



THE  
CEYLON GOVERNMENT  
GAZETTE

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PART II.—LEGAL.

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

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## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,825. In the matter of the insolvency of Ahamadu Lebbe Mohamed Salihu of Walgama in the District of Colombo.

WHEREAS the above-named Ahamadu Lebbe Mohamed Salihu has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Abdul Rahiman Mohamed Zunnon of Walgama in the District of Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Ahamadu Lebbe Mohamed Salihu of Walgama in the District of Colombo insolvent accordingly; and that two public sittings of the court, to wit, on February 12, 1935, and on February 26, 1935, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,  
January 10, 1935. Secretary.

In the District Court of Colombo.

No. 4,826. In the matter of the insolvency of D. Williams, carrying on business along with C. D. Marriott and S. G. Sampson, under the name, style, and firm of "The Eastern Banking and Finance Company" of 49, Canal row, Fort, Colombo.

WHEREAS the above-named D. Williams has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. S. S. Meeran of No. 47, Marties lane, St. Sebastian, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said D. Williams insolvent accordingly; and that two public sittings of the court, to wit, on February 12, 1935, and on February 26, 1935, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,  
January 12, 1935. Secretary.

In the District Court of Colombo.

No. 4,827. In the matter of the insolvency of C. A. D. de Silva of 10, Old Kolonnawa road, Colombo.

WHEREAS the above-named C. A. D. de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by D. J. W. Goonawardena of Mabola in Wattala, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said C. A. D. de Silva insolvent accordingly; and that two public sittings of the court, to wit, on February 19, 1935, and on March 5, 1935, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,  
January 17, 1935. Secretary.

In the District Court of Badulla.

No. 9. In the matter of the insolvency of Sanmugam Ambalavanar of Badulla.

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

By order of court, J. N. CULANTHAIVALU,  
January 17, 1935. Secretary.

In the District Court of Badulla.

No. 22. In the matter of the insolvency of O. L. M. Aboobakker and O. L. M. Abdul Rahiman, trading under the name, style, and firm of O. L. M. Aboobakker at Moneragala.

NOTICE is hereby given that the above-named insolvents have been granted certificates of conformity of the third class.

By order of court, J. N. CULANTHAIVALU,  
January 17, 1935. Secretary.

## NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Kalutara.

P. Dana Monera Perera of Panadure pattia  
No. 11,597. Plaintiff.

P. Don Peter Henry Perera of Gamagoda. . . . Defendant.

NOTICE is hereby given that on Tuesday, February 26, 1935, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property for the recovery of Rs. 64, viz. :—

The right, title, and interest of the 1st plaintiff judgment-debtor in above case in and to the land called Ambetotuwekele appearing in T. P. No. 204,312, and situated at Gamagoda in Kalutara badda in Kalutara totamune, Kalutara District, Western Province; and bounded on the north by P. P. 179,783 and a road, east by road, south by road reservation and P. P. 11,660 and P. P. 13,244 and P. Ps. 13,245/27, 179,789, 179,788, 179,787, and west by T. Ps. 179,787 and 179,785; 179,786 and 179,782; containing in extent 13 acres and 37 perches and of all things thereon standing (excluding the buildings thereon).

Deputy Fiscal's Office, H. SAMERESINGHA,  
Kalutara, January 21, 1935. Deputy Fiscal.

In the District Court of Avissawella.

Marambe Weerasinghe Mudiyansele Dingiri  
Bandara of Kalatuwawa . . . . . Plaintiff.  
No. 1,729. Vs.

Gamlathge Yasawardena of Kalatuwawa . . . Defendant.

NOTICE is hereby given that on Saturday, February 16, 1935, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 600, with interest thereon at the rate of 9 per cent. per annua from date of decree till payment in full and costs of Rs. 23, viz. :—

An undivided one-fifth part or share of and from the contiguous high and low lands called and known as Ratakekunahena and Wanguelagawahena and other chenas and Wanguelagawakumbura, situated at Kalatuwawa in the Palle pattu of Kuruwiti korale in the District of Ratnapura, Province of Sabaragamuwa; and bounded on the north by another land called Ratakekunahena, east by Puwakgahawilakumbura, the reservation along Kalatuwawa-ela, Kalatuwawa-ela, and Etunnanawalakumbura, south by the boundary of Pahala Kalatuwawa village and Meddekandemookalana belonging to the Crown, and on the west by the contiguous lands Galaudakandeppetiyamandiya and other chenas and the contiguous lands Hapugahawatta, Halgahawatta and other lands Kechchigewatta alias Halgahawatta, Galwalagawahena, and Gorokgahawatta, Galwalahena and road; and containing in extent 136 acres, and appearing in plan No. 292 dated November 20, 1920, made by J. C. Stewart, Licensed Surveyor.

Valuation Rs. 1,000.

Fiscal's Office, CHARLES DE SILVA,  
Avissawella, January 17, 1935. Additional Deputy Fiscal.

## Central Province.

In the District Court of Nuwara Eliya.

Kawanna Gula Mohideen Saibo of Nuwara Eliya. . Plaintiff.  
No. D. C. 1,717. Vs.

Kana Lana Meyanna Cader Mohideen of Katumana . . . . . Defendant.

NOTICE is hereby given that on Saturday, February 16, 1935, at 4 o'clock in the afternoon, will be sold by public auction at Katumana the right, title, and interest of the said defendant in the following property, viz. :—

All that divided extreme north-eastern portion of land situated at Katumana within the Four Gravets of Nuwara Eliya, Nuwara Eliya District, Central Province, in the Island of Ceylon, together with the boutique and bakery standing thereon; and containing in extent 8 perches according to the plan thereof made by Edwin A. Peiris, Licensed Surveyor and Leveller, dated January 15, 1932, marked letter "D" on the said plan and coloured pink; and

which said divided extreme north-eastern portion of land is bounded on the north by lot marked "A" in the said plan, on the east by Government road, and on the south and west by lot marked "A" in the said plan and forms part of the allotment of land registered A 2/5 in the Nuwara Eliya District Land Registry.

For the recovery of Rs. 2,270, interest and costs

W. J. A. VAN LANGENBERG,  
Deputy Fiscal's Office, Additional Deputy Fiscal.  
Nuwara Eliya, January 16, 1935.

### Southern Province.

In the District Court of Matara.

Weerasuriya Patabendige Katharinahamy of Weligama ..... Plaintiff.  
No. 6,587. Vs.

H. S. Weerasuriya, No. 170, Kotuwegoda, Matara ..... Defendant.

NOTICE is hereby given that on Saturday, February 23, 1935, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of a sum of Rs. 47.30, viz. :—

An undivided 1/10 part of the soil and fruit trees and an undivided 1/10 share of the seven cubits tiled house and the entirety of the fifteen cubits tiled house standing thereon, of the land called Paranagederawatta *alias* Uswatta, situated at Walliwala in the Weligam korale of the Matara District, Southern Province; and bounded on the north by Uswatta, east by Dehigahahena, south by Dehigahahena, and on the west by Gansabhawara road; and containing in extent about  $\frac{1}{2}$  an acre.

Deputy Fiscal's Office, E. T. GOONEWARDENE,  
Matara, January 21, 1935. Deputy Fiscal.

In the Additional Court of Requests of Matara.

M. K. M. P. R. Ramanathan Chettiar of Galle .. Plaintiff.  
No. 18,956. Vs.

(1) Ahamed Lebbe Abdul Lathibu of Kotuwegoda,  
(2) Ossan Saibo Habusa Umma of Kotuwegoda,  
(3) Ismail Ariyar Umma of Kotuwegoda in Matara ..... Defendants.

NOTICE is hereby given that on Saturday, February 16, 1935, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of a sum of Rs. 363.35, with legal interest from September 17, 1934, till payment in full :—

All that undivided 3/10 parts of the soil and of the fruit trees of the divided and separated half portion—bearing assessment No. 196—(together with an undivided half part of the undivided 9 cubits tiled house facing the south, built by the said 2nd defendant standing thereon) of the land called Alankuttigewatta, situated at Kotuwegoda, within the area of the Urban District Council and the Four Gravets of Matara, Matara District, Southern Province; and bounded on the north by Matara-ganga, east by remaining half portion of the same land, south by high road, and on the west by the fence of Marikkar Lebbe Musalam Nachchia Padinchiwatta; and containing in extent about 20 perches.

Deputy Fiscal's Office, E. T. GOONEWARDENE,  
Matara, January 17, 1935. Deputy Fiscal.

In the District Court of Galle.

M. K. M. P. R. Ramanathan Chettiar of Galle, presently in India, by his attorney Pana Lana Adikappa Chettiar of Galle. .... Plaintiff.

No. 31, 489. Vs.

(1) D. C. Wickramasingha of Puhulhena, Kamburupitiya, (2) A. Wickramasingha of Matara .. Defendants.

NOTICE is hereby given that on Saturday, February 16, 1935, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 529.61, with legal interest thereon from February 20, 1933, till payment, and Rs. 48.92 for costs, less Rs. 500 paid, viz. :—

1. All that undivided 35 kurunies of paddy sowing extent of the field called Darala, situated at Karagodayangoda in the Gangaboda pattu of the Matara District,

Southern Province; and bounded on the north by Malapalawa, east by Welipotehena, south by Nakanda, and west by bedda; and containing in extent 7 pelas of paddy sowing; and registered in C 190/60.

2. All that undivided 30 kurunies of paddy sowing extent of the field called Diddeniyekamburupitiyekumbura, situated at Karagodayangoda aforesaid; and bounded on the north by Crown forest, east by Malapalawa; south by Diddeniyawatta, and west by Kongahakumbura; and containing in extent 1 amunam of paddy sowing; and registered in C 190/5.

3. All that undivided 35 kurunies of paddy sowing extent of the field called Gamimedeniya *alias* Puhulhenedeniya, situated at Karagodayangoda aforesaid; and bounded on the north by jungle, east by Linwalagawadeniya, south by jungle, and west by jungle; and containing in extent 7 pelas of paddy sowing; and registered in C 206/216.

4. All that undivided 13 kurunies of paddy sowing extent of the field called Nagodayakumbura, situated at Karagodayangoda aforesaid; and bounded on the north by Karamannehegekumbura, east by Delgahadeniya, south by Palleirikonda, and west by Banwelgodahena; and containing in extent 1 amunam of paddy sowing; and registered in C 208/103.

5. All that undivided  $\frac{1}{2}$  part of the field called Dahiya-godella, situated at Karagodayangoda aforesaid; and bounded on the north by Bogahakumbura, east by Puwakendekumbura, south by Geaddaradiwela, and west by Duwegoda; and containing in extent 1 amunam of paddy sowing; and registered in C 147/75.

6. All that undivided 1/5 part of the field called Batakolayamullihalakella, situated at Karagodayangoda aforesaid; and bounded on the north by Wattegoda, east by Crown jungle, south by Kanatta and Crown jungle, and west by Pahalabatakolayamulla; and containing in extent 30 kurunies of paddy sowing.

Deputy Fiscal's Office, E. T. GOONEWARDENE,  
Matara, January 17, 1935. Deputy Fiscal.

In the District Court of Tangalla.

Suriya Arachchige Dinoris Appu of Walganeliya .. Plaintiff.

No. 3,567. Vs.

Don Andrayas Abraham Galappatty of Mawella ..... Defendant.

NOTICE is hereby given that on Saturday, February 16, 1935, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 431.08, with legal interest on Rs. 320.08 from November 21, 1934, and poundage, viz. :—

At Mawella and Moraketiara.

(1) All that allotment of land called Dissawagewatta *alias* Aretotawatta bearing No. 21, in extent 1 acre 1 rood and 7 perches, situated at Mawella in West Giruwa pattu of the Hambantota District, Southern Province; and bounded on the north by Disawagewatta *alias* Aretotawatta No. 1, east by lots J and K of the same land, south by lot I of the same land, and west by lot H of the same land. Value Rs. 400.

(2) All that undivided 5/7th share of the land called Beliattewalalebima bearing No. 8, in extent 1 acre and 26 $\frac{1}{2}$  perches, situated at Moraketiara in West Giruwa pattu aforesaid; and bounded on the north by lots bearing Nos. 7 and 15 of the same land, east by lots bearing Nos. 16 and 17 of the same land, south by lot bearing No. 9 of the same land, and west by Gansabhawara road. Value Rs. 750.

Deputy Fiscal's Office, A. L. M. NOOR MOHAMED,  
Tangalla, January 19, 1935. Additional Deputy Fiscal.

### Northern Province.

In the District Court of Jaffna.

Roosahib T. Sivasithamparam of Tellippalai East ..... Plaintiff.

No. 4,841. Vs.

Murugesapillai Kathiraveluppillai of Vannarponnai East ..... Defendant.

NOTICE is hereby given that on Friday, February 15, 1935, at 3.30 in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of

Rs. 1,719·67, with interest thereon at the rate of 9 per cent. per annum from September 13, 1933, and costs Rs. 233·62, poundage and charges, viz. :—

A piece of land with its appurtenances situated at Vannarponnai East in Vannarponnai parish, Jaffna division of the Jaffna District, Northern Province, called Senkal Neerodai Thanthikulamkaraitthalaimadai and Anunchiladi; containing in extent 4 lachams p.c., with cultivated and spontaneous plantations; and bounded on the east by Murukesapillai Kaniravelupillai, on the north by Valliammai, wife of Kandiah, on the west by road, and south by Velupillai Vallipuram.

The land is also seized under writ No. 3,033, D. C., Jaffna.

Fiscal's Office,  
Jaffna, January 19, 1935.

S. TURAIYAPPAH,  
Deputy Fiscal.

In the District Court of Jaffna.

Sellappah Venasithamby of Araly South ..... Plaintiff.  
No. 6,059. Vs.

Annammah, widow of Kanthappu Ampalavanapillai of Araly South ..... Defendant.

NOTICE is hereby given that on Saturday, February 16, 1935, at 3 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 696·64, with further interest on Rs. 500 at 10 per cent. per annum from May 1, 1934, till payment in full and costs Rs. 76·60, poundage and charges, viz. :—

A piece of land situated at Araly South in Vaddukoddai parish, Valigamam West division of the Jaffna District, Northern Province, called Viraiyayal; containing in extent 20 lachams p.c.; and bounded on the east by Parasathipillai, wife of Kailayar, north by Kanthappu Sitham-parapillai and Kanthappu Appathurai, west and south by the property belonging to the defendant.

The land is said to be under mortgage and is also seized under writ No. 5,210, D. C., Jaffna.

Fiscal's Office,  
Jaffna, January 19, 1935.

S. TURAIYAPPAH,  
Deputy Fiscal.

### Eastern Province.

In the District Court of Batticaloa.

In the matter of the estate of the late Mohideenbawa Ahamadulevvepody Hadjar of Eravur, deceased.

No. 296 Testamentary.

NOTICE is hereby given that on Monday, February 11, 1935, at 9 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said deceased in the following property for the recovery of the sum of Rs. 3,947·96, with interest thereon at the rate of 4 per cent. per annum from July 2, 1929, till payment in full and a further sum of Rs. 30 as penalty, to render to the Commissioner of Stamps, Colombo, on account of the estate duty, viz. :—

A house and premises called Silvester Valavu, situated at Main street in Puliyantivu in Manmunai pattu, Batticaloa District, Eastern Province; and bounded on the east by lane, west by Moor street and Philipu Valavu, north by Main street and Philipu Valavu, and south by garden called Mathelana Valavu; in extent on the eastern side 70 feet, southern side 40½ feet, northern side 19½ feet, from the western end of this towards the south 36½ feet, from the southern end of this towards the west 21 feet, western side 33½ feet with upstairs building, house, well, produce, and rights.

Fiscal's Office, K. S. CHANDRASEGARAMPILLAI,  
Batticaloa, January 18, 1935. Deputy Fiscal.

### North-Western Province.

In the District Court of Kurunegala.

The Public Trustee of Ceylon, administrator of the estate of the late D. B. K. Goonetilleke, duly appointed in D. C., Battara, Testamentary Case No. 2,443 ..... Plaintiff.

No. 17,465. Vs.

Lianage Joseph Perera of Pallansena, presently of Talgahamula-estate, Thoranegedera, in Meddeketiye korale ..... Defendant.

NOTICE is hereby given that on Monday, February 18, 1935, commencing from the 1st land at 4 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 mortgaged with the plaintiff by bond No. 695 dated January 29, 1927, attested by S. L. de Silva, Notary Public; declared specially bound and executable under the decree dated June 6, 1934, entered in the above action and ordered to be sold by the order of court dated January 11, 1935, for the recovery of the sum of Rs. 1,828·23, together with further interest on Rs. 1,000 at the rate of 10 per cent. per annum from November 30, 1933, to date of decree and thereafter with interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full and poundage, viz. :—

1. All that allotment of land called Kongahamulahena, situated at Bogahawala in Angomu korale of Dewameddi hatpattu, Kurunegala District, North-Western Province; and bounded on the north by the fence of the land belonging to Dingiri Menika, east and south by the fence of the land belonging to Kiri Banda, ex Korala, and west by Kahata tree on the limit of the chena belonging to Pichcha Tamby; and containing in extent a sowing capacity of 2½ lahas of kurakkan.

2. The land called Kadurugamulahena now a garden, situated at Bogahawala aforesaid; and bounded on the north by ridge of Iswetiya, east by the garden of Kiri Banda, Korale Arachchi, south by seru bush and Kolon tree on the land belonging to Pakiri Tamby Pichcha Thamby and others, and west by Damunu tree and Kahata tree on the limit of the land belonging to the said Pichcha Tamby; and containing in extent a sowing capacity of 3 lahas of kurakkan.

Fiscal's Office,  
Kurunegala, January 22, 1935.

R. S. GOONESEKERA,  
Deputy Fiscal.

In the District Court of Colombo.

A. R. K. N. Arunasalam Chettiar of Sea street, Colombo ..... Plaintiff.  
No. 45,862. Vs.

Awanna Veena Savaana Voona Sockalingam Chettiar of Bogomulla, Kurunegala ..... Defendant.

NOTICE is hereby given that on Saturday, January 16, 1935, commencing from the 1st land at 9 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. 6,865·06, together with legal interest thereon from November 1, 1933, till payment in full and costs of execution and poundage, viz. :—

(1) Schedule A.

All those several allotments of land called :—

1. All that allotment of land called Wagollehena of 5 pelas paddy sowing extent.
2. All that piece of land called Katellapolehena of 3 amunams paddy sowing extent.
3. All that piece of land called Dambagahalandehena of 3 amunams paddy sowing extent.
4. All that piece of land called Tallegahamulawatta of 3 lahas kurakkan sowing extent.
5. All that allotment of land called Meegahawatta of 1 nellie kurakkan sowing extent.
6. All that allotment of land called Pambe-imbullewatta of 2 seers kurakkan sowing extent.
7. All those several pieces of land Eheledonehena, Pahaledonehena, Ehelediyawallehena, Pahaleydeyawallehena, Karawgahahena, Wagollehena, and Tellbogahahena of 8 amunams kurakkan sowing extent.
8. Samadaragahamulahena with the appurtenances thereof of about 3 seers kurakkan sowing extent.
9. Hatillahawa alias Urapolagekumbura of about 6 pelas paddy sowing extent.
10. Gedarewatta of 6 lahas paddy sowing extent.
11. Kongodagehena of 1 pela kurakkan sowing extent.
12. Dombadeniyahena of 1 acre 1 rood and 15 perches in extent.
13. Dombadeniyahena of 2 roods and 12 perches in extent.
14. Kongodahena of 5 acres 1 rood and 6 perches in extent.
15. Kirimetiawatta, Egodawatta, and Pahawatta of 14 acres 2 roods and 10 perches in extent.
16. Kirimetiawatta, &c., of 58 acres 2 roods and 4 perches in extent.
17. Batagollemukalana and Hapugahahena of 32 acres and 24 perches in extent.
18. Werhelgawatta of 3 roods and 25 perches in extent.
19. Dambeniya, Aluambagamulahena of about 4 seers kurakkan sowing extent.

20. (a) The eastern half part of the field called Kamburakumbura of 2 pelas and 8 lahas paddy sowing extent.

(b) All that undivided first one-half part of the field called Kamburakumbura of 8 mesures kurakkan sowing extent.

21. The land called Rambethwatta of about 2 mesures kurakkan sowing extent.

22. (a) Rambethwatta of about 2 mesures kurakkan sowing extent.

(b) Dambadeniyekongahamulahena of 3 lahas kurakkan sowing extent.

23. All that just undivided one-third of the field called Agallepallewicarda of 12 bushels paddy sowing extent.

24. (a) All that just undivided one-half part of Aswedumakumbura of 2 amunams and 5 lahas paddy sowing extent.

(b) An undivided just one-half part of Ambatennayawatta of 2 mesures kurakkan sowing extent.

(c) All that undivided just one-half part of the land called Walawwewawatthena of about 5 lahas kurakkan sowing extent.

All the above-mentioned several allotments of land which are contiguous and adjoining each other now form one property and is called and known as Bogamuwa estate, and is described in the plan bearing No. 1,064 dated — 24, 1912, and made by R. H. Canagasabay, Licensed Surveyor, as an allotment of land called Bogamuwa estate, situate at Bogamuwa in Hewawisse korale of Weudawili hatpattu in the Kurunegala District of the North-Western Province; and bounded on the north by Pusselle-ela, burial ground, fields claimed by natives, and by land claimed by Kirisonda and others, on the east by Crown land and by a rock called Pattenegalla, on the south by Batagolle estate, Kirimbahamulahena of Issandi and others and by fields claimed by A. V. Sevugan Chettiar and others, on the west by fields claimed by A. V. Sevugan Chettiar and others and by Pusselle-ela; containing in extent 134 acres 1 rood and 38 perches, which said premises held and possessed by the said Sevugan Chettiar, son of Avichy Chettiar, under and by virtue of the deeds of transfer Nos. 6,292 dated November 3, 1903, attested by F. P. Mudanayake of Kandy, Notary Public, 127 dated February 16, 1901, attested by F. F. Kulatilake, Notary Public, 341 dated August 4, 1909, attested by D. B. P. Karunaratne, Notary Public, &c.

#### Schedule B.

The land called Kirimetiymalgahamulahena, now field of about 2 lahas kurakkan sowing extent, situate at Pussella in Hewawisse korale aforesaid; bounded on the north by kahata tree and eriya tree on the limit of Godellahena of Kirinaide, east by water-course, south by the field of the late Sevun Chettiar, and west by limit of Pihillagawahena.

2. An undivided one-fourth share of the land called Pihillagawakirimetiyaehena, now field of about 6 kurunies kurakkan sowing, situate at Pussella aforesaid; bounded on the north, south, and west by water-course, and east by limit of the chena of Kiri Naide, the said two allotments of land lying contiguous to each other and now forming one property, situate at Pussella aforesaid; bounded on the north by tank and Bogamuwa estate, east by Bogamuwa estate, south by Gansabhawa road, wire fence of the field of Sockalingam Chettiar (the obligor), and the field belonging to natives, and west by the portion of Bogamuwa estate on which the stone built store and bungalow stand and Gansabhawa road; containing in extent about 6 acres, held and possessed by the said obligor under and by virtue of the deed No. 448 dated July 26, 1924, attested by W. V. Wijeykoon of Kurunegala, Notary Public, and by right of paternal inheritance.

Prior registration A 238/65, 310/105, 303/272.

#### (2) Schedule.

1. All that allotment of land called Maruthugodayayehena bearing lot No. 53, situated in the village Bogomuwa in Hewawisse korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by lot 46, east by lot 47 and land appearing in title plan No. 416,603, south by Achcharikotuwe-ela, west by land appearing in title plan No. 417,504; containing in extent 2 roods and 26 perches according to the title plan No. 419,348, held and possessed under Crown grant dated March 2, 1932, and given under the hand of His Excellency Sir Graeme Thomson, Governor of Ceylon.

2. All that undivided half part or share of and in the lands called Marathugodayawatta and of the plantations and trees thereon from and out of the contiguous portions of land called Meddegodahena and Maruthugodayawatta, in extent about 1 pela of kurakkan sowing, situated in the village Bogomuwa aforesaid; which said land called Marathugodayawatta is bounded on the north by the enderu fence of Rattaranagewatta, east by the fence of Aratchilagewatta, south by the Polgahamulawagalewella,

and west by the enderu fence of Rattaranagewatta; containing in extent about 2 lahas of kurakkan sowing, held and possessed under deed No. 1,058 dated October 18, 1912, and attested by M. J. E. Curera of Kurunegala Notary Public, and registered A 156/163.

3. All that field called Dewalekumbura of about 1 amunam paddy sowing extent and Medatumpelekumbura of about 1 amunam paddy sowing extent both forming one property, situated in the village Bogomuwa aforesaid; and bounded on the north by the enderu fence and the limitary ridge, east by the field of Hewa Dewaya, south by Medagodapillewa, and west by the limitary ridge of Wanatakotuwa or according to the figure of survey dated August —, 1893, made by P. A. Daniels, Fiscal's Surveyor; bounded on the north-east by Diulgahakumbura and pilewa, south-east by chena lands, south by chena and field of Silva and others, south-west by Koluwekumbura of Kiriappu, and north-west by Pahalanakanuwekumbura; containing in extent 8 acres and 14 perches according to deed No. 169 dated May 4, 1922, and attested by J. C. Perera of Kurunegala, Notary Public, and registered A 116/369.

4. All that land called Kotuwekumbura, situated in the village Bogomuwa aforesaid; and bounded on the north by the inniyara of Kotuwekumbura, east and south by fence, and west by the inniyara of Disaneggekumbura; containing in extent about 2 pelas of paddy sowing, and registered A 109/47.

5. All that undivided half part or share of and in the land called Damunugahapitiyehena with the buildings and plantations thereon, situated in the village Pussella in Hewawisse korale aforesaid; and bounded on the north by the fence of the field (wetaroda), on the east by Pitiyamedahumbahenpalla, on the south by ela, and on the west by Kankumbalan tree; containing in extent about 1 pela of paddy sowing.

6. All that undivided one-eighth part or share of and in the land called Wagalekumbura, situated in the village Pussella aforesaid; and bounded on the north by wella ivura east and south by ela, and west by the inniyara of Wagalekumbura; containing in extent about 2 pelas and 5 lahas paddy sowing.

7. All that undivided one-sixteenth part or share of and in the land called Kinnarayakotuwakumbura and pilewa, situated in the village Bogomuwa aforesaid; and bounded on the north and west by ela, east by Gongawe inniyara and fence, and south by the fence of Nakanuwepillewa and ivura; containing in extent about 2 pelas of paddy sowing.

8. All that undivided one-sixteenth part or share of and in the land called Halupalandegahakotuwekumbura and pilewa, situated in the village Bogomuwa aforesaid; and bounded on the north and west by ela and wella, east by the fence of Meddegodapitiya, and south by the wella of Asgiriya-kumbura; containing in extent about 1½ amunams of paddy sowing.

Fiscal's Office,  
Kurunegala, January 17, 1935.

R. S. GOONESEKERA,  
Deputy Fiscal.

In the District Court of Chilaw.

R. M. S. R. M. Gopalakrishna Pulle of Madampe. Plaintiff.

No. 9,354.

Vs.

L. M. Abeyasekera of Uraliyagara. Defendant.

NOTICE is hereby given that on Friday, February 15, 1935, commencing from the 1st land at 10.30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 42, with interest on Rs. 646.30 at the rate of 15 per cent. per annum from August 10, 1930, up to the date of decree and further interest at 9 per cent. per annum on the aggregate sum from the date of decree till payment in full and poundage, viz. —

1. An undivided ½ share of Polkotuwekumbura of about 15 lahas paddy sowing extent, situate at Bohingomuwa in Yatikaha korale south of Katugampola hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by portion of the field of Mango Nona, east by Hiriyale of the field belonging to Pidume Coroner, south by land of the said Coroner and wella belonging to the natives, west by wella of the natives.

2. An undivided ½ share of the land called Asseddumekotuwa of about 3 lahas paddy sowing extent, situate at Hangomuwa in Yatikaha korale south aforesaid; and bounded on the north by field of Yahapathamy, east and south by wella of the natives, and west by land presently of Joseph.

3. An undivided  $\frac{1}{4}$  share of Meegahamulahena *alias* Meegahamulawatta of about 2 lahas kurakkan sowing extent, situate at Inguruwatta in Mairawathie korale of Dambadeni hatpattu in the District of Kurunegala; and bounded on the north by land of Garu and others, east by land of Hendrick Mendis Vedarala, south by Gorokgahamulahena of Bilinda and others, west by land of Hendrick Mendis Vedarala.

4. An undivided  $\frac{1}{4}$  share of Batalawatta of about 3 bushels of kurakkan sowing extent, situate at Inguruwatta aforesaid; and bounded on the north by land of Kiriya Maruduraya and others, east by garden of Balaya, south by chena belonged to Crown, west by field.

5. An undivided  $\frac{1}{4}$  share of Padinchiwaunmeegahawatta of about 4 seers kurakkan sowing extent, situate at Inguruwatta aforesaid; and bounded on the north by fence separating the garden of Pina, east by badawetiya separating the field, south by live fence separating the garden of Wattuwa, west by chena.

6. An undivided  $\frac{1}{4}$  share of Diyaporagollehena of about 2 $\frac{1}{2}$  acres in extent, situate at Inguruwatta aforesaid; and bounded on the north by chena of Podiya and others, east and south by Godakele belonging to Kumarappa Chetty and others, west by garden of G. M. Bandaramahatmaya.

7. An undivided  $\frac{1}{4}$  share of Wewekumbura of about 1 pella paddy sowing extent, situate at Inguruwatta aforesaid; and bounded on the north by field of Mitiya and others, east by garden of Mr. Hindagolla, south and west by wela and garden of Dingiri Banda Aratchi.

Fiscal's Office,  
Kurunegala, January 22, 1935.

R. S. GOONESEKERA,  
Deputy Fiscal.

### Province of Uva.

In the District Court of Badulla.

Elen Dassanayake of Ward street, Badulla ..... Plaintiff.  
No. 5,791. Vs.

J. M. Gunasekera of Dowa ..... Defendant.

NOTICE is hereby given that on Saturday, February 23, 1935, 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. 350, with interest thereon at 9 per cent. per annum from May 29, 1933, till payment in full and costs of Rs. 177.10, viz. :-

Leasehold right of the defendant above named created by deed of lease No. 3,491 dated January 21, 1929, attested by G. C. Rambukpota, Notary Public, affecting :- All that allotment of land called and known as Thuthiriwattehena *alias* Kandettakumbura *alias* Viharawatta *alias* Pansalawatta; containing in extent 8 acres, together with the right, title, and interest of the defendant above named in and to the tea plantations standing thereon, and situated at Dowagama in Kumbalwela korale of Yatikinda division; and bounded on the north by Mahagala, east by oya, south and west by Malakandura or otherwise bounded on the north by Nelligahakandura, east by Udukumbalwela-oya, south by Gannilekumbura and Thuthiriwatta and Malakandura, west and north-west by Galhiraya and Thuthiriwattapatana as shown in lot No. 13 in F. V. P. 27, and registered in B 78/100.

Fiscal's Office,  
Badulla, January 15, 1935.

T. J. MENDIS,  
Deputy Fiscal.

I, Charles Harrison-Jones, Fiscal for the North-Western Province, do hereby appoint H. Wijeratne to be Marshal for the divisions of Dambadeni Udukaha North and West and Mairawati korales of Dambadeni hatpattu, Giratalana, Baladora, and Angomu korales of Dewameddi hatpattu, Karandapattu, Meddeketiya, Yatikaha, Yagampattu, Kiniyama, Katugampola Medapattu east and west, Katugampola north and south, and Pitigal korales of Katugampola hatpattu in the Kurunegala District, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, from January 22 to 25, 1935, or until the resumption of duties by the permanent Marshal and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Kurunegala, this 21st day of January, 1935.

C. HARRISON-JONES,  
Fiscal.

I, Louis Lucien Hunter, Fiscal for the North-Central Province, do hereby appoint Mr. Richard de Silva to act as Marshal for the division of Tamankaduwa, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, from December 21, 1934, until the resumption of duties by the permanent Marshal and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Anuradhapura, this 15th day of January, 1935.

L. L. HUNTER,  
Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Mayavuduram Ponniah of Government No. 7,017. Printing Office, Colombo, deceased.

Sellamuthpillay Thevanay of Nb. 64/56, Green street, Colombo ..... Petitioner.

And

(1) P. K. Swamypullay of Ford Motor Company of India, Ltd., Union place, Colombo, (2) Ponnupullay, wife of (3) V. Dorasamy, both of Jampettah street, Colombo, (4) P. Sanmugam of the Government Printing Office, Colombo, (5) Letchimie, wife of (6) Manicam Sengai, both of Manamadurai, India, (7) Kamalateh Ponniah, (8) Neelachi Ponniah, both of Green street, Colombo, minors appearing by their guardian *ad litem* the 4th respondent above-named ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on November 26, 1934, in the presence of Mr. T. K. H. Deen, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 22, 1934, having been read:

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 7th and 8th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before January 31, 1935, show sufficient cause to the satisfaction of the court to the contrary.

November 26, 1934.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testament of Thuppahi Mudalige Don Jimon No. 7,029. Seneviratne of Hunupitiya road, deceased.

Mary Henrietta Seneviratne of Hunupitiya road, Colombo ..... Petitioner.

And

(1) Thuppahi Mudalige Don Lenard Seneviratne, (2) ditto Premawathie Henrietta Seneviratne, (3) ditto Don Carlton Seneviratne, (4) ditto Don Lewis Seneviratne, all of Hunupitiya road, Colombo; the 1st, 2nd, and 3rd respondents are minors appearing by their guardian *ad litem* the 4th respondent above named ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 8, 1934, in the presence of Mr. N. Saravanamuttu, Proctor, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated November 16, 1934, and (2) of the attesting notary also dated November 16, 1934, having been read:

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, and 3rd respondents above named, to represent them for all the purposes of this action, and (b) that the last will of Thuppahi Mudalige Don Jimon Seneviratne, deceased,

of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly unless the respondents above named or any other person or persons interested shall, on or before January 31, 1935, show sufficient cause to the satisfaction of this court to the contrary.

December 8, 1934.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Noor Mohamed Khamisa of Kutiyana in  
No. 7,036. Junagadh State, India, deceased.

Memon Abdul Shakoor Osman Mandhal of Wellawatta in Colombo, attorney of Amina Bai of Kutiyana aforesaid ..... Petitioner.

And

(1) Alaraka, (2) Hava, (3) Rubia, all of Kutiyana in Junagadh State, India, minors, appearing by their guardian *ad litem* (4) Ismail Osman of Wellawatta ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 21, 1934, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 18, 1934, and the order of the Supreme Court dated December 13, 1934, having been read:

It is ordered (a) that the 4th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the above-named 1st, 2nd, and 3rd respondents, to represent them for all the purposes of this action, and (b) that it is ordered that the petitioner be and he is hereby declared entitled, as attorney of the widow 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 February 14, 1935, show sufficient cause to the satisfaction of the court to the contrary.

December 21, 1934.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament (with Codicil) of The Reverend  
Jurisdiction. Edward Mansfield Clements of The  
No. 7,042 N.T. Homestead, Broadlands, Brockenhurst,  
in the County of Hants, England,  
formerly of Barkston le Willows in the  
County of Lincoln, England, Clerk in  
Holy Orders (retired), deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 9, 1935, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, John Arnold Shelton Agar of Colombo; and (1) the affidavit of the said petitioner dated December 28, 1934, (2) the power of attorney dated September 13, 1934, and (3) the order of the Supreme Court dated December 7, 1934, having been read: It is ordered that the will of the said The Reverend Edward Mansfield Clements, deceased, dated February 15, 1905 (with a codicil thereto dated January 22, 1918), 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 John Arnold Shelton Agar is the attorney in Ceylon of the surviving executor 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 February 7, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 9, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of John Richardson Reynolds,  
Jurisdiction. No. 7,041 N.T. formerly of 10, Vanbrugh Park road,  
Blackheath, in the County of Kent,  
England, but late of 52, St. John's Park,  
Blackheath, aforesaid, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 9, 1935, in the presence of James Frederick van Langenberg, Proctor, on the part of the petitioner, Stanley Frederick de Saram of Colombo; and (1) the affidavit of the said petitioner dated December 22, 1934, (2) the power of attorney dated October 25, 1934, and (3) order of the Supreme Court dated December 19, 1934, having been read: It is ordered that the will of the said John Richardson Reynolds, deceased, dated May 23, 1928, 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 Stanley Frederick de Saram is the attorney in Ceylon of the sole executrix named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before February 7, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 9, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament and six Codicils of John Glen  
Jurisdiction. Wardrop, late of Lynton Montpelier  
No. 7,044. road, Ealing, in the County of Middlesex,  
deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 10, 1935, in the presence of Messrs. Julius and Ernest George Rice of Colombo; and the affidavit of the said petitioner dated December 21, 1934, exemplification of probate of the will and codicils of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated December 19, 1934, having been read: It is ordered that the will of the said deceased dated April 22, 1926, and six codicils thereto dated respectively October 4, 1926, September 26, 1927, September 19, 1929, December 30, 1931, September 15, 1933, and May 15, 1934, of which an exemplification of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the executors named in the said will and codicil, and that he is entitled to have letters of administration with copies of the said will and codicils annexed issued to him accordingly, unless any person or persons interested shall, on or before February 14, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 10, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Louis de Silva of Lily avenue, Wellawatta, Colombo, in the Island of Ceylon,  
No. 7,045. deceased.

Lily de Silva of Wellawatta ..... Petitioner.

Vs.

(1) Sweden Oswin de Silva of Wellawatta, a minor, and  
(2) Horatio Mervyn de Silva, a lunatic in the Lunatic Asylum, by their guardian *ad litem* Gerald Ernest de Alwis, the Secretary of the District Court of Colombo ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 11, 1935, in the presence of Messrs. Julius and Ernest de Silva of Wellawatta; and the affidavit of the said petitioner dated December 18, 1934, certificate of death

of the above-named deceased, and minute of consent by the guardian *ad litem* of the respondents having been read: It is ordered and declared that the said petitioner is the widow, heir, and next of kin of the said deceased, and that she is entitled to have letters of administration to the intestate estate of the said deceased issued to her accordingly, unless any person or persons interested shall, on or before February 14, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 11, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.  
*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Mutual Last Will and Jurisdiction. Testament of Nora Winifred Hazell (born No. 7,046 N.T. Tilly) (and Arthur James Hazell) of Port Elizabeth in the Province of the Cape of Good Hope in the Union of South Africa, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 16, 1935, in the presence of Mr. James Frederick van Langenberg, Proctor, on the part of the petitioner, Marion Elizabeth Tilly of Galkandewatta, Talawakele; and (1) the affidavit of the said petitioner dated January 13, 1935, (2) the power of attorney dated October 11, 1934, and (3) the order of the Supreme Court dated December 18, 1934, having been read: It is ordered that the will of the said Nora Winifred Hazell (born Tilly), deceased, dated December 15, 1913, a certified copy of which under the Seal of the Supreme Court of South Africa (Cape of Good Hope Provincial Division) 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 Marion Elizabeth Tilly is the attorney in Ceylon of the sole executor named in the said will and that she is entitled to have letters of administration (with will annexed) issued to her accordingly, unless any person or persons interested shall, on or before February 14, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 16, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Rajah Sir Motichand, Kt., C.I.E., late of Azmatgarh Palace in the City of Benares, and also of 30, Burtolla street, in the town of Calcutta, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 17, 1935, in the presence of Mr. Don John Boniface Gomes of Colombo, Proctor, on the part of the petitioner, Mr. Oscar Emy Mount of Colombo; and the affidavit of the said petitioner dated January 10, 1935, a succession certificate issued by the High Court of Judicature at Fort William in Bengal, power of attorney in favour of the petitioner, and Supreme Court's order dated December 19, 1934, having been read: It is ordered and declared that the said petitioner is the attorney of Seth Gokul Chand, the surviving brother of the said deceased, and that he is entitled to have letters of administration to the intestate estate of the said deceased issued to him accordingly, unless any person or persons interested shall, on or before February 21, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 17, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Negombo.  
*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testament of Gamamedaliyanage Don Mathelis Appuhamy, late of Pahala Madampella, deceased.

Korale Aratchige Don Davith Appuhamy of Pahala Madampella ..... Petitioner.  
Vs..

Mopalamudalige Dona Pilisinda Hamine of Pahala Madampella, widow of Gamamedaliyanage Don Mathelis Appuhamy ..... Respondent.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge of Negombo, on January 11, 1935, in the presence of Messrs. Ranasinghe & Raheeman, Proctors,

on the part of the petitioner; and the petitioner's petition and affidavit dated January 11, 1935, and January 7, 1935, respectively, and the affidavit of the notary and the two witnesses who attested the last will having been read:

It is ordered that the last will and testament of the above-named deceased dated January 29, 1931, and now deposited in this court, be and the same is hereby declared proved, unless the respondent above named or any other person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before January 31, 1935.

It is further ordered that the petitioner be (the executrix named in the said last will, viz., the respondent being old and infirm) and he is hereby declared entitled to have letters of administration with copy of the said last will annexed to the above-named estate issued to him, unless the respondent above named or any other person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before January 31, 1935.

January 11, 1935.

D. H. BALFOUR,  
District Judge.

In the District Court of Avissawella.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Neina Lebbe Ahamadu Lebbe, late of No. 224. Wewala, deceased.

39 And  
Ahamadu Lebbe Jacob Lebbe of Napawala .... Petitioner.

(1) Meera Lebbe Rahumath Umma, (2) Ahamadu Lebbe Mohamed Said, (3) ditto Isa Umma, (4) ditto Hewamma, (5) ditto Mohamad Jalal, (6) ditto Zeinul Abdeen, (7) ditto Abdul Azeez, (8) ditto Abdul Sameed, (9) ditto Abu Yaseed, all of Wewala; the 8th and 9th minors by their proposed guardian *ad litem* the 2nd respondent: ..... Respondents.

THIS matter coming on for disposal before M. Chinnaiyah, Esq., District Judge of Avissawella, on November 24, 1934, in the presence of Mr. D. J. S. Goonewardene, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 22, 1934, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as son of the deceased above named, 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 December 18, 1934, show sufficient cause to the satisfaction of this court to the contrary.

It is also further ordered that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* over the 8th and 9th minor respondents for the purpose of these proceedings, unless the respondents above named or any other person or persons interested shall, on or before the said date, show sufficient cause to the satisfaction of this court to the contrary.

November 18, 1934.

M. CHINNAIYAH,  
District Judge.

This *Order Nisi* is extended till February 5, 1935.

M. CHINNAIYAH,  
District Judge.

In the District Court of Kalutara.  
*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Sena Cassim Lebbe Marikar *alias* Assen No. 2,586. Meera Lebbe Mohamado Lebbe Marikar, deceased, of Deenagoda.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on June 12, 1934, in the presence of Messrs. de Abrew & Jayasundera, Proctors, on the part of the petitioner, Mohamado Lebbe Marikar Mohamado Sally of Deenagoda; and the affidavit of the said petitioner dated March 19, 1934, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as son, to have letters of administration issued to him to his estate, unless the respondents—(1) Hadji Marikar Pattu Muttu Natchia of Deenagoda, (2) Mohamado Lebbe Marikar Abdul Caffoor, (3) Mohamado Lebbe Marikar Umma Zain Natchia and husband (4) Ismail



Lebbe Marikar Ahamado Jameldeen, (5) Mohamado Lebbe Marikar Juwari Umma, all of Deenagoda—or any other person or persons interested shall, on or before July 24, 1934, show sufficient cause to the satisfaction of this court to the contrary.

June 12, 1934.

*30*  
*Rs. 16.00*  
*29*  
N. M. BHARUCHA,  
District Judge.

The time for showing cause against the *Order Nisi* is extended till February 12, 1935.

December 18, 1934.

N. M. BHARUCHA,  
District Judge.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Gregoria Wickremaratne Lama Etani, No. 5,272. deceased, of Katukele, Kandy.

THIS matter coming on for disposal before W. E. Barber, Esq., District Judge, Kandy, on November 1, 1934, in the presence of Messrs. Wijayatilake and Wijayatilake, Proctors, on the part of the petitioner, Mudaliyar Norbert Wickremaratne; and the affidavit of the said petitioner dated September 4, 1934, having been read :

It is ordered that the petitioner, as widower of the above-named deceased, be and he is hereby declared entitled to have letters of administration to her estate issued to him, unless the respondents—(1) Sister Mary Norbert (formerly May Margaret Hyacinth) of Kandana Convent, Kandana, (2) *Linie Elizabeth Victoria Wickremaratne* of Katukele, (3) Sister Mary Laurence (formerly Edith Theresa Rose) of Bolawalana Convent, Negombo, (4) Brother Don Theophane, O.S.B. (formerly James Peter Christopher) of Montefanou Seminary, Ampitiya, (5) Dorothy Cecilia Gregoria Wickremaratne, Katukele, Kandy, (6) Felix Claude Victorinus Wickremaratne of Katukele, Kandy, (7) Bada Barbara Constance Wickremaratne, Katukele, Kandy; 5th, 6th, and 7th by their guardian *ad litem* the 2nd respondent—or any other person or persons interested shall, on or before December 13, 1934, show sufficient cause to the satisfaction of this court to the contrary.

November 1, 1934.

*25*  
*Rs. 16.00*  
*29*  
W. E. BARBER,  
District Judge.

The date for showing cause is extended to January 31, 1935.

December 13, 1934.

W. E. BARBER,  
District Judge.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Naidappubewa Charles de Silva, deceased, No. 7,616. of Karittakanda in Ambalangoda.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on November 19, 1934, in the presence of Mr. H. de S. Kularatne, Proctor, on the part of the petitioner, Gustinnawadu Babynona of Karittakanda in Ambalangoda; and the affidavit of the said petitioner dated November 19, 1934, having been read :

It is ordered that the 4th respondent be appointed guardian *ad litem* over the 6th respondents, unless the said respondents, viz., (1) Naidappuhewa Nibonona de Silva, (2) ditto William de Silva, (3) ditto Lucy de Silva, (4) ditto Gunapala de Silva, (5) ditto Amy de Silva, (6) ditto Mango de Silva, all of Karittakanda, shall, on or before February 9, 1935, 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 said respondents shall, on or before February 9, 1935, show sufficient cause to the satisfaction of this court to the contrary.

November 19, 1934.

T. W. ROBERTS,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Thamoatham Sithamparapillai of Karaveddy, deceased. No. 8,594.

Thamoatham Alvappillai of Karaveddy East . . . . . Petitioner.

Vs.

Sithamparapillai Thamoatham of ditto, a minor appearing by his guardian *ad litem* Valauthar Sithamparapillai . . . . . Respondent.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, on October 24, 1934, in the presence of Mr. M. Esurapadham, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read :

It is ordered that the petitioner, as the brother of the late Sithamparapillai, be declared entitled to take out letters of administration and that letters of administration be issued to him accordingly, unless the respondent or any other person shall appear before this court on or before November 21, 1934, and show sufficient cause to the satisfaction of this court to the contrary.

October 25, 1934.

C. COOMARASWAMY,  
District Judge.

Extended and reissued for January 31, 1935.

C. COOMARASWAMY,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Marimuttar Sinnathurai of Moolai, No. 8,633. deceased.

Kanapathippillai Marimuttar of Moolai . . . . . Petitioner.

Vs.

(1) Thankamuttu, wife of Kanapathippillai Marimuttar of Moolai, and (2) Yokammah, widow of Marimuttar Sinnathurai of ditto . . . . . Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on November 8, 1934, in the presence of Messrs. Sivaprakasam & Katiyesu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated November 5, 1934, having been read : It is declared that the petitioner is an heir of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before December 17, 1934, show sufficient cause to the satisfaction of this court to the contrary.

November 15, 1934.

C. COOMARASWAMY,  
District Judge.

Extended for January 28, 1935.

C. COOMARASWAMY,  
District Judge.

In the District Court of Puttalam.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late S. Antonymulle, deceased, of No. 703. Chenaikudiruppu in Puttalam.

Susana Celestinu of Chenaikudiruppu in Puttalam . . . . . Petitioner.

Vs.

(1) A. S. Pillai, (2) Leopillai, (3) Charlespillai, (4) Samuelpillai, all of Chenaikudiruppu, (5) Margaret and her husband (6) A. P. Singarayer, both of Talawakele, (7) Johnpillai, (8) Victor Felixpillai, (9) Celestinu, all of Chenaikudiruppu in Puttalam; the 7th, 8th, and 9th respondents are minors by their guardian *ad litem* the 5th respondent above named . . . . . Respondents.

THIS matter coming on for disposal before A. R. Hallock, Esq., Additional District Judge of Puttalam, on July 24, 1934, in the presence of Messrs. Storer & Vanderkoen, Proctors, on the part of the petitioner; and

after reading the affidavit and petition of the petitioner above named: It is ordered that the petitioner above named be and she is hereby appointed administratrix of the intestate estate of her late husband, S. Antonypulle, and that the 5th respondent above named be appointed guardian *ad litem* over the 7th, 8th, and 9th minor respondents for the limited purpose of these proceedings, unless the respondents above named or any other person or persons interested shall show sufficient cause to the satisfaction of this court on or before August 27, 1934, to the contrary.

A. R. HALLOCK,  
Additional District Judge.

July 24, 1934.  
This Order Nisi is extended and reissued for showing cause returnable September 24, 1934.

A. R. HALLOCK,  
Additional District Judge.

August 27, 1934.  
This Order Nisi is extended and reissued for showing cause returnable October 22, 1934.

September 24, 1934. A. R. HALLOCK,  
Additional District Judge.

This Order Nisi is extended and reissued for showing cause returnable November 26, 1934.

October 22, 1934. R. J. WILKINSON,  
Additional District Judge.

This Order Nisi is extended and reissued for showing cause returnable January 28, 1935.

November 26, 1934. R. J. WILKINSON,  
Additional District Judge.

In the District Court of Puttalam.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Meera Saibo Rawther Natchia, widow of Sego Meera Lebbe Mohideen Pitchai of Poolachenai, deceased.

Between

Peer Rawther Lebbe Mohamedo Ibrahim Lebbe of Poolachenai ..... Petitioner.

And

(1) Muhalleem Meera Sahibo Lebbe Assen Mohideen Wawa Sahibo Lebbe, (2) Neina Mohamedo Meera Sahibo Lebbe, (3) Mohamedo Sara Umma, wife of Nagoor Pitchai, all of Poolachenai ..... Respondents.

THIS matter coming on for disposal before R. J. Wilkinson, Esq., Additional District Judge of Puttalam, on November 20, 1934, in the presence of Mr. V. M. Anthonipillai, Proctor, on the part of the petitioner; and the petitioner's affidavit dated November 13, 1934, and petition dated November 20, 1934, and the last will No. 4,354 dated June 14, 1924, and attested by M. B. C. Roche of Maduranakuly, Notary Public, having been read:

It is ordered that the said last will and testament of the testatrix above named be and the same is hereby declared proved, and that the petitioner above named be and he is hereby declared entitled to have letters of administration with the will annexed issued to him accordingly, unless above-named respondents or any other person or persons interested shall, on or before December 10, 1934, show sufficient cause to the satisfaction of this court to the contrary.

R. J. WILKINSON,  
Additional District Judge.

November 20, 1934.

Order Nisi extended to January 28, 1935.

December 10, 1934. R. J. WILKINSON,  
Additional District Judge.

In the District Court of Puttalam.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Magudo Naina Marakar Suleha Beebi, late of Periyakudiruppu in Kalpitiya, deceased.

Mohama Naina Marakar Tamby Naina Marakar of Kalpitiya ..... Petitioner.

And

Magudo Naina Marakar Uduman Naina Marakar of Kalpitiya ..... Respondent.

THIS matter coming on for disposal before Richard James Wilkinson, Esq., Additional District Judge of

Puttalam, on November 6, 1934, in the presence of Mr. Wilfred A. Muttukumaru, Proctor, on the part of the petitioner above named; and the petitioner's affidavit and petition dated November 3 and 5, 1934, having been duly read:

It is ordered that the petitioner above named be and he is hereby appointed administrator of the estate of the deceased above named, and that letters of administration be issued to him accordingly, unless the respondent above named or any other person or persons interested shall, on or before November 28, 1934, show sufficient cause to the satisfaction of this court to the contrary.

November 6, 1934. R. J. WILKINSON,  
Additional District Judge.

This Order Nisi is extended to December 12, 1934.

November 28, 1934. R. J. WILKINSON,  
Additional District Judge.

This Order Nisi is extended to January 30, 1935.

December 12, 1934. R. J. WILKINSON,  
Additional District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Lokujuwange Manuel Peter Perera No. 2,129. of Chilaw, deceased.

Lokujuwange Manuel Crispin Perera of Chilaw. Petitioner.

28 p. 16. 29. Vs.

(1) Lokujuwange Manuel Mary Perera, (2) Lokujuwange Manuel Sarapina Perera, (3) Lokujuwange Manuel Catherine Perera, (4) Lokujuwange Manuel Joseph Edwin Perera, (5) R. W. Don George, (6) R. W. M. Dona Barbara Perera, all of Chilaw, (7) R. W. Don Manuel of Colombo ..... Respondents.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge of Chilaw, on November 19, 1934, in the presence of Mr. C. V. M. Pandittesekere, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 1, 1934, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as brother of the above-named deceased, to have letters of administration to his estate issued to him and that letters of administration be issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before February 14, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 18, 1935.

L. H. DE ALWIS,  
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Patabendikoralalage Jayatuhamy, Registrar of Munnessaram, deceased.

Wickremanayake Patherennehelage Kiri Menik Etena of Munnessaram, Chilaw ..... Petitioner.

(1) Patabendikoralalage Podinona Hamine of Munnessaram ..... Respondent.

THIS matter coming on for disposal before C. V. M. Pandithesekera, Esq., Acting District Judge of Chilaw, on December 23, 1934, in the presence of Messrs. Sansoni & Jayewardene, Proctors, on the part of the petitioner; and the affidavit of the said petitioner dated December 19, 1934, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to this estate issued to her, unless the respondent above named or any other person or persons interested shall, on or before February 11, 1935, show sufficient cause to the satisfaction of this court to the contrary.

December 21, 1934.

N. J. MARTIN,  
Acting District Judge.

Handwritten notes: 28 p. 16. 29. Copy

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Handwritten notes: 33. 28 p. 16. 29. Copy

**PASSED ORDINANCES.**

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

**No. 19 of 1934.**

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

R. E. STUBBS.

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(Section 6.)

*Compensation payable in certain cases.*

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

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

CHAPTER I.

*Preliminary.*

1 This Ordinance may be cited as the Workmen's Compensation Ordinance, No. 19 of 1934, and shall come into operation on such date as the Governor shall appoint by proclamation in the Gazette.

Short title and commencement.

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

Interpretation.

“adult” and “minor” mean respectively a person who is not and a person who is under the age of fifteen years ;

“Commissioner” means any person appointed under section 26 to be or to act as a Commissioner or as a Deputy Commissioner for Workmen's Compensation, and includes any person appointed under section 27 to be or to act as an Assistant Commissioner for Workmen's Compensation ;

“compensation” means compensation as provided for in this Ordinance ;

“dependant” means any of the following relatives of a deceased workman, namely :—

(a) a wife, a minor legitimate son, an unmarried legitimate daughter, or a widowed mother ; and

(b) if wholly or in part dependent on the earnings of the workman at the time of his death, a husband, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, or, where no parent of the workman is alive, a paternal grandparent ;

“employer” includes His Majesty in His Government of this Island and any body of persons whether corporate or unincorporate and any managing agent of an employer and the heirs, executors or administrators of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him ;

“Executive Committee” means the Executive Committee for Labour, Industry and Commerce ;

“local authority” includes a Municipality, a District Council established under “The Local Government Ordinance, No. 11 of 1920,” a Sanitary Board, a Local Board, and a Village Committee ;

“managing agent” means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer ;

“partial disablement” means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time : provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement ;

“prescribed” means prescribed by this Ordinance or by any regulation made thereunder ;

“registered medical practitioner” means a person registered as a medical practitioner under the Medical Ordinance, 1927, or under any Ordinance amending that Ordinance ;

“registered ship” means any sea-going ship or boat of any description which is registered or required to be registered in this Island as a British ship ;

“regulation” means a regulation made under this Ordinance ;

“seaman” means any person forming part of the crew of any registered ship, but does not include the master of any such ship ;

“total disablement” means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement : provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per centum ;

“wages” includes the monetary value of any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

“workman” means any person who is employed on wages not exceeding three hundred rupees per mensem in any such capacity as is for the time being specified in Schedule II, whether the remuneration is calculated by time or by work done or otherwise, and whether the contract of employment or service was made before or after the commencement of this Ordinance, and whether such contract is expressed or implied, oral or in writing ; but does not include—

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

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

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

## CHAPTER II.

### *Liability to pay compensation.*

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

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

Provided that the employer shall not be so liable—

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

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

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

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

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

Compensation for other diseases.

### CHAPTER III.

#### *Amount of compensation.*

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

Amount of compensation.

A. Where death results from the injury—

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

B. Where permanent total disablement results from the injury—

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

C. Where permanent partial disablement results from the injury—

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

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

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

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

Provided that—

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

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

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

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

(3) The use in this section of the expression 'monthly wages' shall not exclude any workman from the right to compensation under this Ordinance by reason only of the fact that he is not paid at a monthly rate or that his remuneration is calculated by time or by work done or at a daily rate.

Method of  
calculating  
wages.

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

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

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

Review of  
half-monthly  
payments.

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

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

Commutation  
of half-monthly  
payments.

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



## CHAPTER IV.

*Payment, distribution and recovery of compensation.*

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

Persons entitled to compensation.

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

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

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

Deposit of compensation with Commissioner in certain cases.

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

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

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

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

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

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

Distribution of compensation.

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

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

Payment of compensation.

(2) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct ; and where a half-monthly payment is payable to any person

under a legal disability, the Commissioner may, of his own motion or on an application made to him in that behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

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

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

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

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

Workman  
leaving Island  
to reside  
elsewhere.

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

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

Provided that the Commissioner may revoke his certificate if he is satisfied that the workman had reasonable grounds for not giving such notice.

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

Procedure for  
recovery of  
compensation  
Notice and  
claim.

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

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

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

(a) if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) if the employer is proved to have had knowledge of the accident from any other source at or about the time of the accident, or if it is found in the proceedings for settling the claim that the employer is not, or would not, if a notice or an amended notice were then given and the hearing postponed, be prejudiced in his defence by the want, defect or irregularity, or that such want, defect or irregularity was occasioned by mistake, absence from the Island, or other reasonable cause.

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

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

Form of notice.

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

Notice book.

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

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

Service of notice.

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

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

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

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

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

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

Medical examination.

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

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

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

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

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

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

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

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

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

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

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

Remedies of  
employer  
against third  
parties.

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

Insolvency of  
employer.

24 (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Ordinance to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a

company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

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

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

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

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

(a) under section 96 of Ordinance No. 7 of 1853, are to be paid out of the estate and effects of an insolvent before any other debts, and

(b) under section 11 of the Joint Stock Companies Ordinance, 1893, are, in the distribution of the assets of any company being wound up, to be paid in priority to other debts,

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

(i) in the first case, the date of the adjudication of insolvency ;

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

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

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

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

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

#### CHAPTER V.

##### *Masters and seamen.*

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

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

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

Special provisions relating to masters and seamen.

(c) Where an injured master or seaman is discharged or left behind in any part of His Majesty's dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the Chief Secretary shall, in any proceedings for enforcing the claim, be admissible in evidence—

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

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

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

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

#### CHAPTER VI.

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

Appointment of  
Commissioner  
and Deputy.

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

Appointment of  
Assistant  
Commissioners.

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

All officers to  
be public  
servants.

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

Protection of  
public servants.

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

#### CHAPTER VII.

##### *Proceedings before Commissioners.*

Disputes to be  
settled by  
Commissioner.

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

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

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

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

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

Commissioner entitled to assistance of experts.

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

Transfer of case from one Commissioner to another.

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

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

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

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

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

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

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

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

Powers of Commissioner.

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

Appearance of parties.

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

Method of recording evidence.

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

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

Costs.

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

Reservation of points of law for opinion of Supreme Court.

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

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

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

Payments and money due to be recovered as fines.

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

#### CHAPTER VIII.

##### *Registration of agreements.*

Registration of agreements.

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

Provided that—

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

Effect of failure to register agreement.

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

Cancellation of registration.

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

#### CHAPTER IX.

##### *Insurance.*

Licence to undertake insurance for the purposes of the Ordinance.

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



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

(3) In this section, "person" includes the agent of a person who undertakes to insure an employer against his liability to pay compensation under this Ordinance.

(4) No prosecution shall be entered against any person for a breach of the provisions of this section except on the complaint of the Commissioner or with his written sanction.

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

Commissioner empowered to inspect accounts of licensee.

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

Suspension or cancellation of licence.

(a) if he is satisfied that such person is no longer financially able to undertake insurance against liabilities which may be incurred by employers under this Ordinance ; or

(b) if such person has been guilty of fraud, or has made undue delay in the payment or non-payment of claims arising out of such insurance ; or

(c) if such person has been convicted under section 46.

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

#### CHAPTER X.

##### *Appeals.*

48 (1) An appeal on a point of law shall lie to the Supreme Court against any order made by the Commissioner.

Appeals.

(2) No person shall appeal against an order made by the Commissioner unless such person is a party aggrieved by the order against which he appeals.

(3) For the purpose of disposing of any appeal on a point of law, the Supreme Court may vary, modify or reverse the finding of the Commissioner on any question of fact.

(4) An employer shall not be entitled to appeal on a point of law against an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or against an order disallowing a claim in full or in part for a lump sum unless the petition of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

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

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

Time limit for appeals.

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

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

Costs of appeal.

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

Procedure in appeal.

Hearing of  
reference on  
point of law.

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

Withholding of  
certain  
payments  
pending  
decision of  
appeal.

53 Where an employer prefers an appeal on a point of law against an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or against an order disallowing a claim in full or in part for a lump sum, the Commissioner may, and if so directed by the Supreme Court shall, pending the decision of the appeal, withhold payment of any sum deposited with him :

Provided that the Commissioner may distribute, in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order, or fifty rupees, whichever is less, among persons entitled under his order to receive compensation who, in his opinion, are unable to support themselves, and in the event of the appeal being successful any sum so paid by the Commissioner to any person shall be deemed to be a debt due from that person to the employer and may be sued for and recovered by the employer in a civil court of competent jurisdiction.

## CHAPTER XI.

### *Regulations.*

Regulations.

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

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

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

Amendment of  
Schedules by  
regulation.

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

Provided that the provisions of Schedules II and III shall not be so modified, added to, altered or rescinded nor shall any new Schedule be substituted for either of those Schedules

except after notification published in the Gazette declaring the intention of the Executive Committee so to effect such modification, addition, alteration, rescission or substitution, as the case may be, at a date not earlier than three months from the date of the first publication of such notification in the Gazette.

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

56 (1) No regulation 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.

Approval of  
State Council  
and ratification  
by Governor.

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

## CHAPTER XII.

### *Miscellaneous.*

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

Reports and  
returns.

(2) Every employer shall before the prescribed date in every year send to the Commissioner a correct return in the prescribed form specifying—

- (a) the injuries in respect of which compensation has been paid by him or by any insurer with whom he has entered into a contract in respect of any liability under this Ordinance during the year preceding that in which the return is made ; and
- (b) the amount of such compensation ; and
- (c) such other particulars in respect of such compensation as the Commissioner may require :

Provided that any further particulars required by the Commissioner under clause (c) of this sub-section may be furnished after the prescribed date and within such period as the Commissioner may appoint.

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

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

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

Compensation  
not to be  
assigned,  
attached or  
charged.

59 Any contract or agreement whether made before or after the commencement of this Ordinance, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Ordinance.

Contracting-out.

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

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

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

Reciprocal  
arrangements.

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

(a) for the transfer, in such manner as may be provided by the arrangement, to the part of His Majesty's dominions with which the arrangement is made of any money in the hands of the Commissioner, applicable for the benefit of any person resident in or about to reside in such part of His Majesty's dominions ;

(b) for the receipt and administration by the Commissioner of any money which under any such arrangement has been transmitted from the part of His Majesty's dominions with which the arrangement has been made as money applicable for the benefit of any person resident or about to reside in this Island.

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

#### SCHEDULE I.

(Section 2 (1).)

*List of injuries deemed to result in permanent partial disablement.*

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

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

#### SCHEDULE II.

(Section 2.)

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

Subject to the provisions of section 2, the following persons are workmen within the meaning of sub-section (1) of that section, that is to say, any person who is—

1. employed, otherwise than in a clerical capacity, in connexion with the operation or maintenance of any mechanically propelled vehicle (including a tramcar) used for the carriage or conveyance of passengers or goods for hire, or for industrial or commercial purposes ; or

2. employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts whereof, steam, water or other mechanical power or electrical power is used in aid of

any process for, or incidental to, the making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, for transport, or for sale, of any article or part of an article, and wherein, or within the precincts whereof, on any one day of the preceding twelve months, ten or more persons have been so employed in any such process ; or

3. employed, otherwise than in a clerical capacity, in any premises wherein; or within the precincts whereof, on any one day of the preceding twelve months, twenty-five or more persons have been employed in any process for, or incidental to, the making, altering, repairing, ornamenting, finishing, or otherwise adapting for use, for transport, or for sale, of any article or part of an article or in any kind of work whatsoever incidental to or connected with that process or with the article so made, altered, repaired, ornamented, finished or adapted by that process ; or

4. employed, in any mine, in any mining operation, or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground :

Provided that any excavation in which on no day of the preceding twelve months more than ten persons have been employed or explosives have been used, and whose depth from its highest to its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause ; or

5. employed as the master of a registered ship or as a seaman ;

or

6. employed for the purpose of loading, unloading, fuelling, victualling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits as defined under section 5 of "The Master Attendants Ordinance, 1865," of any port in this Island, of goods which have been discharged from or are to be loaded into any vessel ; or

7. employed in the construction, repair or demolition of—

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twenty feet or more from the ground level to the apex of the roof, or

(b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or

(c) any road, bridge, or tunnel ; or

(d) any wharf, quay, sea-wall or other marine work including any moorings of ships ; or

8. employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard for the same ; or

9. employed in the construction, repair, inspection, upkeep or demolition of any underground sewer ; or

10. employed in the service of any fire brigade ; or

11. employed in any occupation involving blasting operations ;

or

12. employed in the making of any excavation in which on any one day of the preceding twelve months more than ten persons have been employed or explosives have been used, or whose depth from its highest to its lowest point exceeds twenty feet ; or

13. employed in the operation of any ferry boat capable of carrying more than ten persons ; or

14. employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cacao, cardamoms, cinchona, coconuts, coffee, rubber or tea and on which on any one day in the preceding twelve months ten or more persons have been so employed ; or

15. employed, otherwise than in a clerical capacity, in the supplying, generating or transforming of electrical energy or in the generating or supplying of gas ; or

16. employed on any boat, launch or vessel which ordinarily plies within the limits of any harbour of this Island or on any canal, river, lake or other inland navigable water and is propelled wholly or in part by steam or other mechanical power or by electricity ; or

17. employed, otherwise than in a clerical capacity, in the Ceylon Government Railway ; or

18. employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal or pipe-line ; or

19. employed in the training, keeping or working of elephants, race-horses or wild animals ; or

20. employed as a diver ; or

21. employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures ; or

22. employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof, on any one day of the preceding twelve months five or more persons have been so employed.

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

## SCHEDULE III.

(Section 4.)

*Occupational diseases.*

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

## SCHEDULE IV.

(Section 6.)

*Compensation payable in certain cases.*

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

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

E. W. KANNANGARA,  
Clerk of the Council.

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

G. M. RENNIE,  
Secretary to the Governor.

## DRAFT ORDINANCES.

## MINUTE.

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

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

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

- 1** This Ordinance may be cited as the Rubber Control Amendment Ordinance, No. of 1935. Short title.
- 2** Section 13 of the Rubber Control Ordinance, No. 6 of 1934, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) thereof as follows:— Amendment of section 13 of Ordinance No. 6 of 1934.
- (1) by the substitution for the words "On or before the prescribed date," of the words "On or before a date which shall be prescribed for each year of control,";
- (2) by the substitution for the word "particulars." of the words "particulars: Provided that it shall not be necessary for the registered proprietor of an estate or small holding to furnish such a return in the second or any other subsequent year of control except upon a direction issued by the Controller under section 14.".
- 3** Section 14 of the principal Ordinance is hereby amended in sub-section (1) thereof by the insertion immediately after paragraph (b) of the following, which shall have effect as paragraph (c) of that sub-section:— Amendment of section 14 of the principal Ordinance.
- "(c) to furnish before a date specified by the Controller in any month or in each month in any series of months—
- (i) such particulars as the Controller may require in respect of the production, sale, delivery, purchase, or export of rubber, or the stocks of rubber held by such proprietor or dealer;
- (ii) such other information as the Controller may deem necessary for the purposes of this Ordinance."
- 4** Section 17 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution for the words "any small holding" of the words "any estate or small holding". Amendment of section 17 of the principal Ordinance.
- 5** Section 22 of the principal Ordinance is hereby amended as follows:— Amendment of section 22 of the principal Ordinance.
- (1) in sub-section (1), by the substitution for the words "in any succeeding year of control" of the words "in the same or any succeeding year of control";
- (2) in sub-section (2)—
- (a) by re-numbering that sub-section as sub-section (3),
- (b) by the substitution for the word and figure "sub-section (1)" of the words and figures "sub-section (1) or sub-section (2)";
- (3) by the insertion between sub-section (1) and re-numbered sub-section (3) of the following which shall have effect as sub-section (2):—
- "(2) Notwithstanding the provisions of section 12 (3), if the Controller is satisfied that the standard production of any estate or small holding has been over-assessed or under-assessed, he may by order determine the standard production of that estate or small holding and for such purpose may vary the assessment of standard production made under section 19: Provided that no such order shall be made in respect of any estate or small holding unless the estate or small holding has been inspected by the Controller or by some other person duly authorised by the Controller in that behalf."; and

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- (4) by the addition of the following new sub-section immediately after sub-section (3) :—

“(4) The standard production of any estate or small holding determined by the Controller under sub-section (2) shall, subject to the decision of the Board of Appeal, be the standard production of that estate or small holding for the year of control in which such order is made and for every succeeding year of control.”

Amendment of section 23 of the principal Ordinance.

6 Section 23 of the principal Ordinance is hereby amended as follows :—

- (1) by re-numbering sub-sections (3), (4), and (5) as sub-sections (4), (5), and (6), respectively ;  
 (2) by the insertion between sub-section (2) and re-numbered sub-section (4) of the following which shall have effect as sub-section (3) :—

“(3) Where as a result of action taken by the Controller under section 22 in any year of control the standard production of an estate or small holding as assessed under section 19 has been increased or decreased, it shall be lawful for the Controller in the same or in the next succeeding year of control to make such adjustment as may be necessary in the exportable maximum of that estate or small holding by adding thereto or deducting therefrom an amount equivalent to the excess or deficiency, as the case may be, of the coupons issued in respect of that estate or small holding in the year of control in which such action was so taken :

Provided that the adjustment authorised by this sub-section may be made by the Controller by an addition to or a deduction from the exportable maximum of an estate or small holding in the year of control in which action under section 22 was taken and in any of the succeeding years of control in such yearly instalments as he may in his discretion determine.”; and

- (3) in re-numbered sub-section (5), by the substitution for the word and figure “ sub-section (3) ” of the word and figure “ sub-section (4) ”.

Repeal of sub-section (2) of section 30 of the principal Ordinance.

7 Section 30 of the principal Ordinance is hereby amended by the repeal of sub-section (2) thereof.

Amendment of section 43 of the principal Ordinance.

8 Section 43 of the principal Ordinance is hereby amended as follows :—

- (1) by the repeal of sub-section (1) and the substitution therefor of the following :—

“(1) On and after the first day of June, 1934, no person shall import rubber into the Island or export rubber therefrom unless such rubber is accompanied by a Certificate of Origin : Provided that no Certificate of Origin shall be required in respect of—

(a) rubber proved to the satisfaction of the Principal Collector of Customs to have been imported from the Islands of Singapore or Penang, and

(b) articles and things manufactured wholly or partly of rubber where such articles or things are imported into the Island.” ;

- (2) in sub-section (2) by the omission of the words “ to any of the territories mentioned in sub-section (1) ” ;  
 (3) by the repeal of sub-section (3) ;  
 (4) by the re-numbering of sub-sections (4), (5), and (6) as sub-sections (3), (4), and (5), respectively ;  
 (5) in re-numbered sub-sections (3) and (4), by the omission of the words “ from any of the territories mentioned in sub-section (1) ” wherever those words occur collectively in each of those sub-sections ; and  
 (6) in re-numbered sub-section (5)—

(a) by the substitution for the words “ order the destruction of the rubber ” of the words “ order the confiscation or destruction of the rubber ” ;

(b) by the addition of the following words at the end thereof :—

“ Rubber confiscated in pursuance of an order made under this sub-section shall be disposed of or destroyed in such manner as may be prescribed.”



- 9 Section 47 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution for the proviso thereto of the following new proviso :—
- Amendment of section 47 of the principal Ordinance.
- “ Provided however that no such duty shall be charged or levied on any rubber imported into this Island from any of the under-mentioned territories and re-exported in accordance with the provisions of section 43 —
- Straits Settlements,  
Federated Malay States,  
Unfederated Malay States,  
Labuan,  
Brunei,  
Netherlands India,  
India, including Burma,  
French Indo-China,  
State of North Borneo,  
Sarawak,  
Siam.”
- 10 Section 48 of the principal Ordinance is hereby amended in sub-section (3) thereof by the substitution for the word and figures “section 43” of the words and figures “the proviso to section 47 (1) ”.
- Amendment of section 48 of the principal Ordinance.
- 11 Section 50 of the principal Ordinance is hereby amended in sub-section (2) thereof as follows :—
- Amendment of section 50 of the principal Ordinance.
- (1) by re-lettering paragraphs (h) and (i) as paragraphs (j) and (k) respectively ;
- (2) by the insertion between paragraph (g) and re-lettered paragraph (j) of the following new paragraphs :—
- “ (h) the sub-division of Certificates of Origin issued by any other territory and the authentication of such divided Certificates of Origin ;
- (i) the conversion into crepe rubber of scrap rubber imported into the Island on Certificates of Origin issued by any other territory, the export from the Island of such converted rubber on amended Certificates of Origin, and the authentication of such amended Certificates of Origin ; ”.
- 12 The following section shall be inserted immediately after section 52 of the principal Ordinance and shall have effect as section 52A :—
- Insertion of new section 52A in the principal Ordinance.
- “ 52A. (1) Any rubber in respect of which reasonable suspicion exists that an offence under this Ordinance or under any regulation made thereunder has been or is being committed, together with any package, vessel or vehicle, in which the same is found, or which has been used in connection with such offence may be seized, and such rubber, package, vessel, or vehicle may be forfeited by order of the court in which any person is convicted of any such offence.
- (2) The Controller or any police officer may—
- (a) seize and detain any rubber, package, vessel or vehicle liable to seizure under sub-section (1) ;
- (b) seize and detain any coupon or any document enabling rubber to be possessed, controlled, imported, exported, sold, or transferred, or any document purporting to be issued by or by the direction of the Controller which he reasonably suspects to be counterfeit, forged, altered, or stolen.
- (3) In this section “ Controller ” includes any officer specially appointed by the Controller in writing for the purposes of this section.”
- Powers of seizure and arrest.
- 13 Section 58 of the principal Ordinance is hereby amended in sub-section (1) thereof as follows :—
- Amendment of section 58 of the principal Ordinance.
- (1) by the substitution of the following for paragraph (b) in the definition of “ Rubber ” :—
- “ (b) except in sections 30, 31, 32 and 33, all articles and things manufactured wholly or partly of rubber ; ” and
- (2) by the substitution for the words and figures “ under section 19 ” in the definition of “ standard production ”, of the words “ under this Ordinance ”.

*Objects and Reasons.*

The principal object of this Bill is to implement an undertaking given to the Secretary of State that imports of articles manufactured wholly or partly of rubber will be excluded from the operation of section 43 of the Rubber Control Ordinance, No. 6 of 1934, and that steps will be taken to amend that section so as to enable Certificates of Origin to be required for rubber imported into the Island from all territories other than the Islands of Singapore and Penang.

The opportunity has been taken to introduce several other amendments calculated to facilitate the effective administration of the Ordinance within the Island.

2. Clause 2 amends section 13 of the principal Ordinance so as to relieve proprietors of estates and small holdings from the necessity of furnishing returns before the prescribed date in the second or other succeeding years of control unless such returns are specially required by the Controller.

3. Clause 3 amends section 14 so as to confer on the Controller wider powers of investigation exercisable at more frequent intervals.

4. A closer scrutiny of the assessments of the standard production of estates and small holdings has disclosed several cases of under-assessment and over-assessment. Under-assessment causes hardship to an individual producer while over-assessment of any particular estate or small holding results in a diminution of the exportable maxima of all other estates and small holdings. The purpose of the amendments introduced by clause 5 is to enable the Controller in an appropriate case to take necessary action for the increase or reduction of an assessment made under section 19. An appeal will lie from an order of the Controller which reduces an assessment previously made; but, subject to the decision of the Appeal Board, the standard production of an estate or small holding when once revised will remain fixed throughout the entire period of control subject, of course, to the usual allowance in respect of immature areas.

5. Clause 6 enables the necessary adjustments to be made in the exportable maxima of estates and small holdings in cases where the Controller has exercised the powers of revision conferred on him by clause 5.

6. Clause 8 effects in section 43 the amendments previously stated to be necessary in order to implement the undertaking given to the Secretary of State.

7. Clauses 9 and 10 effect consequential amendments in sections 47 (1) and 48 (3).

8. Scrap rubber imported into the Island on a Certificate of Origin issued by some other participating territory is frequently re-exported from Ceylon in smaller parcels after conversion into crepe rubber. It is considered desirable that such rubber when so re-exported should be accompanied by a Certificate of Origin issued from the territory in which it was originally produced, and not by a Ceylon Certificate of Origin. Clause 11 adds to section 50 (2) two new paragraphs enabling regulations to be made for the subdivision locally of Certificates of Origin issued by another participating territory and for the conversion of scrap rubber into crepe rubber for the purpose of re-export.

9. Clause 12 inserts in the principal Ordinance a new section which empowers the Controller or a police officer to seize any rubber or document of title to rubber in respect of which an offence has been or is being committed under the Ordinance.

10. Clause 13 effects a consequential amendment in the definition of "standard production" and amends the definition of "Rubber", so as to exclude from the application of sections 30, 31, 32 and 33 articles and things manufactured wholly or partly of rubber.

D. S. SENANAYAKE,

Minister for Agriculture and Lands.

Ministry of Agriculture and Lands,

Colombo, January 24, 1935.