



THE

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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 better provision for Education and to revise and consolidate the law relating thereto

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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 Education Ordinance, No. of 1938, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette :

Short title and date of operation.

Provided that different dates may be appointed for different parts of this Ordinance.

PART I.

CENTRAL AUTHORITY.

2 (1) The Government Department styled the Department of Education and created under the provisions of the Education Ordinance, No. 1 of 1920, the Head whereof is called the Director of Education, shall continue to function under the provisions of this Ordinance, notwithstanding the repeal of the Education Ordinance, No. 1 of 1920, and shall be charged with the duty of administering all matters relating to education in Ceylon under the direction and control of the Executive Committee.

Department of Education.

(2) In all matters in which the Director is vested, by this Ordinance or the rules made thereunder, with discretionary power, it shall be lawful for the Executive Committee, on appeal or otherwise to revise, alter, or amend any order or decision of the Director; and it shall be the duty of the Director to give effect to the decision of the Executive Committee in such matters; and such decision of the Executive Committee shall be binding on all parties.

3 (1) The officers of the Department shall consist of the Director of Education and such other officers as may be necessary to carry into effect the provisions of this Ordinance.

Officers of the Department.

(2) It shall be the duty of the Director and the other officers of the Department to carry out the provisions of this Ordinance and the rules prescribed thereunder, and the Director shall be responsible for the carrying out of such provisions.

4 Such moneys as may from time to time be voted and granted by the State Council for the purposes of this Ordinance shall be allocated and paid by the Director, subject to the provisions of this Ordinance and the rules made thereunder.

Application of money at the disposal of the Department.

PART II.

ADVISORY BODY AND COMMITTEES, CENTRAL AND LOCAL.

Board of Education.

5 There shall be established an advisory body, to be styled the Board of Education, for advising the Executive Committee on any matters relating to education in the Island which may be referred to that body for their advice by the Executive Committee or by the Director.

Board of Education.

6 (1) The Board of Education shall consist of the prescribed number of members nominated by the Governor, of whom the Director and one other officer of the Department shall be two.

Composition of the Board of Education.

(2) Every member of such body, other than the Director shall hold office for a term of three years from the date of his appointment, unless the Governor otherwise directs.

Board to be advisory.

7 The Board of Education shall not be an administrative or executive body but a purely advisory body; and the Minister or in his absence the Director, shall be the Chairman of the Board, provided that in the absence at any of its meetings of both the Minister and the Director, the Board may elect one of its members as Chairman of that meeting.

Resignation and vacation of membership.

8 (1) Any member, other than the Director, may resign his seat on the Board by letter addressed to the Governor.

(2) Any such member as aforesaid who has not on the thirty-first day of December in each year attended at least one-half of the number of meetings of the Board during the preceding twelve months or during his tenure of office in such months shall be considered to have vacated his seat on the Board, unless he has been absent owing to ill-health or with the leave of the Board.

(3) In the case of the absence on leave or owing to ill-health of any member of the Board the Governor may appoint any person to act in his stead.

Local Advisory Committees.

Local Advisory Committees.

9 For the purpose of advising the Director upon matters connected with education in any area and the educational needs of that area, local committees (hereinafter referred to as Local Advisory Committees) shall be constituted—

- (a) within the administrative limits of Municipal Councils;
- (b) within an area comprising the administrative limits of a District Council or of two or more District Councils;
- (c) within such other areas into which as the Governor may, by Proclamation published in the Gazette, divide the Island: Provided, however, that the administrative limits of a Municipal Council or a District Council falling within such areas shall be excluded from such areas for the purposes of such Proclamation and provided, further, that no such area shall include a part only of the administrative limits of a Local Board, Sanitary Board or Village Committee.

Composition of Local Advisory Committees.

10 (1) A Local Advisory Committee shall consist of twelve members of either sex nominated by the Governor save as provided in sub-section (2).

(2) (a) in the case of a Local Advisory Committee for an area comprised within the administrative limits of a Municipal Council two of such members shall be nominated on the recommendation of such Council;

(b) in the case of a Local Advisory Committee for an area comprised within the administrative limits of a District Council or two or more District Councils two members shall be nominated on the recommendation of each District Council.

(3) The Governor may, by Proclamation published in the Gazette, increase the number of members nominated under the last preceding sub-section.

(4) The officer of the Department appointed by the Director for that area to carry into effect the provisions of this Ordinance (hereinafter referred to as the Education Officer) shall be a member of the Local Advisory Committee for that area.

(5) (a) Every member of a Local Advisory Committee, other than the Education Officer, shall hold office for three years from the date of his appointment unless the Governor otherwise directs;

(b) A Local Advisory Committee shall at its first meeting and at the beginning of its third year elect a Chairman from among its members and such Chairman shall hold office for a term of two years from his election, subject to such rules as may be prescribed.

Resignation and vacation of membership.

11 (1) Any member may resign his seat on the Committee by letter addressed to the Director.

(2) Any such member as aforesaid who has failed to attend three consecutive meetings of the Committee shall be considered to have vacated his seat on the Committee, unless he has been absent owing to ill-health or with the leave of the Committee first obtained.

(3) In the case of the absence on leave or owing to ill-health of any member of the Committee, the Governor may appoint any other person to act in his stead.

12 (1) Save and except as hereinafter expressly provided in Part III. of this Ordinance, in the case of a Local Advisory Committee appointed for the administrative limits of a Municipal Council or an area comprising the administrative limits of a District Council or two or more District Councils, such Local Advisory Committee shall not be an administrative or executive body, but shall be a purely advisory body, and the Executive Committee or the Director may refer any matter relating to education to that Committee for their advice.

Local Advisory Committees purely advisory bodies.

(2) The meetings of a Local Advisory Committee shall be held according to rules prescribed under this Ordinance.

PART III.

FULL OR PARTIAL CONTROL BY MUNICIPALITIES, DISTRICT COUNCILS, AND VILLAGE COMMITTEES.

13 (1) Whenever the Governor with the advice of the Executive Committee of Local Administration is of opinion that a Municipal Council or a District Council or two or more District Councils acting jointly (hereinafter referred to as an urban local authority) shall supply the educational needs of the area comprised within its or their administrative limits either wholly or in part and that such urban local authority shall vote and provide such whole or proportion from the funds at its or their disposal, as hereinafter referred to in Section 15, to the satisfaction of the Executive Committee, the Governor may, by Proclamation, published in the Gazette, apply this part of this Ordinance within the administrative limits of that Municipal Council or District Council, or two or more District Councils, as the case may be.

Application of Part III to Municipalities, District Councils, and Village Committees.

(2) Whenever a Village Committee is prepared to supply the educational needs of the area within its administrative limits, either wholly or in part and to contribute the whole or a proportion of the total cost of such educational needs, and to vote and provide such whole or proportion from the funds at its disposal, as hereinafter referred to in section 15, to the satisfaction of the Executive Committee, the Governor may, by Proclamation published in the Gazette, apply this part of this Ordinance within its administrative limits.

14 Upon any such Proclamation being published the Local Advisory Committee functioning within the administrative limits of the Municipal Council, District Council, or two or more District Councils or Village Committee as the case may be, referred to in Section 9 shall cease to function within such limits: and it shall be the duty of the urban local authority or Village Committee to supply the educational needs, either in whole or in part, of the area within its administrative limits, and the sections following in this Part of this Ordinance shall have effect.

Dissolution of Local Advisory Committees.

15 The purpose for which an urban local authority or a Village Committee may expend funds at its disposal under any Ordinance regulating its powers and duties shall include the contribution of the whole or part of the total cost of the educational needs of the area within its administrative limits; and the urban local authority or Village Committee, when it has the power to levy a rate on property by any Ordinance for any purpose whatsoever, may, for the purpose of this Ordinance, levy a special rate on all such property assessed for the purposes of rates over and above the rates imposed by virtue of the Municipal Councils Ordinance, No. 6 of 1910, or the Colombo Municipal Council (Constitution) Ordinance, No. 60 of 1935, or the Local Government Ordinance, No. 11 of 1920, or such other ordinance empowering Village Committees to levy rates on property, as the case may be, and all the relevant provisions of such last mentioned Ordinances, including the provisions relating to the recovery of rates, shall apply to such special rate, in the same manner and for the same purpose as if they had been inserted herein.

An Urban local Authority or Village Committee may vote funds for purposes of this Ordinance.

16 (1) For the purpose of making the contribution referred to in section 13 and discharging the duties referred to in section 14, an urban local authority or Village Committee shall each year when preparing the annual budget, or at any other time, prepare a scheme for the approval of the Executive Committee (hereinafter referred to as the local education scheme), and shall vote and provide from time to time, whenever necessary, a sum or sums from the funds at its disposal, so that such sum or sums, together with any sum contributed by the Director, will form a central fund sufficient to defray the cost which will be incurred in supplying the educational

Local education scheme.

needs of the area within the administrative limits of the urban local authority or Village Committee as set forth in such scheme.

(2) A local education scheme shall only be valid when it has been confirmed by the Executive Committee and such confirmation has been notified by publication in the Gazette.

Control of Central Fund.

Control of central fund.

17 The local education scheme shall provide—

- (a) for the control and disposal of the central fund referred to in the preceding section either by the Director or by the urban local authority or Village Committee or by both jointly or severally; and the expenses in carrying such scheme into execution shall be met and defrayed from such fund, subject to the provisions of this Ordinance or the rules prescribed thereunder;
- (b) for the appointment by the Director or by the urban local authority or Village Committee of such officers as may be necessary for the due execution of the local education scheme and for the payment of their salaries, wages, pensions and allowances, if any, and the establishment, if necessary, of a providential fund subject to prescribed rules, from the central fund.

Delegation to local education authority.

18 The local education scheme—

- (a) shall provide for the delegation by the urban local authority or Village Committee to a Committee (hereinafter referred to as the local education authority), with or without any conditions or limitations as the urban local authority or Village Committee thinks fit, of all the functions conferred or imposed upon, or vested in it by this Part of this Ordinance, and the local education scheme, except the power of voting or providing or borrowing money or levying a rate or appointing officers or keeping and auditing accounts;
- (b) may provide for the discharge, on behalf and subject to the general direction and control of the local education authority, of any of the functions of that authority by a sub-committee (hereinafter referred to as the local education sub-committee) to be appointed for a defined area within the administrative limits of the urban local authority or Village Committee.

Composition of local education authority.

19 (1) The local education authority shall be composed of the prescribed number of members for the prescribed period, and each member may resign or vacate his seat in the manner prescribed in the local education scheme.

(2) One-half of the local education authority shall consist of members of the urban local authority or Village Committee nominated by such urban local authority or Village Committee and the other half of persons, not being members of the urban local authority or Village Committee, nominated by the Governor.

(3) The local education authority shall elect a chairman, who shall preside at its meetings, and a Vice-chairman, and shall, subject to such rules as may be prescribed, exercise, perform and discharge such functions as may be delegated to it by the urban local authority or Village Committee.

Local education sub-committees.

20 (1) When the local education scheme provides for the appointment of local education sub-committees, the administrative limits of the urban local authority or Village Committee shall be divided into such areas as may be specified in that scheme, and for every such area there shall be a local education sub-committee.

(2) Every local education sub-committee shall be constituted in such manner as may be provided for in the local education scheme, and shall consist of the number of members fixed in the scheme for the prescribed period, and each member may resign or vacate his seat in the manner prescribed in the local education scheme, provided that the member or members of the urban local authority or Village Committee for the ward or wards of a Municipality or the electoral division or divisions of a District Council or Village Committee as the case may be, falling wholly or partly within the area, shall be included in such local education sub-committee.

(3) Each local education sub-committee shall elect a chairman, who shall preside at its meetings, and a vice-chairman, and shall, subject to such rules as may be prescribed,

exercise, perform and discharge such functions as may be delegated to it by the scheme under the general direction and control of the local education authority.

21 A local education scheme may, among other matters, provide—

Provision of educational facilities in exceptional cases.

- (a) for the relief financially or otherwise to be given to parents who are too poor to secure for their children adequate educational facilities and industrial training ;
- (b) for the medical inspection or treatment of children attending schools and for their health and well-being, and for the supply of free meals and school books to the children of poor parents attending school ;
- (c) for the education of blind, deaf, defective and epileptic children.

22 (1) It shall be lawful for an urban local authority or Village Committee to borrow such sum or sums of money as may be necessary for carrying out any work of a permanent character undertaken under the provisions of this Part of this Ordinance and for the acquisition of any land or building required for the purposes of, or in connection with, such work, on such terms or conditions as may be approved by the Governor.

Borrowing powers of urban local authorities or Village Committees.

(2) The limitation of the borrowing powers of an urban local authority or village committee specified by any written law or Ordinance shall not apply to a loan raised under this Ordinance.

23 Any private land or building which may be required by an urban local authority or Village Committee for the purpose of this Part of this Ordinance may be acquired by the Crown for such purposes under the provisions of the Land Acquisition Ordinance, 1876, or of any other Ordinance for the time being in force providing for the acquisition of private land or buildings for public purposes. When the urban local authority or village committee has paid the compensation awarded the Governor may vest such land in the urban local authority or village committee by a writing under the hand of the prescribed officer to the effect that the same has been made over to the urban local authority or village committee and any such land or building when no longer required for the purposes of this Ordinance may be dealt with by the urban local authority or village committee as any other land or building vested in it.

Acquisition of land or building.

No. 3 of 1876.

24 (1) Where the urban local authority or village committee has control of the whole or part of the central fund referred to in section 16, separate accounts shall be kept by the urban local authority or village committee of the receipts into and expenditure from, such whole or part, in respect of the functions discharged by such urban local authority or village committee under this part of this Ordinance ; and those accounts shall be made up in like manner and subject to the same provisions as in the case of a Municipality or District Council or village committee as the case may be and shall be audited by the Auditor-General or an officer authorised by him (hereinafter referred to as the Auditor).

Accounts and Audit.

(2) If any member or officer of an urban local authority, Village Committee, or of a local education authority or of a local education sub-committee or any officer concerned or employed in carrying the provisions of this Ordinance into execution who is liable to account refuses to allow any such auditor, when so authorised or required to make the inspection, or obstructs him in his inspection or conceals any such account or book for the purpose of preventing inspection thereof, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred rupees.

25 (1) Every auditor of a central fund created under this Ordinance, acting in pursuance of the powers conferred upon him by this or any other Ordinance, shall disallow every item of expenditure which is contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment and shall charge against any person the amount of any deficiency or loss incurred by the negligence or misconduct of that person and any amount which ought to have been, but is not, brought into account by that person, and shall in each case certify the amount due from such person and communicate his decision in writing to such person through the Chairman of the urban local authority or Village Committee, provided that no expenses paid by the urban

Powers of Auditor.

local authority or Village Committee, shall be disallowed by any such auditor if such expenses have been sanctioned by the Executive Committee.

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

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

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

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

(5) Any amount directed to be recovered from any such person by any order made by the Financial Secretary under this section may forthwith be recovered by the urban local authority or Village Committee in the same manner as any sum certified to be due by an auditor is recoverable under the provisions of this section.

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

Every member and officer a public servant.

26 Every member of a local education authority or local education sub-committee, and every officer appointed under this Part of this Ordinance, shall be deemed to be a public servant within the meaning of the Ceylon Penal Code.

Application of Parts I, IV, V and VII.

27 Save in so far as it is otherwise expressly provided for in the local education scheme, Parts I, IV, V and VII of this Ordinance shall apply and have effect within the administrative limits of the urban local authority or Village Committee; and the rules made under Part V of this Ordinance, including penal provisions, relating to the area within such administrative limits shall be legal, valid effectual and binding upon all persons within such area.

PART IV.

RELIGION IN SCHOOLS AND MANAGERS.

Religion, &c. no bar for admission.

28 No applicant shall be refused admission into any Assisted school on account of the religion, nationality, race, caste, social status or language of such applicant or of either of his parents.

Religious instruction in Government schools.

29 Religious teaching shall not form part of the instruction to be given at any Government school by any teacher; but any minister or teacher of religion authorised by the Director by writing under his hand may give religious instruction to the children of the religious denomination to which the minister or teacher belongs, at such times and places as may be agreed upon between him and the Director. Provided however that if religious instruction is given or religious

classes are held on non-school days, a teacher of a Government school may give religious instruction to a child of the religious denomination to which such teacher belongs, upon the parent of such child signifying his consent thereto in writing.

30 (1) It shall not be required as a condition of any child being admitted into or continuing in an Assisted school that he shall attend or abstain from attending any Sunday school or any place of religious worship or that he shall attend any religious observance or any instruction in religious subjects in the school or elsewhere, or that he shall attend school on any day exclusively set apart for religious observance by the religious body to which the parent belongs.

Conscience
clause.

(2) The time during which any religious observance is practised or religious instruction is given at any meeting of an Assisted school shall be either at the beginning or at the end, or at the beginning and the end, of such meeting and shall be inserted in a time table to be approved by the Director and be kept permanently and conspicuously affixed in every schoolroom.

(3) No child belonging to a religious denomination other than that to which the proprietor or manager of an Assisted school belongs shall be required to attend or abstain from attending any Sunday school or any place of religious worship or to attend any religious observance or any instruction in religious subjects in the school or elsewhere unless the parent of the child has expressly stated in writing his consent that his child shall attend such place of religious worship or receive instruction in religious subjects in the school.

(4) The Director may for the breach of any of the provisions of this section withhold or refuse to pay any grants from the public funds.

31 (1) The proprietor of an Assisted school may, with the approval of the Director first had and obtained, appoint a manager for such school and, with the like approval, discontinue or remove such manager from office.

Managers.

(2) In the event of the proprietor being unable to appoint a manager for such school to the satisfaction of the Director, it shall be lawful for the Director to appoint a suitable person as manager.

(3) The Director may discontinue or remove a manager so appointed by him from office or require the proprietor to discontinue or remove from office a manager appointed by such proprietor.

(4) Any person who is discontinued or removed from his office as manager under sub-section (1) or sub-section (3) who refuses to vacate his office or obstructs any other person lawfully appointed as manager under this section in entering upon or executing his duties as manager shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees and, in the case of a continuing offence, to an additional fine not exceeding ten rupees per day.

(5) In the event of a proprietor refusing to discontinue or remove from office a manager on the requirement of the Director as provided in sub-section (3), it shall be lawful for the Director to refuse to pay any grants from the public funds in respect of all or any of the Assisted schools belonging to such proprietor, otherwise payable under this Ordinance or the rules made thereunder.

(6) The appointment of any manager of an Assisted school, together with the acceptance thereof in writing by the person so appointed, and the notification of the retirement or removal of any manager, save where the appointment or removal is by the Director, shall be delivered to the Director by the proprietor and all such appointments or removals shall be notified by publication in the Gazette.

(7) Where the manager is in charge of a group of schools he shall be referred to as the general manager.

(8) No teacher of an Assisted school, and no person who derives any profit or emolument from an Assisted school, shall be a manager of a school.

PART V.

RULE-MAKING POWERS OF EXECUTIVE COMMITTEE.

32 (1) The Executive Committee may make rules, which shall be known as the Code, either for the whole of the Island generally, or for a defined area or areas specially, for the purpose of giving effect to the principles and provisions of this Ordinance.

Rules.

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

I.—*Education.*

- (a) the establishment, taking over, transfer, recognition, maintenance, continuance or discontinuance of schools of different grades, including schools for the education of blind, deaf, defective and epileptic children ;
- (b) the conditions subject to which, and the conditions for the breach of which, grants from the public funds will be paid or stopped in respect of an Assisted school and the purposes for which such grants will be paid ;
- (c) the admission to schools, the course and schedules of studies, and the books and apparatus to be used therein ;
- (d) the discipline to be enforced in such schools
- (e) the inspection and examination of such schools and the manner in which inspecting officers shall perform their duties ;
- (f) the medical inspection or treatment of children attending such schools ;
- (g) the health and well-being of children attending such schools, including the supply of free meals and free books to the children of poor parents attending such schools ;
- (h) the relief, financial and otherwise including grants for the purchase of books to be given to parents who are too poor to secure for their children adequate educational facilities and industrial training ;
- (i) the duties of managers and the manner of their performance ;
- (j) the qualifications required in school teachers of various classes, and the payment of salaries to such teachers ; the registration, appointment, grading, suspension and removal of such teachers ;
- (k) the appointment of officers to secure the attendance of children at schools in areas in which rules for their compulsory attendance are in force and for the payment of the salaries of such officers ;
- (l) the power of such officers to demand and obtain information with regard to children who are required by such rules to attend such schools, and to require the production of such children before them for inspection ;
- (m) the entry by such officers upon any premises and the search thereof for the purpose of gaining or verifying information with regard to any such children ;
- (n) specifying the limits of any area within which efficient provision has been made for education by means of schools situated within or outside such area ;
- (o) requiring, subject to such exemptions and qualifications as may be contained in such rules, the parent of any child between the ages of six and fourteen years or in the case of Muslim girls between the ages of six and ten years, residing within such area to cause such child to attend a school unless he has made adequate and suitable provision for the education of such child ; provided that no such rule shall involve the attendance at any school by any child from any distance exceeding two miles ;
- (p) determining the days on which and the hours during which children shall attend school ;
- (q) provision for the infliction of penalties for the contravention of such rules which may amount to a fine not exceeding rupee one and in the case of a continuing offence, an additional fine not exceeding 50 cents per day ;

II.—*Training of Teachers.*

- (a) the establishment, taking over, transfer, administration, maintenance, continuance or discontinuance of Government and Assisted training schools for teachers ;

III.—*Special Schools.*

- (a) the providing or aiding of special schools which shall be subject to such provisions of the Code as the Director may think fit to apply ;

IV.—General.

- (a) the award and tenure of exhibitions and scholarships ;
- (b) technical, agricultural and commercial education ;
- (c) the payment or remission of fees, subject to the provisions of the Code in respect of attendance at any school ;
- (d) the standards of accommodation and of sanitation to be maintained in Government and Assisted schools, and also in all other schools or places in which classes attended by children of school-going age are held, and the exhibition of notices in the case of a certified school, that it is a certified school ;
- (e) all matters stated or required in this Ordinance to be prescribed ;
- (f) generally for the regulation and conduct of the business of the Board of Education Local Advisory Committees, local education authorities and local education sub-committees.

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

(4) Every rule made by the Executive Committee shall, upon publication of the notification of the approval and ratification of that rule as provided for in sub-section (3), be as valid and effectual as if it were herein enacted.

33 (1) For the purposes of the rules made under this Ordinance, a parent shall be deemed to have made adequate and suitable provision for the education of his child—

- (a) if he proves that his child is in regular attendance at a school certified by the Director or Education Officer as providing adequate and suitable education ; or
- (b) if he proves that he has made such other provision for his child's education as the Director or Education Officer shall certify to be adequate and suitable ; or
- (c) if he produces a certificate from the Director, or Education Officer, recommending that the child shall be exempted from compulsory attendance ; or
- (d) if he produces a certificate from the Director exempting his child from compulsory attendance either because no school is available in the area—
 - (i.) managed by a denomination acceptable to him, or
 - (ii.) where the medium of instruction is given in his home language.

Explanation of adequate and suitable provision by parent.

(2) (a) No parent shall be convicted for a breach of any rules made under this Ordinance requiring his child to attend school, if he proves to the satisfaction of the court that he had reasonable cause for not causing such child to attend.

(b) For the purpose of this sub-section, a person shall be deemed to have a reasonable excuse for not causing his child to attend school, if he proves that the child is prevented from attending by sickness or other unavoidable cause.

PART VI.

ESTATE SCHOOLS.

34 This Part of this Ordinance shall apply only to estates on which children between the ages of six and ten of labourers employed and residing thereon exceed twenty-five in number, provided that whenever it appears that the children of labourers employed and resident on an estate can be more conveniently educated at a school approved by the Director or Education Officer, situated within or near such estate, the Governor may by order published in the Gazette exempt such estate from the provision of this Part of this Ordinance, and the rest of this Ordinance, so far as it is applicable, shall thereupon apply to such estate.

Estates governed by this Part.

35 Two or more estates may, with the sanction in writing of the Director, combine for the purpose of providing a common school under a joint-manager for the instruction of the children on such estates.

Combined schools.

36 It shall be the duty of the superintendent of every estate to provide for such education as may be prescribed of the children of the labourers employed and resident on the estate between the ages of six and ten, to appoint competent teachers, and to set apart and keep in repair a suitable school-room.

Duty of superintendent as regards education of children on estate.

Parents to see that children attend school.

37 (1) The parent of every child between the ages of six and ten, such parent being employed and residing as a labourer on the estate, shall cause such child to attend the estate school during the hours prescribed by rules.

(2) Any parent who fails to comply with the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one rupee, and in the case of a continuing offence, and additional fine not exceeding 50 cents per day.

Register of children of school-going age and duty to prosecute.

38 (1) It shall be the duty of the superintendent—

- (a) to prosecute or cause to be prosecuted any parent failing to comply with the provisions of the preceding section and
- (b) to supply the school teacher with the information necessary to allow of such teacher keeping a register showing the names and ages of the boys and girls, being the children of labourers employed and resident on the estate, between the ages of six and ten.

(2) It shall be the duty of the school teacher to keep such register, and also to keep an attendance register showing the presence or absence of each child on every day on which school is held.

(3) Such first-named register shall be corrected or renewed on or before the tenth day of each month, and shall be open to inspection as hereinafter provided.

(4) Any superintendent or teacher who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding twenty rupees, or to imprisonment of either description for any period not exceeding one month.

Inspection of schools.

39 (1) The Director shall from time to time cause estate schools to be inspected, and on such inspection the superintendent shall afford the inspecting officer all reasonable facilities for inspecting the registers hereinbefore required to be kept and the children on the estate, provided, however, that where the inspection is for the purpose of checking returns furnished by estate schools at least fourteen days' clear notice of the inspection shall be given to the superintendent.

(2) Any superintendent who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for any period not exceeding three months.

Enforcement of obligation of superintendent to provide for education of children.

40 (1) Whenever provision has not been made to the satisfaction of the Director for the instruction of the children on any estate and for the supply of a suitable schoolroom, the Director may issue a notice to the superintendent calling upon him to make provision for the education of the children or for a schoolroom and if such notice has not been complied with to the satisfaction of the Director within six months from the date when it was given, the Director may authorise some person to enter upon the estate and erect a suitable schoolroom thereon and to provide suitable instruction for such children.

(2) The cost of erecting and maintaining a schoolroom and of providing instruction for the children shall from time to time be certified by the person so authorised, and shall be recovered in the manner provided by "The Medical Wants Ordinance, No. 9 of 1912" for the recovery of money payable under section 10 of the said Ordinance.

(3) The provisions of sections 37, 38 and 39 of this Ordinance shall apply to a school established under this section.

Interpretation of Part VI.

41 For the purposes of this Part of this Ordinance—

"estate" means any estate in which labourers are employed and of which ten acres or more are actually cultivated;

"labourer" means a labourer employed on an estate including a kangani and female labourer and any relative of a labourer resident upon the same estate;

PART VII.

GENERAL.

Duty of persons opening new schools to report to Director.

42 (1) It shall be the duty of any person who desires to open a school or give instruction in English or any other language in any schoolroom or any building not previously used by him for the purpose of any class or classes attended by children of school-going age, at least three months before

the opening of such proposed school or the commencing of such proposed instruction, to report particulars of such school or instruction to the Director, and thereafter supply such information as may be required by the Director with regard to his school or his class or classes, and the courses of instruction he is giving or proposes to give; and the Director may in his discretion refuse to approve of such school, schoolroom or building for the purpose of any grant from the public funds to such schools, schoolroom or building. Provided however that the Director may in special circumstances authorise the opening of a school without the notice required by this subsection being given.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees, and such persons shall not be entitled to any grant or to claim any grant in respect of his school, schoolroom or building from State funds.

43 (1) It shall be lawful for the Director, or any inspecting officer of the Department, or the Education Officer or any other person generally or specially authorised by the Director, to enter and inspect any school and inspect and examine the pupils therein and all the registers of admission and attendance of any such school.

Power of inspection.

(2) Any person obstructing the Director or any such inspecting officer or Education Officer, or any other person so authorised by the Director, acting in pursuance of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees.

44 (1) All offences under this Ordinance or under any rules made thereunder shall be triable by a Police Magistrate; or in the case of any offence committed within the jurisdiction of any Village Tribunal or Village Committee, by the Village Tribunal or Village Committee.

Jurisdiction in respect of offences.

(2) The Village Tribunal or Village Committee shall have jurisdiction to award the maximum punishment prescribed therefor, anything in the Criminal Procedure Code, 1898, or in the Village Communities Ordinance, No. 9 of 1924, to the contrary notwithstanding.

No. 15 of 1898.

45 (1) If within the jurisdiction of any Police Magistrate, any child of school-going age neglects habitually, and without reasonable excuse, to attend school, or is found habitually wandering about the streets and not under proper control, or in the company of disorderly or immoral persons or of reputed criminals, it shall be the duty of the prescribed officer, after due warning to the child and to the parents of the child, if they can be found, to present a written report to the Magistrate.

Power of Magistrate in certain cases to order child to be sent to certified industrial school.

(2) The Magistrate shall summon such child and the parents (if they can be found) before him, and, if satisfied of the truth of the report, may order such child, if a male, to be caned in accordance with the provisions of "The Flogging Regulation Ordinance, 1904", or order any such child to be sent to any school or institution certified by the Governor under "The Youthful Offenders Ordinance, 1886" (hereinafter referred to as "a certified industrial school"), for such period (subject to the limitations prescribed by section 19 (d) of the said Ordinance) as to such Magistrate shall seem proper.

(3) The costs of maintaining and educating the child at the certified industrial school shall be defrayed, in the first instance, by the Department, but the magistrate may in his discretion issue an order to the parent of such child requiring such parent to pay the whole or any part of the costs of such maintenance, provided that such order may be made on the application of the prescribed officer, and shall be made and enforced, so far as is consistent with the provisions of this Ordinance, in the manner provided by sections 32 to 37 inclusive of "The Youthful Offenders Ordinance, 1886".

46 With regard to proceedings under this Ordinance or under any rule made thereunder, the following provisions shall have effect, namely:

Procedure.

(1) The Magistrate, President, or Chairman may, instead of imposing a fine, make an order directing that the child shall attend school, and that if he fails to do so, the person on whom such order is made shall pay a fine not exceeding the fine to which he is liable for failing to cause such child to attend school.

- (2) The Magistrate, President, or Chairman may require by summons any parent of a child required by rule to attend school to produce the child before him, and any parent failing without reasonable excuse, proof whereof shall lie on him, to comply with such summons, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding five rupees.
- (3) When a child is apparently of the age alleged for the purpose of the proceedings, it shall lie on the defendant to prove that the child is not of that age.
- (4) A certificate purporting to be under the hand of the Director or any officer of the Department authorised by him stating that a child has reached a particular standard of education, or is or is not under adequate and suitable instruction, or stating that any school does or does not provide adequate and suitable instruction, shall be sufficient evidence of the facts stated in such certificate.

Acquisition of land for purposes of Ordinance.

No. 3 of 1876.

47 Any private land which may be required for the purposes of, or in connexion with, the erection or extension of school buildings, teachers' houses, offices, or premises, or for the establishment of school gardens or playgrounds, or otherwise for the purposes of this Ordinance, may be acquired by the Crown for such purpose under the provisions of the "Land Acquisition Ordinance, 1876," or of any other Ordinance for the time being in force providing for the acquisition of private land for public purposes.

Power to remove difficulties.

48 (1) If any difficulty arises in connexion with the application of this Ordinance or of any Part of this Ordinance within the administrative limits of any urban local authority, Village Committee, or of an area under section 9 (c) of this Ordinance or in bringing into operation any of the provisions of this Ordinance, the Governor may make such order for removing the difficulty as he may judge to be necessary for that purpose, and any such order may modify the provisions of this Ordinance so far as may appear to him necessary for carrying the order into effect.

(2) Every order made under this section shall come into operation upon the date specified therein in that behalf, but shall be laid before the State Council as soon as may be after it is made and shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation, unless at some time before the expiration of that period it has been approved by a resolution passed by the State Council and ratified by the Governor.

Provisions as to orders and schemes.

49 (1) Any order or scheme under this Ordinance may contain such incidental, consequential, or supplemental provisions as may appear necessary or proper for the purposes of the order or scheme.

(2) Any order or scheme made under this Ordinance may be altered or revoked by an order or scheme made in like manner and subject to the like provisions as the original order or scheme.

Repeals.
No. 8 of 1907.
No. 1 of 1920.

50 So much of "The Rural Schools Ordinance, 1907" as is still in force and "The Education Ordinance, No. 1 of 1920" are hereby repealed.

Provided that—

(a) nothing in this repeal shall affect any regulation or by-law made under the Ordinances hereby repealed, but any such regulation or by-law shall continue in force and shall have effect as if it were a rule made by the Executive Committee under this Ordinance and shall cease to be operative as and from the date on which rules made by the Executive Committee under this Ordinance in substitution for such regulation or by-law shall come into force; and any reference to a District School Committee or District Committee in any such regulation or by-law shall be construed as a reference to the Director;

(b) the property and funds of which a District School Committee or District Committee shall be possessed, or which a District School Committee or a District Committee shall own, under or by reason of the provisions of the Ordinance hereby repealed, and all the rights, duties, liabilities and obligations of any such District School Committee or District Committee, shall be deemed to be transferred to the Department;

- (c) all officers, clerks and other servants in the employment of a District School Committee or a District Committee under the Ordinances hereby repealed shall cease to be so employed without prejudice to any rights, liabilities and obligations acquired or incurred by them in respect of such Committees under the aforesaid Ordinances which said rights, liabilities, and obligations shall be dealt with under the last preceding paragraph :

Provided, however, that—

- (a) such officers, clerks, and servants shall continue to officiate in their several capacities as officers, clerks and servants in the employment of the Department on a new monthly contract of service terminable on a month's notice ; and
- (b) such officers, clerks and servants who may be discontinued within a period of six months from such date shall not be entitled to any gratuities pensions or allowances save as provided by prescribed rules ; and
- (c) such officers, clerks and servants who are not discontinued from service within the aforesaid period of six months shall be deemed to be employed by the Department under this Ordinance on the expiration of such six months and shall be entitled to claim that their past services under the District School Committee or District Committee as the case may be shall be reckoned as service under the Government for purposes of pension.

Provided, further, that in any case in which doubts shall arise—

- (i) as to the extent to which the property or funds or the rights, powers, duties, debts, liabilities or obligations of a District School Committee or a District Committee vest in the Government or
- (ii) as to the terms of the contract of service of any officer, clerk or servant with a District School Committee or a District Committee, the Director shall refer the matter in the case of (i) for the decision of the Executive Committee and in the case of (ii) for the decision of the Chief Secretary and the decision of the Executive Committee or Chief Secretary, as the case may be, shall be final and binding upon all persons whomsoever.

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

- “ Assisted school ” means a school to which aid is contributed from State funds.
- “ Board of Education ” means the body referred to in sections 5 and 6 ;
- “ Department ” means the Department of Education ;
- “ Director ” means the Director of Education and includes any officer of the Department to the extent to which he is, by the authority of the Director, empowered to exercise or perform any of the powers and duties of the Director under this Ordinance ;
- “ District Council ” means an Urban District Council established under the Local Government Ordinance, No. 11 of 1920 ;
- “ educational needs ” means such facilities for adequate educational and industrial training as may be prescribed by rules ;
- “ Education Officer ” means the officer referred to in section 10 (4) ;
- “ Executive Committee ” means the Executive Committee of Education ;
- “ functions ” includes powers and duties ;
- “ Government school ” means a school already or hereafter established, wholly or partly, and maintained entirely from state funds.
- “ grant ” means any form of subvention from State funds including salaries paid direct to the teacher by the Department ;
- “ Local Advisory Committee ” means the Committee referred to in section 9 ;
- “ Local Board ” means a Local Board established under the Local Boards Ordinance, 1898 ;
- “ Local education authority ” means the Committee referred to in section 18 (a) ;
- “ local education scheme ” means the scheme referred to in section 16 ;

- “ local education sub-committee ” means the sub-committee referred to in section 18 (b) ;
- “ manager ” in relation to an Assisted school means the person who appoints, transfers, or dismisses or discontinues teachers in such Assisted school ;
- “ Minister ” means the Minister for Education ;
- “ officer ” includes any schoolmaster, duly qualified medical practitioner, treasurer, master or matron or warden of an institution or school or any other person who is for the time being employed in carrying this Ordinance or Part III of this Ordinance into execution ;
- “ parent ” includes a guardian and any person who has the legal or actual control of a child or has direct benefit from the wages of a child ;
- “ prescribed ” means prescribed by this Ordinance or by rules made under this Ordinance ;
- “ proprietor ” means any person or corporation in whom, in the opinion of the Director, the legal title of a school, or the land on which a school-building stands, is vested ;
- “ Sanitary Board ” means a Sanitary Board established under the Small Towns Ordinance, 1892 ;
- “ school-going age ” means such age between a prescribed maximum and minimum age at which a child is liable to attend school ;
- “ Village Committee ” means a Village Committee established under the Village Communities Ordinance, No. 9 of 1924.

(2) The occupier of the premises in which any child usually resides shall be deemed to have the actual custody of such child until the contrary is proved.

Objects and Reasons.

1. This is a consolidating and amending Bill which seeks to re-enact the main provisions of the Education Ordinance, No. 1 of 1920, but with important alterations and additions. Under the existing Ordinance the Board of Education, although not an administrative or executive body, has the power to make regulations known as the Code and may deal with many aspects of the educational policy of the Island. (Section 10 of Ordinance No. 1 of 1920).

Under the Bill the Executive Committee of Education will be responsible for the framing of the Code and for all educational matters, and will act through the Department of Education with the Director of Education at its head (Part V and Clauses 2, 3, and 4).

2. The Board of Education will be replaced by a Central Advisory Committee, (also to be called the Board of Education) the members of which are to be nominated by the Governor, of which the Director and one officer of the Education Department, will always be members.

The new Board of Education will be a purely advisory body and will advise the Executive Committee of Education on any subject which may be referred to it. (See part II, Clauses 5 to 8).

3. The general principle adopted in the Bill is that the Central Government which provides the funds for education, should be responsible for all educational matters in the Island, thereby ensuring a unity of policy “ for the progressive development and comprehensive organization of a national system of public education throughout the whole Island.” (See section 11, English Education Act, 1921). The Governor with the advice of the Executive Committee of Local Administration may, by proclamation, compel a Municipal Council, or a District Council to contribute towards the cost of education within its administrative limits including salaries of staff, &c. and transfer to it control of educational matters within its administrative limits, the extent of the control of the contributing local authority depending on the proportion of its contribution. It may be accorded, as suggested, even plenary recognition if the contribution is high enough to justify such a course, say fifty per cent. A Village Committee is given the option of coming under this part of the Ordinance.

4. Until a local authority or Village Committee is so proclaimed the Island will be divided into areas, for which Local Advisory Committees will be appointed to advise the Executive Committee and the Director on the local educational needs of the areas. (Part II, Clauses 9 to 12).

5. District Committees under Ordinance No. 1 of 1920 will cease to exist and their places will be taken by purely advisory bodies. Such Local Advisory Committees will be

constituted for each area administered by a Municipal Council and an Urban District Council established under Ordinance No. 11 of 1920, or for two or more District Councils. Outside such limits, the Island will be divided into areas for each of which a Local Advisory Committee will be appointed. (Clause 9). Clauses 10 to 12 provide for the constitution and powers of such bodies. (See also Clause 32 (2) IV (f)).

Under Part III when a Municipal Council or an Urban District Council or two or more District Councils should in the opinion of the Governor after consultation with the Executive Committee of Local Administration contribute towards the cost of the educational needs in its area to the satisfaction of the Executive Committee, Part III will be proclaimed as applying to that Municipal Council or District Council or District Councils. (Clause 13). A Village Committee area which seeks to come in under this scheme can also be proclaimed by the Governor. Under Clause 16, provision is made for the preparation of a local education scheme which will be effective only when it has been approved by the Executive Committee.

7. This scheme will give effect to the agreement between the Executive Committee and the urban local authority or the village committee as to the amount of the contribution from the local authority or village committee and the extent of the recognition to be accorded to such local authority or village committee in the control of the educational matters in the area administered by it.

Part III also provides for the delegation under the scheme by the urban local authority or village committee of all its powers and duties to a committee called the local education authority and even to a smaller sub-committee called the local education sub-committee of its powers and duties in respect of a subdivision of the administrative limits of the local authority. (Clause 18).

8. The rest of Part III—

- (a) provides for the constitution of such local education authorities and local education sub-committees (Clauses 19 and 20);
- (b) gives the necessary powers to levy an education rate, if necessary (Clause 15); to acquire land for educational purposes (Clause 23); to borrow money (Clause 22); to keep separate accounts and have a separate audit (Clauses 22 and 25).

9. Under Clause 26, a member of a local education authority or a local education sub-committee and the officers and servants appointed under Part III are made public servants under the Penal Code, and under Clause 27 the power of making rules for the general guidance of such bodies constituted under Part III is conserved in the Executive Committee. (Clause 32 (2), IV (f)).

10. Part IV of the Bill is based on Part III of Ordinance No. 1 of 1920, but power is given to the Director to appoint a manager to an Assisted School and even to remove him. Clauses 30 and 31 have been re-drafted and the necessary sanctions inserted for breaches of the sections.

11. Part V relates to the rule-making powers of the Executive Committee. The Executive Committee is the sole rule-making authority under the Bill and will therefore make rules on subjects on which District Committees made rules under the repealed Ordinance. The various subjects on which the Executive Committee can make rules have been carefully considered and an effort made to meet every contingency, e.g., provision for the medical treatment of school children and the supply of free meals and free books to poor children and the giving of relief to poor parents. The exceptional limitation of age in the case of Tamil girls has been removed owing to the altered outlook on education of that community.

12. Under Clause 32 (2) I (b) the Executive Committee can make rules making grants to Assisted schools dependent on managers and teachers complying with certain conditions and even liable to forfeiture when managers fail to carry out any of the obligations cast on them by the Ordinance or the rules.

13. Part VI is based on Part V of Ordinance No. 1 of 1920, with certain modifications; for instance, the expressions "estate" and "labourer" have been defined for the purposes of that Part.

14. Part VII is based on Part VI of Ordinance No. 1 of 1920, but provision has been made for the transitory stage when the powers of District Committees and District School

Committees will be transferred to and will vest in the Director on the repeal of Ordinance No. 1 of 1920 and No. 8 of 1907. It appears that in Kurunegala, District School Committees are still functioning.

As regards officers and servants employed by District Committees and District School Committees, they will cease to be so employed on the repeal of Ordinance No. 8 of 1907, and No. 1 of 1920, but provision is made for the continuance of their employment under the Department of Education but on the basis of a monthly contract terminable on a month's notice.

15. The reference to the Youthful Offenders Ordinance, 1886, in Clause 45 will require modification if the new Juvenile Offenders Ordinance, now with the Home Ministry, becomes law before this Ordinance is passed.

16. Clause 42 has been redrafted giving power to the Director to refuse grants to schools built or opened without his approval.

17. Clause 43 has been extended to cover compulsory medical inspection of school and Clauses 48 and 49, based on English models, have been inserted to meet unforeseen contingencies.

C. W. W. KANNANGARA,
Minister for Education.

Colombo, May 23, 1938.

MINUTE.

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

L D.—O 284/34

No. of 1889.

An Ordinance to amend the Civil Procedure Code, 1889.

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 Civil Procedure Code Amendment Ordinance, No. of 1938, and shall come into operation on such date as the Governor shall appoint by Proclamation published in the Gazette.

Repeal of sections 298 to 312 of Ordinance No. 2 of 1889 and substitution of new sections therefor.

2 Sections 298 to 312 (both inclusive) of the Civil Procedure Code, 1889, (hereinafter referred to as "the principal Ordinance"), are hereby repealed and the following new sections are substituted therefor :—

Issue of warrant for arrest of debtor in execution of decree for money.

298. (1) Where, after the issue of a writ for the execution of a decree for the payment of money, the court is satisfied on the application of the judgment-creditor, after such inquiry as the court may deem necessary, that the judgment-debtor—

- (a) is about to abscond or leave the jurisdiction of the court with intent to defraud the judgment-creditor or with intent to obstruct or delay the execution of the decree ; or
- (b) is about to leave the Island under circumstances affording reasonable probability that the judgment-creditor will thereby be obstructed or delayed in the execution of the decree ; or
- (c) has, on or after the date of the institution of the action in which the writ of execution was issued, concealed, transferred or removed his property or any part thereof with intent to defraud the judgment-creditor or with intent to obstruct or delay the execution of the decree, or has, on or after such date, committed with the like intent any act of bad faith in relation to his property ; or
- (d) has been guilty of any act whereby any creditor, other than the judgment-creditor at whose instance the writ of execution was issued, has been given any undue, unreasonable or fraudulent preference ; or
- (e) has, at any time since the date of the decree, had sufficient means to pay the amount of the decree, or any part of that amount, and has refused or neglected to pay such amount or part thereof ; or

(f) had incurred, by fraud or breach of trust, the debt or liability in respect of which the decree was entered,

the court may, subject to the other provisions of this Chapter, issue a warrant for the arrest of the judgment-debtor and for his production in court with a view to his committal to jail in execution of the decree.

(2) A decree for the payment of costs only shall, for the purposes of the application of the provisions of sub-section (1), be deemed to be a decree for the payment of money.

299. The court may, in its discretion, instead of issuing a warrant under section 298, issue a notice on the judgment-debtor calling upon him to show cause, on a date to be specified in the notice, why he should not be committed to jail in execution of the decree referred to in that section.

Issue of notice on debtor as alternative to warrant.

300. Every application under section 298 shall be made by petition supported by affidavit; and it shall not be necessary to name the judgment-debtor as respondent to any such application.

Application for warrant to be made by petition and affidavit.

301. No warrant under section 298 or notice under section 299 shall be issued in any case in which the sum awarded in the decree inclusive of interest, if any, up to the date of the decree but exclusive of any further interest and of costs, is less than two hundred rupees.

No arrest for sum under Rs. 200.

302. No warrant under section 298 or notice under section 299 shall be issued where the judgment-debtor is a woman; and no woman shall be arrested or committed to jail in execution of any decree for the payment of money or of costs.

Woman not liable to arrest in execution.

303. Where a judgment-debtor to whom a notice under section 299 has been issued fails to appear on the day specified in the notice, the court may issue a warrant for his arrest.

Warrant to issue where debtor fails to appear on notice.

304. Subject to the provisions of Chapter XXIII, a judgment-debtor for whose arrest a warrant has been issued under section 298 or section 303 may be arrested at any hour, and on any day, and in any place, and shall thereupon, as soon as practicable, be brought before the court.

Execution of warrant of arrest.

305. Where a judgment-debtor who has been arrested on a warrant pays the amount of the decree in execution of which he is arrested, and the costs of the arrest, to the officer arresting him, such officer shall at once release him from custody.

Officer effecting arrest to release debtor on payment of amount of decree and costs of arrest.

306. Where a judgment-debtor is brought before the court after arrest on a warrant or appears in court in pursuance of a notice issued under section 299, and either—

Discharge of debtor where amount of decree and costs of arrest paid into court.

(a) pays into court the amount of the decree and, if he has been brought before the court under a warrant, the costs of the arrest, or

(b) gives security for the payment of the same to the satisfaction of the judgment-creditor,

the court shall release him from arrest or discharge him from such notice, as the case may be. If such payment is not made or if such security is not given, the court shall call upon the judgment-debtor to show cause why he should not be committed to jail.

307. Where the judgment-debtor, on being called upon to show cause under section 306, has no cause to show, the court shall commit him to jail.

Debtor who has no cause to show to be committed to jail.

308. Where the judgment-debtor, on being called upon to show cause under section 306, proves to the satisfaction of the court—

Debtor who has cause to show to be discharged or committed to jail after inquiry

(a) that any material allegation of fact, made in the affidavit of the judgment-creditor or given in evidence before the court prior to the issue of the warrant or notice, in consequence of which such warrant or notice was issued, was untrue or incorrect; or

(b) that for any other reason the warrant or notice should not have been issued, or was irregularly issued in the first instance ;

he shall, if under arrest, be released or, if he has appeared on notice, be discharged from such notice ; but if he fails or is unable to furnish such proof the court shall commit him to jail :

Provided that if, on the date on which the judgment-debtor is brought or appears before the court, the court is satisfied that a warrant for the arrest of the judgment-debtor may be issued on any ground other than that on which the warrant or notice was issued in the first instance, the court may commit the judgment-debtor to jail.

Written statement to be filed by debtor who desires to show cause.

309. Where a judgment-debtor contends that any material allegation of fact, made in the affidavit of the judgment-creditor or given in evidence before the court prior to the issue of the warrant or notice, is untrue or incorrect, he shall file in court a written statement specifying which of the allegations in such affidavit or in such evidence is impugned as untrue or incorrect ; and where a judgment-debtor contends that the warrant or notice should not have been issued or was irregularly issued, he shall file in court a written statement of the grounds on which such contention is based.

Debtor to be committed to jail or to give security for appearance, pending inquiry.

310. (1) Where the judgment-debtor desires to show cause why he should not be committed to jail, the court may appoint a date for an inquiry and may, pending such inquiry, order the judgment-debtor to be detained in prison or take sufficient security from him that he will appear in court when called upon.

(2) A judgment-debtor who is not detained in prison pending the inquiry may be arrested on a warrant issued by the court at any time for the purposes of such inquiry or with a view to his committal to jail.

(3) The inquiry referred to in sub-section (1) may be adjourned from time to time by order of the court.

Issue of warrant of committal to jail.

311. Where a judgment-debtor is committed to jail, the court shall issue a warrant substantially in the form No. 61 in the second schedule.

Debtor discharged under section 306 or section 308 not to be re-arrested.

312. Where a judgment-debtor has been released after arrest on a warrant or discharged from a notice under section 306 or section 308, no further proceedings shall be taken as hereinbefore provided with a view to the committal to jail of that judgment-debtor in execution of the decree in respect of which such warrant or notice was issued.

Insertion of new section 315A in the Principal Ordinance.

3 The following new section is hereby inserted immediately after section 315 of the principal Ordinance and shall have effect as section 315A of that Ordinance :—

Power to vary allowance or order additional payments.

315A. (1) Where a judgment-debtor who has been committed to jail is, with the approval of the Inspector-General of Prisons, either given any special diet on medical advice or admitted to any hospital for examination or treatment, and the monthly allowance fixed under section 314 for the subsistence of that judgment-debtor is insufficient to meet the cost of such special diet, examination or treatment, the court may by order, on application made by the Fiscal, and after hearing such representations as may be made by the party on whose application the decree has been executed and such other evidence as the court may deem necessary—

(a) vary the monthly allowance fixed under section 314, and specify the period during which the allowance so varied shall be payable, or

(b) fix such additional sum as may, in the opinion of the court, be necessary to meet the cost of such examination or treatment in hospital and all expenses incidental thereto or connected therewith, and may specify in that order the time and manner of payment of such additional sum.

(2) Any order made by the court under sub-section (1) may at any time be varied or cancelled by the court by a further order, on application made by the Fiscal or by the party on whose application the decree has been executed, and after such inquiry as the court may deem necessary.

(3) The provisions of section 315 shall apply to the monthly allowance as varied under this section, in like manner as those provisions apply to the monthly allowance originally fixed by the court.

(4) Any additional sum for the payment of which an order is made under this section shall be supplied to the Fiscal by the party on whose application the decree has been executed, in the manner and at the time specified in the order of the court.

4 Section 316 of the principal Ordinance is hereby amended—

Amendment of section 316 of the principal Ordinance.

(1) by the substitution, for the marginal note thereto, of the following:—

“Disbursements by decree-holder to be deemed costs.”;

(2) by the substitution, for the words “for the subsistence of the judgment-debtor in jail”, of the following:—

“under section 315 or section 315A”; and

(3) by the addition, immediately after the proviso thereto, of the following:—

“Provided, further, that where at the time of the discharge of the judgment-debtor from jail there remains any unexpended balance out of the sum so disbursed, such balance shall be repaid by the Fiscal to the decree-holder and shall not be deemed to be costs in the action.”

5 The forms numbered 60 and 61 of the second schedule to the principal Ordinance are hereby repealed and the new forms numbered 60, 60A, 60B, and 61 in the Schedule hereto are hereby substituted therefor.

Repeal of forms numbered 60 and 61 of the second schedule to the principal Ordinance and substitution of new forms numbered 60, 60A, 60B and 61 therefor.

SCHEDULE.

No. 60.—Form of Warrant for Arrest of a Judgment-Debtor.

(See Section 298.)

(Title.)

To the Fiscal of the _____ Province.

Whereas _____ was adjudged by a decree in the above-named action, dated the _____ day of _____, 19—, to pay to the above-named plaintiff the sum of _____ rupees, as noted in the margin:

And whereas the said sum of _____ rupees has not been paid to the said plaintiff in satisfaction of the said decree:

And whereas the court is satisfied (*here specify the grounds on which the warrant is issued*):

These are to command you to arrest the said defendant, and unless the said defendant shall pay to you the said sum of _____ rupees, together with _____ rupees for the cost of executing this process, to bring the said defendant before this court as soon as practicable after his arrest.

You are further commanded to return this warrant on or before the _____ day of _____ 19—, with an endorsement showing the day on and the manner in which it has been executed or the reason why it has not been executed.

	Rs.	c.
Principal	..	_____
Interest	..	_____
Costs	..	_____
Execution	..	_____
Total	..	_____

(Signed) _____,

(Name and office of Judge.)

The _____ day _____ 19—.

No. 60A.—Form of Notice on Judgment-Debtor to show cause why he should not be committed to Jail.

(See Section 299.)

(Title.)

To (*Judgment-debtor*).

Whereas you were adjudged by a decree in the above-named action, dated the _____ day of _____ 19— to pay to the plaintiff above-named the sum of _____ rupees, as noted in the margin:

And whereas the said sum of _____ rupees has not been paid to the said plaintiff in satisfaction of the said decree:

And whereas the court is satisfied (*here specify the grounds on which the notice is issued*):

Take notice that you are hereby required to appear before the court on the _____ day of _____, 19—, at _____ o'clock in the forenoon to show cause, if any, why you should not be committed to jail in execution of the decree entered in the above-named action.

	Rs.	c.
Principal	..	_____
Interest	..	_____
Costs	..	_____
Total	..	_____

(Signed) _____,

(Name and office of Judge.)

The _____ day _____ 19—.

No. 60B.—Form of Warrant for Arrest of a Judgment-Debtor under Section 303.

(See Section 303.)

(Title.)

To the Fiscal of the _____ Province.

Principal	Rs.	..	_____
Interest	..	_____	
Costs	..	_____	
Execution	..	_____	
Total	..	_____	

Whereas _____ was adjudged by a decree in the above-named action, dated the _____ day of _____ 19—, to pay to the above-named plaintiff the sum of _____ rupees, as noted in the margin :

And whereas the said sum of _____ rupees was not paid to the said plaintiff in satisfaction of the said decree :

And whereas the court was satisfied (*here specify the grounds on which the notice under section 299 was issued*) :

And whereas the said _____ was required by a notice issued by this court, dated the _____ day of _____ 19—, to appear before the court on the _____ day of _____, 19—, at _____ o'clock in the forenoon to show cause (if any) why he, the said _____, should not be committed to jail in execution of the decree entered in the above-named action :

And whereas the said _____ failed to appear before this court on the day and at the time specified in the notice :

These are to command you to arrest the said _____, and unless he, the said _____, shall pay to you the said sum of _____ rupees, together with _____ rupees for the cost of executing this process, to bring the said _____ before this court as soon as practicable after his arrest.

You are further commanded to return this warrant on or before the _____ day of _____, 19—, with an endorsement showing the day on and the manner in which it has been executed or the reason why it has not been executed.

(Signed) _____,
(Name and office of Judge.)

The _____ day of _____, 19—.

No. 61.—Form of Warrant of Committal to Jail.

(See Section 311.)

(Title.)

To the Fiscal of the _____ Province.

Receive into your custody the body of _____ who has been committed to jail in execution of a decree of this court dated the _____ day of _____, 19—, entered in the above-named action, for the sum of _____ rupees, together with this warrant, and him safely keep in prison for a period of six months unless he shall in the meantime be discharged by order of this court.

(Signed) _____,
(Name and office of Judge.)

The _____ day of _____, 19—.

Objects and Reasons.

The object of this Bill is to give effect to the decision of the State Council that "the Civil Procedure Code should be amended so as to prevent the arrest and imprisonment of honest judgment-debtors who from poverty or adverse circumstances are unable to pay their debts."

2. Prior to the enactment of the Debtors Act, 1869, decrees for payment of money were enforced in England by the attachment of the person of the debtor and then by sequestration of his effects. Under the existing English law no person can be arrested or imprisoned for making default in payment of a sum of money except in the circumstances set out in section 4 of the Debtors Act, which, generally speaking, provides that attachment of the person of a judgment-debtor can be resorted to only in cases where the debtor has been guilty of fraud or breach of trust or conduct calculated dishonestly to defeat the claims of his creditors. In such cases, imprisonment of the judgment-debtor can be ordered for a period not exceeding one year.

3. In point of fact, section 299 of the Civil Procedure Code is the only provision of Ceylon law under which "imprisonment for debt" can be ordered by the court in the sense in which that expression was understood in England prior to the enactment of the Debtors Act.

The Bill accordingly repeals section 299 of the Civil Procedure Code together with section 298 and sections 300 to 312 and substitutes in their place fifteen new clauses, the object of which is to provide that a judgment-debtor cannot be arrested or imprisoned for non-payment of a decree for money unless, as under the English law, he has been guilty of fraud or some dishonest act or conduct intended to defeat or delay the execution of the decree of the judgment-creditor. The defect of the existing procedure is that the inquiry into

the conduct and circumstances of the judgment-debtor is postponed till after his arrest. It has therefore been possible for an exacting judgment-creditor to utilise the provisions of the existing law in order to harass a debtor who has been unable to pay his debts owing to poverty or other adverse circumstances not involving any fraud or dishonesty on his part. Under the proposed procedure, the court, on the application of the judgment-creditor, will have to be satisfied that the debtor has been guilty of, or is contemplating, some act of fraud or dishonesty before a warrant is issued. Provision has also been made to enable the court even when so satisfied to direct notice to issue on the debtor as an alternative to the issue of a warrant of arrest. The debtor, when he appears before the court, is given a further opportunity of refuting the allegations of fact on which the court issued the warrant or notice in the first instance. Where, after inquiry by the court, a debtor is released from arrest or discharged from the proceedings, no further attachment against his person can be issued at the instance of the judgment-creditor in execution of whose decree the debtor was called upon to show cause why he should not be committed to jail.

4. It has been pointed out that judgment-debtors who have been committed to jail in execution of civil decrees sometimes fall ill during the period of their imprisonment and have to be given medical treatment either in the prison or in a hospital. Under the existing law, the court has no power to order the judgment-creditor to pay for such treatment or for hospital charges; and such expenses consequently have to be met from Government funds. Clauses 3 and 4 of the Bill amend the relevant provisions of the Civil Procedure Code so as to empower the court to make order that the judgment-creditor should, in addition to the ordinary subsistence allowance, deposit in court such additional sum as may be necessary to defray the cost of medical treatment or hospital charges in the case of a judgment-debtor who has fallen ill after his committal to jail.

Colombo, May 25, 1938.

J. C. HOWARD,
Legal Secretary.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,148. In the matter of the insolvency of Wilathgomuwa Don Stephen of Weliwita.

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 June 28, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,
Secretary.

May 18, 1938.

In the District Court of Colombo.

No. 5,169. In the matter of the insolvency of O. L.M. M. Hamid of 110, Stanley place, Maradana.

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 June 28, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,
Secretary.

May 18, 1938.

In the District Court of Colombo.

No. 5,180. In the matter of the insolvency of Ahamadullah Mubideen Shaik Muhammad Abdulla Cader trading under the name, firm, and style of A. M. S. Abdulla Cader & Co., at 124/125, Old Moor street, in Colombo.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at a sitting of this court fixed for June 14, 1938, to approve the conditions of sale of the Motor Car No. X 7933.

By order of court, A. C. BELING,
Secretary.

May 24, 1938.

In the District Court of Colombo.

No. 5,217. In the matter of the insolvency of Don Samuel Lambert Colombage of Moratuwella, Moratuwa.

WHEREAS the above-named D. S. L. Colombage has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by P. W. Simeon of Dematagoda, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said D. S. L. Colombage insolvent accordingly; and that two public sittings of the court, to wit, on June 14, 1938, and on July 19, 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, A. C. BELING,
Secretary.

May 17, 1938.

In the District Court of Colombo.

No. 5,218. In the matter of the insolvency of Solomon Wijewardene of Kirillapone in the Pallepattu of Salpiti korale.

WHEREAS Solomon Wijewardene has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by P. D. William Perera of Union place, Slave Island, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Solomon Wijewardene insolvent accordingly; and that two public sittings of the court, to wit, on June 14, 1938, and on July 19, 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, A. C. BELING,
Secretary.

May 17, 1938.

In the District Court of Colombo.

No. 5,219. In the matter of the insolvency of Veeravagoo-pillai Thanuvalingampillai carrying on business under the name, style, and firm of Muna Shana Pana & Co., at 228, Bankshall street, Pettah, Colombo.

WHEREAS K. M. Mohideen and S. K. M. Kader Mohideen both carrying on business under the name, firm, and style of K. M. Mohideen & Co., at 65, Fourth Cross street, Colombo, have filed a petition for the sequestration of the estate of Veeravagoo-pillai Thanuvalingampillai under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Veeravagoo-pillai Thanuvalingampillai insolvent accordingly; and that two public sittings of the court, to wit, on June 14, 1938, and on July 19, 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, A. C. BELING,
May 20, 1938. Secretary.

In the District Court of Colombo.

No. 5,220. In the matter of the insolvency of Felix Young of 37, 7th lane, Wall street, Kotahena, Colombo.

WHEREAS the above-named Felix Young has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. L. M. Abdul Hameed of Grandpass, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Felix Young insolvent accordingly; and that two public sittings of the court, to wit, on June 21, 1938, and on August 2, 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, A. C. BELING,
May 23, 1938. Secretary.

In the District Court of Colombo.

No. 5,221. In the matter of the insolvency of Walter Henry Pieris of 18, Temple lane, Maradana, Colombo.

WHEREAS the above-named W. H. Pieris has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by R. V. Senanayake of Campbell place, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said W. H. Pieris insolvent accordingly; and that two public sittings of the court, to wit, on June 21, 1938, and on August 2, 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, A. C. BELING,
May 23, 1938. Secretary.

In the District Court of Kandy.

No. I. 8. In the matter of the insolvency of M. K. M. Madar and K. M. M. Abdul Cader carrying on business under the name, style, and firm of M. K. M. Madar & Co., at 64-66, Galagedara road, Katugastota.

WHEREAS M. K. M. Madar and K. M. M. Abdul Cader carrying on business as M. K. M. Madar & Co., have filed a declaration of insolvency, and a petition for the sequestration of their estate has also been filed by Seena Meeyanna Seyado under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. K. M. Madar and K. M. M. Abdul Cader carrying on business as M. K. M. Madar & Co. insolvent accordingly; and that two public sittings of the court, to wit, on June 17, 1938, and on July 8, 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. MALALGODA,
May 24, 1938. Secretary.

In the District Court of Kandy.

No. I. 9. In the matter of the insolvency of A. K. Cader Saibo of Trincomalee street, Matale.

WHEREAS A. K. Cader Saibo has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by N. O. Cader Mohideen, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. K. Cader Saibo insolvent accordingly; and that two public sittings of the court, to wit, on June 17, 1938, and on July 8, 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. MALALGODA,
May 24, 1938. Secretary.

In the District Court of Kandy.

No. I. 10. In the matter of the insolvency of Nattamykarar Abdul Rahiman Kamaldeen carrying on business under the name, style, and firm of Uthuman & Son and also as the Ceylon Estate Supply Agency at No. 20, Colombo street, Kandy.

WHEREAS Nattamykarar Rahiman Kamaldeen has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by C. M. Sahul Hameed under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Nattamykarar Rahiman Kamaldeen insolvent accordingly; and that two public sittings of the court, to wit, on June 24, 1938, and on July 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, R. MALALGODA,
May 24, 1938. Secretary.

In the District Court of Kandy.

No. 2,125. In the matter of the insolvency of R. S. Wijeyaratna of Bahirawakanda, Kandy.

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 July 1, 1938, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. MALALGODA,
May 24, 1938. Secretary.

In the District Court of Nuwara Eliya.

No. 28. In the matter of the insolvency of Mawalage Don Vincent of Kotmale.

NOTICE is hereby given that a sitting of this court will be held on June 24, 1938, for proving of claims against the estate of the above mentioned insolvent.

By order of court, E. DE S. GUNAWARDENA,
May 21, 1938. Secretary.

In the District Court of Kegalla.

Insolvency In the matter of the Insolvency of T. D. Jurisdiction Marsaleenu Appuhamy of Kegalla. No. 73.

NOTICE is hereby given that the 2nd adjourned sitting of this court, on the above matter will be held on June 22, 1938, for the appointment of an assignee.

By order of court, R. B. RATNAIKE,
May 20, 1938. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

R. M. Valliappa Chettiar of Colpetty, Colombo . . . Plaintiff.
No. 1,413/S. *Rs. 16 Vs. 39*

Thuraippah Somasunderam of 9, Maliban street, Pettah, Colombo . . . Defendant.

NOTICE is hereby given that on Tuesday, June 21, 1938, at 3 P.M., will be sold by public auction at 9, Maliban street, Pettah, Colombo, the right, title, and interest of the said defendant in the following movable property for the recovery of the sum of Rs. 1,547, with interest on Rs. 1,500 at 12 per cent. per annum from October 20, 1936, to date of decree (December 11, 1936) and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit taxed at Rs. 228.86, to wit:—Rs. 132.26 being incurred costs and Rs. 96.60 being prospective costs less a sum of Rs. 1,300 and also a sum of Rs. 49.20 being costs up to December 11, 1936, viz. :—

One printing machine (cylinder), 2 plaiting printing machines, 1 ruling machine, 1 printing machine, 1 printing machine, 1 lot cases types (English, Sinhalese, Tamil), 1 typewriter, 3 chairs, 4 tables.

Fiscal's Office,
Colombo, May 25, 1938.J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Avissawella.

Suriya-ratchi Mudiyansele Paulu Silva Appuhamy of Kosgama . . . Plaintiff.
No. 2,031.Mohammado Mustalif Abdul Cader of Puwak-pitiya . . . Substituted Plaintiff.
No. 2,031. *Rs. 16 Vs. 39*

Jayawardene Wardene Welatunge Hemalatha Boteju Hamine, executrix of the last will of the late Tanip-puli Aratchilage Don Lewis Genaratne Jayatilleke of Kanampella . . . Defendant.

NOTICE is hereby given that on Wednesday, June 22, 1938, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 975.60, with further interest on Rs. 720 at 12 per cent. per annum from October 25, 1935, till March 31, 1936, and thereafter on the total amount of principal and interest at 9 per cent. per annum till payment in full and costs Rs. 150.15, viz. :—

An undivided $\frac{1}{2}$ share of 9 acres of the land called Hadduwalanda, situated at Kanampella in Udugaha pattu of Hewagam korale in the District of Colombo, Western Province; and bounded on the east by the land belonging to Sardiel Appu, on the south by the Gansabhawa road, on the west by the land of Fiscal's Officer, and on the north by the field.

Fiscal's Office,
Colombo, May 25, 1938.J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

The Chettinad Bank, Limited of Pudukottai in India . . . Plaintiff.
No. 6,021. *Rs. 16 Vs. 39*

Chidambaram Chettiar son of Muthappa Chettiar of Sea street in Colombo . . . Defendant.

NOTICE is hereby given that on Monday, June 20, 1938, at 4 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 47,465, with interest on Rs. 43,829 11 Annas and 5 Pies at 5 per cent. per annum from October 15, 1936, to December 2, 1937, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, less Rs. 2,500, viz. :—

All that allotment of land called Kongahawatta, situated at Wellawatta in Salpiti korale and presently bearing assessment Nos. 71 and 73, High street, Wellawatta, within the Municipality and in the District of Colombo, Western Province; bounded on the north by lot No. 31 (and now bearing assessment No. 69A), south by High street, east by lot No. 34 (now No. 75), and on the west by lot No. 32 (now No. 69); containing in extent 16 perches. Registered, Well. 16/140.

Fiscal's Office,
Colombo, May 25, 1938.J. R. TOUSSAINT,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

D. W. Dullewe of Mulgampola, Kandy . . . Plaintiff.
No. 40,368.(1) O. M. Abdulla (2) M. Negu Madar, (3) Aham-madu Apdeen Ismail, all of Mulgampola, Kandy . . . Defendants. *Rs. 16 Vs. 39*

NOTICE is hereby given that on Friday, June 24, 1938, at 2 P.M. will be sold by public auction at the premises the right, title, and interest of the said 1st defendant for the recovery of the sum of Rs. 350.37 and damages Rs. 6 up to October 1, 1936, together with further damages at Re. 1 per annum from October 1, 1936, till payment and poundage in the following property, viz. :—

All the right, title, interest of the 1st defendant in and to all those houses and premises bearing assessment Nos. 730 and 731 in extent about 1 rood, situate at Peradeniya road, Kandy; and bounded on the east by Seiyadu Abdul Rahaman's property, south by Peradeniya road, north by house and premises bearing assessment No. 8, and west by Mr. Keith's property.

Fiscal's Office,
Kandy, May 24, 1938.H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Werallagama Mudiyansele Punchi Banda Werella-gama in Kulugammanasiyapattu of Harispattu . . Plaintiff.
No. 45,904. *Rs. 16 Vs. 39*(1) Assen Mohideen Amir Mohideen Bawa *alias* Assen Mohideen's son Amir Mawla of Uyanwatta in Watuwela in Kulugammanasiyapattu of Harispattu, (2) Cader Mohideen's daughter, Seiyada Pathumma of Uyanwatta aforesaid . . . Defendants.

NOTICE is hereby given that on Saturday, June 25, 1938, commencing at 2 P.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 38,492 dated December 17, 1929, and attested by J. W. Wickremasinha 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 May 6, 1938, for the recovery of the sum of Rs. 7,361.43, with interest on Rs. 7,250 at the rate of 9 per cent. per annum from April 28, 1938, till payment in full and poundage, viz. :—

1. (a) All that land called Bebilettenehena now garden of 3 pelas paddy sowing in extent, situate at Watuwala in Kulugammanasiyapattu of Harispattu in the District of Kandy, Central Province; and bounded on the east by Yakunkelimudune Keenagahamulahena, south by the limit of Ranhama's land, west by Kandaheeriya on the limit of Nugawela Walawwehena, Kabal Kosgaha, Bukendagaha, 2 embaranga trees, Bebilettenewatta, rata ambagaha, waraka kosgaha, and ela, and north by above ella of Nugagahamulakumbura and dembatagaha, together with everything thereon.

(b) All that western 15 lahas paddy sowing in extent out of all that land called Yakunkelimuduna Keenagahamulahena now garden of 3 pelas of paddy sowing in extent in the whole, situate at Watuwela aforesaid and the western 15 lahas is bounded on the east by jak tree on the limit of Amugedera Unguwa's land, south by the limit of Ranhamy's land, west by Yakunkelimuduneekeenagahamulahena, and north by ella of Nugagahamulakumbura, together with everything thereon.

(c) All that land called Bebilettenehena now garden of 1 pela paddy sowing extent, situate at Watuwela aforesaid; and bounded on the east by 2 jak trees on the fence of Uyanwatta and kotta tree limit of Pallehagedera Unguwa's chena, south by the limit of Ranhamy's land and geduma tree, west by Kandaheeriya and jak tree, and north by above ella of the Kamata of Nugahamingodakumbura and jak tree on the limit of Uyanwatta, together with everything thereon, which said 3 lahas adjoin each other and form one property and from their situation as regards each other can be included in one survey.

2. (a) All that land called Bebilettenehena (now garden) of 2 pelas paddy sowing in extent, situate at Watuwala aforesaid; and bounded on the east by the stone fence of Totupola-ella, south by the fence of Assen Mohideen's land, west by the fence of Assen Mohideen's land, and north by ella of Andiyadeniyekumbura and above the fence together with everything thereon.

(b) All that land called Keenagahamulatennehena now garden of 2 pelas paddy sowing in extent, situate at Watuwala aforesaid; and bounded on the east by Idroos Mammala Marikar's land and waraka jak tree on the limit, south by Bibilettenewatta and arecanut fence, west by Kandaheeriya,

Getanegeder Unguwa's chena, and north by Lotupola-ela Galpiphilla together with the buildings, plantations, and everything thereon, which said last two lands adjoin each other and form one property and from their situation as regards each other can be included in one survey.

3. An undivided one-half share out of all that land called Bebilentenehena now garden of 2 acres and 31 perches and forty-nine hundreds of a perch, situate at Watuwala aforesaid; and the entirety being bounded on the north and east by Weralugasdeniya, south by field, west by chena belonging to Uyanwatte Godapadda and Sirimala, together with a like share of everything thereon.

4. An undivided one-third share out of an undivided one-half share out of all that land called Bebilentenehena now garden of about 6 pelas paddy sowing extent in the whole, situate at Watuwala aforesaid; and the entirety being bounded on the east by the fence of Uyanwatte Assen Mohideen's and fence of Galkotuwehena belonging to Lapaya, south by fence of Galkotuwehena of Ukkuwa, west and north by the fence of Aramba belonging to Nugawelawalawwa together with a like share of everything thereon, and registered in H 151/263-264 and 183/265-266, and all the right, title, interest, and claim whatsoever of the said 1st defendant in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,
Kandy, May 23, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

Fiscal's Office,
Kandy, May 23, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

C. G. Banda of Wegiriya Plaintiff.

No. 47,945.

Vs.

V. E. R. M. Viraman Chettiar of Colombo street,
Kandy Defendant.

NOTICE is hereby given that on Saturday, June 18, 1938, commencing at 12 noon, will be sold by public auction at the respective premises the right, title and interest of the said defendant for the recovery of the sum of Rs. 824.33, and poundage, viz. —

1. Three undivided fourth parts or shares of and in all that allotment of land called Harankahawehena, containing in extent 4 acres 1 rood and 30 perches, situate at Wattehena in Kandukara Ihala korale of Udalapata in the District of Kandy, Central Province; and bounded on the north by T. P. 139,830 and land claimed by natives, east by land claimed by natives and a footpath, south by lots K 440 and L 440 in P. P. 3,092, and west by reservation along the road, subject to the lease in favour of Vana Ena Rawanna Mana Wairawen Chettiar of 154, Colombo street, Kandy, created by deed No. 1092 dated August 6, 1925, and attested by A. V. Van Langenberg, Notary Public. Registered in D 114/29 of the Kandy Land Registry Office.

3. One undivided half part or share of and in all that land called Dalukgalewatta, in extent about 1½ kurunies in paddy sowing extent, situate at Atabage in Pallegama in Kandukara Ihala korale aforesaid; and bounded on the east by road and stone fence, south by stone fence of Nagatennewatta, west by the boundary of Erambilawelawatta, and north by Mala-ela with everything thereon (this land is subject to lease No. 1,092). Registered in D 115/101 of the Kandy Land Registry Office.

(6) One undivided fourth parts or shares of all that land called Harankahawehena of about 2 amunams in paddy sowing in the whole, together with a like share of everything thereon, situate at Atabagepallegama aforesaid; and the said entire land is bounded on the north by the high road, east by the limit of the land given to Kiriya and by Heenihulaha, south by Heenihulaha, and west by Ascot estate, which said land and premises are held and possessed by me under and by virtue of deed No. 8184 dated March 31, 1927, and attested by K. J. F. Jayatileka, Notary Public. Registered in D 106/107 of Kandy.

(8) One undivided third part or share of all that land called Alutgedarawatta of 1 pela paddy sowing or 33 perches in extent, situate at Atabage, Werellapitiya in Kandukara Ihala aforesaid; and bounded in its entirety on the north by the property belonging to Jam Appoo, east by Pincha's garden, south by the ivura of Alutgedara Bilinda's garden, and west by the land belonging to Kuttikanduwa, with everything thereon subject to a lease No. 3,435 dated October 5, 1924, and attested by M. P. E. Fernando. Registered in D 108/33 of Kandy.

(9) One undivided third part or share of all that northern portion of 3 acres 2 roods and 3 perches in extent, from and out of all that land called Gedarawatta alias Daundahene-watta of 5 acres and 3 perches, situated at Atabage Werellapitiya and which said northern portion bounded on the north by the limit of Galankotuwa Menika's land east by Liyangaha-ela, south by the ela leading water to Gonadeniya separating the remaining portion, and west by the fence of Pandakkaraya's garden with everything thereon. Registered in D 43/242 of Kandy.

84 In the District Court of Kandy.

(1) Rawanna Mana Shona Raman Chettiyar, ditto Suppramanian Chettiyar, ditto Pochalingam Chettiyar, all of 27, Trincomalee street, Kandy Plaintiffs.
No. 46,431. Vs.

Mohideen Pitchay daughter Kadja Beebee of 14, Katukelle, Peradeniya road, Kandy administratrix of the estate of M. K. Seydo Ali Marikar, deceased. Defendant.

NOTICE is hereby given that on Tuesday, June 28, 1938, commencing at 12 noon, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 5,719 dated August 26, 1931, and attested by H. A. C. Wickramaratne 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 March 26, 1938, for the recovery of the sum of Rs. 1,888.13 with interest on Rs. 1,250 at 15 per cent. per annum from April 29, 1935, till June 21, 1935, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs (less Rs. 490) and poundage, viz. —

(1) All that boutique called Kadewalkada of 25 feet in breadth and 35 feet in length or 20½ perches in extent, situate at Ginigathena in Ambegamuwa korale of Uda Bulatgama in the District of Kandy, Central Province; and bounded on the east by road, south by road leading to Dikoya, west by Narayanan's property, and north by Layallas' property, together with the buildings standing thereon. (Registered in L 36/3.)

(2) Undivided four-fifth parts or shares from and out of all that land called Galpottgedarawatta alias Pilimulangedarawatta of about 3 amunams in paddy sowing extent, situate at Kehelgomuwa in Ambegamuwa korale aforesaid; and bounded on the east by Tanahenkadulla, south by Kehelwerawe Handurala's garden and Dingirale's garden, west by Kapurala's land, and north by rock and puhukos tree with the houses standing thereon. (Registered in L 33/239.)

(3) Undivided 1/5 part or share out of the land called Tenegeedarawatta of about 5 amunams in paddy sowing extent, situate at Ambatalawa in Ambagamuwa korale aforesaid; and bounded in its entirety, on the east by road leading to Adam's Peak, south by Galwetiya and Selohamy's garden, west by Brampy Singho's garden and Nehinewatta, and north by limit of Uggalkande Kuda Appu's garden, and Mala-ela of Agiris Mendis' land with a like share of the plantations and everything thereon. Registered L 29/84.

(4) All that land called Alubodeniye-hena alias Alubodeniye-watta of about 2 amunams and 2 pelas paddy sowing in extent, situate at Kehelgomuwa aforesaid; and bounded on the east by road leading to Adam's Peak, south by ela and kumbura, west by property of Brampy Singho, and north by Uggalkande land and milla post, together with everything thereon. Registered in L 29/83.

(5) An undivided one half part or share from and out of all that land called Nawarigellewatta of 8 kurunies in paddy sowing extent, situate at Kehelgomuwa aforesaid; and bounded on the east by galdetta, south by mala-ela, west by stone fence, and north by Hinihulaha with a like share of everything thereon. Registered L 21/7.

(10) One undivided third part or share of all that land called Liyangahalehena of 2 pelas in paddy sowing extent, situate at Atabage Werellapitiya; and bounded in its entirety on the north by Millagolle-ela, south by Ukku Mallie's garden and ditch, south by the ditch and from Ukkumalie's land and 3 feet road, and west by Liyangahalehena, with everything thereon, which said 8th, 9th, and 10th lands are held and possessed by under and by virtue of deed No. 7952 dated December 30, 1926, and by deed No. 838 dated September 30, 1927, both attested by K. J. F. Jayatilleka, Notary Public (this land is subject to lease No. 3,435 aforesaid). Registered in D 108/44 of the Kandy Land Registry Office.

Fiscal's Office
Kandy, May 20, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Rawanna Mana Shona Suppramaniam Chettiyar of
No. 27, Trincomalee street, Kandy Plaintiff.
No. 48,177. Vs.

(1) Bogahagedara Damasekera Mudiyanelage Kawrala
and (2) Walgamapaye Pitawatte Loogamagedara
Muthu Menika, both of Karamada in Gangapalata
of Uduwera Defendants.

NOTICE is hereby given that on Saturday, July 2, 1938, commencing at 2 P.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 30,535 dated June 4, 1931, and attested by J. W. Wickramasinghe, Notary Public of Kandy, 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 October 30, 1937, for the recovery of the sum of Rs. 2,000 and costs and poundage, viz. :—

1. An undivided one half part or share of and in all that field called Ketamalakumbura of 7½ lahas in paddy sowing in the whole, situate at Karamada in Gangapalata of Uduwera, in the District of Kandy, Central Province; which said entire field is bounded on the east by imaweilla of Udaketamala, south by the ella of Kollegodahena, west by the weilla of Udagedera Punchirala's field, and north by the ella of Purampela, and registered in C 87/69, Kandy.

2. All that land called Appalagodahena now garden of 5 lahas in paddy sowing in extent, situate at Karamada aforesaid; and bounded on the east by Mr. Anderson's estate, south by the ella of Kitamalekumbura, west by the ditch of Udagedera Punchirala's chena, and north by the fence of Mudalihamy's chena, and registered in C 87/70, Kandy.

3. All that middle portion of 1 pela paddy sowing in extent from and out of an allotment of land called Kovilachena now garden of 3 pelas paddy sowing in extent in the whole, situate at Karamada aforesaid; which said middle portion is bounded on the east by the fence of Radagederawatta said to belong to the Crown, south by the remaining portion of this land said to belong to Bogahagedera Ram Menika, west by the village limit of Aludeniya or ant-hill, and north by the remaining portion of this land claimed by Bogahagedera Punchi Menika, and registered in C 94/106, Kandy.

4. All that land called Appalagodahena now garden of 8 lahas paddy sowing extent, situate at Karamada aforesaid; and bounded on the east by the limit of Bogahawelagederahena, south by the limit of Debaradeniyagederahena, west by limit of Kadegedera Pinhamy Vedarale's hena, and north by ella of Kitamalekumbura, together with everything thereon, and registered in C 93/18, Kandy.

5. All that western one-third share of 8 lahas in paddy sowing or 1 rood and 19 perches in extent more or less out of all that field called Debaradeniyokumbura of 2 pelas and 1 timba or 1 acre and 8 perches in extent in the whole, situate at Karamada aforesaid; which said western one-third share is bounded on the east by the limit of the remaining portion of this field, south by bank of Dambagodahena, south-west by limitary ridge of Bogahakumbura belonging to Dabaradeniya Dingirihamy, and north by bank of Werellehena, and registered in C 94/107, Kandy, and all the right, title, interest, and claim whatsoever of the defendants in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,
Kandy, May 24, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

P. R. S. P. Supparamaniam Chettiar of Galle, presently
in India by his Attorney V. R. Duraisamy Pillai of
Galle Plaintiff.

No. 36,703.

Vs.

K. S. Tillakarathne of Ratgama, and Kesalawathie
Tillakarathne, wife of D. R. Weerasekera, Registrar of
Lands, Matale, presently of Ratgama Defendants.

NOTICE is hereby given that on Wednesday, June 22, 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 2nd defendant in the following property, viz. :—

An undivided 1/5 of ¾ part of all the soil and soil share trees of the land called Punchinaiduwa and of the houses standing thereon built by Don James de Silva Tillakarathna, deceased, situated at Ratgama, in the Wellaboda pattu of the Galle District, Southern Province; and bounded on the north by the land claimed by natives, east by Panwila-kumbura, south by land belonging to Dadallege Arnolis, and west by Banduramullakumbura; containing in extent 56 acres and 17·33 perches.

Writ amount Rs. 731·56, with further interest on Rs. 700 at 18 per cent. per annum from March 25, 1938, to April 27, 1938, and on the aggregate at 9 per cent. annum, till payment in full, and Rs. 58·92 for costs.

Fiscal's Office,
Galle, May 24, 1938.

T. D. S. DHARMASENA,
Deputy Fiscal.

In the District Court of Matara.

(1) Liyanage Wilson de Silva of Matara, and
another Plaintiffs.

No. 5,955.

Vs.

(1) D. D. A. Samarasinghe of Morakka, and
others Defendants.

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 defendants in the following property for the recovery of a sum of Rs. 1,154·10, with legal interest on Rs. 315·31, from February 19, 1938, till payment in full, viz. :—

On Thursday, June 23, 1938, commencing at 3 P.M.

Property of 1st and 2nd Defendants.

1. All that undivided 2/11 parts of the land called Sapugahawatta alias Bandarawatta, situated at Beragama in Kandaboda pattu of Matara District, Southern Province; and bounded on the north by Meegahadeniya, east and south by the river, and on the west by the high road; and containing in extent about 10 acres.

2. All that undivided 2/22 parts of the land called Welihinnawalawatta, situated at Beragama aforesaid; and bounded on the north by Medagoda, east by Galakolawilehena, south by dola and Crown land, and on the west by Atalahagodawatta; and containing in extent 16 acres.

3. All that undivided 2/11 parts of the field called Pothuwilakumbura, situated at Beragama aforesaid; and bounded on the north by Elabodairawatta, Godanda, Crown jungle, and Wahungekumbura or Elabodakumbura, east by Godanda, Crown jungle, and deniya, south by Gammadugodawatta or Pahalawatta, and on the west by Poluketiya or Piyadekumbura; and containing in extent about 7 bags of paddy sowing.

4. All that undivided 2/11 parts of the field called Wahungekumbura, situated at Beragama aforesaid; and bounded on the north by Pallemagamure alias Hinkiriya, east by Elabodairawatta, south by Potuwila, and on the west by Piyadekumbura; and containing in extent about 4 bags of paddy sowing.

5. All that undivided 6/44 parts of the land called Kitulahitiya, situated at Beragama aforesaid; and bounded on the north by Hinkiriya, east by Piyadikumbura, south by Mahamuttettuwa, and on the west by jungle; and containing in extent about 4 bags of paddy sowing.

6. All that undivided 2/44 parts of the land called Yagalewila, situated at Beragama aforesaid; and bounded on the north by Amumandiyewalahena, east by Filhendeniyaewatta and Crown land, south by Katuwanagewatta

premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 3,413.20 and poundage, viz. :—

An undivided $\frac{1}{2}$ share of Ilukweherakumbura, situate at Ilukwehera in Hetahaye korale of Hiriyala hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by Kumbukgaha on the limit of Thahanamgahawela-oya and Meegaha, east by lands of Punchirala, Ranhamy, Tikka, Mohotta, Kudaya, Dinjiriya, and Baiya of Pahalawewa and lands claimed by villagers, south by land claimed by villagers, west by meegaha of the land of Kirihamy, east of the land of the villagers and land of Pedrick Mendis; containing in extent 33 acres and 26 perches. Together with the buildings and plantations thereon. Registered under B 182/113.

This property is under seizure under D. C., Kurunegala, writs Nos. 17,714, 18,275, and 18,947.

Fiscal's Office,
Kurunegala, May 19, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

In the District Court of Kurunegala.

The Chettinad Corporation Limited, Elabodagama Plaintiff.

No. 16,633.

Herat Mudiyanselage Mudalihamy Aratchi of Kamburugoda in Katugampola Medapattu korale west (dead), Herat Mudiyanselage Punchi Singho Appuhamy, Korala of Kamburugoda aforesaid, substituted in place of the deceased defendant Defendant.

NOTICE is hereby given that on Saturday, June 25, 1938, commencing at 3 o'clock in the afternoon, will be sold by public auction at the respective premises the right title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 2,094.05 with further interest on Rs. 1,500 at 24 per cent. per annum from September 14, 1932, to November 25, 1932, and thereafter with legal interest in the aggregate amount till payment in full (less Rs. 558.90), viz. :—

1. An undivided $\frac{9}{16}$ share of Maradagahamulakumbura of one amunam paddy sowing extent, situated at Manawala in Medapattu korale west of Katugampola hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by inbemma of Bakmigahakumbura, east by Meegahamulawatta, south by liminary dam of the field of Mr. Bandaranayake, west by liminary dam of the field belonging to Kiri Bandara and others, water course, and registered in C 232/134.

2. An undivided $\frac{1}{2}$ share of Kahatagahamulawatta of $1\frac{1}{2}$ acres and of the buildings and plantations thereon, situated at Minuwangomuwa in the said korale; and bounded on the north by Gansabhawa road, east by land of William Appuhamy, south by William Appuhamy's land and west by Kongahamulahena and registered in C 503/19.

3. An undivided $\frac{1}{2}$ share of Kahatagahapitiyeduniya of $1\frac{1}{2}$ acres in extent or now 3 roods and 10 perches in extent and of the buildings and plantations thereon, situated at Minuwangomuwa aforesaid; and bounded on the north and east by village boundary, south and west by fields, and registered in C 503/20.

4. An undivided $\frac{1}{4}$ share of Thimbrigahamulahena of 3 acres or now 3 roods and 22 perches in extent and of the buildings and plantations thereon, situated at Minuwangomuwa aforesaid; and bounded on the north by Kahatagahapitiya and now by wire fence separating the field of Ukku Banda Kapurala, east by Kohilakumbura, south by cart road, and west by Thimbrigahamulahena and land of others, and registered in C 498/199.

5. An undivided $\frac{1}{4}$ share of Kongahamulahena of about 2 acres in extent and of the buildings and plantations thereon, situated at Minuwangomuwa aforesaid; and bounded on the north by Gansabhawa road, east by Kongahamulahena, south by Wewakumbura, and west by Anuruppewatta and Kongahamulahena.

6. An undivided $\frac{1}{2}$ share of the remaining portion of Thimbrigahamulahena of about 7 acres or 7 acres 3 roods and 20 perches in extent after excluding an undivided extent of 1 acre towards the east and of the buildings and plantations thereon, situated at Minuwangomuwa aforesaid; and bounded on the north by land of Andihamy and land of Mudalihamy, east by wela, south by Dewalelanda and land of Charles Appuhamy, west by Gallinda-agare, and registered in C 498/201.

7. An undivided $\frac{1}{2}$ share of Gerokgahapitiya alias Kahatagahamulawatta of 2 lahas kurakkan sowing in extent or 3 acres in extent and of the buildings and plantations thereon, situated at Minuwangomuwa aforesaid;

and bounded on the north by Wewakumbura, east by Kongahamulawatta, south by land of Appuhamy and others, and west by field of Appuhamy and others, and registered in C 495/202.

Fiscal's Office,
Kurunegala, May 19, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

42 Province of Sabaragamuwa.

In the District Court of Ratnapura.

Rudolph Oliver Ludekens of Ratnapura now at Kalmunai Plaintiff.

No. 6,393.

P. 20 Vs. 39

Suraweera Aratchige Ganasoma Sumana Pragnaratne of Godigamuwa, Ratnapura, duly appointed legal representative over the estate of the deceased Charles Duff Tytler Perera Jayasundera Defendant.

NOTICE is hereby given that on Tuesday, June 21, 1938, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,645, with interest on Rs. 1,000 at 12 per cent. per annum from November 12, 1936, till February 9, 1937, and thereafter on the aggregate sum till payment in full and costs Rs. 131.57 and poundage, viz. :—

All that allotment of land described in title plan No. 74,675 with the buildings, tress, and plantations thereon, situate at Godigamuwa in Uda pattu of Kuruwiti korale in the District of Ratnapura, bearing assessment No. 43 presently bearing assessment No. 73, 73A, Malwala road, and Nos. 10 and 11, Outer Circular road, within the Urban District Council limits in the District of Ratnapura; bounded on the north by land said to belong to the Crown and land claimed by C. Wijesingha, Mudaliyar, on the north-east by a path and a reservation along the road, east by reservation along the road, south-east by land described in plan No. 66,559 and on all other sides by reservation along the road; containing in extent 13 acres 2 roods and 27 perches according to the said title plan No. 74,675 excluding therefrom a portion 1 acre 1 rood and $1\frac{74}{100}$ perches acquired by Government, which said premises are also described in plan No. 230 dated March 14, 1931 made by Alfred C. Alles, Licensed Surveyor, as follows:— All those two allotments of land called Ekwalahenekele T. P. 74,675 situate at Godigamuwa aforesaid; bounded on the north by T. P. S. 163,765, 220,595 and Mahawela estate, east by cart road, south by T. P. No. 66,558, and on the west by Outer Circular road; containing in extent 12 acres 1 rood and 17 perches; and registered in A 191/197.

Fiscal's Office,
Ratnapura, May 23, 1938.

N. SWAMINATHA AYEY,
Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

30 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Kostantinu Savari Muthu No. 8,361. Fernando Manapad, South India, deceased.

Kostantinu Mathias Fernando of 25, Brassfounder street, Colombo Petitioner.

This matter coming on for disposal before Mr. W. H. de Silva, Esq., District Judge of Colombo, on March 11, 1938, in the presence of Mr. G. R. Motha, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated January 4, 1938, (2) of the attesting notary dated March 10, 1938, (3) of one of the attesting witnesses dated February 18, 1938, and (4) the order of the Supreme Court dated November 12, 1937, having been read:

It is ordered that the last will of Kostantinu Savari Muthu 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 executor named in the said will and

that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before May 19, 1938, show sufficient cause to the satisfaction of this court to the contrary.

March 11, 1938.

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

Extended to June 2, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Kanan Ramen of Idama in
No. 8,385. Moratuwa, deceased.

Kosgamage Dona Alice Nona of 111, Idama in Mora-
tuwa Petitioner.

(1) Kanan Ramen Edin, (2) Kanan Ramen Seelawathy,
both of 111, Idama in Moratuwa, minors, appearing by
by their guardian *ad litem* (3) Kosgama Appu-
hamillage Don Charles Appuhamy of Remune in
Horana Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 1, 1938, in the presence of Mr. H. A. Jayawickrema, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated March 30, 1938, and (2) of the attesting notary dated March 26, 1938, having been read:

It is ordered that the last will of Kanan Ramen, 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 May 19, 1938, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd respondents above named, to represent them for all the purposes of this action.

April 1, 1938.

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

Extended to June 2, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Appukutty Kanagasabai
No. 8,389. of Chittankerni in Chankanai, Jaffna,
late of Kandy, deceased.

Sellamma of 11, Hamer's avenue, Wellawatta, in
Colombo Petitioner.

And

(1) Kamalambikai wife of Kandiah, and (2) Maheswari
wife of Tangaraj, both of Hamer's avenue, Wellawatta, in Colombo Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 5, 1938, in the presence of Mr. C. Sevaprakasam, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated March 3, 1938, and (2) of the attesting notary dated January 30, 1938, having been read:

It is ordered that the last will of Appukutty Kanagasabai, 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 June 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

April 5, 1938.

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

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Rayappen Sinnayen Gabriel of
No. 8,394. Angoda, deceased.

Sinnayen Gabriel Croos of Slave Island in
Colombo Petitioner.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 7, 1938, in the presence of Mr. J. V. Raju Iswara, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated March 21, 1938, (2) of the attesting notary dated March 26, 1938, and (3) of one of the attesting witnesses dated March 21, 1938, having been read:

It is ordered that the last will of Rayappen Sinnayen Gabriel, 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 any person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

April 7, 1938.

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

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Kotakwage Abraham Perera of Paliya-
No. 8,395. goda, deceased.

Jayasinghe Mudalige Mary Margaret Perera of Peliya-
goda Petitioner.

And
(1) K. C. W. Perera of Gampaha, (2) Rev. Bro. Sebastian
Abel of Methodist College, Kandana Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 8, 1938, in the presence of Messrs. Pierez & Anthonisz, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 1, 1938, having been read: It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of the court to the contrary.

April 8, 1938.

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

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of the late Sinnappu Ambala-
No. 8,397. vanar, deceased.

Sivayogam Ambalavanar of 63 Hill street,
Colombo Petitioner.

(1) A. Sambathar of Hulfts dorp, Colombo, (2) Nageswari Ambalavanar, (3) M. Ambalavanar, both of Nuwara Eliya, (4) Sivayandayyan Visvappa, (5) T. Visvappa, both of New Chetty street, Colombo, (6) Ambalavanar Kantharam, (7) Ambalavanar Nagendren, (8) Ambalavanar Sivakamasundery, minor of the age of 20 years, by her guardian *ad litem*, the 1st respondent Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 9, 1938, in the presence of Mr. K. T. Chittampalam, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated April 4, 1938, (2) of the attesting notary dated April 5, 1938, and (3) of one of the attesting witnesses dated April 4, 1938, having been read:

It is ordered that the last will of Sinnappu Ambalavanar, 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 June 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent be and he is hereby appointed guardian *ad litem* of the minor, the 5th respondent above named, to represent her for all the purposes of this action.

April 9, 1938.

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

In the District Court of Colombo.

Order Nisi.

24
Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of M. S. M. Meyappa Kone son of No. 8,399. Kallaperumal Kone of Karukapilampatty in Tiruppattur, Ramnad District, South India, deceased.

Somasundaram son of Meyappakone of Dean's road, Colombo Petitioner.
Karuppai, widow of the deceased M. S. M. Meyappa Kone son of Kallaperumal Kone Respondent.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 11, 1938, in the presence of Mr. K. T. Chittampalam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 21, 1938, having been read with the order of the Supreme Court dated March 3, 1938: It is ordered that the petitioner be and he is hereby declared entitled as son to his estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of the court to the contrary.

April 11, 1938.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

29
Testamentary In the Matter of the Intestate Estate of Jurisdiction. Calpage Edwin Charles Perera Weerasekera of Wellampitiya, deceased.

Liyana Mohottige Emmie Cabral of Wellampitiya. Petitioner.

And

(1) Calpage Fiyadasa Weerasekera, (2) Calpage Mihindudasa Weerasekera, both of Wellampitiya, minors, by their guardian *ad litem* (3) L. J. Cabral of Pamunuwila in Kelaniya Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 12, 1938, in the presence of Mr. A. H. Seneviratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 28, 1938, having been read:

It is ordered (a) that the third respondent be and he is hereby appointed guardian *ad litem* of the minors the 1st and 2nd respondents above named to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of the court to the contrary.

April 12, 1938.

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

In the District Court of Colombo.

Order Nisi.

28
Testamentary In the Matter of the Intestate Estate of Jurisdiction. Manoranjitham Vythilingam of Nugegoda, deceased.

V. Vythilingam of Nugegoda Petitioner.

And

(1) V. Dageswary, (2) V. Ratnasothy, (3) V. Jegasothy all of Nugegoda, minors, appearing by their guardian *ad litem* (4) Amirthavally Vallipuram of Nugegoda Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on May 2, 1938, in presence of Mr. S. Kandaswamy, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 27, 1938, having been read:

It is ordered (a) that the 4th respondent and she is hereby appointed guardian *ad litem* of the minors the 1st, 2nd, and 3rd respondents above named to represent

them for all the purposes of this action and (b) that the 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 June 16, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 2, 1938.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

27
Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Mohamed Mohamed No. 8,420. Keyard of 87, Maligakanda, Maradana, deceased.

Samsudeen Hamid of 91 St. Joseph street, Colombo Petitioner.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on May 9, 1938, in the presence of Messrs. Arunachalam & Karunaratne, Proctors, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated May 6, 1938, (2) of the attesting Notary dated May 6, 1938, and (3) of one of the attesting witnesses also dated May 6, 1938, having been read:

It is ordered that the last will of Mohamed Mohamed Keyard, 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 any person or persons interested shall, on or before June 23, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 9, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

31
Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Ernest Frederick Patridge No. 8,422. Donhorst also known as Paul Donhorst, late of 27, Warwick Square, London, S.W. 1, deceased.

John Wilson of Dan street, Colombo Petitioner.

THIS matter coming on for final disposal before W. Sansoni, Esq., District Judge of Colombo, on May 10, 1938, in the presence of Mr. S. Somasundaram, Proctor, on the part of the petitioner above named; and (1) the affidavit of the said petitioner dated May 10, 1938, (2) power of attorney in favour of the petitioner, (3) a certified copy of the last will and testament of the above-named deceased, together with a certified copy of the probate issued under the seal of the High Court of Justice, England, and (4) the order of the Supreme Court dated April 4, 1938, having been read:

It is ordered that the last will of Ernest Frederick Patridge Donhorst also known as Paul Donhorst, deceased, of which a certified copy 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 attorney of the executors named in the said will, and that he is entitled to have letters of administration with copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before June 23, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 10, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

30
Testamentary In the Matter of the Intestate Estate of Jurisdiction. Fredin Herbert de Fry of Colombo, No. 8,423, deceased.

Rhoda de Fry of Horepolla, Veyangoda Petitioner.

And

(1) Lolita de Fry, (2) Myra de Fry, (3) Fergus de Fry, (4) King de Fry, (5) S. Bekelman of Pickering's road, Kotahena in Colombo, (6) A. G. Vansanden of Veyangoda Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on May 11, 1938 in the

presence of Mr. N. J. S. Cooray, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 4, 1938, having been read:

It is ordered (a) that the 5th respondent be and she is hereby appointed guardian *ad litem* of the minor the 1st respondent and 6th respondent be and he is hereby appointed guardian *ad litem* of the minors the 2nd, 3rd, and 4th respondents above named to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of the court to the contrary.

May 11, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

35/

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of D. Isaac Theagaraja Kunaratnam, late of Negombo, deceased. No. 8,428.

Joyce Eliza Athisayam Kunaratnam of Negombo and presently of Westover, 33rd Lane off Bagatelle road, Colombo Petitioner.

- (1) T. S. Chinmatamby of Moor road, Wellawatta, (2) Ratnaswathy Kunaratnam, (3) Rajaswathy Kunaratnam, (4) Theagandran Kunaratnam, (5) Mahendran Kunaratnam, (6) Nelsawathy Kunaratnam, (7) Vimalawathy Kunaratnam, (8) Indran Kunaratnam, all of Negombo and presently of Westover, 33rd Lane off Bagatelle road, Colombo, the 2nd to 8th respondents being minors by their guardian *ad litem* the 1st respondent above named Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on May 24, 1938, in the presence of Messrs. Wilson and Kadirgamar, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 3, 1938, having been read:

It is ordered (a) that the 1st respondent be and he is hereby appointed guardian *ad litem* of the minors the 2nd, 3rd, 4th, 5th, 6th, 7th, and 8th respondents above named to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of the court to the contrary.

May 24, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

28/

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Mohideen Hamid of Wolfendhal street, No. 8,429. Colombo, deceased.

Jameela Umma of 155/31, Wolfendahl street, Colombo Petitioner.

- (1) Mohideen Abdul Cader, (2) Mohamadu Usoof, both of Wolfendhal street, Colombo Respondents.

THIS matter coming on for disposal before Waldo Sansoni, Esq., District Judge of Colombo, on May 18, 1938, in the presence of Mr. H. V. Ram Iswera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 17, 1938, having been read:

It is ordered (a) that the 2nd respondent be and he is hereby appointed guardian *ad litem* of the minor the 1st respondent above named to represent him for all purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her unless the respondents above named or any other person or persons interested shall, on or before June 30, 1938, show sufficient cause to the satisfaction of the court to the contrary.

May 18, 1938.

W. SANSONI,
District Judge.

In the District Court of Kandy.

27/

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testament of Hettihewage Dona Selestina de Silva, deceased, of De Silva Villa Matale. No. T 37.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on April 29, 1938, in the presence of Mr. S. P. Wijayatilake, Proctor, on the part of the petitioner, the late Hettihewage Don Charles de Silva of Avissawella; and the affidavits of the said petitioner dated April 14, 1938, and of the attesting Notary dated April 6, 1938, having been read:

It is ordered that the last will of the above-named deceased, dated November 25, 1929, and now deposited in this court, be and the same is hereby declared proved; unless any person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person or persons interested shall, on or before the said date, show sufficient cause to the satisfaction of this court to the contrary.

April 29, 1938.

R. F. DIAS,
District Judge.

In the District Court of Kandy.

23/

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Laura de Cruse, deceased, of 1064, Kattukelle road, Kandy. No. T. 40.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on May 16, 1938, in the presence of Messrs. Lesching and Lee, Proctors, on the part of the petitioner, Vincent Jerome de Cruse; and the affidavit of the said petitioner dated April 27, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Gabriel Peter de Cruse, (2) Bernando de Cruse, (3) Mrs. Annie Chrysostum, (4) Mrs. Rose Mary Chrysostum, (5) Miss Grace de Cruse, (6) Miss Louisa de Cruse, (7) Josephine Moses, and (8) Melloni Moses or any other person or persons interested shall, on or before July 18, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 16, 1938.

R. F. DIAS,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the late Peduruhewa Jurisdiction. Kankanange Adonis Ranasinghe of Dangagedara, Galle, deceased. No. 7,813.

Peduruhewa Kankanange Marshall Ranasinghe of Dangagedara, Galle Petitioner.

- (1) Kiriwandalage Anlin of Bawa place, Borella, (2) Peduruhewa Kankanange John Ranasinghe of Harbour Engineer's Department, Colombo, (3) Peduruhewa Kankanange Alice of Talpe, (4) ditto Roslyn Ranasinghe, (5) ditto Robert ditto, (6) ditto Albert ditto, (7) ditto Emmie ditto, (8) ditto Sirisena ditto, (9) ditto Daisy ditto, (10) ditto Albert *alias* Wilnot Ranasinghe, all of Bawa place, Borella Respondents.

THIS matter coming on for disposal before C. L. Wickramasinghe, Esq., District Judge, Galle, on May 4, 1938, in the presence of Messrs. Saheed & Thahir, Proctors, on the part of the said petitioner; and the affidavit of the said petitioner dated January 31, 1938, having been read:

It is declared that the petitioner above named, as a son of the deceased, is entitled to letters of administration to the estate of the said deceased issued to him accordingly, unless the said respondents or any person or persons interested shall, on or before June 6, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 4, 1938.

C. L. WICKREMASINGHE,
District Judge.

In the District Court of Jaffna held at Point Pedro.

30

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Thambiah Kanapathippillai of Thumpalai, deceased.

Sinnappillai, widow of Kanapathippillai of Thumpalai Petitioner.

Rs. 16.00

Vs.

(1) Packiam, daughter of Kanapathippillai of Thumpalai, (2) Kanapathippillai Viniyagampillai of ditto, (3) Kathappillai, widow of Kanthiah of ditto Respondents.

THIS matter coming on for disposal before C. E. A. Samarakkody, Esq., Additional District Judge of Jaffna, on May 9, 1938, in the presence of Mr. K. Muttukumar, Proctor on the part of the petitioner, and the petition and affidavit of the petitioner having been read :

It is hereby ordered that the above-named 3rd respondent be and she is hereby appointed guardian *ad litem* over the minors, the above-named 1st and 2nd respondents, to represent them in the testamentary proceedings to be instituted by the petitioner, and that the petitioner be and she is hereby declared entitled to take out letters of administration to the above estate, as the widow of the deceased, and that letters of administration be issued to her accordingly, unless the respondents above named appear and show cause to the contrary on or before June 3, 1938.

C. E. A. SAMARAKKODY,
Additional District Judge.

May 14, 1938.

27 In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Karunaratnage Anthony Fernando of Singakkuliya in Chilaw District, deceased.

THIS matter coming on for disposal before M. A. Samarakkoon, Esq., District Judge of Chilaw, on May 9, 1938, in the presence of Mr. A. S. Goonesekera, Proctor, on the part of the petitioner, Weerappulige Ana Fernando of Singakkuliya; and the affidavit of the said petitioner dated February 16, 1938, having been read : It is ordered

that the petitioner, as the widow of the deceased above named, is declared entitled to have letters of administration to his estate issued to her accordingly, unless the respondents, viz., (1) Karunaratnage Eusebius Fernando, (2) Karunaratnage Maria Fernando, and (3) Karunaratnage Andrew Fernando, all of Singakkuliya, or any other person or persons interested shall, on or before June 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent above named be and he is hereby appointed guardian *ad litem* over his brother, the 3rd respondent, minor, to represent him for all the purposes of this action.

M. A. SAMARAKOON,
District Judge.

May 9, 1938.

27 In the District Court of Chilaw.

Order Absolute.

No. 2,212 T. In the Matter of the Last Will and Testament of the late Kurukulasuriya Warliyanu Fernando of Old Town, Madampe, deceased.

Kurukulasuriya John Fernando of Thoduwawa . . . Petitioner.

THIS matter coming on for final determination before Martin Alwis Samarakkoon, Esq., District Judge of Chilaw, on April 8, 1938, in the presence of Mr. Albert Frederick Peries, Proctor, on the part of the petitioner, Kurukulasuriya John Fernando, and (1) the affidavit of the said petitioner dated April 7, 1938, (2) the affidavit of Thomas Mathew Fernando of Chilaw, and Dehipiti Aratchige Don Albert appuhamy of Thoduwawa, attesting witnesses to the last will dated April 4, 1938, (3) and the affidavit of A. W. Corea of Chilaw, Notary Public, dated April 4, 1938, having been read :

It is ordered that the last will and testament dated September 20, 1937, attested by A. W. Corea of Chilaw, Notary Public, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved :

And it is further ordered that the petitioner is entitled to have probate thereof issued to him accordingly.

M. A. SAMARAKOON,
District Judge.

April 8, 1938.