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PART II.—LEGAL.

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

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PASSED ORDINANCES.

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

No. 3 of 1937.

An Ordinance to provide for the recognition and re-sealing in Ceylon of Probates and Letters of Administration granted in any other part of His Majesty's dominions.

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 and date of operation.

1 This Ordinance may be cited as the British Courts Probates (Re-sealing) Ordinance, No. 3 of 1937, and shall come into operation on such date as the Governor shall appoint by Proclamation in the Gazette.

Competent courts.

2 The District Court of Colombo or the District Court having jurisdiction over the place where—

- (a) the Ceylon estate or any part of the Ceylon estate of the deceased person is situate, or
- (b) the executor or administrator, or the attorney of the executor or administrator, of that part of the estate of the deceased person which is being administered outside Ceylon is resident,

shall be a competent court for the purposes of this Ordinance.

Re-sealing in Ceylon of probates and letters of administration granted outside Ceylon.

3 Where a court of probate in any part of His Majesty's dominions or a British court in a foreign country has, either before or after the date on which this Ordinance comes into operation, granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with a competent court, be sealed with the seal of that court, and thereupon shall be of like force and effect, and have the same operation in Ceylon as if granted by that court.

Conditions to be fulfilled before sealing.

4 The court shall, before sealing a probate or letters of administration under this Ordinance be satisfied—

- (a) that testamentary duty has been paid in respect of so much, if any, of the estate as is liable to testamentary duty in Ceylon ; and
- (b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property, if any, in Ceylon to which the letters of administration relate ;

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

Security for payment of debts.

5 The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in Ceylon.

Duplicate or copy of probate or letters of administration.

6 For the purposes of this Ordinance, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

Certain duties and liabilities of an executor or administrator under the Civil Procedure Code, 1889, not affected.

7 The sealing of a probate or letters of administration under section 3 shall not affect the liability of an executor or administrator—

- (a) to file, within a time appointed by the court, an inventory of the deceased person's property and effects situated in Ceylon, with a valuation of the same as required by section 538 of the Civil Procedure Code, 1889 ;
- (b) to file, on or before the expiration of twelve months from the date of such sealing, a true account, as regards the deceased's property and effects situated in Ceylon, of his executorship or administration, as the case may be, verified on oath or affirmation, with all receipts and vouchers attached, as required by section 553 of the said Code ;
- (c) to be compelled to make a judicial settlement of his account as executor or administrator, with respect to the deceased's property situated in Ceylon, under the provisions of Chapter LV of the said Code.

8 For the purposes of all estates to which this Ordinance applies—

(a) all reference in the Civil Procedure Code, 1889, to any court as being the court from which grant of probate or letters of administration issued shall be construed as references to the court by which the probate or letters of administration have been sealed under this Ordinance, and all references to the grant of probate or letters of administration or to an order absolute declaring a person entitled to such grant shall be construed as referring to the sealing of probate or letters of administration under this Ordinance; and

(b) all references in the Stamp Ordinance, 1909, to the grant of probate or letters of administration shall be deemed to include a reference to the sealing of probate or letters of administration under this Ordinance, and all references to probate or letters of administration shall be deemed to include a reference to any probate or letters of administration or to any duplicate or certified copy thereof sealed under this Ordinance.

Construction of certain references in Civil Procedure Code and Stamp Ordinance relating to probate and letters of administration.

No. 22 of 1909.

9 (1) It shall be competent for the Judges of the Supreme Court, or any three of them, of whom the Chief Justice shall be one, to frame Rules of Court for regulating the procedure and practice, including fees and costs, of and incidental to an application for sealing a probate or letters of administration under this Ordinance.

Rules of Court.

(2) The matters for which rules may be framed under sub-section (1) shall be deemed to be added to the list of matters for which rules may be framed, constituted and established under section 53 of the Courts Ordinance, 1889; and the provisions of that section of that Ordinance shall apply accordingly to any Rules of Court framed for the purposes of this Ordinance.

10 In this Ordinance, unless the context otherwise requires—

Interpretation.

“British court in a foreign country” means any British court having jurisdiction out of His Majesty’s dominions in pursuance of an Order of His Majesty in Council, whether made under any Act of the Imperial Parliament or otherwise;

“competent court” means a District Court designated as a competent court under section 2;

“court of probate” means any court or authority by whatever name designated, having jurisdiction in matters of probate;

“His Majesty’s dominions” includes any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty;

“probate” and “letters of administration” include confirmation in Scotland, and any instrument having in any part of His Majesty’s dominions the same effect which under English law is given to probate and letters of administration respectively;

“testamentary duty” includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted.

11 The British and Colonial Probate Ordinance, No. 7 of 1921, and the British and Colonial Probate Amendment Ordinance, No. 32 of 1935, are hereby repealed.

Repeals.

Passed in Council the Twenty-third day of February, One thousand Nine hundred and Thirty-seven.

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Tenth day of March, One thousand Nine hundred and Thirty-seven.

E. R. SUDBURY,
Secretary to the Governor.

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

No. 4 of 1937.

An Ordinance to make provision for the enforcement in Ceylon of judgments given in countries which accord reciprocal treatment to judgments given in Ceylon, for facilitating the enforcement in other countries of judgments given in Ceylon and for other purposes in connection with the matters aforesaid.

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 and date of operation.

1 This Ordinance may be cited as the Reciprocal Enforcement of Judgments Ordinance, No. 4 of 1937, and shall come into operation on such date as the Governor shall appoint by Proclamation in the Gazette.

PART I.

Registration of Foreign Judgments.

Power to extend Part I. to foreign countries giving reciprocal treatment.

2 (1) The Governor, if he is satisfied that, in the event of the benefits conferred by this Part being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior courts of Ceylon, may by Proclamation published in the Gazette direct—

- (a) that this Part shall extend to that foreign country ; and
- (b) that such courts of that foreign country as are specified in the Proclamation shall be deemed to be superior courts of that country for the purposes of this Part.

(2) Any judgment of a superior court of a foreign country to which this Part extends, other than a judgment of such a court given on appeal from a court which is not a superior court, shall be a judgment to which this Part applies if—

- (a) it is final and conclusive as between the parties thereto ; and
- (b) there is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty ; and
- (c) it is given after the coming into operation of the Proclamation directing that this Part shall extend to that foreign country.

(3) For the purposes of this section, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it or that it may still be subject to appeal, in the courts of the country of the original court.

(4) The Governor may by a subsequent Proclamation vary or revoke any Proclamation previously made under this section.

Application for, and effect of, registration of foreign judgment.

3 (1) A person, being a judgment creditor under a judgment to which this Part applies, may apply to the registering court at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the registering court and on any such application the court shall, subject to proof of the prescribed matters and to the other provisions of this Ordinance, order the judgment to be registered :

Provided that a judgment shall not be registered if at the date of the application—

- (a) it has been wholly satisfied ; or
- (b) it could not be enforced by execution in the country of the original court.

(2) Subject to the provisions of this Ordinance with respect to the setting aside of registration—

- (a) a registered judgment shall, for the purposes of execution, be of the same force and effect ; and
- (b) proceedings may be taken on a registered judgment ; and

- (c) the sum for which a judgment is registered shall carry interest ; and
- (d) the registering court shall have the same control over the execution of a registered judgment ;

as if the judgment had been a judgment originally given in the registering court and entered on the date of registration :

Provided that execution shall not issue on the judgment so long as, under this Part and the Rules of Court made thereunder, it is competent for any party to make an application to have the registration of the judgment set aside, or, where an application is made, until after the application has been finally determined.

(3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of Ceylon the judgment shall be registered as if it were a judgment for such sum in the currency of Ceylon as, on the basis of the rate of exchange prevailing at the date of the judgment of the original court, is equivalent to the sum so payable.

(4) If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall not be registered in respect of the whole sum payable under the judgment of the original court, but only in respect of the balance remaining payable at that date.

(5) If, on an application for the registration of a judgment, it appears to the registering court that the judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

(6) In addition to the sum of money payable under the judgment of the original court, including any interest which by the law of the country of the original court becomes due under the judgment up to the time of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original court.

4 (1) The power to make rules of court under section 53 of the Courts Ordinance, 1889, shall, subject to the provisions of this section, include power to make rules for the following purposes :—

Rules of court.
1 of 1889.

- (a) for making provision with respect to the giving of security for costs by persons applying for the registration of judgments ;
- (b) for prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters ;
- (c) for providing for the service on the judgment debtor of notice of the registration of a judgment ;
- (d) for making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside and with respect to the extension of the period so fixed ;
- (e) for prescribing the method by which any question arising under this Ordinance whether a foreign judgment can be enforced by execution in the country of the original court or what interest is payable under a foreign judgment under the law of the original court, is to be determined ;
- (f) for prescribing any matter which under this Part is to be prescribed.

(2) Rules made for the purposes of this Part shall be expressed to have, and shall have, effect subject to any such provisions contained in Proclamations made under section 2 as are declared by the said Proclamations to be necessary for giving effect to agreements made between His Majesty and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of this Part.

5 (1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

Cases in which registered judgments must, or may, be set aside.

- (a) shall be set aside if the registering court is satisfied—
 - (i) that the judgment is not a judgment to which this Part applies or was registered in contravention of the foregoing provisions of this Ordinance ;
 - or

- (ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case ; or
- (iii) that the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear ; or
- (iv) that the judgment was obtained by fraud ; or
- (v) that the enforcement of the judgment would be contrary to public policy in the country of the registering court ; or
- (vi) that the rights under the judgment are not vested in the person by whom the application for registration was made ;

(b) may be set aside if the registering court is satisfied that the matter in dispute in the proceedings in the original court had previously to the date of the judgment in the original court been the subject of a final and conclusive judgment by a court having jurisdiction in the matter.

(2) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of sub-section (3), be deemed to have had jurisdiction—

(a) in the case of a judgment given in an action in personam—

- (i) if the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting, or obtaining the release of, property seized, or threatened with seizure, in the proceedings or of contesting the jurisdiction of that court ; or
- (ii) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court ; or
- (iii) if the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the country of that court ; or
- (iv) if the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted resident in, or being a body corporate had its principal place of business in, the country of that court ; or
- (v) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that court were in respect of a transaction effected through or at that office or place ;

(b) in the case of a judgment given in an action of which the subject matter was immovable property or in an action *in rem* of which the subject matter was movable property, if the property in question was at the time of the proceedings in the original court situate in the country of that court ;

(c) in the case of a judgment given in an action other than any such action as is mentioned in paragraph (a) or paragraph (b) of this sub-section, if the jurisdiction of the original court is recognised by the law of the registering court.

(3) Notwithstanding anything in sub-section (2) of this section, the courts of the country of the original court shall not be deemed to have had jurisdiction—

- (a) if the subject matter of the proceedings was immovable property outside the country of the original court ; or
- (b) except in the cases mentioned in sub-paragraphs (i), (ii), and (iii) of paragraph (a) and in paragraph (c) of sub-section (2), if the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the country of that court ; or

- (c) if the judgment debtor, being a defendant in the original proceedings, was a person who under the rules of public international law was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court.

6 (1) If, on an application to set aside the registration of a judgment, the applicant satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment, the court, if it thinks fit, may, on such terms as it may think just, either set aside the registration or adjourn the application to set aside the registration until after the expiration of such period as appears to the court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by the competent tribunal.

Powers of registering court on application to set aside registration.

(2) Where the registration of a judgment is set aside under the last foregoing sub-section, or solely for the reason that the judgment was not at the date of the application for registration enforceable by execution in the country of the original court, the setting aside of the registration shall not prejudice a further application to register the judgment when the appeal has been disposed of or if and when the judgment becomes enforceable by execution in that country, as the case may be.

(3) Where the registration of a judgment is set aside solely for the reason that the judgment, notwithstanding that it had at the date of the application for registration been partly satisfied, was registered for the whole sum payable thereunder, the registering court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

7 No proceedings for the recovery of a sum payable under a foreign judgment, being a judgment to which this Part applies, other than proceedings by way of registration of the judgment, shall be entertained by any court in Ceylon.

Foreign judgments which can be registered not to be enforceable otherwise.

8 (1) This Part shall apply to His Majesty's dominions outside Ceylon and to judgments obtained in the courts of the said dominions as it applies to foreign countries and judgments obtained in the courts of foreign countries; and, on and after the date on which this Ordinance is brought into operation by Proclamation under section 1, the Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, shall cease to have effect except in relation to those parts of the said dominions to which it extends on that date.

Application of Part I to H. M.'s dominions outside Ceylon.

(2) If a Proclamation is made under section 2 extending this Part to any part of His Majesty's dominions to which the Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, extends as aforesaid, the said Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, shall cease to have effect in relation to that part of His Majesty's dominions.

(3) References in this section to His Majesty's dominions shall be construed as including references to any territories which are under His Majesty's protection and to any territories in respect of which a mandate under the League of Nations has been accepted by His Majesty.

PART II.

Miscellaneous and General.

9 (1) Subject to the provisions of this section, a judgment to which Part I applies or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognised in any court in Ceylon as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counterclaim in any such proceedings.

General effect of certain foreign judgments.

(2) This section shall not apply in the case of any judgment—

(a) where the judgment has been registered and the registration thereof has been set aside on some ground other than—

- (i) that a sum of money was not payable under the judgment; or
- (ii) that the judgment has been wholly or partly satisfied; or

(iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court ; or

(b) where the judgment has not been registered, it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a) of this sub-section.

(3) Nothing in this section shall be taken to prevent any court in Ceylon recognising any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognised before the date on which this Ordinance is brought into operation by Proclamation under section 1.

Power to make foreign judgments unenforceable in Ceylon if no reciprocity.

10 (1) If it appears to the Governor that the treatment in respect of recognition and enforcement accorded by the courts of any foreign country to judgments given in the superior courts of Ceylon is substantially less favourable than that accorded by the courts of Ceylon to judgments of the superior courts of that country, the Governor may by Proclamation published in the Gazette apply this section to that country.

(2) Except in so far as the Governor may by Proclamation under this section otherwise direct, no proceedings shall be entertained in any court in Ceylon for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.

(3) The Governor may by subsequent Proclamation vary or revoke any Proclamation made under this section.

Issue of certificates of judgments obtained in Ceylon.

11 Where a judgment under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, has been entered in a superior court in Ceylon against any person and the judgment creditor is desirous of enforcing the judgment in a foreign country to which Part I applies, the court shall, on an application made by the judgment creditor and on payment of the prescribed fee, issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed :

Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

Interpretation.

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

“ appeal ” includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution ;

“ country of the original court ” means the country in which the original court is situated ;

“ judgment ” means a judgment or order given or made by a court in any civil proceedings, or a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party ;

“ judgment creditor ” means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise ;

“ judgment debtor ” means the person against whom the judgment was given and includes any person against whom the judgment is enforceable under the law of the original court ;

“ original court ” in relation to any judgment means the court by which the judgment was given ;

“ prescribed ” means prescribed by rules of court made under section 53 of the Courts Ordinance, 1939 ;

“ registration ” means registration under Part I, and the expressions “ register ” and “ registered ” shall be construed accordingly ;

“ registering court ” in relation to any judgment means the District Court of Colombo ;

“ superior court ” when used with reference to a court in Ceylon means the Supreme Court or a District Court.

(2) For the purposes of this Ordinance, the expression "action in personam" shall not be deemed to include any matrimonial cause or any proceedings in connexion with any of the following matters, that is to say, matrimonial matters, administration of the estates of deceased persons, insolvency, winding-up of companies, lunacy, guardianship of a minor or curatorship of the estate of a minor.

Passed in Council the Twenty-third day of February, One thousand Nine hundred and Thirty-seven.

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Thirteenth day of March, One thousand Nine hundred and Thirty-seven.

E. R. SUDSURY,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O. 17/36

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

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

1 This Ordinance may be cited as the Prevention of Crimes (Amendment) Ordinance, No. of 1937. Short title.

2 Section 4 of the Prevention of Crimes Ordinance, No. 2 of 1926, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) thereof, by the substitution for paragraph (f) of that sub-section of the following new paragraph :— Amendment of section 4 of Ordinance No. 2 of 1926.

"(f) Prescribing the conditions on which licences may be granted to prisoners to be at large under this Ordinance, the forms to be used for such licences and the manner in which such licences shall be authenticated."

3 Section 14 of the principal Ordinance is hereby amended as follows :— Amendment of section 14 of the principal Ordinance.

(1) by the substitution for the words "any convict" of the words "any prisoner";

(2) by the substitution for the words "in the form set forth in Schedule C or Schedule D hereto respectively" of the words "in the prescribed form"; and

(3) by the substitution for the words "the Colonial Secretary or an Assistant Colonial Secretary" of the words "the prescribed officer."

4 Section 15 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :— Repeal of section 15 of the principal Ordinance and substitution of a new section therefor.

15. Any person who commits a crime while he is the holder of a licence granted as aforesaid shall, on conviction of that crime, undergo—

(a) any term of imprisonment to which he may be sentenced for that crime; and

(b) a term of imprisonment equal to that portion, if any, of his term of imprisonment which remained unexpired at the time of the grant of the licence;

and shall thereafter, notwithstanding anything to the contrary in section 10 or section 12, further undergo—

(c) a term of preventive detention equal to that portion, if any, of his term of preventive detention which remained unexpired at the time of the grant of the licence; and

(d) any term of preventive detention to which he may be sentenced in any proceedings taken under section 10 consequent on his conviction of that crime;

and the licence, if in force at the date of his conviction of that crime, shall be deemed to be forfeited by virtue of such conviction.

Consequences of conviction of crime committed while at large on licence.

Repeal of sections 18 and 19 of the principal Ordinance and substitution of new sections therefor.

Duty of Magistrate to report conviction to Governor and Order of Governor on such report.

Consequences of Order made by Governor under section 18.

Repeal of Schedule C and Schedule D to the principal Ordinance.

5 Sections 18 and 19 of the principal Ordinance are hereby repealed and the following new sections are substituted therefor :—

18. (1) Where any person is convicted of an offence punishable under section 16, the Magistrate convicting that person shall report such conviction to the Governor and, in any such case, it shall be lawful for the Governor by Order to direct that such person shall be dealt with as if no such licence had been granted to him, and upon the making of such Order the licence granted to such person shall, if in force, be deemed to be revoked by virtue of such Order.

(2) Where the Governor has made an Order under sub-section (1), the person to whom that Order applies may, if at large, be arrested without a warrant by any peace officer and be committed by any Police Magistrate to undergo any term of imprisonment or preventive detention to which he may be liable under section 19 by reason of such Order.

(3) Where a Police Magistrate commits a person under sub-section (2) to undergo any term of imprisonment or preventive detention, he shall forthwith report such committal to the Magistrate by whom such person was convicted of the offence under section 16 in consequence of which the Order under sub-section (1) was made.

19. Where the Governor has made an Order under section 18 (1), the person to whom that Order applies shall, after undergoing any term of imprisonment to which he may be sentenced for the offence under section 16 in consequence of which that Order was made, further undergo—

- (a) a term of imprisonment equal to that portion, if any, of his term of imprisonment which remained unexpired at the time he was granted a licence to be at large; and
- (b) a term of preventive detention equal to that portion, if any, of his term of preventive detention which remained unexpired at the time of the grant of that licence.

6 Schedule C and Schedule D to the principal Ordinance are hereby repealed.

Objects and Reasons.

Under section 14 of the Prevention of Crimes Ordinance, No. 2 of 1926, the Governor is empowered to grant to a prisoner serving a sentence of imprisonment or preventive detention a licence to be at large during the whole or any portion of the remainder of his sentence. If any holder of a licence is convicted of a crime, section 15 provides that his licence shall be forthwith forfeited. It sometimes happens that a prisoner at large on licence commits a crime during the currency of his licence, but is not convicted of that crime until after the date on which his licence expired. Such a prisoner is not liable in law to serve the 'remanet' of his sentence as his case does not come within the terms of section 15. There does not appear to be any good reason why such a prisoner should be relieved of the liability to undergo the 'remanet' of his sentence only because his conviction for that crime is delayed, (perhaps through his having evaded arrest), and thereby be placed in a better position than a prisoner whose conviction for a crime takes place while his licence is still in force.

2. Further, a prisoner who is convicted of a crime under section 15 and whose licence is thereby forfeited has, under section 19, to undergo the punishment he is sentenced to at the time he is convicted of that crime (which punishment may include a term of preventive detention), and thereafter to serve the portion of his sentence that remained unexpired at the time of the grant of his licence. This latter sentence may be only a term of imprisonment, with the result that after serving a period of preventive detention, during which the prisoner is subjected to reformatory influences, he has to go back to rigorous imprisonment. Any benefits achieved by the period of preventive detention are thereby apt to be lost.

3. The object of this Bill is to amend the principal Ordinance so as to remove both the defects referred to above. Clause 4 repeals section 15 and inserts a new section in its place under which a prisoner who commits a crime while he is at large on licence will be liable, on conviction of that crime, to serve the portion of his sentence that remained unexpired

at the time of the grant of his licence. This liability will arise whether the conviction takes place during the currency of his licence or after his licence has expired. Clause 4 further makes it clear that the prisoner will not commence to serve any period of preventive detention to which he is liable until after he has completed his terms of imprisonment. Clause 5 of the Bill empowers the Governor to direct that a prisoner who has been convicted of an offence under section 16 committed while at large on licence shall be dealt with as if no licence had been granted to him. In this case too, it will not be material whether the conviction takes place during the currency of the licence or after the licence has expired.

4. The opportunity of the present amendment has been taken to effect some minor amendments in the principal Ordinance. Consequent on the delegation by the Governor, under the Ceylon (State Council) Order in Council, 1931, of certain of his powers under sections 14 and 18, the forms in Schedules C and D to the Ordinance are not appropriate for use in all cases where licences are issued. Clauses 2 and 3 effect amendments in sections 4 and 14 which will enable all the necessary forms to be properly prescribed by rules and which will render unnecessary an amendment of the Ordinance on any future occasion on which a change is found to be necessary in the forms. Clause 2 also substitutes for the word "convict" the more appropriate word "prisoner," as the word "convict" is used in England to mean only a person undergoing penal servitude under the English law.

The Ministry of Home Affairs,
Colombo, March 2, 1937.

D. B. JAYATILAKA,
Minister for Home Affairs.

DISTRICT AND MINOR COURTS NOTICES.

The Village Communities Ordinance, No. 9 of 1924.

IT is hereby notified in terms of section 98 of the Village Communities Ordinance, No. 9 of 1924, that from and after June 1, 1937, the Village Tribunal of Kanuketiya Subdivision has, with the approval of the Assistant Government Agent, Hambantota District, Southern Province, set apart the under-mentioned building as the Court-house of the Village Tribunal of Kanuketiya Subdivision in the Chief Headman's division of East Giruwa pattu of the Hambantota District, Southern Province.

P. J. HUDSON,
Assistant Government Agent.
The Kachcheri,
Hambantota, March 20, 1937.

Description of Building.

The building known as the Village Committee Office, situated at Hungama in East Giruwa pattu of the Hambantota District, Southern Province.

NOTICES OF INSOLVENCY.

9 In the District Court of Colombo.

No. 4,965. In the matter of the insolvency of Henry Walter de Zoysa of Katukurunda, Kalutara.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at a sitting of this court fixed for April 20, 1937, for the proof of the claim of S. Marcus Silva of Mantugama, Kalutara.

By order of court, GERALD E. DE ALWIS,
Secretary.

In the District Court of Colombo.

No. 5,023. In the matter of the insolvency of Mohamed Usuf Abdul Raheem of Church street, Slave Island, in Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 18, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
March 17, 1937. Secretary.

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In the District Court of Colombo.

No. 5,035. In the matter of the insolvency of Wadduage Edmund Perera Tillekaratne of 4, Floor's lane, Dematagoda, in Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 18, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
March 17, 1937. Secretary.

In the District Court of Colombo.

No. 5,075. In the matter of the insolvency of Sinnathamby Selvadurai of 67/9, Peiris avenue, Daniel's road, Madampitiya, Colombo.

WHEREAS the above-named Sinnathamby Selvadurai has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by M. S. M. Ali of Ferry street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court had adjudged the said Sinnathamby Selvadurai insolvent accordingly; and that two public sittings of the court, to wit, on April 27, 1937, and on May 11, 1937, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
March 16, 1937. Secretary.

In the District Court of Colombo.

No. 5,076. In the matter of the insolvency of Mahabalage Don Peter Perera of 18, Bloemendhal road, Colombo.

WHEREAS the above-named M. D. P. Perera has filed a declaration of insolvency, and a petition for the sequestration of estate has been filed by U. D. Francis of Mabola in Ragama, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. D. P. Perera insolvent accordingly; and that two public sittings of the court, to wit, on April 27, 1937, and on May 18, 1937, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
March 18, 1937. Secretary.

In the District Court of Kalutara.

No. 288. In the matter of the insolvency of W. B. Fernando of Katukurunda, Kalutara.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 27, 1937, to consider the allowance of a certificate of conformity to the insolvent.

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

In the District Court of Kalutara.

No. 297. In the matter of the insolvency of Dadayakarage Martin Fernando of Uggalboda.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 30, 1937, to examine the insolvent.

By order of court, J. N. CULANTHAIVALU,
March 19, 1937. Secretary.

In the District Court of Nuwara Eliya.

No. 25. In the matter of the insolvency of Muttiah Kangany, son of Arumugam of Delmar estate, Halgranoya.

NOTICE is hereby given that a sitting of this court will be held on April 16, 1937, for the examination of the above-named insolvent.

By order of court, E. DE S. GUNAWARDENE,
March 18, 1937. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Negombo.

Seena Ana Runa *alias* Seena Ana Runa Seena Nana Simnan Chettiyar, by his attorney Ana Neelamegam of Negombo Plaintiff.
No. 8,907. Vs.

Lionel Jayakody of Balagalla Defendant.

NOTICE is hereby given that on Friday, April 30, 1937, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,610-55 with interest on Rs. 750 at 12 per cent. per annum from July 15, 1935, till payment in full, less Rs. 500, viz.:

1. At 10 a.m.—All that portion marked lot D of the land called Divulantiya estate, together with the trees and plantations standing thereon situated at Balagalla in the Yatigaha pattu of Hapitigam korale and Wewagedara in Dasiya pattu of the Alutkuru korale in the District of Negombo, Western Province; which said lot D being bounded on the north by the high road from Negombo to Mirigama and land of D. F. Charles Jayakody, east by the land of D. F. Charles Jayakody and O. Jango Hamy and others, land of N. Girigoris, land of W. Silvestry, and land of Arnolis and others, south-east by the field of D. F. Charles Jayakody and others and field of W. Silvestry, south by water-course, and west by lots C and I of this land; containing in extent within these boundaries 55 acres 2 rods and 11-5 perches; and registered under D 71/185.

2. At 10.30 a.m.—The undivided western $\frac{1}{2}$ share of the remaining undivided extent after excluding an undivided extent of 2 acres given to Vihara from and out of the divided portion of land called Danhiriyehena appearing in plans Nos. 51,215 and 113,460, situated at Balagalla aforesaid; the said divided portion being bounded on the north by the high road leading from Negombo to Mirigama, east by land now of Santi Naide formerly of the Crown and Palliyewatta, south by the Crown forest, and west by land in plan No. 113,459; containing in extent 50 acres, and registered under D 65/84, together with the buildings, trees, and plantations standing thereon.

Fiscal's Office, C. EMMANUEL,
Colombo, March 22, 1937. Deputy Fiscal.

Central Province.

In the District Court of Avissawella.

M. G. Perera, Muhandiram of Kitulgala Plaintiff.
No. 2,022. Vs.

Dikowita Herath Mudiyanselege Punchi Nilame of Yatiganelahala Meddilla in Ambegamuwa korale in Kandy District Defendant.

NOTICE is hereby given that on Saturday, April 24, 1937, commencing at 12 noon, will be sold by public auction

at the respective premises the right, title, and interest of the said defendant for the recovery of the sum of Rs. 2,000, with legal interest from October 9, 1935, till payment in full and poundage in the following property, viz.:

An undivided $\frac{1}{2}$ share of all those contiguous land called Banduradeniyakumbura, Gederakumbura, Horaykadullewatta, Gederagawawatta, Thebuwaywatta, Andiyawatta, Udabagewatta, Horaykadullehena, Nugegawahena, Pandeniyehehena, Pulangehuhena, Diyalindehena, Nagahamulaha, Miriswelgahamulaha, Berawa-ambemulaha, Akurupallyehena, Andiyawattahena, and Galmalehena of about 23 amunams 2 pelas and 8 kurunies in paddy sowing extent, situate at Kulugammana Udabage in Ambegamuwa korale, Uda Bulatgama division, Kandy District, Central Province; and which said contiguous lands are bounded on the north by the limit of the land belonging to the Crown, village limit and Heenna, east by Nugegawagaldetta and the limit of Crown land, south by the mudaman tree on the rock and stone, west by the mango tree of Uruwela and the village limit and excluding therefrom undivided extent of 5 lahas from Banduradeniya and an extent of 2 lahas from Udabagewatta.

The above land has also been seized under the writ issued in D. C., Avissawella, case No. 2,024.

Fiscal's Office, H. C. WIJESINHA,
Kandy, March 16, 1937. Deputy Fiscal.

In the District Court of Avissawella.

M. G. Perera, Muhandiram of Kitulgala Plaintiff.
No. 2,024. Vs.

(1) Dikowita Herath Mudiyanselege Medduma Banda and (2) Samarakoon Mudiyanselege Dingiri Amma, both of Yatiganelahala Meddilla in Ambegamuwa korale of Uda Bulatgama in Kandy District Defendants.

NOTICE is hereby given that on Saturday, April 24, 1937, commencing at 1 p.m., will be sold by public auction at the respective premises the right, title, and interest of the said defendant for the recovery of the sum of Rs. 3,200, with legal interest from October 9, 1935, till payment in full and poundage, viz.:

An undivided $\frac{1}{2}$ share of all those contiguous land called Banduradeniyakumbura, Gederakumbura, Horaykadullewatta, Gederagawawatta, Thebuwaywatta, Andiyawatta, Udabagerawatta, Horaykadullehena, Nugegawahena, Pandeniyehehena, Pulangehuhena, Diyalindehena, Nagahamulaha, Miriswelgahamulaha, Berawa-ambemulaha, Akurupallyehena, Andiyawattahena, and Galmalehena of about 23 amunams 2 pelas and 8 kurunies in paddy sowing extent, situate Kulugammana Udabage in Ambegamuwa korale, Uda Bulatgama division, Kandy District, Central Province; and which said contiguous lands are bounded on the north by the limit of the land belonging to the Crown, village limit and Heenna, east by Nugegawagaldetta and the limit of Crown land, south by the mudaman tree on the rock and stone, west by the mango tree of Uruwela and the village limit and excluding therefrom undivided extent of 5 lahas from Banduradeniya and an extent of 2 lahas from Udabagewatta.

The above land has also been seized under D. C., Avissawella, No. 2,022.

Fiscal's Office, H. C. WIJESINHA,
Kandy, March 16, 1937. Deputy Fiscal.

Southern Province.

In the District Court of Matara.

Kadawedduwagairage Maddumappu of Kohiliyadda Plaintiff.

No. 11,212. Vs.

(1) Samarasinghe Nankanangas Don Hendrick of Kebeliyapala Defendant.

NOTICE is hereby given that on Friday, April 23, 1937, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of a sum of Rs. 923-59, together with legal interest on Rs. 806-62 from October 20, 1936, till payment in full, viz.:

1. All that undivided $\frac{1}{2}$ part of the soil and trees together with planter's undivided $\frac{1}{2}$ share of 1st plantation planted by Don Pransiskuge Andiris Appu of the land called Ruppekoratuwa, situate at Kebeliyapala in Kandaboda pattu of Matara District, Southern Province; and bounded on the north by Medawatta-agala, east by Medawatta-aramba, south by Anagalagewatta, and west by Pittennekoratuwa; and containing in extent about $1\frac{1}{2}$ acres.

2. All that undivided $\frac{1}{4}$ part of the remaining fruit trees and of soil, together with planter's undivided $\frac{1}{4}$ share of cinnamon plantation of the land called Galapitagahakoratuwa, situated at Kebeliyapala aforesaid; and bounded on the north by Ambagahawatta, *alias* Egodahawatta, east by Etalokugahawatta, south by Anagalaiwatta, and west by Medawatta; and containing in extent $1\frac{1}{2}$ acres.

3. All those undivided $\frac{31}{32}$ parts of the soil and fruit trees, together with planter's undivided $\frac{1}{2}$ share of the plantation and the entirety of the tiled house of 9 cubits standing thereon of the land called Ihalahawatta *alias* Anagalaiwatta, situated at Kebeliyapala aforesaid; and bounded on the north by Ruppekoratuwa, east by Galapitagahakoratuwa, south by Bogahahena, and west by Ambagahakoratuwa; and containing in extent about 6 acres.

4. All that undivided $\frac{1}{14}$ part of the soil and trees, together with an undivided $\frac{1}{4}$ part of the citronella boiler and its appurtenances thereto standing thereon of the land called Medawatta, situated at Kebeliyapala aforesaid; and bounded on the north by Kankanigewatta, east by Ambagahawatta, south by Ruppekoratuwa, and west by Silindalaiwatta; and containing in extent about 6 acres.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, March 18, 1937. Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

Kavanna Moona Mohamed Gany of Kuruwita ... Plaintiff.
Velaiden Muthu Wadugu Sinniah of Ratnapura Substituted Plaintiff.
No. 5,912. 38 Vs.

The Public Trustee of Ceylon, administrator of the estate of the late Mr. A. H. E. Molamure of Ratnapura Defendant.

NOTICE is hereby given that on Tuesday, April 20, 1937, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 4,834.10, with legal interest thereon from April 28, 1929, till payment in full and costs of suit to be taxed and paid, viz. :-

1. An undivided half share of the portion towards the west of the land called Mahawalaawatta and of the building bearing assessment No. 85, situate at Malwala road, within the Urban District Council limits of Ratnapura in Uda pattu of Kuruwiti korale in the District of Ratnapura of the Province of Sabaragamuwa; bounded on the north by the property of Girangahamy Lekama, deceased, east by road to Malwala, south by well and wells, west by the ditch of Stewart's garden; containing in extent about 50 feet in length and about 50 feet in breadth, and registered under A 213/291.

2. An undivided half share of the contiguous three allotments of land and the whole of the rubber plantation standing thereon called and known as Molamure Walauwa garden, situate at Malwala road aforesaid; bounded on the north by land belonging to Doloswala Bandara, east by Malwala road, south by land appearing in T. P. 92,094 and Diyapara, west by Crown land; and containing in extent 3 acres 3 roods and 28 perches according to T. P. Nos. 92,092, 92,093, and 92,098, and registered under A 11/75, 68, 284, and A 198/239.

Fiscal's Office, N. SWAMINATHA AYER,
Ratnapura, March 19, 1937. Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Vidanerallage Don Geramanis Swaris, deceased, of Maggona. No. 2,751.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Kalutara, on February 24, 1937, in the presence of Messrs. De Zoysa & Swaris,

Proctors, on the part of the petitioner, Nicholas Fernando-lage Mary Catherine Fernando of Maggona; and the affidavit of the said petitioner dated November 30, 1936, having been read :

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to his estate issued to her, unless the respondents—(1) Vidanerallage Clara Jenet Swaris, (2) Vidanerallage Norbert Anthony Swaris, both of Maggona, (3) N. Andrew Fernando of Diyalagoda—or any other person or persons interested shall, on or before April 14, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 3rd respondent be and he is hereby appointed guardian *ad litem* over the said 1st and 2nd respondents, who are minors, for all the purposes of this action, unless the respondents shall, on or before April 14, 1937, show sufficient cause to the satisfaction of this court to the contrary.

February 24, 1937.

M. A. SAMARAKOON,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of the late Saibolevve Marikar No. 449. Kithur Mohamed of Karungkottitive, deceased.

Sulaimalevve Alim Mohamed Ali of Division No. 3, Sampanturai Petitioner.

(1) Mohamed Ali Leilathundah of Division No. 3, Sampanturai, (2) Saibolevve Marikar Mohamed Pathumana of Karungkottitive, (3) V. V. Mohayadeenavalevve of ditto Respondents.

THIS matter coming on for disposal before P. Vythialingam, Esq., District Judge of Batticaloa, on March 9, 1937, in the presence of Mr. K. V. M. Subramaniam, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated March 9, 1937, having been read :

It is ordered that the above-named petitioner be and he is hereby declared entitled, as the father-in-law of the said 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 April 8, 1937, show sufficient cause to the satisfaction of this court to the contrary.

March 9, 1937.

P. VYTHIALINGAM,
District Judge.

In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Seraphine de Silva Abeywickrama of No. 1,055. Ratnapura, deceased.

Maria Theresa de Silva Abeywickrama of Ratnapura Petitioner.

(1) Dorothy Abeywickrama of Ratnapura, (2) Lila Abeywickrama of Arukgoda in Panadure, (3) Eugene Abeywickrama of Ratnapura, (4) Rosline Abeywickrama of Hapigastenna, (5) Jerome Abeywickrama of Eratta, (6) Bernard Abeywickrama of Kuruwita, (7) N. J. B. Bolonna, Surveyor of Ambalantota in Hambantota District Respondents.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge of Ratnapura, on March 4, 1937, in the presence of Mr. H. Richard Peeris, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 3, 1937, having been read :

It is declared that the said petitioner above named is the widow of the deceased above named and that she is entitled to have letters of administration issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before April 20, 1937, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1937.

L. H. DE ALWIS,
District Judge.