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

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PASSED ORDINANCES.

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

No. 59 of 1935.

No. 35 of 1908.

An Ordinance to amend the Ceylon Telegraph Ordinance, 1908.

R. E. STUBBS.

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

Short title.

1 This Ordinance may be cited as the Ceylon Telegraph Amendment Ordinance, No. 59 of 1935.

Insertion of new section 7A in Ordinance No. 35 of 1908.

2 The following new section is hereby inserted immediately after section 7 of the Ceylon Telegraph Ordinance, 1908, and shall have effect as section 7A of that Ordinance :—

Notification of conditions, restrictions and rates applicable to foreign messages.

7A (1) Notwithstanding the provisions of section 7, the Governor may, for the purpose of giving effect to the provisions of any International Convention relating to Telegraphs, determine and adequately notify—

- (a) the conditions and restrictions subject to which messages to or from any place beyond the limits of Ceylon or of India and Burma shall be transmitted or received ;
- (b) the rates at which such messages shall be transmitted ;
- (c) the precautions to be taken for preventing the improper interception or disclosure of such messages ;
- (d) the period for which and the conditions subject to which the originals of all such messages and all documents relating thereto which are in the custody of telegraph officers shall be preserved ;
- (e) the fees to be charged for searching for or furnishing certified copies of such messages or of any documents relating thereto.

(2) The Governor may by order in the Gazette direct that the powers vested in the Governor by this section be exercised, subject to the direction and control of the Executive Committee of Communications and Works, by the officer for the time being performing the functions and discharging the duties of the Postmaster-General and Director of Telegraphs.

(3) All matters notified under this section shall have the same force and effect as though they were prescribed by rules made under section 7.

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Eighteenth day of December, One thousand Nine hundred and Thirty-five.

G. M. RENNIE,
Secretary to the Governor.

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

No. 60 of 1935.**An Ordinance to provide a new constitution for the Municipal Council of Colombo.**

R. E. STUBBS.

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

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

Preliminary.

Short title,
commencement
and application.

1 This Ordinance may be cited as the Colombo Municipal Council (Constitution) Ordinance, No. 60 of 1935, and shall come into operation on such date as may be appointed by

the Governor by proclamation in the Gazette, and shall apply to the Municipal Council of Colombo only: Provided that the Governor may, by proclamation published in the Gazette, direct that this Ordinance shall apply, with such modifications as may be specified in the said proclamation, to any other Municipal Council.

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

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

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

“Council” means the Colombo Municipal Council.

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

“Mayor” and “Deputy Mayor” mean respectively the Mayor and Deputy Mayor of the Council as constituted by this Ordinance, elected from time to time under section 60 or section 61 of this Ordinance.

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

“Municipality” means the Municipality of Colombo.

“person” means an individual of either sex.

(2) For the purposes of this Ordinance,—

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

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

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

The Municipality.

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

Continuation and division of the Municipality.

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

First Schedule.

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

Definition of limits of wards.

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

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

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

Municipal constitution and administration.

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

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

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

Constitution and incorporation, &c., of Council.

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

- (a) The Councillors elected in accordance with the provisions of this Ordinance to represent the wards of the Municipality specified in the First Schedule according to the numbers specified in the second column of the said Schedule; and
- (b) The additional Councillors not exceeding four in number nominated by the Governor under section 57.

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

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

Decision of questions, and quorum.

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

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

8 Save as is hereinafter provided in sections 60 and 61, the Mayor, or in his absence, the Deputy Mayor, shall preside at all meetings of the Council, and if both the Mayor and the Deputy Mayor are absent, the members present shall elect one of their own number to preside at the meeting.

Mayor or Deputy Mayor to preside at meetings of Council.

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

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

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

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

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

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

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

Standing committees.

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

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

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

(5) In the absence of the Mayor from any meeting of the standing committee on finance, or from any joint meeting of that committee and any other standing committee or committees, and in the absence from any meeting of any such other standing committee of the Chairman elected under sub-section (3), the members of the committee or committees concerned shall elect a Chairman for the meeting from among their own number.

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

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

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

Special committees.

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

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

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

Financial matters and finance committee.

12 No financial matter shall be finally dealt with by the Council unless it has been first dealt with and reported on by the standing committee on finance.

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

13 (1) All meetings of standing and sub-committees shall be held at the Municipal Office or at such other place as the committee may decide and any such committee shall at its meetings have access to the books, deeds, contracts, accounts, vouchers and other documents and papers of the Municipality.

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

Qualifications and disqualifications.

Qualifications of voters.

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

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

(a) is a British subject; and

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

(c) is not serving a sentence of penal servitude or imprisonment imposed by any court in any part of His Majesty's dominions or in any country under His Majesty's protection or in respect of which a mandate is being exercised by His Majesty or by the Government of any part of His Majesty's dominions, for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months; and is not under sentence of death imposed by any such court, and is not serving any term of imprisonment awarded in lieu of execution of such sentence; and

(d) has not been adjudged by a competent court to be of unsound mind; and

(e) has not within a period of five years immediately prior to the said date been convicted of an election offence in respect of any election held under the provisions of this Ordinance or of the Municipal Councils Ordinance, 1910; and

(f) is resident within the limits of any ward of the Municipality and has for a continuous period of at least six months in the period of eighteen months immediately prior to the said date resided within the limits of any ward of the Municipality; and

(g) is the owner of qualifying property situated within the limits of the Municipality or is the tenant of qualifying property situated within the limits of the ward of the Municipality in which he is resident on the said date.

(3) For the purposes of this section—

- (a) 'qualifying property' means any land, house, tenement or building bearing a separate number in the Assessment Book of the Municipal Council and in respect of which an annual rate of not less than ten rupees is paid to the Municipality;
- (b) 'owner' includes a fiduciary but does not include a usufructuary mortgagee or a person entitled to a life interest in any qualifying property;
- (c) 'tenant' means the person who in law is responsible to the owner for the payment of the rent of any qualifying property under any contract of letting and hiring relating to that qualifying property.

(4) Where two or more persons are owners of any qualifying property, the annual rate in respect of that qualifying property shall for the purposes of this section only, be deemed to be payable by such owners in the proportion of their several shares in that qualifying property, and, if the amount of the annual rate so deemed to be payable by any owner is equal to or exceeds ten rupees, that owner shall, for the purposes of paragraph (g) of sub-section (2), be deemed to be an owner of qualifying property notwithstanding the fact that he owns a share only in such property and that such share is not separately numbered in the Assessment Book of the Municipal Council.

(5) Where two or more persons are tenants of any qualifying property, the annual rate payable in respect of that qualifying property shall, for the purposes of this section only, be divided in the proportion of the amounts respectively payable as annual rent by each tenant under the contract of letting and hiring relating to that qualifying property and if, upon such division, the amount of the annual rate which corresponds to the amount of the annual rent so payable by any tenant is equal to or exceeds a sum of ten rupees, that tenant shall, for the purposes of paragraph (g) of sub-section (2), be deemed to be a tenant of qualifying property notwithstanding the fact that the qualifying property is jointly tenanted.

(6) The name of any person who in any year is qualified to vote under the provisions of this Ordinance shall be entered in the new or revised list of persons qualified to vote prepared for the ward in which that person is resident on the date of the preparation or revision, as the case may be, of such list for that year.

(7) Where under the foregoing provisions of this section any person is qualified to vote at any election held under this Ordinance, the wife or husband, as the case may be, of that person shall be deemed to be qualified to vote at that election in the same ward as that person and shall be entitled to have her or his name entered in any new or revised list in which the name of that person appears, if she or he is qualified in accordance with the requirements of paragraphs (a), (b), (c), (d), and (e) of sub-section (2).

(8) No person shall vote or be entitled to vote in more than one ward, nor shall any person be entitled to have his name entered in the new or revised list of more than one ward.

(9) No person shall be entitled to record more than one vote in any ward unless more Councillors than one are to be elected in that ward, in which case any person qualified to vote in that ward shall have as many votes as there are Councillors to be elected to represent that ward, but shall not give more than one vote to any one candidate.

(10) (a) A company which is the owner or tenant of any qualifying property shall be qualified to vote at any election held under this Ordinance and to have its name placed on the new or revised list of voters prepared in any year for the ward in which the principal office of that company is situated.

(b) The provisions of sub-sections (3), (4), (5), (8), and (9) shall apply equally to a company as to any other person qualified to vote in accordance with the provisions of this section.

(c) Any person holding a general power of attorney from a company or authorised by a special resolution of the Board of Directors of the company signed by two of the directors and under its common seal, shall be entitled to vote at any election

on behalf of such company provided that such power of attorney or authority shall have been registered with the Commissioner at least one month prior to the date of such election.

(d) In this sub-section "company" means any company registered under the Joint Stock Companies Ordinance, 1861, or any other written law, or under any Act of Parliament or under any legislative enactment of any British possession.

Qualifications
of elected and
nominated
Councillors.

15 (1) No person shall be qualified to be proposed for election or to be elected as a Councillor at any election held under this Ordinance or to be or to continue to be an elected Councillor or to sit or to vote in the Council unless the name of that person—

- (a) appears in the new or revised list of persons duly qualified to vote and to be elected certified as hereinafter provided, and in force for the time being; and
- (b) is marked in such new or revised list with the double qualification mark hereinafter referred to in section 21 (1) (d).

(2) No person shall be entitled to have his name marked with the double qualification mark in any such list in any year as a person qualified to be elected at any election held under this Ordinance unless such person on the date of the commencement of the preparation or revision, as the case may be, of such list for that year—

- (a) is qualified to vote and is entitled to have his name placed in the list of persons duly qualified to vote for that year in accordance with the provisions of section 14; and
- (b) is able to read or write English, or Sinhalese, or Tamil; and
- (c) does not hold any public office under the Crown in this Island; and
- (d) does not, directly or indirectly, himself or by any other person whatsoever in trust for him or for his use or benefit or on his account, hold or enjoy, in the whole or in part, any contract or agreement or commission made or entered into with or accepted from any person for or on account of the Council; provided that nothing herein contained shall extend to any pension or gratuity granted by the Council in respect of past service, nor to any contract, agreement or commission entered into or accepted in its corporate capacity by any incorporated trading company in which such person may be a member or a shareholder; and
- (e) is not an uncertificated or undischarged bankrupt or insolvent; and
- (f) is not an officer or servant of the Council in actual employment by and in receipt of a salary from the Council.

(3) No person shall be entitled to be nominated as a Councillor by the Governor unless that person is qualified in accordance with the requirements of paragraphs (a), (b), (c), (d), and (e) of section 14 (2); and paragraphs (b), (d), (e) and (f) of sub-section (2).

(4) In this section "person" does not include a company as defined in section 14 (10).

Vacation of
seats in the
Council.

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

- (a) upon his death; or
- (b) if by writing under his hand addressed to the Mayor he shall resign his seat in the Council; or
- (c) if he shall become incapable of sitting or voting as a Councillor by reason of any of the provisions of section 15; or
- (d) if without the leave of the Council first obtained he fails to attend three consecutive general meetings of the Council; or
- (e) upon the dissolution of the Council.

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

17 Every Councillor who is, directly or indirectly, concerned or interested otherwise than as a shareholder in a joint stock company, in any contract with, or in any work done for the Council, shall vacate his office and cease to be a Councillor as from the date on which he became so

concerned or interested in such contract or work and shall be guilty of an offence and shall, upon the complaint of any person interested and after trial and conviction by a District Judge without previous inquiry or committal by a Police Court, be liable to a fine not exceeding five hundred rupees.

Save as is herein and hereinafter provided, the provisions of the Criminal Procedure Code, 1898, relating to the commencement of proceedings before a Police Court and to the trial of cases summarily by a Police Court shall apply, *mutatis mutandis* as though for such purposes the District Judge were a Police Magistrate and the District Court a Police Court, notwithstanding anything in any written law to the contrary.

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

Procedure when disqualified Councillor refuses to vacate his seat.

19 Every Councillor who after his election or nomination knowingly continues to act as a Councillor notwithstanding that his office shall have become vacant or been declared to be vacant under this Ordinance shall be guilty of an offence and shall upon the complaint of any person interested, and after trial and conviction by a District Judge without previous inquiry or committal by a Police Court, be liable to a fine not exceeding one thousand rupees and shall, for a period of five years reckoned from the date of such conviction, be disqualified from being elected or nominated as a Councillor or from voting at any election held under the provisions of this Ordinance.

Penalty for Councillor acting while disqualified.

Save as is herein and hereinafter provided, the provisions of the Criminal Procedure Code, 1898, relating to the commencement of proceedings before a Police Court and to the trial of cases summarily by a Police Court shall apply, *mutatis mutandis*, as though for such purposes the District Judge were a Police Magistrate and the District Court a Police Court, notwithstanding anything in any written law to the contrary.

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

Appeal to Supreme Court.

(2) Every such petition of appeal shall bear uncanceled stamps to the value of five rupees and shall be heard and determined in the same manner as if it were an appeal from an interlocutory order of a District Court.

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

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

Electoral lists.

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

Preparation and revision of lists.

- (a) on the first day of May in the year in which a general election is required to be held under this Ordinance, the Commissioner shall commence the preparation of the new lists for that year ;
- (b) on the first day of May in every year other than a year in which a general election is to be held, the Commissioner shall commence the revision of the lists for the time being in force ;
- (c) the said first day of May shall in each case be deemed to be the date of commencement of the preparation or revision of the lists, as the case may be ;
- (d) in the preparation or revision of the lists the Commissioner shall cause to be made a separate list for each ward of the Municipality and each such list shall contain the names of all persons duly qualified to vote,

arranged in such divisions as the Commissioner may think fit. The names in that list of persons who in addition to being qualified to vote are qualified to be elected as Councillors shall be marked with an asterisk or other suitable distinguishing mark (in this Ordinance referred to as "the double qualification mark");

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

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

Publication of lists.

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

Claims and objections.

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

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

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

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

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

- (a) specify a day or days on which all such applications will be heard and determined, the first of such days being at least one week after the date referred to in sub-section (4); and
- (b) call upon all persons who desire to oppose any such application to appear before him on the said day or days for that purpose.

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

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

Appeal to
Supreme Court.

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

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

- (a) if the appellant is a claimant, the Commissioner;
- (b) if he is an objector, the person whose name is objected to;
- (c) if he is a person whose name or double qualification mark is objected to, the objector.

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

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

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

Order of
Supreme Court.

26 (1) After all the applications under section 23 in any year have been finally decided, the new or revised lists for the year, amended if necessary in accordance with the provisions

Certifying of
lists.

of section 25, shall be certified under the hand of the Commissioner on or before the seventh day of October in that year, and shall thereupon be open to inspection at all reasonable times of the day at the Municipal office or elsewhere, and notice thereof shall be given in the Gazette.

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

Elections.

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

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

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

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

Returning officers.

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

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

Nomination papers.

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

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

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

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

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

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

Second Schedule.

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

Deposits by candidates.

30 (1) A candidate or someone on his behalf shall deposit or cause to be deposited, with the returning officer, between the date of the notification published under section 27 or section 35, and one o'clock in the afternoon of the day of nomination or the second day of nomination, as the case may be, the sum of two hundred and fifty rupees, and, if he fails

to do so, he shall be deemed to have withdrawn from his candidature under section 34. The returning officer shall forthwith credit the said sum to the Municipal fund, in order that it may be dealt with in accordance with the provisions of this Ordinance.

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

(3) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-tenth of the total number of votes polled, the amount deposited shall be forfeited to and appropriated by the Municipality, but in any other case that amount shall be returned to the candidate.

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

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

Proceedings on nomination day.

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

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

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

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

Objections to nomination papers.

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

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

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

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

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

Who may be present at nominations.

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

Withdrawal of candidature.

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

Procedure where no candidate is nominated on nomination day.

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

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

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

Uncontested election.

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

Contested election.

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

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

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

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

(4) If after an election has been reported as contested, one of the candidates nominated shall die before the poll has commenced, the Commissioner shall, upon being satisfied

of the fact of such death, countermand the notice for the poll, and shall appoint in manner prescribed by section 27 of this Ordinance a fresh date for the election. In such case, all proceedings with reference to the election shall be commenced afresh, provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

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

Presiding officers.

(2) If any presiding officer shall, by sickness or other cause be prevented from acting at any election, and there shall not be time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall as soon as possible be reported to the returning officer and may be confirmed or disallowed by the returning officer, but without prejudice to the validity of anything already done by such deputy.

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

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

Duty of returning officer to provide facilities at polling stations.

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

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

Admittance to polling station.

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

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

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

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

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

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

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

Ballot boxes

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

(2) Each candidate's box shall be clearly marked with his name in English, Sinhalese, and Tamil, and shall be coloured with the colour allotted to the candidate by the returning officer in accordance with section 37.

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

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

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

Ballot papers.

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

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

Manner of voting.

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

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

(3) The presiding officer, or any person authorised by the presiding officer, may if he thinks fit, on the application of any voter, explain to the voter the method of voting in

accordance with this Ordinance, but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular candidate.

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

(5) No vote shall be given by proxy.

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

Voter may be required to make declarations.

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

(Signature or mark of voter).

Declared before me this _____ day of _____, 19

(Signature of Presiding Officer).

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

(Signature or mark of voter).

Declared before me this _____ day of _____, 19

(Signature of Presiding Officer).

and,

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

(Signature or mark of voter).

Declared before me this _____ day of _____, 19

(Signature of Presiding Officer).

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

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

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

Spoilt ballot paper.

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

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

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

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

Closing of poll.

Procedure on
closing of poll.

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

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

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

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

Counting votes.

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

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

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

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

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

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

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

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

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

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

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

Votes to be rejected.

Any ballot paper—

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

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

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

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

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

Publication of result of election in Gazette.

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

Non-compliance with provisions of Ordinance.

53 (1) Every person who—

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged ; or
- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
- (c) without due authority supplies any ballot paper to any person ; or
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person ; or
- (e) not being a person entitled under this Ordinance to be in possession of any ballot paper which has been marked or perforated with the official mark in accordance with the provisions of section 42, has any such ballot paper in his possession ; or
- (f) puts into any ballot box anything other than the ballot paper which he is authorised to put into that ballot box under this Ordinance ; or
- (g) without due authority takes out of the polling station any ballot paper ; or
- (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election ; or
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election held under this Ordinance ; or
- (j) manufactures, constructs, imports into the Island, has in his possession, supplies or uses for the purpose of an election, or causes to be manufactured, constructed, imported into the Island, supplied or used for the purpose of any election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election held under this Ordinance,

Offences relating to nomination and ballot papers, &c.

shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be disqualified from

voting at any election held under this Ordinance for a term of five years thereafter and shall be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for any term not exceeding six months or to both such fine and imprisonment.

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

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

Maintenance of
secrecy at
elections.
Third Schedule.

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

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

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

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

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

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

Offences at
elections.

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

(2) Every person who, at any election held under this Ordinance, commits the offence of bribery (including bribery by treating), or undue influence, or personation at an election, within the meaning of Chapter IXA of the Ceylon Penal Code, shall, upon conviction for any such offence and in addition to the penalties to which he is liable under that Chapter, be disqualified for a period of five years reckoned from the date of such conviction, from voting at any such election and from being a Councillor.

The Council.

- 56 The Councillors duly elected at a general election shall hold office for a period of three years commencing on the first day of January next following the date of the election. Period of tenure of office of elected Councillors.
- 57 As soon as conveniently may be after any general election of Councillors and before the commencement of the term of office of the Councillors duly elected at any such election, the Governor may by notification published in the Gazette nominate not more than four persons to be Councillors in addition to the elected Councillors. Nominated Councillors.
- 58 No person shall be nominated by the Governor as a Councillor unless that person is qualified to be a nominated Councillor in accordance with the provisions of this Ordinance. Only qualified persons to be nominated.
- 59 A nominated Councillor shall come into office on the same date and shall hold office for the same period as an elected Councillor. Term of office of nominated Councillor.
- 60 (1) As soon as convenient after the commencement of the term of office of the Councillors, the Commissioner shall by written notice summon the elected and nominated Councillors to the first meeting of the Council. First meeting of Council, and election of Mayor and Deputy Mayor.
- (2) The first business at such meeting shall be the election of a Mayor and Deputy Mayor of the Council for the year, and for the purpose of such election and until the same has been completed, the Commissioner shall be the Chairman of the meeting.
- (3) The name of any elected or nominated Councillor may with his consent be proposed and seconded for election as Mayor or Deputy Mayor by any other elected or nominated Councillor present at such meeting and the Councillors present shall thereupon elect, by secret ballot in each case, a Mayor and a Deputy Mayor from among the Councillors proposed and seconded for election as Mayor and Deputy Mayor respectively.
- (4) If two or more Councillors receive an equal number of votes, and the addition of one vote would entitle any one of such Councillors to be elected as Mayor or Deputy Mayor, the determination of the person to whom the additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall direct.
- (5) Immediately after the election of a Mayor and a Deputy Mayor, the Commissioner shall vacate the chair and the Mayor so elected shall be the Chairman and shall preside at such meeting. If the Mayor so elected is not present at the first meeting, the provisions of section 8 shall have effect but this special reference to that section shall not affect the general application thereof.
- 61 (1) Any Councillor elected as Mayor or Deputy Mayor of the Council shall hold office in such capacity until the end of the year in which he is elected; and as soon as convenient after the commencement of each of the following years until the term of office of the Council expires, the Commissioner shall by notice in writing summon the elected and nominated Councillors to the first meeting of the year and at such meeting a Mayor and Deputy Mayor of the Council shall be elected for that year in accordance with the provisions of section 60 (2), (3) and (4); and upon such election, the provisions of section 60 (5) shall apply accordingly. Term of office, and election for subsequent years, of Mayor and Deputy Mayor.
- (2) A person who has been elected as Mayor or Deputy Mayor shall be eligible for re-election as such during the term of office of the Council by which he was elected.
- (3) If any elected Mayor or Deputy Mayor dies, or resigns, or vacates his office as a Councillor or ceases to be a Councillor, the Commissioner shall by written notice summon the Councillors and hold an election in accordance with the provisions of this section.
- (4) A Mayor or Deputy Mayor may be removed from office on a resolution for such removal duly passed at any meeting of the Council by not less than two-thirds of the total number of Councillors and confirmed by a resolution similarly passed at the next meeting of the Council. Upon such confirmation of any resolution for removal, the Mayor or Deputy Mayor affected by such resolution shall be deemed to have vacated his office.
- 62 Every Councillor elected or nominated in accordance with the provisions of this Ordinance shall upon the expiry of his term of office be eligible to be again elected or nominated, as the case may be, unless he has ceased to be duly qualified. Eligibility for re-election or re-nomination.

Resignation. 63 Every elected or nominated Councillor may at any time resign office by a written notice addressed to the Mayor.

Filling of vacancies. 64 (1) Subject to the provisions of section 35, any vacancy occurring by reason of the death, disqualification or resignation of a Councillor, or by reason of a Councillor refusing to accept or vacating his office or ceasing to be a Councillor, or otherwise, shall be filled as soon as conveniently may be by the election or nomination in his place of another Councillor who shall hold office for so long only as the Councillor in whose place he is elected or nominated would have held office if the vacancy had not occurred.

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

(3) If the seat of a nominated Councillor becomes vacant another Councillor shall be nominated by the Governor to fill the vacancy by notification published in the Gazette.

Acts of Council not invalidated by vacancies or absence of Councillors. 65 Subject to the provisions of section 7, nothing which is done or determined by the Council under the provisions of this Ordinance or of any other written law shall be or be deemed to be illegal or invalid by reason only of the fact that any elected Councillor or nominated Councillor was absent from the Council or that there was any vacancy in the number of the elected or nominated Councillors at the time such thing was done or determined.

Effect of alterations in wards of the Municipality 66 (1) If the Governor at any time by order under section 4 (1) (b) amends, adds to or rescinds any of the provisions of the First Schedule, so as thereby to enlarge, divide or alter any of the wards of the Municipality, the Councillor or Councillors representing the wards affected shall thereupon vacate his or their office, and an election shall be held in the manner provided by this Ordinance for each of the said wards.

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

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

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

Municipal officers and servants.

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

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

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

Appointment and powers, &c., of other executive officers. 68 (1) The Council shall also appoint fit persons to be—

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

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

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

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

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

Disciplinary action against executive officers.

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

(b) in the case of any other executive officer or acting executive officer, by not less than two-thirds of the total number of Councillors.

(2) No executive officer or acting executive officer shall be suspended or fined or reduced in status nor shall the increments to his salary be withheld for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duty or other misconduct except on a resolution passed by not less than two-thirds of the total number of Councillors.

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

Government servants as executive officers.

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

Appointment of executive officers by Government.

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

Appointment of other officers and servants.

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

73 Subject to the provisions of this Ordinance with regard to acting executive officers, the Council shall also have power to appoint any person to act in the place of any municipal officer or servant during his absence or temporary incapacity, or during any vacancy, and every person so appointed shall exercise, perform and discharge all the powers, duties and functions conferred or imposed upon, or vested in, or delegated to the officer or servant in whose office he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions of service as the said officer or servant and shall receive such salary and allowances as the Council shall determine.

Acting appointments.

74 No person who—

(a) has directly or indirectly any concern or interest in any contract or work made with or executed for the Council, or is a shareholder, director, secretary, manager or other officer of a joint stock company which has any such concern or interest; or

Disqualifications for appointment as municipal officers and servants.

(b) is acting professionally in relation to any matter on behalf of any person having any such concern or interest,

shall be appointed to be a municipal officer or servant.

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

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

Suspension, punishment and dismissal of officers and servants.

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

Leave of absence.

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

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

Pensions and gratuities.

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

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

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

Contracts.

Contracts not exceeding Rs. 1,500.

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

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

80 Any contract for the execution or performance of any work or service or for the supply of any articles or materials for the Council, which involves an estimated expenditure of more than one thousand five hundred rupees, or which will or is expected to endure for more than one year, shall, if entered into in Ceylon, be reduced to writing, and signed by the Mayor and the Commissioner on behalf of the Council, and sealed with the common seal of the Council, and, in addition to such other matters as may be deemed necessary for inclusion in any such contract, shall specify—

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

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

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

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

Appointment of agents outside Ceylon.

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

Loans and sinking funds.

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

Attachment of Municipal fund for repayment of loan.

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

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

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

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

Annual examination of sinking funds.

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

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

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

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

Annual statement as to loans.

(a) the amount which has been invested during the year under section 219 of the Municipal Councils Ordinance, 1910 ;

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

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

Control by Governor.

Additional powers of Governor.

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

Extracts from proceedings.

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

Dissolution of Council for incompetency, &c.

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

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

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

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

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

Irregularities in accounts.

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

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

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

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

Powers of Council in relation to auditors.

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

Remuneration of auditors.

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

Surcharges and appeals therefrom.

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

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

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

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

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

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

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

Miscellaneous.

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

Extension, &c., of prescribed times.

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

Councillors and others to be public servants.

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

Protection of Councillors.

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

Defendant's costs, &c., may be paid from Municipal fund.

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

Schedules.

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

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

Regulations.

98 (1) The Executive Committee of Local Administration may make regulations generally for the purpose of giving effect to the provisions of this Ordinance.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee of Local Administration may make regulations prescribing the procedure to be followed and observed in any matter relating to the registration of voters, or to the preparation or publication of lists of persons entitled to vote or to be elected, or to the conduct of elections, in a case where no express provision in respect of any such matter is made in this Ordinance.

(3) No regulation made under this section shall have effect unless it has been approved by the State Council and ratified by the Governor, nor until notification of such approval and ratification has been published in the Gazette.

By-laws.

99 The Council may make by-laws—

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

(b) prescribing the form of any books, registers or documents required to be kept or used for the purposes of this Ordinance.

Transitory provisions.

Continuance in office of existing Council.

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

(2) Nothing in this Ordinance shall, unless otherwise expressly provided, have effect, or shall apply to or affect the existing Council or its Chairman, Assistant Chairman or any

of its members, officers or servants, or its administration of the affairs of the Municipality, during the remainder of the term of office of the existing Council.

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

General election
of new
Councillors.

(2) For the purposes of such election—

(a) The Municipality shall be divided into the wards authorised by section 3 and set out in the First Schedule, and Councillors shall be elected for such wards according to the numbers specified in the second column of the said Schedule, and the provisions of sections 4, 55 and 66 shall apply accordingly.

(b) Lists shall be prepared of persons qualified to vote and to be elected in accordance with the provisions of sections 21 to 26 (both inclusive) and the qualifications required by sections 14 and 15 shall apply for the purpose of the preparation of such lists.

(c) All the powers, duties and functions conferred or imposed upon, or vested in, the Commissioner by this Ordinance, in relation to the holding of the election and the preparation of lists may be performed, exercised and discharged by the Chairman of the existing Council, or by some other person appointed by the Governor for that purpose, either of whom may by notification in the Gazette, appoint in place of the dates or times specified in the said sections, or the said Schedule, such other dates and times as may be convenient, having regard to the need for holding an election of Councillors with the least possible delay after the commencement of this Ordinance. Any person so appointed by the Governor shall be paid out of the Municipal fund such remuneration as the Governor may direct.

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

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

(2) The new Council shall elect a Mayor and a Deputy Mayor as provided in section 60.

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

Chairman of
existing Council
to be
Commissioner
until appoint-
ment made.

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

Continuance of
employment for
municipal
officers and
servants.

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

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

(1) all the rights, powers, duties, functions, privileges, responsibilities, protections, and immunities of or belonging to, or vested in, the existing Council at the said date, shall, subject to the provisions of this Ordinance, be transferred and belong to, or be vested in, the new Council in direct succession to the existing Council, and the new Council shall in all respects whatsoever be deemed to be the successor of the existing Council;

(2) all rules, by-laws, regulations, notifications, orders, licences and permits duly made, published, issued or granted by the existing Council, and in force at the said date, shall be deemed to have been duly made, published, issued or granted by the new Council;

- (3) all debts, liabilities and obligations incurred, and all contracts, deeds, bonds, agreements and other instruments executed or entered into, and all matters and things engaged to be done by, with or for, the existing Council at the said date shall be deemed to have been incurred, executed, entered into or engaged to be done by, with or for the new Council ;
- (4) all rates, taxes, rents, tolls, fines, penalties and sums of money due to the existing Council at the said date shall be deemed to be due to the new Council ;
- (5) all suits, prosecutions, appeals or other legal proceedings, civil and criminal, instituted, or which might have been instituted, by or against the existing Council at the said date may, subject to the provisions of any other written law, be continued or instituted by or against the new Council ;
- (6) all decrees or orders made by any competent court in favour of, or against, the existing Council prior to the said date shall be deemed to have been made in favour of, or against, the new Council ;
- (7) the balance standing to the credit of the Municipal fund of the existing Council at the said date, and all interest or profits arising from any investment or transaction in connection therewith, together with the total amount of any such investments, shall be transferred to and vested in the Municipal fund of the new Council ;
- (8) all budgets passed, and assessments, valuations, measurements and divisions made by the existing Council at the said date shall be deemed to have been respectively passed and made by the new Council ;
- (9) all property movable or immovable which has been vested in, or legally purchased or acquired by, or leased to, or placed at the disposal of, or in any other manner transferred to the existing Council, or which is held in trust for the existing Council, or is in its possession or control at the said date shall be held by or in trust for the new Council subject to the trusts, charges, liabilities, reservations, servitudes or other incumbrances, and on the terms and conditions appertaining, attaching or applicable thereto at the said date.

Orders for
transitional
period.

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

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

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

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

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

FIRST SCHEDULE.

Wards of the Municipality.

(s. 3 (2) .)

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

SECOND SCHEDULE.

Form of Nomination Paper.

(s. 29 (4) .)

Nomination Paper for the _____ ward.

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

Signature of proposer _____

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

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

Signature of seconder _____.

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

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

THIRD SCHEDULE.

Form of Declaration of Secrecy.

(s. 54.)

I solemnly promise and declare that I will not at this election for the _____ ward do anything forbidden by section 54 of the Colombo Municipal Council (Constitution) Ordinance, 1935 which has been read to me.

Signature of declarant.

Date _____.

Signature of person taking the declaration.

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

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Nineteenth day of December, One thousand Nine hundred and Thirty-five.

G. M. RENNIE,
Secretary to the Governor.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.
No. 4,867. In the matter of the insolvency of N. M. E. A. named Abdulla of 37, Old Moor street, Colombo.

TAKE notice that the meeting of creditors in the above case is fixed for February 4, 1936, for the approval of conditions of sale in this case.

By order of court, GERALD E. DE ALWIS,
January 8, 1936. Secretary.

In the District Court of Kandy.
No. 2,105. In the matter of the insolvency of John Anacks Pietersz of Katukelle, Kandy.

WHEREAS John Anacks Pietersz has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Mohamad Yusuf, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said John Anacks Pietersz insolvent accordingly; and that two public sittings of the court, to wit, on January 17, 1936, and on February 14, 1936, 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, E. J. DE ZILVA,
January 3, 1936. Acting Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

D. C., Colombo, S 648.

THE number of the case of the sale advertised as No. 5,648 in *Government Gazette* No. 8,185 of December 20, 1935, page 1106 should read as No. S 648.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, January 3, 1936. Deputy Fiscal.

In the District Court of Negombo.
Sembukutti Aratchige Carolis Silva Appuhamy of Katana Plaintiff.
No. 8,746.

Sembukuttiaratchige Pabilina Silva Hamine of Mellawagedera Defendant.

NOTICE is hereby given that on Thursday, February 6, 1936, at 2 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 11,083.33, with interest on Rs. 10,000 at 10 per cent. per annum from May 2, 1935, till September 9, 1935, and thereafter at 9 per cent. per annum till payment in full and costs, viz. :-

An undivided 44/264 share of lot "Y" of the land called Durayahena *alias* Siyambalagahahena, situated at Paragoda and Divuldeniya in the Yatigaha pattu of Hapitigam korale in the District of Negombo, Western Province; and bounded on the north-west by lot X in extent 12 acres 1 rood and 4 perches, east by the Crown land and land of the heirs of the late Mudaliyar Sam Perera, south by land of H. Charles Appuhamy, Crown land, land of the heirs of the late John Appuhamy, land of A. S. Charles Appuhamy and by Crown land, south-west by Gansabhawa road, and on the west by the land of N. P. Daniel Appuhamy; containing in extent 165 acres according to plan No. 5,052 dated April 9, 1935, made by Mr. J. C. Fernando, Licensed Surveyor.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, January 8, 1936. Deputy Fiscal.

In the District Court of Colombo.
Wanniyahuge Luvis Fernando of Ratmalana North in the Palle pattu of Salpiti korale Plaintiff.
No. 42,131. Vs.

(1) Kolonnage Don Charlis Appuhamy, (2) ditto Don Simon Appuhamy of Ratmalana North aforesaid Defendants.

NOTICE is hereby given that on Monday, February 3, 1936, at 2 P.M., 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 the sum of Rs. 277.50, being Supreme Court taxed costs and costs of the District Court taxed at Rs. 882.02, viz. :-

All that land called Delgahawatta, together with the buildings standing thereon, situated at Ratmalana in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and bounded on the north by Delgahawatta of Davith Singho Appuhamy, on the east by Delgahawatta of S. Dias, on the south by the other part of this property, and on the west by Moonamalghawatta of Davith Singho Appuhamy; containing in extent 1 rood and 5 perches, and registered under M 361/107.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, January 8, 1936. Deputy Fiscal.

In the District Court of Colombo.
Wannakuwattewaduge Millie Gracelyn Fernando of 2, Yakbedda lane, Cotta road, Colombo Plaintiff.
No. 51,652. Vs.

Mahamendige Henry Christopher Mendis of Korala-wella, Moratuwa Defendant.

NOTICE is hereby given that on Wednesday, February 5, 1936, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 1 dated May 7, 1931, attested by D. E. de Almeida, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated February 18, 1935, for the recovery of the sum of Rs. 2,620, with further interest on Rs. 2,000 at 9 per cent. per annum from February 3, 1933, to the date of decree (June 9, 1933), and thereafter on the aggregate amount of the principal and interest at 9 per cent. per annum. All payment in full and costs of Rs. 2,000, viz. :-

1. At 2 p.m.—All that allotment of land called Madangahawatta, with all the buildings and plantations standing thereon bearing assessment No. 417, situated at Korala-wella in Moratuwa in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and bounded on the north by the property of W. Jasenthum Mendis, presently to M. H. C. Mendis bearing assessment No. 418, east by another allotment of this land owned by Christambu Fernando presently belonging to the heirs of the late Doctor Constantine Fernando, south by dewata road and the property of W. Daniel Fernando and Anthony Fernando, and on the west by the property formerly of G. Andris Aponu presently belonging to M. H. C. Mendis bearing assessment No. 416; and containing in extent 1 rood and 36 40/100 square perches, but as per recent survey plan No. 668 made by T. R. Pieris, Licensed Surveyor, containing in extent 2 roods and 2 1/2 perches.

2. At 2.30 p.m.—All that allotment of land called Madangahawatta, with everything thereon bearing assessment No. 416, situated at Korala-wella aforesaid; and bounded on the north by the property of J. A. Perera and the property of Peter Fernando, presently belonging to M. H. C. Mendis, east by a portion of the same land of M. H. C. Mendis, south by dewata road, and the property of W. Daniel Fernando and Anthony Fernando, and west by the property of Gabriel Fernando but presently belonging to Charles Appuhamy and Dona Lucia Perera and others; containing in extent, as per said plan No. 668, 1 rood and 34.5 perches.

3. At 3 p.m.—All that allotment of land called Madangahawatta, with everything standing thereon bearing assessment No. 418, situated at Korala-wella aforesaid; and bounded on the north and east by the property of Don Matthes Perera, south by the property of M. H. C. Mendis, and west by the property of J. A. Perera; and containing in extent 1 rood and 14 75/100 perches. Prior registration M 312/229, 297/19 and 18.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, January 8, 1936. Deputy Fiscal.

In the District Court of Colombo.
R. M. Soekazatha Pillai of 160, Sea street, in Colombo Plaintiff.
No. 51,790. Vs.

(1) C. R. Maharajah of Norris road, Colombo, and (2) S. Thairani Pillai, Atoll of Wattata road, Colombo Defendants.

NOTICE is hereby given that on Tuesday, February 4, 1936, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendants in the

following property for the recovery of the sum of Rs. 645, with legal interest thereon from February 15, 1935, till payment in full and costs of suit, viz. :—

All that house and premises bearing assessment No. 167, now No. 160, situated at Sea street, within the Municipality and District of Colombo, Western Province; and bounded on the north by the house of Slema Lebbe Madar Lebbe, south by the house of Aechhi Kannoo, east by Chekku street, and on the west by Sea street; containing in extent about 7 perches more or less, and registered under A 26/210.

Fiscal's Office,
Colombo, January 8, 1936.

J. R. TOUSSAINT,
Deputy Fiscal.

In the Court of Requests of Colombo.

Mrs. E. H. Ohlmus 27 "The Lea", Cotta road,
Borella Plaintiff.
No. 93,090. Vs.

M. Periyathamby of 23 and 25, Kanatta road,
Borella, now of 114, High street, Wellawatta, in
Colombo Defendant.

NOTICE is hereby given that on Friday, January 31, 1936, at 3 p.m., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 80, viz. :—

The right, title, and interest of the defendant in and to the unexpired term of the lease created by deed No. 5,499 dated September 11, 1930, attested by W. A. S. de Vos, Notary Public, to wit :—

All those 13 boutiques and the ground on which the said boutiques stand, bearing assessment Nos. 38, 40, 42, 44, 46, 48, 50, 52, 54, 58, 60, 62, and 64, situated at Kanatta road, within the Municipality of Colombo, in the District of Colombo, Western Province; bounded on the north by the premises No. 28, Ward place, east by Kanatta road, south by premises No. 2, Kanatta road, and west by wall separating this from premises Nos. 1 and 1A, Kanatta road; containing in extent 20 $\frac{50}{100}$ perches excluding the road leading from Kanatta road towards the Towers.

Fiscal's Office,
Colombo, January 8, 1936.

J. R. TOUSSAINT,
Deputy Fiscal.

Central Province.

In the District Court of Jaffna.

T. Subramaniam of Puloly West, Point Pedro . . . Plaintiff.
No. 6,795. Vs.

(1) V. A. Karthigesapillai and wife, Sinnathangam of
Puloly West . . . Defendants.

NOTICE is hereby given that on Saturday, February 1, 1936, at 1 p.m., will be sold by public auction at the respective premises the right, title, and interest of the said defendants for the recovery of the sum of Rs. 2,289.36, with interest on Rs. 2,500 at the rate of 12 per cent. per annum from September 16, 1934, till January 16, 1935, and therefrom on the aggregate at 9 per cent. per annum till payment in full and costs of suit Rs. 182.10 and poundage in the following property, viz. :—

1. An undivided half part or share from and out of all that upstairs house and premises presently bearing assessment No. 49, situate at Colombo street, within the town, Municipality, and District of Kandy, Central Province; and bounded on the north by Colombo street, east by property belonging to V. K. M. Nagalingam, south by back lane, west by property belonging to V. K. M. Sivakolunthu and others; containing in extent about 6 perches and $\frac{29}{100}$ of a perch excluding however therefrom the portion forming part of the back lane which said premises in its entirety is composed of the following allotments, to wit :—

(a) All that premises bearing assessment No. 49, situate as aforesaid; and bounded on the north by Colombo street, east by the shop belonging to V. K. M. Vallipuram, south by the shop belonging to Don Andiris Muhandiram and presently to the mortgagors and others, and west by property belonging to V. K. M. Nagalingam (erroneously described in deed as V. R. M. Vallipuram); containing in extent $\frac{3}{29}$ perches, together with the buildings and everything thereon.

(b) An undivided half part or share (towards the west) of and in all those three tenements Nos. 124 G and H, situate at Castle Hill street, within the town of Kandy aforesaid; and bounded on the north by house and premises bearing assessment No. 49, Colombo street, Kandy, belonging to

V. A. Karthigesapillai and others, by house and premises No. 48, Colombo, belonging to V. K. M. Vallipuram, and by house and premises bearing assessment No. 47, Colombo street, belonging to Mr. Wijenayake, east by common wall of the house marked 124 the same alley belonging to Pana Kona Kottu Muhammadu, south by the common passage, the other portions of the same alley bearing assessment Nos. 12 and 13, and west by the common wall of the house marked 124 belonging to Muhammadu Muttalibu's son Assen Ras, and the common passage; containing in extent 3 perches according to the survey and description thereof dated March 28, 1914, and made by Geo. de La Motte of Kandy, Licensed Surveyor.

Fiscal's Office,
Kandy, December 21, 1935.

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province.

In the District Court of Matara.

Werkmeister Denzil Meurling of Cotta road, Colombo,
executor of the last will and testament of Miss
Frances Jeanette Meurling, deceased . . . Plaintiff.
No. 8,415. Vs.

Pallimulle Kapugamage Harmantsa Silva of Wewa
Ihalagoda . . . Defendant.

NOTICE is hereby given that on Saturday, February 15, 1936, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of a sum of Rs. 1,237.48, viz. :—

1. All that the soil, fruit trees, and plantations of the land called Kalutanfiri Liyanagegedarawatta, situated at Gamageigoda in Makawita, within the Four Gravets of Matara, Matara District, Southern Province; and bounded on the north by wela, east by Liyanageiwatta and Talgaha-hena, south by Galgodehena, and west by Berawainnewatta and Hinneunnewatta; and containing in extent about 4 acres.

2. An undivided $\frac{1}{2}$ share of the soil, fruit trees, plantations, and buildings of the land called Ihalawatta alias Naidadurayahitiyawatta, situated at Makawita aforesaid; and bounded on the north by Kajjugaswatta and Rajjamagehenewatta, east by Gepalewatta, south by Godakadurugahawatta, and west by Galgodahena and Pahalahenewatta; and containing in extent 1 acre 1 rood and 11 perches.

Deputy Fiscal's Office,
Matara, January 6, 1936.

H. V. F. ABAYAKOON,
Additional Deputy Fiscal.

In the District Court of Colombo.

The Commissioners of the Loan Board . . . Plaintiffs.
No. 47,803. Vs.

(1) David Samaraweera of Weligama, (2) M. K. M. P.
R. R. Chettiar of Matara, (3) K. M. P. R. R. M. Rama-
samy Chettiar of Matara . . . Defendants.

NOTICE is hereby given that on Saturday, February 8, 1936, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following mortgaged property for the recovery of sums of Rs. 15,120, being principal and interest calculated up to January 31, 1932, due under mortgage bond No. 434 dated March 31, 1930, attested by C. M. G. Saram, Notary Public, together with interest on the sum of Rs. 16,000 at the rate of 7 per centum per annum from February 1, 1932, till date of the decree (September 2, 1932) plus a sum of Rs. 40, with interest thereon at the rate of 7 per centum per annum from March 12, 1932, till date of the said decree (September 2, 1932), with further interest thereafter on the aggregate amount of the said decree at the rate of 9 per centum per annum till date of payment in full and costs of suit, together with a sum of Rs. 41.25 and interest thereon at 9 per centum per annum from March 14, 1934, viz. :—

All those two contiguous allotments of land called and known as the divided eastern one half portion of the land called Maga-addarapadinchigedarawatta also called Wella-addaragedarawatta alias Propentaunanse Padinchiwahitiyawatta and presently called Wella-addarawatta and Gedarawatta, also called Padinchiwatta adjoining each other and forming one property with the buildings standing thereon bearing assessment No. 158, situated at Main street, in the Fort of Matara, within the limits of the Urban

District Council of Matara, Southern Province, in the said Island; and bounded on the north by the high road called Main street, on the east by the land called Pollowanona alias Vollenhovenonapadinchivatta, on the south by the seabeach, and on the west by the western half portion of the garden called Wella-addarawatta as aforesaid; containing in extent 1 rood and 31 perches according to the plan dated May 3, 1910, and made by L. G. Pereira, Licensed Surveyor, together with all the buildings now standing and to be hereafter erected on the said allotments of land and all rights, ways, privileges, easements, servitudes, and appurtenances whatsoever thereunto belonging or in any wise appertaining or held, used, or enjoyed therewith and all the estate, right, title, interest, claim, and demand whatsoever of the 1st defendant in, to, out of, or upon the same and every part or portion thereof.

Deputy Fiscal's Office,
Matara, January 3, 1936.

H. V. F. ABAYAKOON,
Additional Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

V. Suppiah of Batticaloa Plaintiff.

No. 8,054. Vs.

T. K. S. Retniah of Navatcudah Defendant.

NOTICE is hereby given that on the dates and the hours of the day herein below mentioned, will be sold by public auction at the respective spots the right, title, and interest of the said defendant in the following properties for the recovery of the sum of Rs. 890.34, with legal interest thereon from August 13, 1935, till payment in full, costs, poundage, and other charges, viz. :-

(1) *On Thursday, February 6, 1936, at 8 o'clock in the forenoon.*—An undivided half share of all that property and premises bearing assessment No. 46, Main street, and 83, Bazaar street, and known as Swany Paddankaddy valavu and Swany Thandayal valavu, situated at Fishers' street in Puliyantivu in Manmunai pattu, Batticaloa District, Eastern Province; and bounded on the north by road, south by the property of A. B. Methias de Silva used as Liquor shop, east by the property belonging to the heirs of Idroos and others, and west by lane; in extent from north to south 102 feet, and east to west 21 feet and 6 inches, and of five buildings used as office, shop, store room, dining room, kitchen, and all other rights.

(2) *At 10 o'clock in the forenoon.*—An undivided half share of a coconut estate called Rockwood estate, situated at Sittandikudiyiruppu in Eravur pattu as aforesaid; and bounded on the east by Mahapathikulam, west by Crown land and lands belonging to Backhouse, Seilapatheen Hadjar, Poopalaretnam, and the late Sabapathipillai Udayar, north by road and lands of Sinnathamby and others, and south by May field estate and Mahapathikulam; and containing in extent about 209 acres and of all produce.

(3) *At 12 noon.*—An undivided half share of a paddy field composed of lots Nos. 4651, 4654, 4656, 4659, 4660, and 4661 described in plan No. 100,919 all forming into one block in extent, exclusive of the vaikal running through this, 103 acres and 29 perches, situated at Eravur in the aforesaid pattu, and bounded on the east by Crown land, south-east by Ulunthaparu, south by land of J. C. Barbert and land mentioned in T. P. plan No. 59,844, south-west by land claimed by Vappucutty Alim, west by land mentioned in plan No. 87,921, and land of S. M. Poopalapillai and others, and north by property belonging to C. W. Santiagopillai and lands mentioned in plans Nos. 99,107 and 99,109 and of all rights.

(4) *At 3 o'clock in the afternoon.*—An undivided half share of a garden called Odavi valavu, situated at Navatcudah, in Manmunai pattu as aforesaid; and bounded on the north by the property of P. Canagasabey presently by the garden of Theivanayagampillai, south by land belonging to the vendor and presently by land of Theivanayagampillai, Thangamma, and others, east by land of T. K. S. Retniah and wife, and land of P. Canagasabey, and west by road; in extent from north to south 10 fathoms, and from east to west 19 fathoms, and of the plantations, produce, and rights.

(5) *On Saturday, February 8, 1936, at 4 o'clock in the afternoon.*—An undivided half share of a garden called Pettarthoppu valavu, situated at Kalmunai in Karavaku pattu as aforesaid; and bounded on the north by the garden of Arumugam, south by lane, west by Crown land,

and east by land of Palattai and others, in extent from north to south 16 fathoms and from east to west 15 fathoms, and of the buildings and other rights.

The above properties are under seizure under D. C., Colombo, 51,739 and 46,540, and D. C. B. 7,503, 7,548, 7,433, 7,555, 7,739, and 7,681.

K. S. CHANDRASEGARAMPILLAI,
Fiscal's Office, Deputy Fiscal.
Batticaloa, January 4, 1936.

In the District Court of Batticaloa.

No. 23,273 In the Matter of the Estate of the late
Testamentary Meeralebbepody Vanniah Mohamadu
Meerasaitulebbepody Marakair of
Saintamaruthu, deceased.

NOTICE is hereby given that on Saturday, February 1, 1936, commencing at 3.30 in the afternoon, will be sold by public auction at the respective spots the right, title, and interest of the under-mentioned heirs of the deceased in the following properties for the recovery of the sum of Rs. 102.50 from M. M. Y. Isatheen, with interest thereon at 4 per cent per annum from February 5, 1931, and Rs. 64.53 from M. V. P. M. Kathisaumma, with interest thereon at 4 per cent per annum from February 5, 1934, viz. :-

(1) A portion of land on the west of land called Periakodan pattu belonging to M. M. Y. Isatheen of Saintamaruthu, situated at Karavaku Vaddai in Karavaku pattu, Batticaloa District, Eastern Province; and bounded on the north by boundary of Kuli Vayal, south by boundary of Chirukodan pattu and Chenkalodai Elavisam, east by Kovil Elavisam and Vaikal, west by aru; containing in extent 30 acres; of this an undivided $\frac{1}{4}$ share out of an undivided 15 acres with inlets, outlets, and all rights.

(2) A garden called Kalveedu valavu belonging to M. Y. P. M. Kathisaumma of Saintamaruthu, situated at Saintamaruthu as aforesaid; and bounded on the north by Veeduvalavu belonging to M. V. Abdul Hamid and others, south by lane, east by garden belonging to P. H. Ahamadulebbepody, west by garden of M. Adambawa, in extent from north to south 16 $\frac{1}{2}$ fathoms, and east to west 15 fathoms, with house, plantations, and all rights.

K. S. CHANDRASEGARAMPILLAI,
Fiscal's Office, Deputy Fiscal.
Batticaloa, January 6, 1936.

North-Western Province.

In the District Court of Kurunegala.

Alagam Perumal Pillai of Colombo, executor of the estate of the late Sena Soona Wairawanatha Pillai, deceased Plaintiff.

No. 16,255. Vs.

(1) Warnakulasuriya Jokinu Fernando of Pothuwatawana in Yagampattu korale Defendant.

NOTICE is hereby given that on Saturday, February 1, 1936, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 2,000 and costs and poundage, viz. :-

1. Two allotments of high and low land called Ambagahawatta and Mailgahakumbura, together with all the buildings and plantations standing thereon, situated at Pothuwatawana in Yagampattu korale of Katugampola hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by the land belonging to Andiris Perera Rupesinghe Appuhamy, on the east and south by the enderu fence of the land belonging to Mr. Corea, Proctor, and on the west by compass road; containing in extent about 12 acres, and registered in C 426/290.

2. All that allotment of land called Ambagahayaya, together with all the plantations and the buildings standing thereon, situated at Pothuwatawana aforesaid; and bounded on the north by a portion of this land belonging to Jagarias Perera, on the east by the land belonging to Mr. C. E. Corea, Proctor, on the south by the land belonging to the heirs of Migel Gamarala, and on the west by compass road; containing in extent 3 acres and 2 roods, registered in C 426/288.

Fiscal's Office, R. S. GOONESEKERA,
Kurunegala, January 6, 1936. Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Julian Edmund Bocks of 80, Hulftsdorp No. 7,411. street, Colombo, deceased.

Robert Stevenson Bocks of 80, Hulftsdorp in Colombo Petitioner.

And

(1) Violet Bocks, (2) Lilian May Bocks, (3) Agnes Marion Bocks, all of Hulftsdorp street in Colombo, minors, appearing by their guardian *ad litem* (5) G. Peries de Silva of Ketaivalamulla in Colombo Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 12, 1935, in the presence of Mr. P. M. A. Coysa, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 27, 1935, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before January 16, 1936, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, and 3rd respondents, to represent them for all the purposes of this action.

G. C. THAMBYAH,
District Judge.

December 12, 1935.

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Frederick Adolphus Paulick Pulle Pullenayegum of 52, Enderly, Hudson's road, Colpetty, Colombo.

And

In the matter of the Civil Procedure Code 1889, Chapter XXXVIII.

Ilex Frederick Malcolm Pullenayegum care of Messrs. F. J. & G. de Saram, Colombo Petitioner.

Rs. 20 vs. 29

(1) Ellen Laura Pullenayegum of 52, Enderly Hudson's road aforesaid, (2) Sefton Adolphus Lambert Pullenayegum of 52, Enderly, Hudson's road aforesaid, (3) Ellen Claribel de Silva Jayasundera, wife of (4) Jonathan Edward Nell de Silva Jayasundera, both of Nelville, Pamankada road, Wellawatta, Colombo, (5) Laura Christobel Pullenayegum of 52, Enderly, Hudson's road aforesaid, (6) Benjamin Victor Sethukavaler of Chando street, Galle. Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 13, 1935, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Ilex Frederick Malcolm Pullenayegum of Colombo; and (1) the affidavit of the said petitioner dated December 11, 1935, (2) minutes of consent from the 1st to 4th respondents dated December 10, 1935, and from the 6th respondent dated November 10, 1935, respectively, having been read : It is ordered that the said Ilex Frederick Malcolm Pullenayegum is the son and one of the heirs and next of kin of the above-named Frederick Adolphus Paulick Pulle Pullenayegum, deceased, and that as such he is entitled to have letters of administration issued to him accordingly, unless the above-named respondents or any other person interested shall, on or before January 23, 1936, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the said 6th respondent be and he is hereby appointed guardian *ad litem* over the 5th minor respondent above named for the purposes of this action.

G. C. THAMBYAH,
District Judge.

December 13, 1935.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of Richard Llewellyn Jones No. 7,443 N.T. Llewellyn of Moelyn Mona Terrace, Criciethon the County of Carnarvon, Wales, and of 14, Carlyle Mansions, Cheyne Walk, Chelsea in the County of London, England, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 16, 1935, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Alexander Nicolson of Colombo; and (1) the affidavit of the said petitioner dated December 9, 1935, (2) the power of attorney dated November 1, 1935, (3) the Order of the Supreme Court dated December 6, 1935, and (4) certificate of death of Arthur Bassett Jones, deceased, having been read : It is ordered that the will of the said Richard Llewellyn Jones Llewellyn, deceased, dated November 12, 1933, 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 Alexander Nicolson is the attorney in Ceylon of the surviving 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 January 30, 1936, show sufficient cause to the satisfaction of this court to the contrary.

December 16, 1935.

G. C. THAMBYAH,
District Judge.

In the District Court of Negombo.

Order Nisi.

No. 2,985. In the Matter of the Last Will and Testament of the late Kurukulasuriya Arthur Wilmot Kirthisinghe of Negombo, deceased.

Mrs. Clara Joslyne Goonewardena nee Kirthisinghe of Singhegiri, Negombo Petitioner.

(1) K. S. Felix Kirthisinghe, (2) K. S. Collin Kirthisinghe of Negombo, (3) Miss Lia Fernando of Colombo, (4) Andrew Henry Fernando of 73/1 of Greenland's road, Black Town, Colombo Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge of Negombo, on November 21, 1935, in the presence of Mr. L. S. Kirthisinghe, Proctor, on the part of the petitioner; and the petitioner's petition and affidavit dated November 21, 1935, and the affidavit of the attesting notary to the last will and the affidavit of the two witnesses to the last will, both dated November 21, 1935, having been read :

It is ordered that the last will and testament of the above-named deceased dated January 22, 1935, the original of which is now filed in this court, be and the same is hereby declared proved, unless the respondents 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 December 16, 1935.

It is further ordered that the petitioner be and she is hereby declared entitled, as the executrix named in the said last will and testament, to have probate of same issued to her, unless the respondents 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 December 16, 1935. It is further ordered that the 2nd respondent be appointed the guardian *ad litem* over the 1st respondent who is a minor, and further that the 4th respondent be appointed the guardian *ad litem* over the 3rd respondent who too is a minor, for the purpose of this case, unless the respondents 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 December 16, 1935.

November 21, 1935.

D. H. BALFOUR,
District Judge.

The date for showing cause is extended for January 17, 1936.

D. H. BALFOUR,
District Judge.

21 In the District Court of Galle.
Order Nisi.

Testamentary In the Matter of the Estate of the late Don Jurisdiction. Welun Lanerolle, deceased, of Hikkaduwa. No. 7,685.

THIS matter coming on for disposal before C. E. de Vos, Esq., District Judge, Galle, on December 13, 1935, in the presence of Mr. W. Richard D. de Silva, Proctor, on the part of the petitioner, Lily Suwandara Panditaratne of Hikkaduwa; and the affidavit of the said petitioner dated December 13, 1935, having been read:

It is declared that the said petitioner, Lily Suwandara Panditaratne, as the widow of the deceased, is entitled to have letters of administration issued to her accordingly, unless (1) Dayawathie Mallika Lanerolle, (2) Yasawathie Mallika Lanerolle, (3) Gnanawathie Mallika Lanerolle, and (4) P. D. Panditaratne, all of Hikkaduwa, shall, on or before January 17, 1936, show sufficient cause to the satisfaction of this court to the contrary.

December 13, 1935. C. E. DE VOS, District Judge.

24 In the District Court of Jaffna.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Sivakolundu, wife of Kandiah No. 67. Vadivelu of Karanavai North, deceased.

(1) Velupillai Arunasalam and wife (2) Theivanaipillai, both of Karanavai North. Petitioners.

Kandiah Vadivelu of Karanavai North. Respondent.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, on March 10, 1935, in the presence of Mr. K. Muttukumar, Proctor, on the part of the petitioners; and the petition and affidavit of the petitioners having been read:

It is ordered that the petitioners, as heirs and parents of the deceased, be declared entitled to take out letters of administration and that letters of administration be issued to them accordingly, unless the respondent or any other person shall appear before this court on or before April 21, 1935, and show cause to the satisfaction of this court to the contrary.

March 16, 1935. C. COOMARASWAMY, District Judge.
Extended till January 16, 1936.

In the District Court of Mannar.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Sebamalai, wife of Anthony Santhiogu, of Murunkan, deceased. No. 516.

Anthony Santhiogu of Murunkan presently of Pichaikulam Petitioner.

And

(1) Maniapillai, wife of (2) Anthony Swanthu of Uyilankulam in Mantai South. Respondents.

THIS matter of the petition of Anthony Santhiogu praying for letters of administration to the estate of the

above named deceased Sebamalai, wife of Anthony Santhiogu of Murunkan, coming on for disposal before R. H. Wickremesinghe, Esq., District Judge, Mannar, on November 4, 1935, in the presence of Mr. V. Albert Alegacone, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 31, 1935, having been read: It is declared that the petitioner is the husband 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 January 17, 1936, show sufficient cause to the satisfaction of this court to the contrary.

December 13, 1935. R. H. WICKREMASINGHE, District Judge.

In the District Court of Kegalla.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Carolis Singhe Ranasinghe of Kegalla, No. 1,570. deceased.

Dona Flora Ranasinghe of Kegalla Petitioner. Vs.

(1) Walter Lionel Ranasinghe, (2) Bennet Lawrence Ranasinghe, (3) Victor Cyril Ranasinghe, (4) Nancy Leonora Ranasinghe, (5) Patrick Arthur Ranasinghe, minors, by their guardian *ad litem* (6) Don Edwin Ranasinghe, all of Kegalla Respondents.

THIS matter coming on for final disposal before J. N. Vethavanam, Esq., District Judge of Kegalla, on August 20, 1935, in the presence of Mr. G. Aturupana, Proctor, on the part of the petitioner; and her affidavit and petition dated June 29 and August 24, 1935, respectively, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents or any person or persons interested shall, on or before October 9, 1935, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the above-named 6th respondent be and he is hereby appointed guardian *ad litem* of the 1st to 5th minor respondents for the purpose of this action, unless the respondents or any person or persons interested shall, on or before October 9, 1935, show sufficient cause to the satisfaction of the court to the contrary.

August 20, 1935. J. N. VETHAVANAM, District Judge.

The date for showing cause is extended to November 6, 1935.

October 9, 1935. J. N. VETHAVANAM, District Judge.

The date for showing cause is extended to December 4, 1935.

November 6, 1935. G. S. SURAWEERA, District Judge.

The date for showing cause is extended to January 15, 1936.

December 4, 1935. G. S. SURAWEERA, District Judge.