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PART II.—LEGAL.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to make provision for the establishment of Juvenile Courts, for the supervision of Juvenile Offenders, for the protection of Children and Young Persons, and for other connected purposes.

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FIRST SCHEDULE.
SECOND SCHEDULE.

**An Ordinance to make provision for the establishment of
Juvenile Courts, for the supervision of Juvenile Offenders,
for the protection of Children and Young Persons,
and for other connected purposes.**

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 Children and Young Persons Ordinance, No. . of 1937, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

PART I.

ESTABLISHMENT OF JUVENILE COURTS, JURISDICTION
OF AND PROCEDURE IN JUVENILE COURTS, &c.

Juvenile Courts.

Juvenile
Courts.

2 A court of summary jurisdiction sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on a Juvenile Court by or under this Ordinance or any other written law shall be known as a Juvenile Court.

Children's
Magistrate.

3 (1) The Governor may appoint any person by name or by office to be or to act as the Magistrate of a Police Court when that court is sitting as a Juvenile Court.

(2) The Governor may appoint any person by name or by office to be or to act as the Magistrate of the Police Court and of the Municipal Court of any municipal town when either such court is sitting as a Juvenile Court.

(3) A woman shall not be disqualified by reason only of her sex from being appointed as a Magistrate under sub-section (1) or sub-section (2).

(4) Any person appointed under sub-section (1) or sub-section (2) shall be known as the Children's Magistrate of the judicial division or of the municipal town for which he is appointed.

Jurisdiction
of Juvenile
Courts.

4 (1) Notwithstanding anything in any written law to the contrary but subject as hereinafter provided, a Police Court sitting as a Juvenile Court shall have jurisdiction to hear and determine any case, in which a child or young person is charged with any offence other than a scheduled offence and any question of law or fact arising in such case.

(2) A Municipal Court sitting as a Juvenile Court shall have no jurisdiction to hear and determine any case in which a child or young person is charged with having committed an offence other than an offence which, in the case of an adult, is triable by such Municipal Court under the provisions of the Municipal Councils Ordinance, 1910, or of any other written law.

No. 6 of 1910.

(3) A Village Tribunal or a Village Committee sitting as a Juvenile Court shall have no jurisdiction to hear and determine any case in which a child or young person is charged with having committed any offence other than an offence, which, in the case of an adult, is triable by such Tribunal or Committee, as the case may be, under the provisions of the Village Communities Ordinance, No. 9 of 1924, or of any other written law.

5 (1) Subject as hereinafter provided, no charge against a child or young person and no application whereof the hearing is by this Ordinance or by any other written law assigned to Juvenile Courts, shall be heard by a court of summary jurisdiction which is not a Juvenile Court :

Assignment of certain matters to Juvenile Courts.

Provided that—

- (a) no case in which a child or young person is charged with having committed a scheduled offence shall be heard and determined by a Juvenile Court ; and
- (b) a charge made jointly against a child or young person and a person who has attained the age of sixteen years shall be heard by a court of summary jurisdiction other than a Juvenile Court ; and
- (c) where in any case a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a Juvenile Court, if a person who has attained the age of sixteen years is in the same case charged with the abetment of that offence ; and
- (d) where, in the course of the proceedings before any court of summary jurisdiction other than a Juvenile Court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this section shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

6 No direction, whether contained in this Ordinance or in any other written law, that a charge shall be brought before a Juvenile Court, shall be construed as restricting the powers of any court of summary jurisdiction which is not a Juvenile Court to entertain an application for bail or for a remand and to hear such evidence as may be necessary for that purpose.

Orders for bail by courts not sitting as Juvenile Courts.

7 (1) A Juvenile Court shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on such court by or under this Ordinance or any other written law.

Sittings of a Juvenile Court.

(2) A Juvenile Court shall sit in a different building or room from that in which sittings of courts other than Juvenile Courts are held :

Provided, however, that this sub-section shall not apply in the case of a Village Tribunal or Village Committee sitting as a Juvenile Court, if a different building or room is not available for the sittings of such Juvenile Court.

(3) No person shall be present at any sitting of a Juvenile Court except—

- (a) members and officers of the Court ;
- (b) parties to the case before the Court, their advocates, proctors and witnesses and other persons directly concerned in that case ; and
- (c) such other persons as the Court may specially authorise to be present.

8 (1) A Juvenile Court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit so to do, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

Power of Juvenile Court to proceed with hearing where accused person is not a child or young person.

(2) Where the court before which any person is bound by his recognizance under Chapter XXVI of the Criminal Procedure Code, 1898, or under the provisions of the Village Communities Ordinance, No. 9 of 1924, or any rules under section 95 thereof to appear is a Juvenile Court, the attainment by him of the age of sixteen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognizance, or of jurisdiction to vary or discharge the recognizance.

9 (1) Where a child or young person is brought before a Juvenile Court for any offence which that court has jurisdiction to hear and determine, it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

Procedure in Juvenile Courts.

(2) Where a child is brought before a Juvenile Court for any offence which that court has jurisdiction to hear and determine, the case shall be finally disposed of in that court.

(3) Where a young person is brought before a Municipal Court, a Village Tribunal or a Village Committee sitting as a Juvenile Court, for any offence which that Juvenile Court has jurisdiction to hear and determine, the case shall be tried and determined by such Juvenile Court.

(4) Where a young person is brought before a Police Court sitting as a Juvenile Court for any offence which that Juvenile Court has jurisdiction to hear and determine, the following provisions shall apply:—

- (a) Where the offence alleged against the young person is an offence other than an indictable offence, the case shall be tried and determined by the Juvenile Court;
- (b) Where the offence alleged against the young person is an indictable offence—

- (i) the court shall, if it is of opinion that it is expedient that the case should be summarily disposed of, put to the young person the following or a similar question, telling him that he may consult his parent or guardian before replying:—

“Do you wish to be tried by this court or by a higher court?”

and the court shall explain to the young person and to his parent or guardian, if present, the meaning of being so tried; and if the young person on being so questioned states that he wishes to be tried by the Juvenile Court, the case shall be tried and determined by that court:

Provided that if the court becomes satisfied at any time during the hearing that the case should be tried by a higher court, the Juvenile Court shall discontinue the proceedings against that young person and direct that the charge should be preferred in a Police Court of competent jurisdiction;

- (ii) if the court is of opinion that it is not expedient that the case should be summarily disposed of, or if the young person in answer to the question put to him under paragraph (i) states that he wishes to be tried by a higher court, the Juvenile Court shall discontinue the proceedings against that young person and direct that the charge should be preferred in a Police Court of competent jurisdiction.

(5) In every case which is tried by a Juvenile Court in accordance with the provisions of this section the court shall adopt the following procedure:—

- (a) The court shall ask the child or young person whether he admits that he committed the offence;
- (b) If the child or young person does not admit that he committed the offence, the court shall then hear the evidence of the witnesses in support of the charge. At the close of the evidence in chief of each such witness, the court shall ask the child or young person, or if it thinks fit, the parent or guardian of the child or young person, whether he wishes to put any question to the witnesses; and the child or young person, or the parent or guardian may, if he so desires, put any questions accordingly. The child or young person may, instead of asking any questions, make a statement, if he so desires;
- (c) It shall be the duty of the court to put to every witness who gives evidence in support of the charge such questions as appear to the court to be necessary;
- (d) The court may put to the child or young person such questions as may be necessary to explain anything in any statement made by the child or young person;
- (e) If it appears to the court that a *prima facie* case is made out, the evidence of any witness for the defence shall be taken and the child or young person shall be allowed to give evidence or to make any statement;
- (f) If the child or young person admits that he committed the offence or if the court is satisfied on the evidence adduced that the child or young person committed the offence, he shall be asked if he desires to say anything in extenuation of the offence or in mitigation of punishment or otherwise.

10 (1) Where a Juvenile Court is satisfied that a child or young person is guilty of an offence in respect of which that court has jurisdiction under this Ordinance, the court shall, for the purpose of deciding how the child or young person should be dealt with, take into consideration any information which may be available regarding the antecedents and circumstances of the child or young person, including any information supplied by a probation officer under section 17, and may summon and examine any probation officer or other person and may also put to the child or young person any question arising out of such information or examination.

Procedure on finding of guilty in Juvenile Courts.

(2) For the purpose of enabling any information regarding the antecedents and circumstances of the child or young person to be obtained, the court may, if it is a Police Court sitting as a Juvenile Court, remand the child or young person for a period not exceeding twenty-one days to a remand home or to the custody of a fit person; and when any child or young person has been so remanded the court may—

- (a) in his absence extend the period for which he is remanded, so, however, that he appears before the court at least once in every twenty-one days; and
- (b) when the required information has been obtained, deal with him finally.

11 No report of any proceedings before a Juvenile Court shall be published in any newspaper, magazine, or other journal: Provided that nothing in this section shall affect the *bona fide* publication of any report of any such proceedings in any scientific journal or other publication devoted exclusively to the protection or welfare of children or young persons:

Restriction on reports of proceedings in Juvenile Courts.

Provided further that no report in any such journal or publication shall reveal the name, address, or school, or any other particulars calculated to lead to the identification of, any child or young person concerned in such proceedings.

12 (1) The Judges of the Supreme Court, or any five of them, of whom the Chief Justice shall be one, may frame rules of court for regulating the procedure and practice in Police Courts and Municipal Courts sitting as Juvenile Courts; and the provisions of the Criminal Procedure Code, 1898, shall apply to the procedure and practice in such Juvenile Courts, in so far as those provisions are not inconsistent with the provisions of this Ordinance or of any rules framed under this sub-section.

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 under sub-section (1) for the purposes of this Ordinance.

(3) The Governor may frame rules for regulating the procedure and practice in Village Tribunals and Village Committees sitting as Juvenile Courts; and the provisions of the Village Communities Ordinance, No. 9 of 1924, and of any rules made under section 95 of that Ordinance shall apply to the procedure and practice in such Juvenile Courts, in so far as those provisions are not inconsistent with the provisions of this Ordinance or of any rules made under this sub-section.

(4) The matters for which rules may be framed under sub-section (3) shall be deemed to be added to the list of matters for which rules may be made under section 95 of the Village Communities Ordinance, No. 9 of 1924; and the provisions of that section shall apply accordingly to any rules made under sub-section (3) for the purposes of this Ordinance.

PART II.

SPECIAL PROVISIONS APPLICABLE TO ALL COURTS IN RELATION TO CHILDREN AND YOUNG PERSONS.

Preliminary Proceedings.

13 Arrangements shall be made for preventing a child or young person while detained in a police station or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or

Separation of children and young offenders from adults in Police Stations, courts, &c.

young person is jointly charged, and for ensuring that a girl (being a child or young person) shall while so detained, being conveyed or waiting, be under the care of a woman.

Bail or detention of children and young persons arrested.

14 (1) Where a person apparently under the age of sixteen years is arrested, with or without warrant, and cannot be brought forthwith before the competent court of summary jurisdiction, the person making the arrest shall take such person to the nearest police station and the officer in charge of that station shall inquire into the case and shall release such person if a recognizance is entered into by him or his parent or guardian (with or without sureties) for such an amount as will, in the opinion of the officer, secure his attendance upon the hearing of the charge :

Provided, however, that where the competent court of summary jurisdiction is a Police Court, the officer in charge of the station may detain and deal with him in the manner provided in sub-section (2) if—

- (a) the charge is in respect of a scheduled offence ;
- (b) it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute ; or
- (c) the officer has reason to believe that the release of such person would defeat the ends of justice.

(2) Where a person apparently under the age of sixteen years having been arrested is not so released as provided in sub-section (1), the officer in charge of the station shall cause him to be detained in a remand home or in the residence of any person nominated by the Governor under sub-section (3) until he can be brought before the competent court of summary jurisdiction, unless the officer certifies :

- (a) that it is impracticable to do so ; or
- (b) that he is of so unruly a character that he cannot safely be so detained ; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the court before which he is brought.

(3) The Governor may by notification in the Gazette nominate for any area any number of responsible persons in whose residences any person apparently under the age of sixteen years may be detained for the purposes of sub-section (2).

Remand or committal to custody in remand homes or in charge of fit and proper persons.

15 (1) Any court on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a remand home, or in the residence of a fit and proper person named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law :

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by the nearest Police Court having jurisdiction in the place where the court which made the order sat, and if it is revoked, the young person may be committed to prison.

Attendance at court of parent of child or young person charged with an offence, &c.

16 (1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety the person by whom he is arrested or the officer in charge of the police station to which he is brought or the person by whom he is taken to the place of safety, as the case may be shall cause the parent or guardian of the child or young person if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) A court may issue a summons requiring the attendance of a parent or guardian at such time and place as may be specified therein ; and any summons so issued shall—

- (a) when issued by a Police Court or Municipal Court sitting as a Juvenile Court, be deemed to be a summons which the court is empowered to issue under the Criminal Procedure Code, 1898, and the provisions of Chapter V of that Code shall apply accordingly ;
- (b) when issued by a Village Tribunal or Village Committee sitting as a Juvenile Court, be deemed to be a summons which the Tribunal or Committee is empowered to issue under the Village Communities Ordinance, No. 9 of 1924, and the provisions of that Ordinance and of any rules made thereunder, relating to such a summons, shall apply accordingly.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was, before the institution of the proceedings, removed from the custody or charge of his parent by an order of a court.

17 (1) Where a child or young person is to be brought before a Police Court or before a Juvenile Court in respect of an offence alleged to have been committed by him, or as being in need of care or protection, the officer in charge of the police station to which the child or young person is taken shall forthwith notify the day and hour when and the nature of the charge or other grounds on which, the child or young person is to be brought before the court, to the probation officer, or one of the probation officers, for the area within the jurisdiction of such court.

Notice to probation officers of charges against and applications relating to children and young persons.

(2) A probation officer who has received a notification under the last foregoing sub-section shall, except in cases which appear to him to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health, and character of the child or young person as appear to him to be likely to assist the court.

General Provisions as to Proceedings in Court.

18 No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purpose of justice ; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed.

Prohibition against children being present in court during the trial of other persons.

19 (1) Where, in any proceedings in relation to an offence against, or any conduct contrary to decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or proctors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness.

Power to clear court while child or young person is giving evidence in certain cases.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

20 (1) In relation to any proceedings in any court, other than a Juvenile Court, which arise out of any offence against or any conduct contrary to, decency or morality—

Prohibition of publication of certain matter in newspapers.

- (a) no report of the proceedings in any newspaper, magazine, or other journal shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein ; and
- (b) no picture shall be published in any newspaper, magazine or other journal, as being or including a picture of any child or young person so concerned in the proceedings as aforesaid.

(2) Any person who publishes any matter in contravention of sub-section (1) shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding five hundred rupees.

*Principles to be observed by all Courts in dealing with
Children and Young Persons.*

General considerations.

21 Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

Young Offenders.

Removal of disqualifications attaching to any offence.

22 No conviction or finding of guilty of a child or young person shall be regarded as a conviction of an offence for the purposes of any disqualification attaching to such conviction.

Restrictions on punishment of children and young persons.

23 (1) A child shall not be ordered to be imprisoned for any offence, or be committed to prison in default of payment of a fine.

(2) A young person shall not be ordered to be imprisoned for any offence, or be committed to prison in default of payment of a fine, unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home or certified school or that he is of so depraved a character that he is not a fit person to be so detained.

(3) The provisions of sub-section (2) shall be in addition to and not in substitution of any other provisions of any written law limiting or restricting the power of a court to order a person to be imprisoned in default of a fine, and such other provisions shall apply in the case of a young person in so far as they are not inconsistent with the provisions of sub-section (2).

Punishment of certain grave crimes.

24 (1) Where in lieu of sentence of death, a sentence of detention during the Governor's pleasure has, under section 53 of the Ceylon Penal Code, been passed by any court in respect of a person who, in the opinion of the court is under the age of sixteen years, the court may order that person to be detained in a remand home until the pleasure of the Governor is made known.

(2) Where a child or young person is convicted on indictment of any scheduled offence other than murder and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence has been passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Ordinance, be liable to be detained in such place and on such conditions as the Governor may direct.

(3) A person detained pursuant to the directions of the Governor under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Governor on licence. Such a licence may be in such form and may contain such conditions as the Governor may direct, and may at any time be revoked or varied by the Governor.

Where a licence has been revoked the person to whom the licence related shall return to such place as the Governor may direct, and, if he fails to do so, may be apprehended without warrant and taken to that place.

Substitution of custody in remand home for imprisonment.

25 (1) Where a child or young person is found guilty by any court of an offence punishable in the case of an adult with imprisonment, whether with or without a fine, the court may order that he be committed to custody in a remand home for such term as may be specified in the order, not exceeding the term for which he might, but for this Ordinance, be ordered to be imprisoned, nor in any case exceeding one month.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 28 (1) or section 29 (1).

Power to send a child or young offender to an approved or certified school.

26 (1) Where a child or young person is found guilty by any court of an offence punishable in the case of an adult with imprisonment, whether with or without a fine, the court may order him to be sent to an approved or certified school: Provided, however, that the court shall not order that a child under the age of ten years be sent to an approved or certified school, unless it is satisfied that there is no fit person of the same religious persuasion as the child who is willing to undertake the care of him and that he cannot suitably be dealt with otherwise.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 28 (1) or section 29 (1).

27 (1) Where a child or young person is found guilty by any court of any offence the court may—

- (a) order him to be delivered to his parent or guardian or nearest adult relative, on such parent, guardian, or relative executing a bond, with or without sureties, that he will be responsible for the good behaviour of the child or young person for any period not exceeding one year; or
- (b) order to be placed for a period not exceeding three years in charge of a probation officer appointed under Chapter XXVI of the Criminal Procedure Code, 1898, or in charge of some fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) make any order which the court is competent to make under section 325 of the Criminal Procedure Code, 1898, discharging the child or young person conditionally on his entering into a recognizance.

Power to commit child or young offender to care of probation officer or parent, &c.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 28 (1) or section 29 (1).

(3) Where a court makes an order under paragraph (b) of sub-section (1), it may in such order give such directions with regard to the supervision of the child or young person as it may think fit.

(4) Where a court makes an order under paragraph (c) of sub-section (1), the provisions of Chapter XXVI of the Criminal Procedure Code, 1898, shall be applicable in the case of the child or young person in respect of whom the order is made.

28 (1) Where a child or young person is charged before any court with any offence punishable in the case of an adult with a fine the court, if it is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, may in any case, and shall if the offender is a child, order that the fine awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

Power to order parent to pay fine instead of child or young person.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 29 (1).

(3) An order under sub-section (1) may be made against a parent or guardian who, having been required to attend, has failed to do so, but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any sum ordered under sub-section (1) to be paid by a parent or guardian may be recovered from him as if it were a fine and in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person is charged.

(5) A parent or guardian may appeal to the Supreme Court against an order under sub-section (1) if made by any court other than the Supreme Court and the provisions of Chapter XXX of the Criminal Procedure Code, 1898, shall apply to an appeal so preferred.

29 (1) Where a child or young person who is a male is found guilty by any court of any offence, the court may, if it is for any reason of opinion that the case is one in which corporal punishment should be inflicted, make order that the child or young person shall receive not more than six strokes with a light cane or rattan, such strokes to be inflicted in the presence of the court and, if the parent of the child or young person desires to be present, in his presence:

Infliction of corporal punishment on a child or young person.

Provided that no order under this section shall be made in any case unless the court also makes an order under not more than one of the following sections:—

25 (1), 26 (1), 27 (1) and 28 (1).

(2) Every court which makes an order under sub-section (1), shall record in writing its reasons for making such order.

Discharge of child or young person after admonition.

30 Where a child or young person is found guilty of any offence by any court, the court, in any case in which it is of opinion that it is not necessary or expedient to deal with the child or young person under the provisions of sections 25 to 29, may after due admonition discharge the child or young person.

Power of other courts to remit a child or young offender to Juvenile Courts.

31 (1) Any court by or before which a child or young person is found guilty of an offence other than murder may, if it thinks fit, remit the case to the Police Court sitting as a Juvenile Court of the district within which the offence was committed; and where any such case is so remitted, the offender shall be brought before such Juvenile Court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

(2) No appeal shall lie against an order of remission made under sub-section (1), but nothing in this sub-section shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the Juvenile Court to which the case was so remitted may appeal to the Supreme Court as if he had been tried and found guilty by the Juvenile Court.

(3) A court by which an order remitting a case to a Juvenile Court is made under sub-section (1) may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the Juvenile Court, and shall cause to be transmitted to the Juvenile Court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof and that the case has been remitted for the purpose of being dealt with under sub-section (1).

Power of Governor to send certain children and young offenders to approved or certified schools.

32 The Governor may by order direct that—

- (a) a child or young person with respect to whom he is authorised to give directions under section 24 (2); or
- (b) a young person who has been ordered to be imprisoned and has been pardoned by the Governor on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved or certified school specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Governor attain the age of nineteen years nor later—

- (a) in the case of a person who was sentenced to detention under section 24 (2), than the date on which his detention would have expired;
- (b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run.

Miscellaneous provisions as to summary proceedings against children and young persons.

33 The words "conviction" and "sentence" shall cease to be used in relation to children and young persons dealt with summarily and any reference in any written law to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.

Children and Young Persons in need of Care or Protection.

Definition of "in need of care or protection".

34 (1) For the purposes of this Ordinance a child or young person in need of care or protection means a person who is—

- (a) a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or
- (b) a child or young person who—
 - (i) being a person in respect of whom any of the offences mentioned in the First Schedule has been committed; or
 - (ii) being a member of the same household as a child or young person in respect of whom such an offence has been committed; or
 - (iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) being a female member of a household where of a member has committed an offence under section 18 of the Marriage Registration Ordinance, 1907, in respect of another female member of that household ;

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requires care or protection ; or

(c) a child in respect of whom an offence has been committed under section 75 (which relates to the punishment of vagrants preventing children from receiving education).

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall, without prejudice to the generality of the provisions of paragraph (a) of sub-section (1), be evidence that he is exposed to moral danger.

35 (1) If a Police Court sitting as a Juvenile Court is satisfied that any person brought before the court under this section by any officer of a local authority, or by any police officer or authorised person, is a child or young person in need of care or protection, the court may either—

Powers of Juvenile Courts in respect of children and young persons in need of care or protection.

- (a) order him to be sent to an approved or certified school ; or
- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him ; or
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship ; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) Any officer of a local authority, or any police officer or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a Police Court sitting as a Juvenile Court ; and it shall be the duty of a local authority to cause to be brought before a Police Court sitting as a Juvenile Court any child or young person residing or found within its administrative limits who appears to it to be in need of care or protection unless it is satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Governor to institute proceedings under this section, and any person who is himself so authorised.

36 (1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule or any offence under section 75, may—

Powers of other courts with respect to last foregoing section.

- (a) direct that the child or young person be brought before a Police Court sitting as a Juvenile Court with a view to that court making such order under the last foregoing section as may be proper ; or
- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, make any order which the Juvenile Court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a Police Court sitting as a Juvenile Court, it shall be the duty of the local authority within the administrative limits of which the child or young person was residing or found to bring him before such a court under section 35 (2).

Supplementary Provisions as to orders of Court.

37 (1) Where a court makes an order under any of the provisions of this Ordinance placing a child or young person under the supervision of a probation officer or of some other fit person, that officer or person shall, while the order remains in force—

Supervision by Probation Officers or other persons.

- (a) visit or receive reports from the child or young person under supervision at such reasonable intervals as may be specified in the order, or subject thereto, as the officer or person shall think fit ;

- (b) see that the conditions of any recognizance entered into by or in respect of the child or young person are observed ;
- (c) make report to the court as to the behaviour of the child or young person ;
- (d) advise, assist, and befriend the child or young person and, when necessary, endeavour to find him suitable employment ; and
- (e) if it appears necessary in the interests of the child or young person so to do, at any time while the order is in force and he is under the age of sixteen years, bring him before the Police Court sitting as a Juvenile Court, of the division within which he is resident, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to an approved or certified school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in the order as aforesaid placing a child or young person under supervision has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a Juvenile Court may appoint another probation officer or person to act in his place.

Regard to be had to religious persuasion of person sent to approved or certified school.

38 (1) A court before making an approved or certified school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

(2) A court or the Governor, in determining the approved or certified school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to an approved or certified school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian, or nearest adult relative may apply—

- (a) if the order was made by a court of summary jurisdiction, to that court sitting as a Juvenile Court ;
- (b) in any other case, to the Governor,

to remove or send the person to an approved or certified school for persons of his religious persuasion, and the court or the Governor shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved or certified school order, if any, relating to him, comply with the request of the applicant :

Provided that nothing in this sub-section shall empower a court, or impose an obligation upon the Governor, to comply with any request as aforesaid unless the applicant has—

- (a) made his application before, or within thirty days after, the person's arrival at the school ; and
- (b) named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or the Governor that the manager thereof has accommodation available.

Coming into force of approved or certified school order.

39 (1) An approved or certified school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Ordinance :

Provided that the operation of any such order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school or on account of his ill-health.

(2) If an approved or certified school order is not made to take effect immediately, or if, at the time when such an order takes effect, the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next following section may make an order committing him either to custody in any place to which he might be committed on remand or to the custody of a fit person to whose care he might be committed under this Ordinance and, subject as hereinafter provided, that order shall have effect until he is sent to an approved or certified school in pursuance of the order :

Provided that an order made under this sub-section shall not remain in force for more than twenty-eight days, but if at the expiration of that period any such court as aforesaid considers it expedient so to do the court may make a further order under this sub-section.

(3) Any order made under this sub-section may be made in the absence of the child or young person concerned.

40 (1) Every approved or certified school order shall contain a declaration—

- (a) as to the age ; and
- (b) as to the religious persuasion ;

of the child or young person with respect to whom it is made.

(2) Every approved or certified school order shall name the local authority within the administrative limits of which the child or young person was resident or, if that is not known, the local authority or one of the local authorities within the administrative limits of which the offence was committed or the circumstances arose (as the case may be) rendering him liable to be sent to an approved or certified school.

(3) Every approved or certified school order which is made to take effect immediately shall—

- (a) specify the approved or certified school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situated within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it, considers to be most suitable to the case ; and
- (b) state the authority or person who is to be responsible for conveying to the school the child or young person with respect to whom the order is made.

(4) Where an approved or certified school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or the young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person, shall be subsequently specified by endorsement thereon.

(5) If for any reason a child or young person with respect to whom an approved or certified school order has been made cannot be received into the approved or certified school specified in or endorsed upon the order, another school may be specified by an endorsement or further endorsement thereon, as the case may be.

(6) An endorsement under the foregoing provisions of this section may be made either—

- (a) by the court which made the approved or certified school order ; or
- (b) if the order was made by a court of summary jurisdiction, by that court, sitting as a Juvenile Court ; or
- (c) if the order was made by any court other than a court of summary jurisdiction—
 - (i) by the Police Court, sitting as a Juvenile Court, of the division in which the child or young person was committed for trial ; or
 - (ii) if the child or young person was not committed for trial, by the Police Court, sitting as a Juvenile Court, of the division within which he was resident ;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) An approved or certified school order made by reason of the commission of an offence under section 75 (which relates to the punishment of a vagrant preventing a child from receiving education) shall state that it is so made.

41 (1) Where a court orders a child to be sent to an approved or certified school, the order shall be an authority for his detention in an approved or certified school, as the case may be, until the expiration of a period of three years from the date of the order, and, if at the expiration of that period he is under the age of fourteen years, for his further detention until he attains that age.

(2) Where a court orders a young person to be sent to an approved or certified school the order shall be an authority for his detention in such school until the expiration of a period of three years from the date of the order.

42 (1) The court which makes, or makes any endorsement upon, an approved or certified school order shall cause it to be delivered to the person responsible for conveying the child or young person to the school, and the authority or person conveying him to the school shall deliver the order to the head master or person for the time being in charge of the school.

Contents of approved or certified school orders.

Duration of approved or certified school orders.

Conveyance of children or young persons to approved or certified schools.

(2) The court by which an approved or certified school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the manager of the school, to be prepared and transmitted to the head master or person for the time being in charge of the school.

(3) The authority or person specified in any approved or certified school order to be responsible for conveying a child or young person to the school shall be responsible for conveying him there and any expenses incurred in doing so shall be deemed to be an expense incurred in the administration of this Ordinance for the purposes of section 83.

(4) Where a child or young person has been ordered to be sent to an approved or certified school, any person who harbours or conceals him after the time has come for him to go to the school shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to imprisonment of either description for a term not exceeding two months or to a fine not exceeding two hundred rupees, or to both such imprisonment and fine.

(5) Where the authority or a person authorised to take a child or young person to an approved or certified school, is, when the time has come for the child or young person to go to the school, unable to find him or unable to obtain possession of him a Police Magistrate may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person, and if he fails to do so without reasonable excuse he shall in addition to any other liability to which he may be subject under the provisions of this Ordinance, be guilty of an offence and shall be liable to a fine not exceeding fifty rupees.

Extension of period of detention in approved or certified school.

43 If the manager of an approved or certified school is satisfied that a person whose period of detention therein is, under the foregoing provisions of this Ordinance, about to expire, needs further care or training and cannot be placed in suitable employment the manager may, with the approval of the Governor, detain him for a further period not exceeding six months, so, however, that he is not detained beyond the date on which he will attain the age of nineteen years :

Provided that the powers conferred by this section shall not extend to a person who, having been a person sentenced to detention under section 24 (2) is detained in an approved or certified school by order of the Governor.

Supervision and recall after expiration of order.

44 (1) A person sent to an approved or certified school shall, after the expiration of the period of his detention, be under the supervision of the manager of the school, if at the expiration of that period he has not attained the age of fourteen years, until he attains the age of sixteen years.

(2) The manager may, and, if the Governor so directs, shall, by notice in writing recall to the school any person under his supervision who is at the date of recall under the age of sixteen years :

Provided that a person shall not be so recalled unless in the opinion of the manager, or, as the case may be, of the Governor, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the manager thinks that he can properly be released, and in no case shall he be detained—

(a) after the expiration of a period of three months or such longer period not exceeding six months as the Governor may, after considering the circumstances of his case, direct ; or

(b) after attaining the age of sixteen years.

(4) The manager shall forthwith notify the Governor of the recall of any person and shall state the reasons for his recall, and when the manager releases any person so recalled he shall forthwith notify the Governor that he has done so.

(5) For the purposes of this Ordinance a person who is out under supervision from an approved or certified school shall be deemed to be under the care of the manager of the school.

Provisions as to making, duration, and effect, of orders of committal to fit persons.

45 (1) Before making an order under this Ordinance committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed, the court shall, if possible, select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

- (a) as to the age ; and
- (b) as to the religious persuasion ;

of the child or young person with respect to whom it is made.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Ordinance, remain in force until he attains the age of sixteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

46 The provisions of this Part shall have effect in respect of criminal proceedings notwithstanding anything to the contrary in the Ceylon Penal Code, the Criminal Procedure Code, 1898, the Village Communities Ordinance, No. 9 of 1924, or any other written law ; but such provisions of those Codes, of that Ordinance and of such other law as are not inconsistent with the provisions of this Part shall continue to apply in respect of such proceedings.

Application of
Part II.
No. 2 of 1883.

PART III.

REMAND HOMES, APPROVED SCHOOLS, CERTIFIED SCHOOLS AND PERSONS TO WHOSE CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED.

Remand Homes.

47 (1) The Governor may by Proclamation published in the Gazette establish one or more remand homes for the purposes of this Ordinance.

(2) The Governor may appoint one or more persons by name or by office to be Visitors to any remand home established under sub-section (1).

Establishment
of Remand
Homes, and
appointment of
Visitors.

48 (1) Where a child or young person is committed to custody in a remand home, the order shall be delivered with the child or young person to the person in charge of the home and shall be sufficient authority for the detention of that child or young person in the home in accordance with the tenor of the order.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in lawful custody.

(3) A child or young person who escapes from a remand home may be apprehended without warrant and brought back thereto ; and any person who knowingly assists or induces a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from returning, shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Provisions as to
custody of
children
and young
persons in a
remand home.

49 (1) The manager of any boarding school may apply to the Governor to approve the school for the purpose of the education, training and detention of children and young persons to be sent there in pursuance of this Ordinance, and the Governor may, after making such inquiries as he thinks fit, issue a certificate of approval to the manager of that school.

(2) If at any time the Governor is dissatisfied with the condition or management of a school so approved or considers its continuance as an approved school unnecessary, he may, by notice served on the manager, withdraw the approval of the school, as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the approval shall take effect and the school shall cease to be an approved school :

Provided that the Governor, instead of withdrawing the approval may by a notice served on the manager of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

Approval of
schools.

(3) The manager of an approved school may, on giving six months' notice in writing to the Governor of his intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

(4) No person shall in pursuance of this Ordinance be received into the care of the manager of an approved school after the date of the receipt by the manager of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the manager with respect to persons under his care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) Notification of the grant of any certificate of approval of an approved school and of any notice of the withdrawal of, or intention to surrender, such a certificate, shall, within one month from the date thereof, be published in the Gazette.

Establishment
of certified
schools.

50 (1) The Governor may by Proclamation published in the Gazette establish one or more certified schools for the purposes of this Ordinance.

(2) The Governor may appoint to each certified school—

- (a) a manager and such other officers as to him may seem necessary;
- (b) one or more persons to be Visitors of that school.

Rules regarding
remand homes
and approved
and certified
schools.

51 (1) The Executive Committee may make rules—

- (a) for the management, administration, inspection, and control of remand homes, approved schools, and certified schools;
- (b) for the treatment, employment and control of children and young persons in remand homes, approved schools and certified schools, and for such children and young persons being visited from time to time by Visitors appointed under this Ordinance;
- (c) for the classification of children and young persons in remand homes;
- (d) for the grant of temporary leave of absence to children and young persons detained in approved or certified schools, for the grant to such children and young persons of licences permitting them to live outside such schools, and prescribing the persons by whom, and the conditions and restrictions subject to which, such leave or licence may be granted or revoked.

(2) Rules made under sub-section (1) may distinguish between different schools or classes of schools.

Classification,
administration,
and
management of
approved and
certified schools.

52 (1) The Governor may, by Order published in the Gazette, classify approved and certified schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved or certified school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Ordinance.

(2) The manager of an approved or certified school shall be bound to accept any person who, in pursuance of this Ordinance, is sent or transferred to his school or otherwise to his care, unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
- (b) the manager of the school satisfies the Governor that there are already as many persons detained in that school, or, as the case may be, otherwise under his care, as is desirable.

Escapes from
approved and
certified
schools, &c.

53 (1) Any person who has been ordered to be sent to an approved or certified school and who—

- (a) escapes from the school in which he is detained or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is or, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence;

may be apprehended without warrant, and may (the provisions of any other written law to the contrary notwithstanding), be brought before the Police Court, sitting as a

Juvenile Court, of the division in which he is found or his school is situate; and that court may (notwithstanding any limitations contained in this Ordinance upon the period during which he may be so detained in an approved or certified school) order him—

- (a) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased or to be sent for a period of three years to any Training School for youthful offenders established under the provisions of any written law.

(2) Where a person is under sub-section (1) brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Ordinance upon the period during which he may be detained in an approved or certified school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to an approved school shall be borne by the manager of that school.

(4) If any person knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in sub-section (1); or
- (b) harbours or conceals a person who has committed such an offence, or prevents him from returning,

he shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding two months, or to both such fine and imprisonment.

(5) If a Police Magistrate is satisfied by information on oath that an offence under sub-section (1) has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such date as may be specified in the summons, and to produce the offender, and if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Ordinance, be guilty of an offence and shall be liable to a fine not exceeding fifty rupees.

Fit Persons.

54 (1) The provisions of this section shall apply in relation to orders under this Ordinance committing a child or young person to the care of a fit person, and in this section the expressions "child" and "young person" mean a person with respect to whom such an order is in force irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

(2) The Governor may, if he thinks fit, make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed.

(3) The Governor may, at any time in his discretion, discharge a child or young person from the care of the person to whose care he has been committed and any such discharge may be granted either absolutely or subject to conditions.

(4) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

- (a) if the order was made by a court of summary jurisdiction, by that court sitting as a Juvenile Court;
- (b) in any case, by the Police Court, sitting as a Juvenile Court, of the division within which the child or young person is residing.

(5) If, on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid, any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

General provisions as to children and young persons committed to the care of fit persons.

Escapes from care of fit persons.

55 (1) A child or young person who runs away from a person to whose care he has been committed under this Ordinance may be apprehended without warrant and brought back to that person, if he is willing to receive him, and if he is not willing to receive him, may be brought—

- (a) if the order committing him to the care of that person was made by a court of summary jurisdiction, before that court sitting as a Juvenile Court ;
- (b) in any case, before the Police Court, sitting as a Juvenile Court, of the division in which he was residing immediately before he ran away ;

and that court may make any order with respect to him which the court might have made if that child or young person had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) Any person who knowingly—

- (a) assists or induces a child or young person to run away from a person to whose care he has been committed under this Ordinance ; or
- (b) harbours or conceals a child or young person who has so run away, or prevents him from returning,

shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding two months, or to both such fine and imprisonment.

PART IV.

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

General Provisions as to Employment.

Restrictions on employment of children.

56 (1) Subject to the provisions of this section and of any regulation made thereunder no child shall be employed—

- (a) so long as he is under the age of twelve years ; or
- (b) before the close of school hours on any day on which he is required to attend school ; or
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day ; or
- (d) for more than two hours on any day on which he is required to attend school ; or
- (e) for more than two hours on any Sunday ; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him ; or
- (g) in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(2) The Executive Committee may make regulations with respect to the employment of children, and any such regulations may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—

(a) authorising—

- (i) the employment of children under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing sub-section) by their parents or guardians in light agricultural or horticultural work ;
- (ii) the employment of children (notwithstanding anything in paragraph (b) of the last foregoing sub-section) for not more than one hour before the commencement of school hours on any day on which they are required to attend school ;

(b) prohibiting absolutely the employment of children in any specified occupation ;

(c) prescribing—

- (i) the age below which children are not to be employed ;
- (ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed ;
- (iii) the intervals to be allowed to them for meals and rest ;
- (iv) the holidays or half-holidays to be allowed to them ;
- (v) any other conditions to be observed in relation to their employment ;

so, however, that no such regulations shall modify the restrictions contained in the last foregoing sub-section save

in so far as is expressly permitted by paragraph (a) of this sub-section, and any restriction contained in any such regulations shall have effect in addition to the said restrictions.

(3) Nothing in paragraph (c) or in paragraph (d) of sub-section (1), or in any regulation made under this section, shall prevent a child from taking part without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

57 (1) Subject to the provisions of this section, the Executive Committee may make regulations with respect to the employment of persons under the age of eighteen years other than children, and any such regulation may distinguish between persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing—

- (a) the number of hours in each day or in each week for which, and the times of day at which, they may be employed ;
- (b) the intervals to be allowed to them for meals and rest ;
- (c) the holidays or half-holidays to be allowed them ;
- (d) any other conditions to be observed in relation to their employment.

(2) Nothing in this section shall empower the Executive Committee to make regulations with respect to—

- (a) employment in or about the delivery, collection or transport of goods, except in the capacity of van boy, errand boy, or messenger ;
- (b) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, except in the capacity of van boy, errand boy, or messenger ;
- (c) employment in the building or engineering trades, except in the capacity of van boy, errand boy, or messenger ;
- (d) employment in agriculture ;
- (e) employment in domestic service, except as non-resident daily servant ;
- (f) employment in any ship or boat registered in Ceylon as a British ship.

(3) This section shall not come into operation until such date as may be appointed by the Governor by Proclamation published in the Gazette.

58 No child shall engage or be employed in street trading.

59 A local authority may require in the case of any young person resident within its area who is by reason of the provisions of any written law under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority considers necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school :

Provided that if any question arises between a local authority and the employer of a young person whether a requirement made under this section is reasonable for the purposes aforesaid, that question shall be determined by the Executive Committee, and, if the Executive Committee determines that the requirement is unreasonable, it may substitute such other requirement as they think reasonable.

60 (1) A local authority, if satisfied by a report of a registered medical practitioner or otherwise, that any child resident within its area is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as it may think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under any other provision of this Ordinance or under the provisions of any other written law.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local authority or wilfully gives false information as to the employment, he shall be guilty of an offence and shall be liable to a fine not exceeding fifty rupees.

Power of Executive Committee to make regulations with respect to employment of persons under eighteen other than children.

Street trading.

Power of local authority to require suspension of employment of scholars at continuation schools.

Restrictions by local authority on employment of children.

Restriction on employment of children and young persons attending school.

61 No person—

- (a) shall employ a child in such a manner as to prevent the child from attending school in accordance with the provisions of any written law ; or
- (b) having received notice of any prohibition or restriction as to the employment of a child issued under the last foregoing section, shall employ a child in such a manner as to contravene the prohibition or restriction ; or
- (c) shall employ a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under the provisions of any written law ; or
- (d) shall employ a young person at any time when, in pursuance of any requirement issued under this Ordinance in respect of that young person in connection with attendance at a continuation school, the employment of that young person must be suspended.

Penalties and legal proceedings in respect of general provisions as to employment.

62 (1) If a person is employed in contravention of any of the foregoing provisions of this Part, or of the provisions of any regulation made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees :

Provided that, if proceedings are brought against the employer, the employer upon complaint duly made by him in accordance with the provisions of section 148 of the Criminal Procedure Code, 1898, and on giving to the prosecution not less than three days' notice of his intention, shall be entitled subject to the provisions of Chapter XV of that Code, to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence ; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

(2) Where an employer seeks to avail himself of the proviso to the last foregoing sub-section,

- (a) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence ; and
- (b) the court may make such order as it thinks fit for the payment of costs not exceeding twenty-five rupees by any party to the proceedings to any other party thereto, and any sum so ordered to be paid shall be recoverable in the same manner as a fine.

Entertainments and Performances.

Restrictions on children taking part in entertainments.

63 Subject to the provisions of this section a child shall not take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience ; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees :

Provided that this section shall have no application to the case of a child who takes part, without fee or reward, in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

Prohibition against persons under sixteen taking part in performances endangering life or limb.

64 No person under the age of sixteen years shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or being his parent or guardian allows him, to take part in such a performance, shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding one hundred rupees or, in the case of a second or subsequent offence, not exceeding five hundred rupees.

65 (1) No person under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no person under the age of sixteen years shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees.

Restrictions on training for performances of a dangerous nature.

(2) A Police Magistrate may grant a licence for a person who has attained the age of twelve years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least fourteen days before making the application, give notice thereof to the superintendent of the police of the province in which the person is, in accordance with the provisions of the licence, to be trained, and such superintendent may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the court, necessary for his protection, but a licence shall not be refused if the court is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(5) A licence under this section may, on cause being shown by any person, be revoked by the court.

66 (1) If it is made to appear to a Police Magistrate by the local authority, or by any police officer, that there is reasonable cause to believe that the provisions of this Part or of a regulation made under the said provisions are being contravened with respect to any person, the Police Magistrate may by order under his hand addressed to an officer of the local authority, or to a police officer, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

Powers of entry.

(2) Any authorised officer of the local authority or any police officer may at any time during the currency of a licence granted under section 65 enter any place where the person to whom the licence relates is authorised by the licence to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any such officer in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding two hundred rupees.

67 (1) The provisions of this Ordinance imposing restrictions on employment or on the taking part by children in entertainments, and the provisions of any regulations made under this Part, shall not affect the provisions of the Education Ordinance, No. of 19, with respect to school attendance.

Application of Part IV.

(2) The said provisions shall not apply to a person detained in an approved school.

(3) The said provisions shall be in addition to and not in substitution of the provisions of any written law relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

68 For the purposes of this Part and of any regulations made thereunder—

Interpretation of Part IV.

A person who is attending an elementary school and who attains the age of fourteen years during a school term shall not (except for the purposes of the provisions relating to employment abroad) be deemed to cease to be a child until the end of that term;

The expression "performance of a dangerous nature" includes all acrobatic performances and all performances as a contortionist;

The expression "street trading" includes the hawking of articles of food or drink, newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;

A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour;

A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed.

PART V.

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER.

Offences.

Cruelty to children and young persons.

69 (1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment.

(2) The provisions of sub-section (1) shall be in addition to and not in substitution of the provisions of section 308 of the Ceylon Penal Code.

(3) For the purposes of this section—

a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if, having sufficient means for the purpose, he has failed to provide adequate food, clothing, medical aid or lodging for him.

(4) A person may be convicted of an offence under this section—

(a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;

(b) notwithstanding the death of the child or young person in question.

(5) Upon the trial of any person who has attained the age of sixteen years for any offence under section 296 or section 297 of the Ceylon Penal Code, in respect of a child or young person of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

(6) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having lawful control or charge of a child or young person to administer punishment to him.

Causing or encouraging seduction or prostitution of girl under sixteen.

70 (1) If any person having the custody, charge or care of a young person being a female, causes or encourages the commission in respect of her of any offence under section 345 or section 364 or section 364A of the Ceylon Penal Code, he shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding two years.

(2) Where any offence mentioned in sub-section (1) has been committed in respect of a child or young person being a female, a person shall, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character, be deemed to have caused or encouraged the commission of that offence for the purposes of this section.

Allowing persons under sixteen to be in brothels.

71 If any person having the custody, charge or care of a child who has attained the age of four years or of a young person, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be

liable to a fine not exceeding two hundred and fifty rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

72 (1) If any person causes or procures any child or young person or, having the custody, charge, or care of a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall be guilty of an offence, and shall on conviction after summary trial before a Police Magistrate, be liable to fine not exceeding two hundred and fifty rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Causing or allowing persons under sixteen to be used for begging.

(2) If a person having the custody, charge or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

73 If any person gives, or causes to be given, to any child under the age of five years any excisable article within the meaning of the Excise Ordinance, No. 8 of 1912, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall be guilty of an offence and liable to a fine not exceeding fifty rupees.

Giving excisable article to children under five.

74 (1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarettes, shall be guilty of an offence and shall be liable, in the case of a first offence to a fine not exceeding twenty rupees, in the case of a second offence to a fine not exceeding fifty rupees, and in the case of a third or subsequent offence to a fine not exceeding one hundred rupees :

Sale of tobacco, &c., to persons under sixteen.

Provided that a person shall not be guilty of an offence under this section in respect of any sale to any person on the written order of the parent, guardian or employer of the person to whom the sale is made.

(2) Any police officer may seize any tobacco or cigarettes in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarettes so seized shall be disposed of in such a manner as the Inspector-General of Police may direct.

(3) Nothing in this section shall make it an offence to sell tobacco or cigarettes to, or shall authorise the seizure of tobacco or cigarettes in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business.

(4) For the purposes of this section the expression "tobacco" includes smoking mixtures intended as a substitute for tobacco, and the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

75 (1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years he shall, unless he proves that the child is totally exempted from school attendance or that the child is not by being so taken with him prevented from receiving efficient elementary education, be guilty of an offence and shall be liable to a fine not exceeding ten rupees.

Vagrants preventing children from receiving education.

(2) Any police officer who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of this Ordinance.

76 For the purposes of this Part—

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person :

Interpretation of Part V.

Any person to whose charge a child or young person is committed by any person who has the custody of him shall be presumed to have charge of the child or young person :

Any other person having actual possession or control of a child or young person shall be presumed to have the care of him.

PART VI.

SUPPLEMENTAL.

Supplementary Provisions as to Legal Proceedings.

Presumption
and determin-
ation of age.

77. (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Ordinance, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of sixteen years, that person shall for the purposes of this Ordinance be deemed not to be a child or young person.

(2) Where in any charge or indictment for any offence under this Ordinance or any of the offences mentioned in the First Schedule, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Ordinance be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

(3) Where, in any charge or indictment for any offence under this Ordinance or any of the offences mentioned in the First Schedule, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Ordinance in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

Evidence of
husband or
wife of
accused person.

78 Notwithstanding anything in the Ceylon Evidence Ordinance, 1895, contained, the wife or husband of a person charged with an offence specified in the First Schedule shall be a competent witness for the prosecution.

Evidence of
wages.

79 In any proceedings under this Ordinance a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

Bonds and
recognizances.

80 Every bond or recognizance required to be executed or entered into under any provisions of this Ordinance by any court or to secure the attendance of any person at any court may be enforced—

(a) where the court is a Village Tribunal or Committee, in like manner as a bond or recognizance executed or entered into under the provisions of the Rules of Criminal Procedure for Village Tribunals or Village Committees made under section 95 of the Village Communities Ordinance, No. 9 of 1924 ;

(b) in any other case, in like manner as a bond executed under the provisions of the Criminal Procedure Code, 1898.

81 (1) An appeal shall lie from any order under this Ordinance in the following cases and by the following persons, that is to say —

Appeals from orders made under this Ordinance.

- (a) in the case of an order committing a child or young person to the care of a fit person, requiring a child or young person to be sent to a remand home or to an approved or certified school, or placing a child or young person under the supervision of a probation officer or other person, by the child or young person or by his parent or guardian on his behalf;
- (b) in the case of an order requiring a person to enter into a recognizance to be responsible for the good behaviour of a child or young person, by the person required to enter into the recognizance.

(2) Nothing in sub-section (1) shall be construed as affecting any right of appeal conferred by any provision of this Ordinance or of any other written law.

(3) Every appeal from any order made under this Ordinance by any court, other than the Supreme Court or a Village Tribunal or Committee, shall lie to the Supreme Court; and the provisions of sections 338 to 352 of the Criminal Procedure Code, 1898, shall apply to every such appeal.

(4) Every appeal from any order made under this Ordinance by a Village Tribunal or Committee shall lie in the manner provided in Part XII of the Village Communities Ordinance, No. 9 of 1924; and the provisions of that Part of that Ordinance and of any rules made under section 95 thereof relating to the form and method of appeals under that Part shall apply to every such appeal.

Appointments, Expenditure, &c.

82 The Governor may appoint for the purposes of this Ordinance a Chief Inspector, and such number of Inspectors as he may think fit.

Power of Governor to appoint Inspectors.

83 (1) The expenses incurred in the administration of this Ordinance shall be paid out of the general revenue.

Expenses of administration of Ordinance.

(2) There shall be paid out of general revenue such sums on such conditions as the Executive Committee may, with the concurrence of the Financial Secretary, decide, towards the expenses of the establishment, maintenance and management of approved schools.

(3) The conditions on which sums are paid under sub-section (2) in connection with provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the manager thereof or in the trusts, if any, to which the property of the school or of the manager is subject, the manager and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

84 (1) Every rule and every regulation made by the Executive Committee under this Ordinance shall be brought before the State Council by a motion that such rule or regulation shall be approved and if so approved, shall be submitted to the Governor for ratification. No rule or regulation made by the Executive Committee shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

Rules and regulations.

(2) A rule or regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall upon the notification of such approval and ratification in the Gazette be as valid and effectual as if it were herein enacted.

85 In this Ordinance, unless the context otherwise requires—

Interpretation.

“approved school” means a school approved by the Governor under section 49, and “manager of an approved school” means the person having the management or control of an approved school, and where there are two or more of such persons, includes those persons;

- “ approved school order ” means an order made by a court sending a child or young person to an approved school ;
- “ certified school ” means a school established under section 50 ;
- “ certified school order ” means an order made by a court sending a child or young person to a certified school ;
- “ child ” means a person under the age of fourteen years ;
- “ court of summary jurisdiction ” means a Police Court or Municipal Court, and includes a Village Tribunal and a Village Committee when exercising criminal jurisdiction ;
- “ Executive Committee ” means the Executive Committee of Home Affairs ;
- “ guardian ” in relation to a child or young person includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge or control over the child or young person ;
- “ indictable offence ” means any offence which is, according to the Second Schedule to the Criminal Procedure Code, 1898, triable by the Supreme Court or a District Court ;
- “ in need of care or protection ” has the meaning assigned to that expression by section 34 ;
- “ local authority ” means any Municipal Council or District Council established under the Local Government Ordinance, No. 11 of 1920 ;
- “ Municipal Court ” means the court of a Municipal Magistrate ;
- “ place of safety ” means any remand home or hospital, or the residence of any person nominated by the Governor under section 14 (3) ;
- “ prescribed ” means prescribed by regulation ;
- “ probation officer ” means a probation officer appointed under section 326A of the Criminal Procedure Code, 1898 ;
- “ regulation ” means a regulation made by the Executive Committee under this Ordinance ;
- “ scheduled offence ” means an offence specified in the Second Schedule ;
- “ young person ” means a person who has attained the age of fourteen years and is under the age of sixteen years.

Repeals.
No. 1 of 1886.
No. 21 of 1909.

Transitory provisions.

86 With effect from the date appointed by the Governor under section 1, the Youthful Offenders Ordinance, 1886, and the Prevention of Juvenile Smoking Ordinance, 1909, shall be repealed.

87 (1) With effect from the date appointed by the Governor under section 1—

- (a) every certified industrial school within the meaning of the Youthful Offenders Ordinance, 1886, shall be deemed to be an approved school ;
- (b) all rules, orders, and by-laws duly made for any school under section 5 of the Youthful Offenders Ordinance, 1886, shall continue in force until rules for that school are made under this Ordinance ;
- (c) all visitors appointed to any school by the Governor under section 16 of the Youthful Offenders Ordinance, 1886, shall be deemed to be visitors duly appointed to that school under this Ordinance ;
- (d) every order for the detention of any person in a certified industrial school made under section 19 of the Youthful Offenders Ordinance, 1886, shall be deemed to be an approved school order : Provided however that no person shall be detained in pursuance of any such order for any period longer than that specified in such order or in any event after that person has attained the age of eighteen years ;
- (e) every order for the delivery of any person to his parent, guardian, or nearest adult relative made under section 19 (b) of the Youthful Offenders Ordinance, 1886, shall be deemed to be an order made under paragraph (a) of section 27 (1) of this Ordinance and every bond taken under the said section 19 (b) shall have effect and be enforceable accordingly.

(2) Notwithstanding the repeal of the Youthful Offenders Ordinance, 1886—

- (a) every licence granted before the appointed date to any person under section 22 of that Ordinance, shall continue in force and the provisions of sections 23 to 26 of that Ordinance shall apply to such licence ;

- (b) every binding of any person as an apprentice or as an agricultural or domestic servant effected, before the appointed date, under section 27 of that Ordinance shall continue to be valid and effectual and the provisions of sections 28 and 29 of that Ordinance shall continue to apply in every case in which a person has been so bound.

88 Save as is otherwise provided in section 87, the provisions of this Ordinance shall not affect—

Application of Ordinance.

- (a) any penalty, forfeiture or punishment incurred in respect of any offence committed before the appointed date; or

- (b) any investigation, legal proceeding or remedy in respect of any offence committed before the appointed date,

and any such penalty, forfeiture or punishment may be imposed, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, as if this Ordinance had not been enacted.

FIRST SCHEDULE.

(Sections 34, 36, 77 and 78.)

Offences against children and young persons in respect of which special provisions of this Ordinance apply.

- (1) Any offence under section 308 or section 360 of the Ceylon Penal Code.

- (2) Any offence against a child or young person under any of the following sections of the Ceylon Penal Code:—

Sections 296, 297, 343, 345, 357, 360A, 364, 364A, 365, 365A.

- (3) Any offence against any of the following sections of this Ordinance:—

Sections 69, 70, 71 and 72.

- (4) Any other offence involving bodily injury to a child or young person.

SECOND SCHEDULE.

List of Scheduled Offences.

Offences under any of the following sections of the Ceylon Penal Code:—

Section 296,
Section 297,
Section 300,
Section 301, and
Section 383.

Objects and Reasons.

The object of this Bill is to enact a "Children's Charter" containing provisions for the establishment of Juvenile Courts, for the special treatment of offenders who are under the age of sixteen and generally for the protection and welfare of the young. The Bill is modelled on the Children and Young Persons Act, 1933, with necessary modifications and variations. For the purposes of the new legislation "child" means a person under the age of fourteen years, and "young person" means a person between the ages of fourteen and sixteen years.

2. Part I deals with the powers of courts of summary jurisdiction in cases in which children and young persons are charged and prescribes the special procedure for such cases; Village Tribunals and Village Committees in the exercise of criminal jurisdiction are for the purposes of the Bill included among such courts:

Any court of summary jurisdiction when sitting to hear any charge against a person under sixteen will be known as a Juvenile Court (Clause 2); and will have to observe the special provisions as to procedure set out in clauses 7, 9 (5) and 10, the object of which is to secure that the proceedings in a Juvenile Court will be as informal as possible and that the court should have every opportunity of considering the special circumstances of each case.

The jurisdiction of a Police Court when sitting as a Juvenile Court will be much wider than the normal jurisdiction of a Police Court; it will finally dispose of any case in which a child is charged with any offence other than an offence specified in the Second Schedule, and will, except in the

circumstances specified in clause 9 (4), similarly dispose of such a case in which a young person is charged. The jurisdiction of a Municipal Court or of a Village Tribunal or Committee when sitting as a Juvenile Court will, however, not be extended.

3. Part II of the Bill contains special provisions for the protection of children and young persons in relation to criminal proceedings, and for the treatment of juvenile offenders; and confers on Juvenile Courts the power to make orders in respect of children and young persons who are in need of care or protection.

Clauses 13 to 17 provide for the separation of persons under sixteen from adults in Police Stations and courts, for the release on recognizance, except in special circumstances, of such persons who are accused of offences, for their committal to custody in remand homes in cases where they are not released on bail and for the attendance at court of their parents or guardians and of probation officers to assist the court.

The powers of the court to make orders in respect of persons under sixteen who are found guilty of offences are dealt with in clauses 21 to 33. Clause 23 prohibits the imprisonment of a child for any offence and limits the power of the court to sentence a young person to imprisonment, but in the case of a conviction of murder or of a grave crime special provision is made in clauses 24 and 32 for the treatment of the offender; the general intention is that orders for custody in a remand home for a period not exceeding one month or for detention in an approved or certified school should be made in substitution for sentences, of imprisonment. A court will also have the power to require a recognizance from a parent or guardian for the good behaviour of the offender, while the existing powers conferred in Chapter XXVI of the Criminal Procedure Code, 1898, will also be available.

Clause 29 permits a child or young person to be caned, but an order under this provision may only be made together with some other order which is also made by the court for the treatment of the offender. This provision will limit the power presently given to a court to order a person under sixteen years of age to be whipped.

Clauses 34 to 36 enable a Police Court sitting as a Juvenile Court to order that a person under sixteen who is neglected, destitute or placed in surroundings likely to endanger his welfare should for his better protection be sent to an approved or certified school or committed to a fit and proper person or placed under the supervision of a probation officer or other authorised person.

Clauses 37 to 45 contain supplementary provisions as to the duties of probation officers and others to whose care children and young persons are committed, as to the duration and effect of certified and approved school orders and as to other orders made by a court under this Part. A court will be required in making such an order to have regard to the religious persuasion of the person in respect of whom the order is made.

4. Part III of the Bill provides for the establishment of remand homes and certified schools which will be under the control of the Government, for the issue of certificates of approval to the managers of schools which will be approved schools for the purposes of the new legislation, and for the treatment of persons under sixteen who are committed to the care of fit persons. The Executive Committee of Home Affairs is empowered to make rules for securing the proper management and control of remand homes and approved and certified schools and for the treatment and training of persons detained therein.

This Part also contains provisions which will enable persons who escape from such institutions or from the care of fit persons to be brought back into custody or to be dealt with in such manner as an appropriate court may direct; and which declare it an offence for any person to assist or induce such escape or to harbour or conceal a person who has so escaped.

5. Part IV contains provisions restricting the employment of children and young persons. Clause 58 prohibits the employment of children in street trading, and clauses 59 to 61 which are based on sections 93 to 95 of the English Education Act, 1921, restrict the employment of children and young persons in cases where such employment would interfere with their attendance at school; under clause 60 a local authority may in a special case prohibit or restrict the employment of a child if such employment is prejudicial to his health or physical development. Clause 63 is designed

to prohibit a child from taking part in any entertainment where a charge is made to any of the audience, unless the net proceeds of the entertainment are devoted to a charitable, educational or other such purpose.

6. Part V of the Bill is intended to prevent cruelty to children and their exposure to moral or physical danger. Persons who ill-treat or neglect children or young persons who are in their care or custody, or cause or permit them to remain in surroundings which would endanger their moral or physical welfare, or who cause or permit the commission of certain offences in respect of them will be guilty of offences. The sale of tobacco to persons under sixteen except upon the written order of a parent or guardian is penalized in clause 74.

7. Part VI contains supplementary provisions relating to evidence in legal proceedings, to the taking of bonds and recognizances under the new law, and to appeals from orders made thereunder. Clause 82 which deals with the expenses of the administration of the Ordinance provides for the payment of moneys out of general revenue towards the expenses of approved schools. The Youthful Offenders Ordinance, 1886, will be repealed, but provision is made whereby existing certified industrial schools will be deemed to be approved schools for the purposes of the new law.

Colombo, November 25, 1937.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

An Ordinance to make provision for the issue of licences for motor omnibuses and lorries in respect of the half-year ending on the 30th day of June, 1938.

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 Motor Car (Half-yearly Licences) Ordinance, No. of 1937, and shall be read and construed as one with the Motor Car Ordinance, 1927, (hereinafter referred to as "the principal Ordinance").

Short title.

2 Notwithstanding anything contained in section 32 of the principal Ordinance, it shall be lawful for a licensing authority to issue for any omnibus or lorry in respect of the half-year ending on the thirtieth day of June, 1938, a half-yearly licence in accordance with the provisions of this Ordinance.

Power to issue licences for first half-year of 1938.

3 (1) The half-yearly licence under this Ordinance shall be in force from the date on which it is expressed to come into force, until the thirtieth day of June, 1938.

Duration of licence and duty payable thereon.

(2) The duty payable on a half-yearly licence for any omnibus or lorry under this Ordinance shall be one half of the duty specified for an omnibus or lorry of that class or description in the First Schedule to the principal Ordinance.

(3) Where a half-yearly licence for an omnibus or lorry is issued under this Ordinance after the twenty-eighth day of February, 1938, and it is shown to the satisfaction of the licensing authority that the omnibus or lorry has not been unlawfully used or possessed between the thirty-first day of December, 1937, and the date of issue of the licence, the duty payable on the licence shall be reduced by a one-sixth part for each complete calendar month which may have elapsed between the thirty-first day of January, 1938, and the date of issue of the licence, but so that the amount of the duty shall never be less than five rupees.

(4) Where the holder of a half-yearly licence issued under this Ordinance for any omnibus or lorry surrenders the licence for cancellation to the licensing authority before the thirtieth day of June, 1938, he shall be entitled to a refund of one-sixth part of the duty payable on the licence for each complete calendar month between the date of surrender and the thirtieth day of June, 1938: Provided that the sum of five rupees shall be deducted from the total amount so computed and shall not be refunded.

(5) For the issue of the half-yearly licence under this Ordinance, the form of the annual licence for an omnibus and the form of the annual licence for a lorry, which are set out in the Third Schedule to the principal Ordinance, may be used by a

licensing authority with such modifications as may be necessary to indicate the date on which the licence ceases to be in force under the provisions of this Ordinance.

(6) Save as otherwise expressly provided in this Ordinance, half-yearly licences under this Ordinance shall be issued in all respects in accordance with the requirements and provisions of the principal Ordinance.

Amendment or replacement of annual licences issued under the principal Ordinance.

4 (1) In every case where, in respect of the year 1938, an annual licence in accordance with the provisions of section 32 of the principal Ordinance has been issued for any omnibus or lorry before the date on which this Ordinance comes into operation, the licensing authority by whom it was issued shall by written notice addressed to the holder of the licence require the licence to be produced before him on or before such date as may be specified in the notice, and—

(a) by alteration, endorsement or otherwise specify on such licence that it shall cease to be in force on the thirtieth day of June, 1938; or

(b) cancel such licence and issue in place thereof under this Ordinance a half-yearly licence expressed to be in force until the thirtieth day of June, 1938.

(2) In any case where a licensing authority fails for any reason to carry out the provisions of sub-section (1) before the fifteenth day of January, 1938, it shall be the duty of the Registrar to carry out the provisions of that sub-section.

(3) Every holder of a licence of the description referred to in sub-section (1), who fails to produce the licence in compliance with any notice issued by the licensing authority under sub-section (1) or by the Registrar under sub-section (2), shall be guilty of an offence punishable with a fine not exceeding one hundred rupees.

(4) Where any licence referred to in sub-section (1) is altered or endorsed or is cancelled and a new half-yearly licence under this Ordinance is issued in its place, under sub-section (1) or sub-section (2), the licensing authority shall refund to the person to whom the first-mentioned licence was issued a sum equal to one half of the duty paid by that person on such first-mentioned licence.

Power to extend application of Ordinance to the half-year ending on 31st December, 1938.

5 The Governor may, by Order published in the Gazette, extend the application of this Ordinance to the issue of licences for motor omnibuses or lorries in respect of the half-year ending on the thirty-first day of December, 1938, and may by that Order make such modifications in the dates and other details set out in this Ordinance as may appear to him to be necessary for the purpose of such application.

Objects and Reasons.

A Bill to amend and consolidate the law relating to motor cars, which is intended to replace the Motor Car Ordinance, 1927, is under consideration and will, it is hoped, be ready for introduction in the State Council early in 1938. The Bill will give effect to certain of the recommendations of the Transport Commission and will, *inter alia*, make several changes in the law dealing with the issue of licences for omnibuses and lorries. It is expected that the new legislation will be brought into operation on the 1st July, 1938, and that fresh licences in accordance with its requirements will be issued on and after that date.

2. The object of the present Bill is to provide for the issue of half-yearly licences for motor omnibuses and lorries in respect of the intervening period, January to June, 1938, (Clause 3). Section 32 of the Motor Car Ordinance, 1927, which provides for the issue of yearly licences will not have effect during this period, but the other provisions of that Ordinance will remain unaffected.

3. Clause 4 makes provision for cases in which licences for the whole of the year 1938 have already been issued. Every licence so issued will be altered or cancelled and half the amount of the duty paid thereon will be refunded. (Clause 4).

4. In the event of there being any delay in bringing into operation the provisions of the proposed consolidating Ordinance, it will be necessary to have power to issue similar licences in respect of the half-year ending on the 31st December, 1938. Clause 5 will accordingly enable the Governor, by order published in the Gazette, to extend the special provisions set out in this Bill to the issue of licences in respect of that half-year.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, November 30, 1937.

LIST OF JURORS AND ASSESSORS.

SUPPLEMENTARY List of Tamil-speaking Jurors and Assessors under the provisions of section 254 of "The Criminal Procedure Code, 1898", as amended by sections 4 and 5 of "The Criminal Procedure Code (Amendment) Ordinance, 1910", for the year July, 1937, to June, 1938.

WESTERN PROVINCE—Negombo District.

- 1 Abubakkar Lobbe Ahamadu Lebbe, trader, 4th Hunupitiya, Negombo
- 2 Ahamadu Lebbe Marikkar Muhammadu Abdulla, trader, 4th Hunupitiya, Negombo
- 3 Ahamadu Lebbe Muhammadu Jemaldeen, trader, 4th Hunupitiya, Negombo
- 4 Ahamadu Lebbe Pichcha Marikkar, trader, 4th Hunupitiya, Negombo
- 5 Ahamadu Mirasa Muhammadu Asana Lebbe, trader, 4th Hunupitiya, Negombo
- 6 Aliya Marikkar Abdulla, trader, 4th Hunupitiya, Negombo
- 7 A. M. Abdul Cufoor, trader, Minuwangoda
- 8 A. M. Sariff, trader, Minuwangoda
- 9 Avanna Mana Muhammadu Hamidu Marikkar, trader, Maha Hunupitiya North, Negombo
- 10 Avanna Mana Muhammadu Sarivi Marikkar, vedarala, Maha Hunupitiya North, Negombo
- 11 Avu Lebbe Marikkar Kolandu Marikkar, trader, 4th Hunupitiya, Negombo
- 12 Avu Lebbe Marikkar Mohammadu Sali, trader, 3rd Hunupitiya, Negombo
- 13 Ismala Marikkar Omaradeen, trader, 4th Hunupitiya, Negombo
- 14 K. M. Meera Saleem, trader, Minuwangoda
- 15 Kuppa Thamby Abdul Hamidu, trader, Kamachchode, Negombo
- 16 Leva Tamby Mohammadu Lebbe, trader, 4th Hunupitiya, Negombo
- 17 Meera Lebbe Mammasu Mayel, trader, 4th Hunupitiya, Negombo
- 18 Meera Lebbe Marikkar Abdul Karim, trader, 4th Periyamulla, Negombo
- 19 Meera Lebbe Marikkar Mohammadu Selemen, trader, 4th Periyamulla, Negombo
- 20 M. K. N. Abdul Rahiman, trader, Minuwangoda
- 21 Omordeen Vidane Mohamed Usoof Dheen, clerk, Urban District Council, Negombo
- 22 Pichcha Marikkar Muhammadu Yasin, trader, 4th Hunupitiya, Negombo
- 23 Pichcha Marikkar Muhammadu Yusoo, trader, 4th Hunupitiya, Negombo
- 24 Sahibu Dorai Samsadeen, trader, 4th Hunupitiya, Negombo
- 25 Saiyadu Abdul Assis, trader, 4th Hunupitiya, Negombo
- 26 Samsadeen Ahamad Ibrahim Deen, landed proprietor, 4th Udayartoppu, Negombo
- 27 Seena Mana Abdul Majeedu, trader, Maha Hunupitiya North, Negombo
- 28 Segu Pichcha Marikkar, clerk, 4th Udayartoppu, Negombo
- 29 Selema Lebbe Mohammadu Sali, trader, 3rd Hunupitiya, Negombo
- 30 Sinnala Marikkar Abdul Majeedu, driver, 4th Hunupitiya, Negombo
- 31 Sirai Lebbe Sesu Mayel, trader, 4th Hunupitiya, Negombo
- 32 Yusubu Lebbe Mahammadu, trader, 4th Hunupitiya, Negombo

Deputy Fiscal's Office,
Negombo, November 24, 1937.

A. W. ROSA,
Deputy Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

- No. 5,022. In the matter of the insolvency of Kathiravelu Selvathurai of 180, New Chetty street, and presently of 190, Santiago road, 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 February 8, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
November 24, 1937. Secretary.

In the District Court of Colombo.

- No. 5,094. In the matter of the insolvency of Tuan Mohamed Halaldeen Samsadeen of 61, Lukmanjee square, Grandpass.

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 February 1, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
November 24, 1937. Secretary.

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In the District Court of Colombo.

- No. 5,129. In the matter of the insolvency of Adam Saibo Cader Batcha Hadjar of 109, Messenger street, Avoo Lebbe Marikkar Abdul Aseez of 67/52, New road, Maligawatta, and Cader Batcha Hadjar Mohamed Amir of 32, Lukmanjee square, Grandpass, 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 February 1, 1938, for the grant of a certificate of conformity to the insolvents.

By order of court, GERALD E. DE ALWIS,
November 24, 1937. Secretary.

In the District Court of Colombo.

- No. 5,131. In the matter of the insolvency of Frank Benjamin Jansen of 37, Molawatta road, Grandpass.

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 February 8, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
November 24, 1937. Secretary.

In the District Court of Colombo.

- No. 5,137. In the matter of the insolvency of Kodagoda Vithanage Jinadasa of K 185, U. D. C., Kolonnawa.

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 February 8, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
November 24, 1937. Secretary.

In the District Court of Colombo.

- No. 5,138. In the matter of the insolvency of Thomas Gordon Philip Paul of 21, Ambalama road, Kotahena.

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 February 8, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
November 24, 1937. Secretary.

In the District Court of Colombo.

- No. 5,141. In the matter of the insolvency of Joseph Edwin Cramer of 165, Nagalagam street, Grandpass.

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 February 8, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
November 24, 1937. Secretary.

In the District Court of Colombo.

- No. 5,166. In the matter of the insolvency of Bernard Leslie Perera of Averiwatta, Wattala.

WHEREAS the above-named B. L. Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Victor Valentine Perera of Kirillapone, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said B. L. Perera insolvent accordingly; and that two public sittings of the court, to wit, on January 18, 1938, and on February 22, 1938, 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,
November 24, 1937. Secretary.

In the District Court of Colombo.

No. 5,167. In the matter of the insolvency of Rawanna Mana Renganathanpillai of 17, New Moor street, Colombo.

WHEREAS the above-named R. M. Renganathanpillai has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. T. Anbudiar of 66, Old Moor street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said R. M. Renganathanpillai insolvent accordingly; and that two public sittings of the court, to wit, on January 25, 1938, and on February 3, 1938, 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,
November 25, 1937. Secretary.

In the District Court of Colombo.

No. 5,168. In the matter of the insolvency of Justin Walvin Faber of 124, Modera street, Colombo.

WHEREAS the above-named J. W. Faber has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. C. B. Peiris of Modera street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said J. W. Faber insolvent accordingly; and that two public sittings of the court, to wit, on January 18, 1938, and on February 15, 1938, 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,
November 27, 1937. Secretary.

In the District Court of Colombo.

No. 5,169. In the matter of the insolvency of Oduman Lebbe Marikar Mohamed Hamid of 110, Stanley place, Maradana, Colombo.

WHEREAS the above-named O. L. M. M. Hamid has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. A. A. Hameed of 223, Norris road, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said O. L. M. M. Hamid insolvent accordingly; and that two public sittings of the court, to wit, on January 18, 1938, and on February 15, 1938, 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,
November 27, 1937. Secretary.

In the District Court of Kalutara.

No. 295. In the matter of the insolvency of John Elster William Perera of Molligoda.

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 February 28, 1938, to consider the issuing of a certificate of conformity to the insolvent.

By order of court, B. J. ARASARATNAM,
November 24, 1937. Secretary.

In the District Court of Kalutara.

No. 299. In the matter of the insolvency of Mohamadu Lebbe Hadjiar Abdul Rahim of Totawatta in Panadure.

NOTICE is hereby given that Mr. M. P. Mendis of Kalutara, be and he is appointed assignee of the estate of the above-named insolvent.

By order of court, B. J. ARASARATNAM,
November 26, 1937. Secretary.

In the District Court of Kegalla.

Insolvency In the matter of the insolvency of A. M. Abdul Cader Lobbe of Mawanella.
Jurisdiction. No. 72.

WHEREAS the above-named A. M. Abdul Cader Lobbe has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by U. M. Mohamed Haniffa of Muruthawala, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. M. Abdul Cader Lobbe insolvent accordingly; and that two public sittings of the court, to wit, on January 5, 1938, and on February 9, 1938, 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, R. B. RATNAKE,
November 24, 1937. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

M. T. Andiappa Pillai of Sea street Plaintiff.

No. 1,546/S. Vs.

(2) Mrs. D. W. S. Fernando nee H. Julie Fernando of 224, Wasala road, Colombo, and another . . . Defendants.

NOTICE is hereby given that on Wednesday, January 19, 1938, at 4 p.m., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 337-50, with further interest on Rs. 330 at 18 per cent. per annum from December 14, 1936, to April 1, 1937, and thereafter with legal interest on the aggregate amount till payment in full, less Rs. 40, viz. :—

All that house and premises bearing formerly assessment No. 60A now bearing assessment No. 224, lot B, situated at Wasala road in Kotahena within the Municipality and in the District of Colombo, Western Province; bounded on the north by lot A belonging to B. Ado Fernando and another, on the east by lot E belonging to Maria Fernando and another, on the south by remaining half share of the same lot belonging to G. R. Fernando bearing No. 60A, and on the west by Wasala road; containing in extent 20-61 perches, and registered in A 201/14.

Fiscal's Office,
Colombo, December 1, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

26 In the District Court of Negombo.

Hettiaratchige Don Crispian Valentine Samaranayake of Thawalampitiya Plaintiff.

No. 3,468. Vs.

(1) Edippuliachchige Jagappa and 3 others . . Defendants.

Cornelia Henrietta Obeysekera of Batadole Walawa, Veyangoda Intervenant.

Sir James Peter Obeysekera Substituted Intervenant.

NOTICE is hereby given that on Monday, January 10, 1938, at 10 a.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. 642-30, less Rs. 320, viz. :—

The lot marked 1 of the land called Boguhawatta, situated at Thawalampitiya in Udugaha pattu of Hapitigam korale in the District of Negombo, Western Province; and which said lot 1 is bounded on the north by water-course separating the field of K. Cornelis Appuhamy and others, east by lot 4 belonging to Pelis Appu, south by lot 2 belonging to B. A. Bempy Singho and lot 1A belonging to H. Don Crispian Valentine Samaranayake Appuhamy, west by the land of Mrs. Allis, road, and the field of K. Cornelis Appuhamy and others; in extent 1 acre and 3 rods, with the buildings standing thereon.

Fiscal's Office,
Colombo, December 1, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

A. M. R. M. Muthupalaniappa Chettiar of Sea street in Colombo Plaintiff.
No. 6,374. ³⁶ Vs.

(1) L. F. Perera of Albert place, Dehiwala, (2) T. P. Silva of Albert place, Dehiwala, and (3) Sam L. Peiris of Deal place, Colpetty; the 2nd and 3rd defendants as executors of the last will and testament of and as representing the estate of the deceased J. V. Perera Defendants.

NOTICE is hereby given that on Thursday, January 20, 1938, will be sold by public auction at the respective premises the following property for the recovery of the sum of Rs. 1,807.13 with interest on Rs. 1,717.60 at 13½ per cent. per annum from February 17, 1937, till July 29, 1937, and thereafter at 9 per cent. per annum on the aggregate amount till payment in full, together with costs Rs. 327.21, viz. :—

The right title, and interest of the 2nd and 3rd defendants as executors of the last will and testament of and as representing the estate of the deceased J. V. Perera, viz. :—

At 3 p.m.—(1) Allotment No. B 2A in registration plan No. 1, situated at Dehiwala in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; bounded on the north by lot No. 11, on the south by lot B2E, on the east by lot B2B, and on the west by lot B 1; containing in extent 2 roods and 14.75 perches. Registered Dehiwala 10/237.

At 3.15 p.m.—(2) Allotment No. B 2c1 in registration plan No. 1 out of the land called Alutwatta, situated at Dehiwala aforesaid; bounded on the north by lot No. 11, on the south by lot B 2E forming part of a road, east by lot B 2c2, and on the west by lot B 2B; containing in extent 32.5 perches. Registered Dehiwala 11/199.

Fiscal's Office,
Colombo, December 1, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Kalutara.

D. L. K. Wijewardene of Tantiyemulla Plaintiff.
No. 19,115. ⁴⁴⁴ Vs.

The Public Trustee of Ceylon, administrator of the estate of Minuwaniyage William Peiris, deceased Defendant.

NOTICE is hereby given that on Friday, January 21, 1938, will be sold by public auction at the respective premises the right, title, and interest of the said defendant as administrator of the estate of Minuwaniyage William Peiris, deceased, in the following property for the recovery of the sum of Rs. 8,844 with interest at 9 per cent. per annum from date of decree (May 23, 1935), till payment in full and costs Rs. 169.60, less Rs. 3,940 recovered, viz. :—

1. At 3 p.m.—The entirety of a defined portion of the land called Madangahawatta, situated at Egodaayana, in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; bounded on the north by part of the same garden of Daniel Silva, east by the other part of this land, south by high road, and on the west by part of the same land of Samuel Fernando, and containing in extent 32 perches, and registered in volume M 257/149 of the Land Registry, Colombo.

2. At 3.15 p.m.—The entirety of a defined portion of the land called Dombagahawatta, situated at Egodaayana aforesaid; and bounded on the north by the ½ share bearing lot No. 3 of same land belonging to Kalutantrige Arnolis Pieris, Kalutantrige Mathes Peiris, and Minuwaniyage Romanis Peiris, east by high road, south by ¼ share bearing lot No. 1 of same land belonging to Kalutantrige Arnolis Pieris, and on the west by Talgahawatta, and containing in extent 3 roods and 27 perches, and registered in volume M 257/147 of the Land Registry, Colombo.

3. At 3.30 p.m.—All that undivided 14/16 share of the allotment of land called Madangahawatta and of everything belonging thereto, situated at Egodaayana aforesaid; and bounded on the north by land of Boteju, east by old road, south by the portion of land belonging to T. Brampy Peiris, and on the west by the seashore, and containing in extent 4 acres 1 rood and 31 30/100 perches, and registered in volume M 109/77, of the Land Registry, Colombo.

Fiscal's Office,
Colombo, December 1, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

Hettige Don John Peiris of 8, Hulftsdorp, Colombo. . . Plaintiff.
No. 46,266. ⁶⁰ Vs.

(1) Raigam Vidanelage Don Davith de Alwis Appuhamy, administrator of the estate of R. V. Don Saralis de Alwis and two others, all of Hinguralla in Udugaha pattu of Hewagama korale Defendants.

NOTICE is hereby given that on Monday, January 24, 1938, commencing from 10 A.M., will be sold by public auction at the respective premises in their respective order the right, title, and interest of the said 1st defendant as administrator of the estate of the said R. V. Don Saralis de Alwis in the following property, for the recovery of the sum of Rs. 1,805.04 with interest on Rs. 1,400 at 12 per cent. per annum from September 29, 1931, to September 23, 1935, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, less Rs. 350, viz. :—

1. An undivided one-half (½) share of the land called Kiriattulawatta, situated at Puwakpitiya in Udugaha pattu of Hewagama korale in the District of Colombo, Western Province; bounded on the east and south by Kiriattule rubber property, west by the field belonging to Themis Gurananse and others, north by Kiriattule rubber estate; containing in extent 6½ acres, together with a like share of the building thereon.

2. An undivided ⅓ share of the field called Beligahakumbura, situated at Puwakpitiya aforesaid; bounded on the east by Kiriattulewatta, south by Kiriattule-dole, west by Hinguralla-ela, and north by footpath and the field; containing in extent 16 lahas of paddy sowing.

3. An undivided 1/16 share of the field called Galahitiyawakumbura, situated at Hinguralla in the Udugaha pattu aforesaid; bounded on the east by Halgandena-ela, south by the liminary bridge of the village Kosgama, west by the high road to Ratnapura, and north by cart road leading to Weralupitiya estate; containing in extent 12 lahas of paddy sowing.

4. An undivided 1/16 share of the field called Galahitiyawakumbura, situated at Kosgama in Udugaha pattu aforesaid; bounded on the south by Kornelisgewatta, on the east by Halgandena-ela, on the west by the high road to Ratnapura, and on the north by the liminary stream of the village Kosgama; containing in extent one pela paddy sowing.

5. An undivided 1/16 share of the field called Galahitiyawekumbura, situated at Kosgama aforesaid; and bounded on the east by Puwakgahahena, south by Kelani Valley Railway line, west by Boruluketiyewatta, and north by Diyapothekumbura; containing in extent 16 lahas paddy sowing.

6. An undivided 1/16 share of the field called Dahepothekumbura, situated at Eswatta in Udugaha pattu aforesaid; and bounded on the east by Puwakgahahena, south by Galahitiyawakumbura, west by the rubber property of Katherinus Bass, and wela, north by the field of Themis Gurananse; containing in extent 15 lahas of paddy sowing.

Fiscal's Office,
Colombo, December 1, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

The Commissioners of the Loan Board Plaintiffs.
No. 49,898. ³⁹ Vs. ³⁹

(1) Muriel Letitia de Fonseka ³⁹ wife of (2) Arthur Donald de Fonseka, both of Kalutara, (3) Mrs. Mabel Koch of Wellawatta, Colombo, (4) Miss Ella de Vos of Colpetty, Colombo Defendants.

NOTICE is hereby given that on Tuesday, January 18, 1938, at 4 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiffs by bond No. 1,391 dated September 26, 1928, attested by J. A. Martensz, Notary Public, and declared specially bound and executable under the decree dated January 20, 1933, and ordered to be sold by the Order of Court dated November 9, 1936, for the recovery of the sum of Rs. 46,680.50, together with interest on Rs. 45,000 at 6½ per cent. per annum from August 1, 1932, till the date of the said decree, and thereafter on the aggregate amount of the said decree at 9 per cent. per annum till date of payment in full and costs of suit, less Rs. 14,193.75, viz. :—

All that allotment of land (being a portion of the land described in T. P. No. 158,454) with the buildings standing thereon presently bearing assessment Nos. 20, 22, 24, and

30, Skelton road, situated at Havelock town in Bambalapiya within the Municipality and District of Colombo, Western Province, in the Island of Ceylon; bounded on the north by Crown land, on the east by a reservation for a road, on the south by Crown land, and on the west by a portion of the same land; containing in extent 3 roods and 23 perches according to the plan thereof No. 981 made by C. C. Wijetunga, Special Licensed Surveyor, together with all buildings on the said allotment of land and all rights, privileges, easements, servitudes, and appurtenances whatsoever to the said allotment of land and premises belonging and all the right, title, interest, claim, and demand whatsoever of the 1st defendant in, to, out of, or upon the same. Registered A 213/124.

Fiscal's Office,
Colombo, December 1, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

Central Province.

In the District Court of Colombo.

(1) Sydney George Alexander Julius, presently in England, (2) William Kevitt Smyth Hughes, presently in England, (3) Louisa Regina Boyd, (4) James Dorman, (5) William Fraser, (6) George Cameron, all care of Julius & Creasy, Colombo, Plaintiffs
Vs.
No. 1,461-G/6,730.

Alice Matilda Perera of Margalla Valley, Galle, near Gampola, the person appointed under section 7 of the Ordinance No. 21 of 1927, to represent the estate of Muhuppu Aratchige James Perera Gunawardena, deceased Defendant.

NOTICE is hereby given that on Saturday, January 25, 1938, commencing at 2 P.M., will be sold by public auction at the property and premises at Gampola, the property mortgaged and hypothecated to and with the plaintiffs in and by bond No. 2,776 of September 16, 1931, and attested by S. A. Wijayatilake of Kandy, Notary Public, and in the 1st schedule hereto specifically described, and all the buildings, machinery, cinema apparatus, fixtures and fittings standing thereon, the principal of which machinery, fixtures, furniture, fittings, and cinema apparatus are set out in the 2nd schedule hereto and the full benefit and advantage of all insurances effected thereon and all the estate right, title, interest, property, claim and demand whatsoever of the said defendant of, in, to, upon or out of the said estate premises be and they are declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 24, 1937, for the recovery of the sum of Rs. 23,595.25½ to the 1st and 2nd plaintiffs, Rs. 14,747.03½ to the 3rd plaintiff, Rs. 41,291.69½ to the 4th plaintiff, Rs. 17,696.44 to the 5th plaintiff, and Rs. 8,848.22 to the 6th plaintiff, aggregating in all to Rs. 106,178.64, with interest on the said respective sums at 9 per cent. per annum from the date of decree till payment in full and taxed costs Rs. 1,106.43 and poundage, less Rs. 24,500 realized by the sale of the other two properties, viz. :-

Schedule 1 above referred to.

All that land called Deliwatta presently bearing assessment No. 2, situated in the town of Gampola, Gangapahala korale, Udapalata, Kandy District, Central Province; and bounded on the east by the Railway premises, south also by Railway premises and land belonging to natives, west by lands belonging to natives and north by lot No. 49,082, Malabar street, and reservation, containing in extent about 2 acres, registered D 77/265 in the Kandy District Land Registry Office, which said premises have been recently surveyed and are accordingly to the survey plan No. 6/31 dated February 13, 1931, made by F. N. Kalenberg, Registered Licensed Surveyor, described as follows :-

Premises bearing assessment No. 2, Malabar street, within the Local Board limits of Gampola, in the District of Kandy aforesaid; bounded on the north-east by old cemetery, south-east by road Malabar street, south by Railway land, west and north-west by Pathekumbura and drain, respectively, containing in extent 2 acres and 39 perches, together with all the buildings standing thereon and all plantations, rights, ways, easements, servitudes, and appurtenances whatsoever to the said allotment of land and premises belonging or in anywise appertaining or held to belong or be appurtenant thereto or used or enjoyed therewith, with the full benefit and advantage of all insurances effected thereon and all the estate right, title, interest, property, claim, and demand whatsoever of the said defendant and all the machinery, fixtures, furniture, fittings, and cinema apparatus on the said allotment of land and premises called Deliwatta bearing assessment No. 2,

Malabar street, Gampola, the principal of which machinery, &c., are set out in Schedule 2. below with the full benefit and advantage of all insurances effected thereon and all the estate, right, title, interest, property claim, and demand whatsoever of the said defendant in, to, upon, or out of the said premises.

Schedule 2 above referred to.

1. Cinema apparatus.
2. Plant and machinery shed.
3. One 28/31 H.P. National Oil Engine with small Petrol Engine, air compression receiver, tanks exhaust and water piping, fast and loose pulleys and belting.
7. Two grinding mills, Barford and Perking with pulleys and belting.
8. Two 12 in. by 9 in. rubber crepting mills.
9. 45 ft. of 3 in. shafting with couplings carried on H. Iron standards with bearings.
10. 30 ft. of 2½ shafting with couplings carried on old rail standard with bearings.
11. Pulleys connecting shafts with belting.
13. Electric light plant consisting of—one 7 K.W. Dynamo compound wound 220 volts with switchboard pulley and belting.
14. 54 long benches.
15. 28 handchairs.
16. Common chairs.
17. 1 broken Piano.
18. 1 frame with picture.
19. 16 shades.

and all the right, title, interest, and claim whatsoever of the defendant in, to, upon, or out of the said several premises and property mortgaged by the defendant.

Fiscal's Office,
Kandy, November 30, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Colombo.

R. M. A. R. A. R. R. M. Arunachalam Chettiyar of Devakottai, in South India, carrying on business at Sea street, Colombo, under the name, style, and firm of R. M. A. R. A. R. R. M. Plaintiff.
Vs.
No. 1,581/S.

S. T. S. Valliappa Chettiar of Matale Defendant.

NOTICE is hereby given that on Saturday, January 22, 1938, commencing at 2 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. 5,195.78, with interest at 8 per cent. per annum, together with commission at Re. 1 per month on every Rs. 1,000 on the sum of Rs. 5,000 from February 1 to April 26, 1937, and thereafter legal interest on the aggregate amount till payment in full, less the sum of Rs. 2,550 paid by defendant and poundage in the following property, viz. :-

(1) Undivided ½ part or share of, and in all that and those the estate plantations and premises called and known as "Bodawa", comprising the following allotments of land forming one property and which from their situation as respects each other can be included in one survey, to wit :-

(a) All that tract of land called "Bodawa", situate at Telihunna in Ganga Ihala korale of Udapalata, in the District of Kandy, Central Province; bounded on the east by private chenas, north by field, south by patanas, and west by Halgolle-oya; containing in extent 118 acres 1 rood and 20 perches according to the survey and description thereof No. 46,486 dated November 29, 1842, authenticated by F. B. Norris, Surveyor-General.

(b) All that piece of land called Etikiriya-galladeniya-kumbura, situate at Telihunna; bounded on the north by Halgolla-oya, east by Kehelwatta estate, south and west by the property of Mr. Cottelier; containing in extent 3 acres 2 roods and 27 perches.

(2) Undivided ½ part or share of and in all that and those the estate plantations and premises called and known as "Kehelwatta", comprising the following allotments of land which adjoin one another and now form one property and which from their situation as respects each other can be included in one survey, to wit :-

(a) All that allotment of land situate at Herakola in Ganga Ihala korale, Udapalata aforesaid; bounded on the north-east by a road, east by the land said to belong to the Crown, south-east and south by the Halgolle-oya, south-west and north-west by a road, containing in extent 2 roods and 38 perches according to the survey and description thereof No. 51,000 dated July 22, 1857; authenticated by Charles Simm, Surveyor-General.

(b) All that tract of land situate in the village Herakola, in Udapalata aforesaid; and bounded on the north by Halgolle-oya, east by private chenas and temple land, south by Government waste land, and west by Tunpela

chena and Halgolle-oya; containing in extent 149 acres 3 roods and 13 perches as per figure of survey thereof dated April 2, 1841; authenticated by the said F. B. Norris.

(c) A tract of land situate at Herakola aforesaid; and bounded on the north-east by land described in plan No. 48,981, south-east by the Halgolle-oya and by road to Gampola, and west and north-west by the Delwatte-ella and by reserved land adjacent to the high road from Gampola to Dolosbage; containing in extent 16 acres 3 roods and 18 perches according to the survey and description thereof No. 50,011 dated February 16, 1856; authenticated by Captain W. D. Gosset, Surveyor-General.

(d) All that allotment of land situate at Herakola aforesaid; bounded on the north and north-east by lands described in plan No. 46,486 and 44,410, on the south-east, south-west by land said to belong to the Crown, and west by the Pinagolmeda-ella, the land described in plan No. 44,410; containing in extent 53 acres and 2 roods according to the survey and descriptions thereof No. 50,997 dated July 2, 1859; authenticated by the said Charles Simm.

(e) All that allotment situate at Herakola aforesaid; bounded on the north by land said to be claimed by natives, north-east and south-east by land claimed by natives, south and south-west by lands said to belong to the Crown by the land described in plan No. 44,410, and west and north-west by land described in plan No. 44,410; containing in extent 14 acres 2 roods and 10 perches according to the survey and description thereof No. 52,037 dated March 31, 1860; authenticated by the said Charles Simm, which said Kehelwatte estate according to the recent survey and plan thereof No. 311 dated August 29, 1900, made by Charles P. de Silva, Licensed Surveyor and Leveller; bounded on the north by the road from Dolosbage to Gampola, Sinhapitiya estate T. P. 48,981 and a road, on the east by a stream, Sinhapitiya estate stream, Hapugolle estate T. P. 56,910, the land claimed by villagers, south by Crown land, and west by Bodawa estate and Lantern Hill estate; and containing in extent 251 acres 3 roods and 39 perches.

(3) Undivided $\frac{1}{3}$ part or share of and in all that and those the estate plantations and premises formerly called and known as Vellekande now called Lantern Hill, situate at Hatugoda, in Ganga Ihala korale, Udapalata; and bounded on the north by Bokanda estate, land belonging to the Crown, east by Sinhapitiya estate, south by Kehelwatta estate, and Bodawa-oya, and west by Warakawala estate and lands claimed by Muhandiram M. Ukkuwa, Kaluwa, and others, Wirasinghe and Vel-Duraya; containing in extent 356 acres 1 rood and 15 perches according to the figure of survey dated May 16, 1899, made by Charles P. de Silva, Licensed Surveyor and Leveller, comprising the following allotments of land which are according to the title deeds thereof described as follows, to wit:—

(a) All that tract of land situate at Herakola aforesaid; and bounded on the west and north-west by land described in plan No. 45,867, and all other sides by land said to belong to the Crown; containing in extent 96 acres and 1 rood according to the survey and description thereof No. 49,840, dated November 23, 1853; and authenticated by W. H. Simms, Surveyor-General, but excluding however therefrom a portion in extent 51 acres 2 roods and 17 perches sold and transferred to Robert Duncan Gerrard and Alexander Campbell White by deed No. 2,108 dated December 19, 1854.

(b) All that tract of land situate at Hatugoda aforesaid; and bounded on the north by Wattewella-oya and by land described in plan No. 49,840, east by land said to belong to the Crown and by that described in plan No. 48,981 and Wattewella-oya, south-east and south by land reserved for the road from Gampola to Dolosbage by the Dehitte-ella, by the Halgolla and Bodawa-oya and by land claimed by natives, and west and north-west by land claimed by natives, by Wattewella-oya, by land said to belong to the Crown and by land described in plan No. 49,840; containing in extent (excluding of the land represented in the plan as reserved for the road from Gampola to Dolosbage) 222 acres 2 roods and 4 perches according to the survey and description thereof; authenticated by the said W. H. Simms, Surveyor-General.

(c) All those three allotments of land of 23 acres 2 roods and 8 perches, 31 acres 3 roods and 20 perches, and 13 acres 2 roods and 15 perches, which said several allotments are marked 8 and 9 in the plan of the said Vellekanda estate made by Alexander Robertson, Surveyor, dated September, 1875.

(d) And all land adjacent to the above-mentioned allotment of land which now form part and parcel of the said Vellekanda estate subject however to the right of way over the existing roadway leading through this estate to Jaktree Hill estate granted to the proprietor of Jaktree Hill estate.

Fiscal's Office,
Kandy, November 29, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Colombo.

(1) Frederick Alory Rodrigue and (2) Marcus William Bernard Rodrigue, both of Colpetty, Colombo..Plaintiffs.
No. 4,805. Vs. 76

(1) George Ferdinand Fernando and his wife (2) Matilda Fernando, both of Ja-ela.....Defendants.

NOTICE is hereby given that on Tuesday, January 4, 1938, at 2 P.M., will be sold by public auction at the Fiscal's Office, Kandy, the right, title, and interest of the said 2nd defendant for the recovery of the sum of Rs. 8,400, less Rs. 1,750 paid by the defendants, 39, the following property, viz.:—

The right, title and interest of the 2nd defendant in and to the mortgage bond No. 367 dated February 2, 1929, and attested by J. A. Halangoda, Notary Public, Kandy, for Rs. 6,000 and entered therein and affecting the lands mortgaged therein, vide schedule, below:—

Schedule referred to.

(1) An undivided one-tenth share of the land and premises called Batekanda, situated in the village of Balawala, Godigamuwa in the Dunugaha pattu of Alutkuru korale, in the District of Negombo, Western Province; bounded on the north by the field and its high ground called Balawalawela, on the east by the portion of the same garden of Mrs. Shermond and garden of Sinchia and others, south by the new road to Kurunegala, and on the west by the other part of same garden, belonging to Mr. Gabriel de Croos, containing in extent 60 acres according to the figure of survey bearing date August 28, 1857, made by Julius J. Perera, Land Surveyor (registered E 262/236).

(2) An undivided one-tenth share of the land and premises called Galamunegahahena of about 5 measures of kurakkan sowing extent, situated at Imbulananda of Pamhasiya pattu aforesaid; bounded on the east by a ditch, south by the limit of Pallegederahena, and west by the limit of Medogederahena and the limit of Galgomuwahena, and north by the fence of Galamuwahene Pillewa.

(3) An undivided one-tenth share of that land and premises called Gala-amunahena of about 4 measures of kurakkan sowing extent, situate at Imbulananda aforesaid; bounded on the east by a ditch, on the south by the limit of Pallegederahena, west by the limit of Medogederahena and the limit of Golugowhena, and on the north by the fence of Gala-amunagedera Pillewa.

(4) An undivided one-tenth share of that land and premises called Rheinefels *alias* Beau Rivage, situated and lying at Colpetty, within the Municipality of Colombo; bounded on the north by the other part of Louis de Zilva, on the east by the high road, on the south by the other part of Miskin Thamby, and on the west by the seashore, containing in extent 2 roods and 25 $\frac{28}{100}$ square perches according to the figure and survey dated February 19, 1819, duly authenticated by Captain Gaulterus Schneider, Land Surveyor.

(5) An undivided one-tenth share of the land and premises called and known as Lambert House with the buildings standing thereon, situated within the Municipality of Kandy; and bounded on the north by Crown land, on the east and south-east by the property of General Grazer purchased by Suren Soysa, Esq., on the west by liminary reserved land, and south-west by Malabar street, containing in extent 1 acre 2 roods and 19 $\frac{1}{4}$ square perches.

(6) An undivided one-tenth share of all those two adjoining pieces of ground with the buildings standing thereon, situated within the Municipality of Kandy aforesaid; bounded or reputed to be bounded on the north by the land granted to paymaster Fenneran, on the east by the house and ground granted in lease to Mr. Solomons, on the south by Colombo street, and on the west by the house and ground granted in lease unto Kandyan, and containing in extent 6 $\frac{80}{100}$ square perches according to the survey and description thereof authenticated by Francis Havilder Brooke Nonis, Surveyor.

Fiscal's Office,
Kandy, November 30, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Angunawela Panditharatne Wasala Mudiyanso Kalamamillage Seolawathie Kumarihamy of Warakaula in Wattapola in Uduwera Plaintiff.
No. 43,639. Vs.

(1) Richard Dullewe of Medawalawwa in Moladanda of Yatinuwera, (2) Waduge Agiriya Fernando of Welata near Kandy Defendants.

NOTICE is hereby given that on Saturday, January 8, 1938, commencing at 2 P.M., will be sold by public auction

at respective promises the following property mortgaged with the plaintiff by bond No. 2,183 dated May 14, 1928, and attested by S. A. Wijayatilaka of Kandy, 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 August 16, 1937, for the recovery of the sum of Rs. 4,250, with interest thereon at the rate of 9 per cent. per annum from October 12, 1936, till payment in full and costs of suit and poundage, viz. :—

1. All that northern half part or share with the house standing thereon, bearing assessment No. 323 from and out of all that ground, situate at Trincomalee street, within the Town Municipality and District of Kandy, Central Province; which said Northern half part or share is bounded on the east by Trincomalee street, south by the remaining portion of the same ground on which stands the house and ground and the lane (debitcha) sold to A. D. Philip, Notary, west and north by the property of George Scharder; and containing in extent 2 91/100 square perches as per title plan No. 48,805 dated March 13, 1846, and authenticated by W. H. Simms, Surveyor-General, which said land has also been described in plan dated October 18, 1920, and made by James T. Trowell, Licensed Surveyor, as follows :—

All that and those the house and ground bearing assessment No. 323 of the extent of 1 1/2 perches, situate at Trincomalee street, Kandy, aforesaid; and bounded on the east by the reservation along Trincomalee street, south by the property bearing No. 324, west by the property bearing assessment No. 48, and north by the property bearing assessment No. 322 belonging to Mr. A. Ratwatte, which said premises are held and possessed by me (defendant) under and by virtue of deed of conveyance No. 9,057, bearing date November 1, 1920, and attested by D. A. Wickremasinghe of Kandy, Notary Public.

2. Two undivided third parts or shares of and in all that field called Kahalagodakumbura of about 3 pelas in paddy sowing extent, situate at Moladando in Gangapalata of Yatinuwera in the District of Kandy, Central Province; and bounded on the east by the liminary dam of Maligawakumbura belonging to Mecca and Dingiri Appu Galladda, south by the below the liminary dam of Daudeniya belonging to Kahatapitiya Lokam Mahatmaya, west by below the liminary dam of Dawakakumbura belonging to Kavudupallella Loku Banda Basnayake Nilame, and north by the liminary dam of Dolgahakumbura belonging to Dumbara Udurawana Nugetennogedera Keerale and Kawrale, which said premises have been held and possessed by me (defendant) under and by virtue of deed of conveyance No. 9374 bearing date November 3, 1921, and attested by the said D. A. Wickremasinghe, Notary Public, and registered in A 43/213 and B 95/176 in the Kandy Land Registry Office, and all the right, title, interest, and claim whatsoever of the 1st defendant in, to, upon, or out of the said several premises mortgaged by the 1st defendant.

Fiscal's Office,
Kandy, November 23, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province.

In the District Court of Matara:

In the matter of the intestate estate of M. J. Jarick
Umra late of Watagederamulla deceased.

No. 3,454 Testy.

Muhammadu Ismail Marikar Muhammadu Sheriff of
Watagederamulla Administrator.

NOTICE is hereby given that on Wednesday, January 11, 1938, 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 estate in the following property for the recovery of a sum of Rs. 394.60, viz. :—

1. All that the land called Kirigedeniyegoda, situated at Ketanwila in Weligama korale of Matara District, Southern Province, and bounded on the north by Praveni Kirigedeniya, east by Ketanwila Rubberwatta, south by Ketanwila Rubberwatta and Palligodakumbura, and on the west by Praveni Palleketanliyadda and Udaketanliyaddakumbura; and containing in extent 7 acres 3 rods and 28 perches.

2. All that the land called Kirigedeniyegoda, situated at Ketanwila aforesaid; and bounded on the north, east, south, and west by Kirigedeniyegoda; and containing in extent 1 acre and 6 perches.

Deputy Fiscal's Office,
Matara, November 29, 1937.

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

In the District Court of Matara.

Pallipalle Kapugamage David de Silva of Wewa
Ihalagoda Administrator.
Revatha Terunnanse of Vehlalena Temple .. Applicant.
No. 3,655 Testy. Vs.

Halihinga Leanage Anglamy of Wewa Ihalagoda
for herself and as guardian *ad litem* over 7th, 8th, and
9th respondents Respondents.

NOTICE is hereby given that on Wednesday, January 12, 1938, 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 respondents and administrator in the following property for the recovery of a sum of Rs. 500, viz. :—

1. All that undivided 3/4 shares of the divided lot marked No. 3 of the land called Etiyandenyewatta, situated at Wewa Ihalagoda within the Four Gravets of Matara, Matara District, Southern Province; and bounded on the north by Gansabhawa road, east by lots Nos. 5, 6, 7, 8, 9, 10, and 11 of the same land, south by Ihalactiyandenyekumbura *alias* Bibuleliyadda, and on the west by Godakadurugahawatta; and containing in extent 1 acre 1 rood and 17.689 perches, together with an undivided 3/4 shares of all the buildings standing thereon. Registered A 101/266.

2. All that divided and separated portion marked figure No. 1 of the land called Koradamaniyagahawatta, situated at Wewa Ihalagoda aforesaid; and bounded on the north by Etambahenewatta *alias* Ihalapelawatta, east by lot No. 3 of same land, south by Polambehena, and on the west by Uruwalahena *alias* Uruwalawatta; and containing in extent 3 roods and 17.3 perches. Registered A 66/379.

Deputy Fiscal's Office,

Matara, November 29, 1937.

H. V. F. ABAYAKOON,

Additional Deputy Fiscal.

In the District Court of Matara.

Dickwelle Vidanego Deonis de Silva Abeygunawardene
of Pamburana Substituted plaintiff.
No. 4,187. Vs.

(4) The Secretary of the District Court of Matara.

Official Administrator of the estate of the deceased.

Jayaweera Muhandirange Don Carolis, ex Registrar

of Pamburana, 1st defendant Defendant.

NOTICE is hereby given that on the following days and hours specified below, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of a sum of Rs. 3,227.50, with legal interest thereon from August 18, 1937, till payment in full, viz. :—

On Wednesday, January 5, 1938, at 11 A.M.

1. All those undivided 7/24 parts of the soil and of the paraveni fruit trees of the portion of Narodewatta, situated at Walgama in the Four Gravets of Matara in the Matara District, Southern Province, which said portion consists of several enclosures, viz. :—Gorokgahawatta *alias* Koratuwa also called Lunuwilage Kristobu Kapasadukubella, Dewandaragoratuwa, Hewa Gajamango Jakoris Padinchikoratuwa and Lokalunuwilage Don Diyas Padinchiwatta adjoining one another; bounded on the north by Kurunduwatta, east by Bakingahakoratuwa, Kohombagahawatta, Mahawole Dekenpangukebolla and Mahawole Dinesowewkoratuwa, south by Dewandaragawatta, Viyangodagawatta, and Arachchigowattudeka, and west by Attikkagahawatta or Huniyan Pokuna, Luwiniso Lokulawawapukoratuwa *alias* Karopadinchiwatta otherwise called Bakigahawatta; and containing in extent 12 acres 2 rods and 22 perches, together with an undivided 1/4 part of the planter's 1/4 share of the fruit trees of the 2nd plantation thereon, the planter's 1/4 share of the 12 coconut trees planted by Hewa Lunuwilage Charlesappu and standing thereon, the planter's 1/4 share of the fruit trees planted by Hewa Lunuwilage Balahamy in Hewa Lunuwilage Danoris Wewkoratuwa thereof, the planter's 1/4 share of 64 coconut trees and of one breadfruit tree of the 2nd plantation in Hewa Lunuwilage Diyonis padinchikoratuwa thereof, the planter's 1/4 share of the fruit trees of the 2nd plantation made by Hewa Lunuwilage Darlis in Dowundara Liyanage Davithappupadinchikebolla thereof, the planter's 1/4 share of 11 coconut trees of the 2nd plantation in Hewa Lunuwilage Babeappuwewkoratuwa thereof and the planter's 1/4 share of the fruit trees of the 1st plantation in Hewa Lunuwilage Poddappu *alias* Don Aberan wewkoratuwa thereof.

2. An undivided 1/4 part of the soil and of the fruit trees save and except the planter's 1/4 share of the fruit trees of the 2nd plantation of the combined land comprising the

following portions of Narodewatta, viz.:—Hooniyan Poku-nawatta *alias* Attikkagahawatta, Welagederawatta, Badullagahakoratuwa, situated at Walgama aforesaid; and bounded on the north by Kurunduwatta, east by Gorakagahawatta *alias* Koratuwam, south by Luvinise Lokuralawawapukoratuwa *alias* Karopadinchiwatta and Lokulunuwilago Don Diyas Padinchiwatta, and west by Ganinnanseppittaniya and a portion of Padagalawewatta; and containing in extent 5 acres 1 rood and 28½ perches.

3. An undivided 1/12 part of the soil and of the paraveni fruit trees of the combined land comprising the following portions of Narodewatta, viz.:—Bakmighahakoratuwa, Kuttigowatta *alias* Malgorakagahakoratuwa, Kuttigegederawatta *alias* Kolombagahawatta, Mahawele Deken-pangukabella and Mahawele Dinsewewkoratuwa and an undivided ½ part of the planter's ½ share of the fruit trees of the 1st and 2nd plantations of the said Mahawele Dinsewewkoratuwa, which said combined land is situated at Walgama aforesaid; and bounded on the north by Kurunduwatta, east by Sudugalahena, Kajiagahawatta, Mahawela and Haruwe Padinchiwatta, south by Hadullakanatta *alias* Badullagahahena, and west by Gorakagahawatta *alias* koratuwa; and containing in extent 1 acre 2 roods and 31½ perches.

On Wednesday, January 5, 1938, at 3 P.M.

4. An undivided 1/4 part of the field called Kiralagahakumbura, situated at Bateegama in the Wellaboda pattu of Matara District aforesaid; and bounded on the north by Pingahawatta, Kulugahakoratuwa, and Achariyehena or Mahahena, east by Kandiya, south by Kalapuwa, and on the west by Muttettuwa, Pitamulana; and containing in extent 3 pelas and 6 kurunies of paddy sowing.

5. An undivided 1/4 part of the field called Kadakuttigekumbura, situated at Bateegama aforesaid; and bounded on the north by Godapittaniya, and Itapathaliyadda, east by Waladanpaluwa, south by Heen-ela and on the west by Nikekumbura; and containing in extent 16 kurunies of paddy sowing.

6. An undivided 1/4 part of the field called Midigahakumbura, situated at Bateegama aforesaid; and bounded on the north by Polkoratuwa, Kohuliyaddakoratuwa, and Kattadigewatta, east by Keranketiyevala and Muttettuwa, south by Widepela, and on the west by Kondekohuliyaddakoratuwa and Thembiligahakoratuwa; and containing in extent 1 amunam of paddy sowing.

7. An undivided 1/4 part of the field called Siyambalagasatharedeniya, situated at Bateegama aforesaid; and bounded on the north by Wewadeniya, east by Athmaga, south by Kalapuwa, and on the west by Athmaga; and containing in extent 2 pelas of paddy sowing.

8. An undivided 1/4 part of the field called Kadurugahamulana and Duwa, situated at Babarenda in Wellaboda pattu aforesaid; and bounded on the north by Kalubalageririkonda and ela, east by Walawwemulana, south by high road, and on the west by high road and Weraduwaettaue Irikonda; and containing in extent 6 pelas of paddy sowing.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, November 27, 1937. Additional Deputy Fiscal.

In the District Court of Matara.

(1) Cosma Fonsekage Leelawathie Fonseka of Kotuwegoda, and others Plaintiffs.

No. 8,594.

Vs.

(1) Wellala Hettige Kawenihamy of Kotuwegoda and others Defendants.

NOTICE is hereby given that on Friday, January 7, 1938, commencing at 2.30 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st to 3rd and 7th to 9th defendants in the following property for the recovery of a sum of Rs. 688-68, less Rs. 60, viz.:—

1. *Property of 1st to 3rd Defendants.*—All that divided and separated lot B of the land called Manamala Sayakkara Jambise Padinchiwasitiyawatta, situated at Kotuwegoda, within the Urban District Council limits of Matara, Matara District, Southern Province; and bounded on the north by remaining half portion of the same land, east by lot A of the same land, south by lot C of the same land, and on the west by Panaduragewatta; and containing in extent 8-7 perches.

2. *Property of 7th defendant (heir of 6th defendant).*—All that divided and separated lot E of the land called Manamala Sayakkara Jambise Padinchiwasitiyawatta, situated at Kotuwegoda aforesaid; and bounded on the north by road (7 feet leading to lot D of the same land), east by

Olokkupara, south by Manpaluwewatta, and on the west by lot D of the same land; and containing in extent 8-7 perches.

3. *Property of 8th Defendant.*—All that divided and separated lot C of the land called Manamala Sayakkara Jambise Padinchiwasitiyawatta, situated at Kotuwegoda aforesaid; and bounded on the north by lot B of the same land, east by road of 7 feet leading to lot D of the same land, south by lot D of the same land, and on the west by Panaduragewatta; and containing in extent 4-35 perches.

4. *Property of 9th Defendant.*—All that divided and separated lot D of the land called Manamala Sayakkara Jambise Padinchiwasitiyawatta, situated at Kotuwegoda aforesaid; and bounded on the north by lot C of the same land, east by lot E of the same land, south by Manpaluwewatta, and on the west by Panaduregewatta; and containing in extent 4-35 perches.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, November 27, 1937. Additional Deputy Fiscal.

In the District Court of Tangalla.

Diogubadaturuge Appu *alias* Appusimmo of Kataluwa Plaintiff.

No. 2,634.

Vs.

(1) Hewamalage Karonis of Nalagama, and others Defendants.

(1) Don Samel Wickramaratna of Nalagama, and others Added defendants.

NOTICE is hereby given that on Saturday, January 15, 1938, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff and 1st added defendant in the following property for the recovery of Rs. 165-90, and poundage, viz.:—

At Nalagama.

An undivided 1/4 part of the contiguous fields, Timbola in extent 6 amunams of paddy sowing, Mulana in extent 1 amunam of paddy sowing, situated at Nalagama in West Giruwa pattu of the Hambantota District; and bounded on the north by the residing land of Don Samel Wickramaratna, ex Vidana Arachchi, Siyambalagahawatta, Odekoratuwa *alias* watta and limit ridge of Godanuge, east by Ganewalawatta and hedge of Ganewalamulana, south by Malhewamulana and limit ridge of Malhewa, and west by Kirama-ela; containing in extent 7 amunams of paddy sowing.

Deputy Fiscal's Office, P. D. WEERAMAN,
Tangalla, November 25, 1937. Additional Deputy Fiscal.

In the District Court of Tangalla.

Julius Mahanama of Hangamuwa Plaintiff.

No. 3,475.

Vs.

Lorence Dias Seneviratna of Hangamuwa Defendant.

NOTICE is hereby given that on Saturday, January 8, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 1257-18, with further legal interest on Rs. 897-01 from October 11, 1937, till payment in full and poundage, viz.:—

At Hangamuwa.

(1) All that soil and plantations of the land called Amarasekeragewatta, in extent about 6 kurunies of kurakkan sowing, situated at Hangamuwa in West Giruwa pattu of Hambantota District; and bounded on the north by Rukattanagahahena and Boralukeyehena, east by Kota-ambekoratuwa and Amuhena, south by Kapukoratuwa, and west by Mahahena.

(2) All that land and everything belonging thereto of the land called Amunehena, in extent 2 acres 1 rood and 8 perches, situated at Hangamuwa; and bounded on the north by T. P. 306,866, east by lot 19 and T. P. 301,181, south and west by Kirama-oya.

(3) All that soil and plantations of the land called Kongahahena, in extent 1 acre 2 roods and 2 perches, situated at Hangamuwa; and bounded on the north by T. P. 197,506, east by lot 19 in P. P. 281, south by lots 19 and 24A1 in P. P. 281, and west by Kirama-oya.

Deputy Fiscal's Office, P. D. WEERAMAN,
Tangalla, November 25, 1937. Additional Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Ramu Eliyathamby of Karanavai North Plaintiff.
No. 125/P. Vs.

(1) Vallipuram Chellappah of Karanavai South, (2) Valliammai, daughter of Sithamparanather of ditto Defendants.

NOTICE is hereby given that on Wednesday, January 12, 1938, at 2 o'clock in the afternoon, will be sold by public auction at the spots the right, title, and interest of the said 2nd defendant in the following property for the recovery of Rs. 75, with interest thereon at 9 per cent. per annum from May 29, 1937, till payment in full and poundage and charges, viz. :-

1. An undivided $\frac{3}{4}$ share of a piece of land situated at Veerapathirayankurichchy in Karanavai, Udupidy parish, Vadamaradchy division of the Jaffna District, Northern Province, called Odai in extent 15 $\frac{1}{2}$ lachams varagu culture, ditto house 1 ditto 1 $\frac{1}{2}$ lachams varagu culture; and bounded on the east by the under-mentioned 2nd land, north by Suppar Kanapathipillai and others, west by Parupathy, wife of Swaminather, and the property belonging to others, and south by lane.

2. An undivided $\frac{1}{4}$ share of a piece of land with 1/16th share of the well lying on the eastern boundary, situated at ditto called Salarnpan, in extent 45 lachams varagu culture; and bounded on the east by Parupathy, wife of Thambiah, and the property belonging to others, north and south by lane, and west by the above-mentioned 1st land and the property belonging to others.

3. An undivided $\frac{1}{4}$ share of a piece of land situated at ditto called Ramanthavalai, in extent 60 lachams varagu culture; and bounded on the east by Sinnathamby Mappanar and others, north by Vaitthy Piranchipillai and others, west by Suppar Velupillai and pond, and south by Velar Kanapathipillai and others.

4. A piece of land situated at ditto called Velankirai, in extent 22 $\frac{3}{4}$ lachams p. c.; and bounded on the east and south by Saviripillai Bastiampillai and others, north by Neekilapillai and Anthonipillai and others, west by foot-path, dam, and Karuval Aiyah and others.

These lands are said to be under mortgage.

Fiscal's Office, S. TURAIYAPPAH,
Jaffna, November 29, 1937. for Fiscal.

In the Court of Requests of Jaffna.

Visaladachy, widow of Eliyathamby of Vannarponnai East Plaintiff.
No. 4,430/A. Vs.

Kanapathiyar Thampu Pakkialledhumy, daughter of K. Thampu (dead), by her guardian *ad litem* Achchimuttu, widow of K. Thampu of Vannarponnai West Defendant.

NOTICE is hereby given that on Monday, January 10, 1938, at 11.30 in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said late K. Thampu in the following property for the recovery of Rs. 300, with interest at 12 per cent. per annum from August 21, 1936, till payment in full and costs Rs. 51 and poundage and charges, viz. :-

An undivided 3 7/10 share with its appurtenances of a piece of land situated at Vannarponnai West in Vannarponnai parish, Jaffna division of the Jaffna District, Northern Province, called Palluvilithoddam in extent 5 $\frac{1}{2}$ lachams varagu culture, with house, well, cultivated and spontaneous plants; and bounded on the east by Kanakaswary, wife of Samuel Sabapathy, north by Sangarapillai Kanagasabai, west by Gnanakan, wife of Kandiah, and south by road.

Fiscal's Office, S. TURAIYAPPAH,
Jaffna, November 29, 1937. for Fiscal.

In the District Court of Jaffna.

(1) Seeta Sabaratnam and (2) Vijaiya Sabaratnam, both of Jaffna town, minor appearing by their next friend, Mariampillai Sebastianpillai of Jaffna .. Plaintiff.
No. 11,187. Vs.

Sinnathamby Suppar of Vannarponnai East .. Defendant.

NOTICE is hereby given that on Monday, January 10, 1938, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,093.75, with further interest on Rs. 1,000 at 12 per

cent. per annum from February 1, 1937, till payment in full and costs Rs. 189.75 and poundage and charges, viz. :-

A piece of land situated at Vannarponnai East in Vannarponnai parish, Jaffna division of the Jaffna District, Northern Province, called Ilaiyaperumalvalavu, Anchuvarithoddam, and Periyavalavu, in extent 2 lachams varagu culture, with house, well, cultivated and spontaneous plants; and bounded on the east by Selliah Thiyakarasa and wife, Nagammah, and the property belonging to others, north by the property belonging to the Saivaparipalana Sabai Press, west by road, and south by Kanagaretnam Sivagnanaretnam.

Fiscal's Office, S. TURAIYAPPAH,
Jaffna, November 29, 1937. for Fiscal.

In the Court of Requests of Point Pedro.

V. Kandiah of Puloly East Plaintiff.
No. 26,593. Vs.

Sivapattai, daughter of Sangarapillai of Point Pedro, Suppar Vadivelu of Point Pedro, and 3 others of ditto Defendants.

NOTICE is hereby given that on Wednesday, January 12, 1938, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said 1st, 3rd, and 4th defendants in the following property for the recovery of Rs. 150.50, with interest thereon at 9 per cent. per annum from August 19, 1933, till payment in full and costs Rs. 22.33, and poundage and charges, viz. :-

A piece of land with its appurtenances situated at Singhapahuthayankurichchy in Point Pedro, Point Pedro parish, Vadamaradchy division of the Jaffna District, Northern Province, called Moothakkanakanvalavu, in extent 5 $\frac{3}{4}$ lachams varagu culture; of this 1 lacham varagu culture and 13 kulies with palmyras, coconut trees, stone-built house, huts, and well, on the eastern side of the road passing through an extent of 4 $\frac{1}{2}$ lachams varagu culture by right of possession on the southern half share is bounded on the east by Murugesar Kumaraswamy and others, north by Mailvaganam Kandappu and others, west by road, and south by lane.

This land is said to be under mortgage.

Fiscal's Office, M. SELVADURAI,
Jaffna, November 29, 1937. for Fiscal.

Province of Uva.

In the District Court of Badulla.

V. Somasunderam of Badulla Plaintiff.
No. 6,269. Vs.

Wedamulle Madinage Samuel Silva of Lower street, Badulla Defendant.

NOTICE is hereby given that on Wednesday, January 5, 1938, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 382.47, with interest thereon at 9 per cent. per annum from May 22, 1933, till payment in full and costs of suit Rs. 103.92 (less Rs. 275), viz. :-

The residue period of the leasehold rights, title, and interest of all that land called Weegiriyewatta, containing in extent 45 feet in length and 32 feet in breadth, situated at Viharagada in the town and District of Badulla of the Province of Uva; and bounded on the north by the house belonging to Sinnathamby, east by main road, south by Mr. Awin's house, and west by the land belonging to Ley Nona, together with the houses standing thereon bearing assessment Nos. 811, 812, and 813 created by lease bond No. 14,671 dated September 13, 1927, and attested by Mr. A. T. S. Seneviratna, Notary Public, for a period of 10 years commencing from January 27, 1928, and thereafter at the expiration of the above period the leasehold rights, title, and interest of the aforesaid property created by lease bond No. 4,473 dated February 19, 1930, by Mr. G. C. Rambukpota, Notary Public, for a further period of 10 years commencing from January 27, 1938.

Fiscal's Office, T. J. MENDIS,
Badulla, November 25, 1937. for Fiscal.

I, Wilfrid Ernest Hobday, Fiscal for the Western Province, do hereby appoint Mr. D. W. Jayakody to be Marshal for the division comprising Gampaha peruwa of Ragam pattu in Alutkuru korale south, the Meda pattu of Siyane korale west, the Udugahapattu of Siyane korale east, the following peruwās, viz:—Radawana, Keragala, Dompe, and Welgama of Gangaboda pattu of Siyane korale east, and the Hapitigam korale, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, from December 2 to 4, 1937, for which this shall be his warrant.

This 24th day of November, 1937.

Fiscal's Office,
Colombo, November 25, 1937.

W. E. HOBDAY,
Fiscal.

I, Arthur Eric Christoffelsz, Fiscal for the North-Western Province, do hereby appoint Mr. S. M. Marikkar to be Marshal for November 30, 1937, for the divisions of Dambadeni Uducaha north and west and Mairawathi korales of Dambadeni hatpattu, Giratalana, Baladora and Angomu korales of Dewameddi hatpattu, Karandapattu, Meddeketiya, Yaticaha, Yagampattu, Kinyiyama, Katugampola, Medapattu east and west, Katugampola north and south, and Pitigal korales of Katugampola hatpattu in the District of Kurunegala, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Kurunegala, this 20th day of November, 1937.

A. E. CHRISTOFFELSZ,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

No. 7,849. In the Matter of the Last Will and Testament of Jalathge Haramanis Appuhamy of Madampe in Munwattelage pattu of Raigam korale in the District of Kalutara, deceased.

Gorokgodage Don Aron Pematilake of Weligampitiya in Kumbuke pattu of Raigam korale, Kalutara District Petitioner.

(1) Gorokgodage Ango Nona, widow of the said deceased (2) Jalathge Jihadasa, (3) Jalathge Sirisena, (4) Jalathge Cunnawathie, (5) Jalathge Kularatne, (6) Jalathge Lalinawathie, (7) Jalathge Punmyawathie, (8) Jalathge Somalatha, all of Madampe aforesaid Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 10, 1936, in the presence of Mr. Victor A. P. Nanayakkara, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated November 22, 1936, and (2) of the attesting Notary dated December 9, 1936, having been read:

It is ordered (a) that the 1st respondent be and she is hereby appointed guardian *ad litem* of the minors, the 2nd to 8th respondents above named, to represent them for all the purposes of this action, and (b) that the last will of Jalathge Haramanis Appuhamy, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before February 18, 1937, show sufficient cause to the satisfaction of this court to the contrary.

December 10, 1936.

M. W. H. DE SILVA,
District Judge.

The date for showing cause is extended to October 14, 1937.

September 13, 1937.

M. W. H. DE SILVA,
District Judge.

The date for showing cause extended to December 9, 1937.

October 14, 1937.

M. W. H. DE SILVA,
District Judge.

B 6

In the District Court of Colombo:

36 *Order Nisi.*
Testamentary In the Matter of the Intestate Estate of Jurisdiction Flora Ethel Dias Bandaranayake of No. 8,093. Yakala in the District of Colombo, deceased.

Reginald Edward Dias Bandaranayake, Yakala. Petitioner.

Rs 16. And 29
(1) Edward Reginald Dias Bandaranayake, (2) Flora Leelawathi Dias Bandaranayake, (3) Ethel Rupawathi Dias Bandaranayake, (4) Indrani Nelly Ethel Dias Bandaranayake, minor, appearing by her guardian *ad litem* (5) Benjamin J. Thiedeman of Station Road, Wellawatta, in Colombo Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on August 2, 1937, in the presence of Mr. S. Ratnaswamy, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 30, 1937, having been read:

It is ordered (a) that the 5th respondent be and he is hereby appointed guardian *ad litem* of the minor, the 4th respondent above named, to represent her for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as widower of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 30, 1937, show sufficient cause to the court to the contrary.

August 2, 1937.

M. W. H. DE SILVA,
District Judge.

The date for showing cause is extended to December 9, 1937.

November 18, 1937.

M. W. H. DE SILVA,
District Judge.

In the District Court of Colombo.

Order Nisi.

41
Testamentary. In the Matter of the Last Will and Testament of Maua Kuna Ahamado Hassan, son of Mahudu Yoo-soof, merchant of Comar street, Kayalpatnam in South India, deceased.

(1) Thomas Vedanayagam Edwards of 15, Baillie street, Colombo, (2) Segan Mohideen Malingu Mohideen of 30, Third Cross street, Colombo Petitioners.

(1) Mahathoon Alauddeen, (2) Jainabu Rahumathu Beebee, (3) Mahathu Beebee, (4) Mahathu Yoo-soof Unma, (5) Alima Umma, (6) Ossen Pathumma, all of Comar street, Kayalpatnam in South India, and (7) Mohamed Mahu of Pettah, Colombo Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 3, 1937, in the presence of Mr. C. Sevaprakasam, Proctor, on the part of the petitioners above named; and the affidavits (1) of the said petitioners dated October 14, 1937, and (2) of one of the attesting witnesses also dated October 14, 1937, and the order of the Supreme Court dated October 13, 1937, having been read:

It is ordered that the last will of Maua Kuna Ahamado Hassan, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioners are the executors named in the said will, and that they are entitled to have probate thereof issued to them accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 9, 1937, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the 7th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, 4th, 5th, and 6th respondents above named, to represent them for all the purposes of this action.

November 3, 1937.

M. W. H. DE SILVA,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Polwatte Liyanadurage Carolis Fernando of Ratmalana, deceased.

(1) Polwatte Liyanadurage Simonis Fernando, (2) Hewadawage Lissie Fernando of Ratmalana. Petitioners.

And

(1) Polwatte Liyanadurage Roslin Fernando, (2) ditto Sopo Fernando, (3) ditto Leonon Fernando, all of Ratmalana. Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 13, 1937, in the presence of Messrs. Arunachalam & Karunaratne, Proctors, on the part of the petitioner above named; and the affidavits (1) of the said petitioners dated September 23, 1937, and (2) of the attesting Notary and one of the attesting witnesses dated October 20, 1937, having been read:

It is ordered that the last will of Polwatte Liyanadurage Carolis Fernando, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioners are the executors named in the said will, and that they are entitled to have probate thereof issued to them accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 9, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. W. H. DE SILVA, District Judge.

November 13, 1937.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Hettiaratchige Missie Pinto Jayawardene No. 8,245. Heir of Ratmalana North in the Pallo pattu of Salpiti korale, deceased.

Hettiaratchige Alfred Pinto Jayawardene of 307, Hena road, Ratmalana North aforesaid. Petitioner.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 16, 1937, in the presence of Mr. C. R. de Alwis, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 12, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as brother of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before December 16, 1937, show sufficient cause to the satisfaction of the court to the contrary.

M. W. H. DE SILVA, District Judge.

November 16, 1937.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Jayawardena Jayasuriya Matilda Fernando of Ragama (deceased).

J. J. Cletus Fernando of 165, Modera street Mutwal. Petitioner.

(1) J. J. Alfred Fernando of 193, Modera street, Mutwal, (2) J. J. Agnes Fernando of Ratmalana, (3) J. J. Norbert Fernando, (4) J. J. Mary Bridget Fernando, (5) J. J. Mary Adeline Fernando, (6) J. J. Hendrick Fernando of Mutwal; the 3rd, 4th, and 5th respondents, by their guardian ad litem the 6th respondent above named. Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 11, 1937, in the presence of Mr. W. M. J. Fernando, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated November 9, 1937, and (2) of the attesting witnesses dated September 7, 1937, having been read. It is ordered that the last will of Jayawardena Jayasuriya Matilda Fernando, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before December

9, 1937, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the 6th respondent be and he is hereby appointed guardian ad litem of the minors, the 3rd, 4th, and 5th respondents above-named, to represent them for all the purposes of this action.

M. W. H. DE SILVA, District Judge.

November 11, 1937.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of William Carmichael of 4, Cross-hill road, Blackburn, in the County of Lancaster, England, deceased.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 17, 1937, in the presence of Don John Boniface Gomes of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated November 15, 1937, a certified copy of probate of the last will and testament of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated November 10, 1937, having been read: It is ordered that the will of the said deceased dated December 17, 1926, of which a certified copy of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the sole executrix named in the said will, and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before December 9, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. W. H. DE SILVA, District Judge.

November 17, 1937.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Lucy Cain of 21, Greenfield road, Pullox-hill near Linton in the County of Bedford, England; Spinster, deceased.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 17, 1937, in the presence of Don John Boniface Gomes of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated November 15, 1937, a certified copy of letters of administration to the intestate estate of the above-named deceased, power of attorney in favour of the petitioner and Supreme Court's order dated November 10, 1937, having been read: It is ordered and declared that the said petitioner is the attorney of May Bambridge, the English administratrix and one of the heirs and next of kin of the said deceased, and that he is entitled to have letters of administration to the intestate estate of the said deceased issued to him accordingly, unless any person or persons interested shall, on or before December 9, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. W. H. DE SILVA, District Judge.

November 17, 1937.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Cornelius Frederick Karunaratne of No. 8,256, Udawatta Godapitiya in Akuressa, deceased.

Jama Baptist Karunaratne of Villa Florina, Templar's road, Mount Lavinia in the Pallo pattu of Salpiti korale. Petitioner.

And

(1) Emily Alexandrina Karunaratne nee Sepala Dassanaike, (2) Catherine Mercy Karunaratne, (3) Beatrice Madeline Karunaratne, (4) Percy Nelson Karunaratne, all of Udawatta Godapitiya in Akuressa. Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 18, 1937, in the presence of Mr. C. R. de Alwis, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 16, 1937, 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 December 16, 1937, show sufficient cause to the satisfaction of the court to the contrary.

M. W. H. DE SILVA,
District Judge.
November 18, 1937.

In the District Court of Colombo.

Order Nisi.

29
Testamentary In the Matter of the Last Will and Testament and Codicil of Edith Charlotte Woodroffe, late of Eversley Killiney in the County of Dublin, widow, deceased.
Jurisdiction. No. 8,260.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on November 22, 1937, in the presence of Don John Rufino Gomes of Colombo, Proctor, on the part of the petitioner, Geoffrey Thomas Hale of Colombo; and the affidavit of the said petitioner dated November 19, 1937, a certified copy of probate of the will and codicil of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated November 11, 1936, having been read: It is ordered that the will of the said deceased (dated November 8, 1933, and a codicil thereto dated November 11, 1936, of which a certified copy of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of one of the executors named in the said will and that he is entitled to have letters of administration with a copy of the said will and codicil annexed issued to him accordingly, unless any person or persons interested shall on or before December 9, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. W. H. DE SILVA,
District Judge.
November 22, 1937.

In the District Court of Colombo.

Order Absolute in the First Instance.

25
Testamentary In the Matter of the Last Will and Testament of the late Dr. J. W. E. Mendis of No. 8,264. 99, Circular road, Moratuwa, in the Island of Ceylon, deceased.

THIS matter coming on for final determination before M. W. H. de Silva, Esq., District Judge, Colombo, on November 5, 1937, in the presence of Messrs. De Silva & Mendis Proctors, on the part of the petitioner, Alfred Henry Walter Mendis Jayawardane of 99, Circular road, Moratuwa, and the affidavit of the said petitioner dated October 2, 1937, and of the attesting Notary dated November 4, 1937, having been read:

And it appearing to this court that the said petitioner has established his right thereto, it is ordered that probate of the will of the said deceased be issued to Alfred Henry Walter Mendis Jayawardane of 99, Circular road, Moratuwa, aforesaid, accordingly.

M. W. H. DE SILVA,
District Judge.

In the District Court of Kandy.

26
Testamentary In the Matter of the Estate of the late Justin Edward Daniel Dias Wanigasekera, deceased, of Kandy.
Jurisdiction. No. 2.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on November 16, 1937, in the presence of Messrs. Jonklaas & Wambeek, Proctors, on the part of the petitioner, Ada Olivia Theadora Dias Wanigasekera of Baret road, Colombo; and the affidavit of the said petitioner dated October 13, 1937, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the sister of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents:—(1) Henry William Emanuel Dias Wanigasekera, (2) Lilian Whelhelmina Dorothea Dias Wanigasekera, (3) Louisa Catherina Faith Dias Wanigasekera, now Mrs. E. S. Perera, (4) Edith Clotilda Pearl Dias Wanigasekera, (5) Ariel Christopher Elmer Dias Wanigasekera, (6) Eugene Andrew Decimus Dias Wanigasekera, and (7) Albert Edward Gerald Dias Wanigasekera—or any other person or persons interested shall, on or before December 20, 1937, show sufficient cause to the satisfaction of this court to the contrary.

November 16, 1937.

R. F. DIAS,
District Judge.

In the District Court of Kandy.

Order Nisi.

29
Testamentary In the Matter of the Estate of late Dewpura Jurisdiction. Acharige Henry de Silva, deceased, of No. 5,530. Lady MacCarthy road, Kandy.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on October 20, 1937, in the presence of Mr. Alfred Fernando, Proctor, on the part of the petitioner, Mrs. D. A. H. de Silva nee Modara Acharige Podduna Jayawathie; and the affidavit of the said petitioner dated October 10, 1937, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents—(1) Dewpura Acharige Chandrawathie de Silva, (2) Dewpura Acharige Kusawathie de Silva, (3) Dewpura Acharige Jayawathie de Silva, (4) Dewpura Acharige Nandawathie de Silva, (5) Dewpura Acharige Sriyalatha de Silva, and (6) Dewpura Acharige William Singho—the first to fifth by their guardian *ad litem* the 6th respondent or any other person or persons interested shall, on or before November 22, 1937, show sufficient cause to the satisfaction of this court to the contrary.

October 20, 1937. R. F. DIAS,
District Judge.

Date for showing cause against this Order Nisi is extended to December 20, 1937.

November 22, 1937. R. F. DIAS,
District Judge.

In the District Court of Kandy.

Order Nisi.

22
Testamentary In the Matter of the Estate of the late Jurisdiction. Assen Lebhe Abdul Rahim, deceased, of No. 5,532. Kandy.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on November 15, 1937, in the presence of Messrs. Beven & Beven, Proctors, on the part of the petitioner; and the affidavit of the said petitioner dated October 1, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration of the estate of the deceased issued to her, unless the respondents—(1) Abdul Rahim's daughter, Sithy Hafeela, (2) Abdul Rahim's son, Mohamed Sakkaaf, and (3) Mohamed Mohamed Sams Deane, all of 218, Trincomalee street, Kandy—or any other person or persons interested shall, on or before December 20, 1937, show sufficient cause to the satisfaction of this court to the contrary.

November 15, 1937. R. F. DIAS,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Dona Jurisdiction. Gimarah Jayasekera of Baddegama, deceased. No. 7,772.

41
Francis Wickramasinghe Jayasekera of Weihene estate, Baddegama Petitioner.

And
(1) Mrs. Helena Jayasekera, (2) Saliyasa Wickramasinghe Jayasekera, (3) William Wickramasinghe Jayasekera, (4) Susana Wickramasinghe Jayasekera, (5) Sasanapala Ananda Wickramasinghe Jayasekera, all of Baddegama; 2nd to 5th respondents, by the guardian *ad litem* the 1st respondent. Respondents.

THIS action coming on for disposal before N. M. Bharucha, Esq., District Judge of Galle, on October 26, 1937, in the presence of Messrs. Adhihetty & Abeyesundere, Proctors, on the part of the petitioner above named; and the affidavits of the said petitioner and attesting witnesses dated June 2, 1937, having been read and the evidence of the attesting Notary taken:

It is ordered that the 1st respondent be and she is hereby appointed guardian *ad litem* of the 2nd to 5th minor respondents, unless the said respondents or any person or persons interested shall, on or before November 16, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is entitled to have letters of administration to the estate of the said deceased issued to him accordingly with will annexed, unless the said respondents or any person or persons interested shall, on or before November 16, 1937, show sufficient cause to the satisfaction of this court, to the contrary.

N. M. BHARUCHA,
District Judge.

Date for showing cause has been extended and reissued for December 7, 1937.

November 16, 1937.

N. M. BHARUCHA,
District Judge.

In the District Court of Galle.

34

Order Nisi.

Testamentary In the Matter of the Estate of the late Willisford Abraham Bulner of Hikkaduwa, deceased.
No. 7,793.

- Between
- (1) Royden Willisford Bulner of Hikkaduwa, (2) Mervyn Keyt of H. M. S. Customs, Colombo Petitioners.
- (1) Mildred Agnes Bulner *nee* Jansze, (2) Enid Mildred Claudia Bulner, (3) Esmé Gertrude de Hoet *nec* Bulner, (4) Muriel Bridget Keyt *nec* Bulner, (5) Walwin Hildrove Bulner, (6) Pansy Blance Bulner, (7) Clement Patrick Bulner, (8) Swindurn Reginald Bulner, all of Hikkaduwa, (9) Collin Budd Bulner of C. G. R., Galle Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, on November 2, 1937, in the presence of Mr. H. de S. Kularatne, Proctor, on the part of the petitioner above named; and the affidavits of the said petitioners and attesting Notary and witnesses dated November 2, 1937, having been read:

It is ordered that the said 1st respondent be and she is hereby appointed guardian *ad litem* over the 7th minor respondent, unless the said respondents or any person or persons interested shall, on or before December 7, 1937, show sufficient cause to the satisfaction of this court.

It is further declared that the said petitioners are the executors named in the said will, and that they are entitled to have probate of the same issued to them accordingly, unless the said respondents or any person or persons interested shall, on or before December 7, 1937, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,
District Judge.

35

In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late Jurisdiction. Vairavy Vannithamby of Tellippalai No. 503. West, deceased.

Theivanaippillai, widow of Vannithamby of Tellippalai West Petitioner.

Rs. 16. 29 Vs.

- (1) Vannithamby Kanapathippillai, (2) Kathirasippillai, daughter of Vannithamby, (3) Vannithamby Thambipillai, (4) Sivanappillai, daughter of Vannithamby, (5) Vairavy Kandiah, all of Tellippalai West Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on September 28, 1937, in the presence of Mr. T. Kumaraswamy, Proctor, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named 5th respondent be appointed guardian *ad litem* over the above-named 1st to 4th respondents for the purpose of representing them and acting on their behalf in this case and that the above-named petitioner be declared entitled to letters of administration to the estate of the above-named deceased, and that letters be issued to her accordingly, unless the above-named respondents or any other person shall, on or before October 20, 1937, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

October 11, 1937.

Extended for November 19, 1937.

Extended for January 7, 1938.

C. COOMARASWAMY,
District Judge.

C. COOMARASWAMY,
District Judge.

C. COOMARASWAMY,
District Judge.