbure-ura, east by Udawatteneima, south by Monara-andanagala, and west by Udawattage Galkotuweima.

3. Sale on August 28, 1933, commencing at 2 p.m.—An undivided  $\frac{13}{20}$  share of the land called Dikhenena now tea garden of 2 pelas of paddy sowing or 15 acres in extent,



48 situated at Moragammana in Tumpalata pattu of Paranakuru korale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the east by Paragammanahenamillagaha, south by Galbokkerallagehena, west by ela, and north by Sembadeniyakiyanakumbura.

24/3/33 24/3/33 24/3/33  
4. An undivided 1/16 share of the land called Dikhena of 4 amunams of paddy sowing in extent, situated at Moragammana aforesaid; and bounded on the east by Kongamulähene-ela, south by Sembadeniye-ela, west by Munkotuwa-ela, and north by rubber estate.

5. Sale on August 23, 1933, at 4 p.m.—The land called Pinhena now coconut estate of 2 pelas of paddy sowing in extent, situated at Welimanna aforesaid; and bounded on the north by the limit of Galbodehena, east by the limit of Walahena, south by ela and Muruthullawatta, and west by ela.

For the recovery of the sum of Rs. 5,640 legal interest and costs.

Deputy Fiscal's Office, Keggalla, July 28, 1933. J. A. F. SIRIWARDENE, Additional Deputy Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

26 In the District Court of Colombo.

Order Nisi.

Rs. 16/25  
Testamentary Jurisdiction. In the Matter of the Intestate Estate of Don William Balasuriya Appuhamy of Talangama, deceased.

Don William Balasuriya of Talangama ..... Petitioner.

And

(1) Nawagomuwage Bema Perera, (2) Balasuriyage Dona Robertina, (3) ditto Dona Susana, (4) ditto Don Kathonis, (5) ditto Dona Caroline Margaret, (6) ditto Dona Rosana Arnet, all of Talangama ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on July 24, 1933, in the presence of Mr. F. J. Botejue, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 13, 1933, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before August 31, 1931, show sufficient cause to the satisfaction of this court to the contrary.

July 24, 1933.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

31 Testamentary Jurisdiction. In the Matter of the Last Will and Testament (with four codicils) of Sir Thomas Johnstone Lipton, late of Osidge, New Southgate, in the County of Middlesex, England, Baronet, K.C.V.O., deceased.

16/25  
THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on July 29, 1933, in the presence of Mr. J. F. van Langenberg, Proctor, on the part of the petitioner, James Aubrey Martensz of Colombo; and (1) the affidavit of the said petitioner dated July 28, 1933, (2) the power of attorney dated May 11 and 13, 1933, and (3) the order of the Supreme Court dated July 26, 1933, having been read: It is ordered that the will of the said Sir Thomas Johnstone Lipton, deceased, dated October 10, 1927 (with four codicils thereto dated, respectively, October 10, 1927, October 10, 1927, July 17, 1929, and August 8, 1930), an exemplification of which under the seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said James Aubrey Martensz is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before August 17, 1933, show sufficient cause to the satisfaction of this court to the contrary.

July 29, 1933.

G. C. THAMBYAH, District Judge.

30 In the District Court of Colombo.

Order Nisi declaring Will proved.

Rs. 16/25  
Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Elizabeth Jane Somerville of Bloomsfields, Ferndown, Dorset, formerly of Ravenscroft Park, Barnet, in the County of Hertford, England, widow, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on July 29, 1933, in the presence of Mr. J. F. van Langenberg, Proctor, on the part of the petitioner, Stanley Frederick de Saram of Colombo; and (1) the affidavit of the said petitioner dated July 26, 1933, (2) the power of attorney dated May 18 and 24, 1933, and (3) the order of the Supreme Court dated July 26, 1933, having been read: It is ordered that the will of the said Elizabeth Jane Somerville, deceased, dated June 23, 1924, a certified copy of which under the seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Stanley Frederick de Saram is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before August 17, 1933, show sufficient cause to the satisfaction of this court to the contrary.

July 29, 1933.

G. C. THAMBYAH, District Judge.

29 In the District Court of Colombo.

Order Nisi declaring Will proved.

Rs. 16/25  
Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Ernest Overton Brownlow, late of Westerham Lodge, Canterbury road, Westgate on Sea, in the County of Kent, England, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on August 1, 1933, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Dudley De Burgh Newcomb of Colombo; and (1) the affidavit of the said petitioner dated July 31, 1933, (2) the power of attorney dated June 20, 1933, and (3) the order of the Supreme Court dated July 26, 1933, having been read: It is ordered that the will of the said Ernest Overton Brownlow, deceased, dated October 9, 1931, an exemplification of which under the seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Dudley De Burgh Newcomb is the attorney in Ceylon of the executrices named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before August 17, 1933, show sufficient cause to the satisfaction of this court to the contrary.

August 1, 1933.

G. C. THAMBYAH, District Judge.

In the District Court of Kalutara.

Order Nisi.

3  
Testamentary Jurisdiction. In the Matter of the Estate of the late Pallage Dona Christina Perera Jayatilake, deceased, of Ilimbe in Raigam korale.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on February 11, 1933, in the presence of Mr. G. G. Perera, Proctor, on the part of the petitioner, Ilimbevidanelage Thimonimus Gomas Wijesekera of Ilimbe; and the affidavit of the said petitioner dated January 28, 1933, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as son, to have letters of administration to her estate issued to him, unless the respondents—(1) Ilimbevidanelage Pabilyana Wijesekera Hamine and husband (2) Jayanetikorallage Don Pileck Waidyatilleke Jayawardene Veda Arachchi, both of Welipenna, (3) Ilimbevidanelage Orlana Wijesekera Hamine and husband

(4) Don Jinoris Wijemanne, both of Kumbuke, (5) Iimbevidanelage Aselino Wijesekera Hamine, and (6) Iimbevidanelage Menawara Wijesekera Hamine, both of Iimbe—or any other person or persons interested shall, on or before March 23, 1933, show sufficient cause to the satisfaction of this court to the contrary.

CLEMENT P. WIJERATNE,  
District Judge.  
February 11, 1933.

Date for showing cause against this *Order Nisi* is extended till July 27, 1933.

N. M. BHARUCHA,  
District Judge.  
March 23, 1933.

Date for showing cause against this *Order Nisi* is extended till August 31, 1933.

N. M. BHARUCHA,  
District Judge.  
July 27, 1933.

In the District Court of Kalutara.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Ilekuttige Seraphinu Fernando, deceased,  
No. 2,550. of Beruwala.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on July 8, 1933, in the presence of Mr. D. G. F. Walter, Proctor, on the part of the petitioner, Weerawarnakurukulasooriya Busabaduge Justina Fernandó of Beruwala; and affidavit of the said petitioner dated July 3, 1933, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as widow, to have letters of administration to his estate issued to her, unless the respondents—(1) Ilekuttige Grace Eugene Fernando, (2) ditto Benjamin Lucas Sevarianus Fernando, (3) ditto Lory Elizabeth Fernando, (4) ditto Milly Margaret Fernando, (5) ditto Helen Stella Phelomin Fernando, all of Beruwala, minors, by their guardian *ad litem* (6) Weerawarnakurukulasooriya Busabaduge Charles Fernando of Beruwala—or any other persons interested shall, on or before August 25, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 6th respondent be and he is hereby appointed guardian *ad litem* over the 1st to 5th minor respondents for all the purposes of this action, unless the respondents or any other persons interested shall, on or before August 25, 1933, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,  
District Judge.  
July 8, 1933.

In the District Court of Kandy.

*Order Nisi.*

D. C., Kandy In the Matter of the Estate and Effects of  
Testamentary Illandarapedigedera Kirisaduwa of  
No. 4,959. Amunupura in Yatinuwara, deceased.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on June 29, 1933, in the presence of Mr. W. A. de Silva, Proctor, on the part of the petitioner, Liyanapedigedera Sarangu of Amunupura; and the affidavit of the said petitioner dated October 15, 1930, having been read:

It is ordered that Mr. G. E. de Alwis, as Secretary of the District Court of Kandy, be and he is hereby declared entitled to letters of administration issued to him accordingly, unless—(1) Liyanapedigedera Sarangu of Amunupura in Yatinuwara, petitioner, and (1) Dunugalpedigedera Sarana of Balana, (2) Gangoda Lapaya of Gangoda in Kegalla District, (3) Dunugalpedigedera Horatala of Amunupura, (4) Gangoda Sarana of Gangoda in Kegalla District, (5) Dunugalpedigedera Girangi of Pelena in Tumpane, (6) Dunugalpedigedera Jayatu of Pelena in Tumpane, (7) Dunugalpedigedera Opalangu of Malandeniya in Kurunegala, (8) Illandaripedigedera Bandiya of Amunupura, (9) Ranhotipedigedera Kiribandiya of Pelena in Tumpane, (10) Ranhotipedigedera Kuda Duraya of Pelena in Tumpane, (11) Ranhotipedigedera Dingiri of Pelena in Tumpane, (12) Dunugalpedigedera Ukkuwa of Pelena in Tumpane, (13) Dewatapedigedera Appuwa of Gangoda in Four Korales, (14) Dunugalpedigedera Siriya of Balana in Tumpane, (15) Illandaripedigedera Laminduwa of Amunupura of Yatinuwara, (16) ditto Somaratne Siriwardena of Amunupura; the 9th,

10th, 11th, 12th respondents appearing by their guardian *ad litem* the 3rd respondent—shall, on or before July 27, 1933, show sufficient cause to the satisfaction of the court to the contrary.

R. F. DIAS,  
District Judge.  
June 29, 1933.

The date of showing cause is extended till August 24, 1933.

R. F. DIAS,  
District Judge.  
July 27, 1933.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Ambegodagedera Unga alias Andirisa,  
No. 5,140. deceased, of Pamunuwa.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on June 19, 1933, in the presence of Mr. W. A. de Silva, Proctor, on the part of the petitioner, Rajapaskegedera Mary of Haputale; and the affidavit of the said petitioner dated December 2, 1930, having been read:

It is ordered that Mr. Gerald E. de Alwis, as the Secretary of this court, be and he is hereby declared entitled to letters of administration to the estate of the deceased above named issued to him accordingly, unless the respondents—(1) Ambegodagedera Gnawathie, (2) ditto Rupawathie, (3) ditto Abeysinghe, (4) ditto Horatala, (5) ditto Gumaris, (6) ditto Elias, (7) Rajapaskegedera Kiri Bandu, (8) Ambegodagedera Kuda Duraya; the 1st, 2nd, and 3rd by their guardian *ad litem* the 7th respondent and 4th, 5th, and 6th by their guardian *ad litem* the 8th respondent—shall, on or before July 20, 1933, show sufficient cause to the satisfaction of this court to the contrary.

R. F. DIAS,  
District Judge.  
June 19, 1933.

Date of showing cause is extended till August 14, 1933.

R. F. DIAS,  
District Judge.  
July 20, 1933.

In the District Court of Galle.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. the late Garumuni Lewinis Mendis,  
No. 7,473. planter, deceased, of Kosgoda, Wellalaha pattu of Galle District.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Galle, on November 28, 1932, in the presence of Messrs. G. T. & W. de Silva, Proctors, on the part of the petitioner, Edirimuni Siyanishamy of Kosgoda; and the affidavit of the said petitioner dated November 25, 1932, having been read:

It is ordered that the 6th respondent be appointed guardian *ad litem* over the minors 3rd, 4th, and 5th respondents, unless the respondents, viz., Garumuni Maginona, wife of (2) Handumetti Tudar Mendis Wickramasingha of Madampe, (3) Garumuni Aginona, (4) Garumuni Ratuhamy, (5) Garumuni Siripala, (6) Garumuni Leedin Mendis, all of Kosgoda (guardian *ad litem*), shall, on or before January 18, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as widow of the deceased above named, is entitled to have letters of administration issued to her accordingly, unless the respondents above named shall, on or before January 18, 1933, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,  
District Judge.  
November 28, 1932.

The foregoing *Order Nisi* is extended and reissued for July 14, 1933.

T. W. ROBERTS,  
District Judge.

The foregoing *Order Nisi* is extended and reissued for August 18, 1933.

T. W. ROBERTS,  
District Judge.



In the District Court of Matara.

*Order Nisi.*

No. 3,804 In the Matter of the Intestate Estate of  
the late Hewa Boruppege Don Thepanis  
Appuhatry of Tibbotuwawa, deceased.

Hewa Boruppege David Karunaratne of Tibbotuwawa ..... Petitioner.

Vs.

- (1) Tantirige Dona Gimara of Karapiyadda in Godapitiya, (2) Hewa Boruppege Sarlis Karunaratne of Tibbotuwawa, (3) Hewa Boruppege Seeton Karunaratne, wife of (4) Korale Aratchige Peeris Abeygunawardena, both of Weligama, (5) Hewa Boruppege Millie Karunaratne, wife of (6) Don Cornelis Abeyratna, both of Kataluwa, (7) Hewa Boruppege Amy Karunaratne, (8) Hewa Boruppege Jinadasa Karunaratne, both of Tibbotuwawa, (9) Korale Aratchige Yasawathie Abeygunawardena of Tibbotuwawa ..... Respondents.

THIS matter coming on for disposal before C. J. S. Pritchett, Esq., District Judge of Matara, on May 31, 1933, in the presence of Mr. W. J. Scrasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 2, 1933, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as eldest son of the deceased, to administer the said estate, and the letters of administration to the estate of the above-named deceased be issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before August 28, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent above named be and she is hereby appointed guardian *ad litem* over the 7th and 8th minor respondents and also that the 6th respondent above named be and he is hereby appointed guardian *ad litem* over the 9th respondent, unless sufficient cause be shown to the contrary on August 28, 1933.

May 31, 1933.

C. J. S. PRITCHETT,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Pethuru Pavilu of Vanchiyankulam, deceased.

Alvapillai Kanthapper Alvapillai, Secretary, District Court, Mannar ..... Petitioner.

- (1) Philappah, widow of Pavilu, (2) Santal, wife of Salgado, (3) Santia Salgado, (4) Annapillai, daughter of Pavilu, (5) Victoria, daughter of Pavilu, (6) Sebastian, son of Pavilu of Vanchiyankulam. Respondents.

THIS matter of the petition of A. K. Alvapillai, Secretary, of the District Court of Mannar, praying for letters of administration to the estate of the above-named deceased, Pethuru Pavilu, with copy of will annexed, coming on for disposal before R. Y. Daniel, Esq., District Judge, on June

19, 1933, in the presence of the petitioner in person; and the affidavit of the petitioner dated May 29, 1933, having been read: It is declared and it is ordered that the will of Pethuru Pavilu of Vanchiyankulam, deceased, dated October 5, 1924, and now deposited in this court be and the same is hereby declared proved, unless the respondents or any others shall, on or before July 11, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent be appointed guardian *ad litem* over the 4th, 5th, and 6th minor respondents unless sufficient cause be shown to the contrary on or before July 11, 1933.

It is further ordered that the petitioner be and he is hereby declared entitled to have letters of administration with copy of will annexed issued to him accordingly, unless the respondents or any others shall, on or before July 11, 1933, show sufficient cause to the contrary.

June 19, 1933.

R. Y. DANIEL,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Seevambikai, wife of Kanagaretnam No. 8,299. Duraiswamy Lawton of Manipay, deceased.

Kanagaretnam Duraiswamy Lawton of Manipay, presently of the British Ceylon Corporation, Ltd., Colombo ..... Petitioner.

Vs.

- (1) Kamalathevi, daughter of Kanagaretnam Duraiswamy Lawton of Manipay, (2) Chellammah, daughter of S. Kanagaretnam Lawton, (3) Appiah Kanagasabai of Anaicottai. The 1st respondent is a minor appearing by his guardian *ad litem* the 3rd respondent ..... Respondents.

THIS matter of the petition of the petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before D. H. Balfour, Esq., District Judge, on June 26, 1933, in the presence of Mr. J. H. Arnold, Proctor, on the part of the petitioner; and the affidavit and petition having been read: It is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration of the estate of the said intestate issued to him, unless sufficient cause is shown by the respondents or any other person on or before July 21, 1933.

July 4/7, 1933.

S. RODRIGO,  
District Judge.

*Order Nisi* is extended returnable on August 18, 1933.

July 17, 1933.

D. H. BALFOUR,  
District Judge.