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

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DRAFT ORDINANCES.**MINUTE.**

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

L. D.—O 16/37

An Ordinance to declare and define certain powers, privileges and immunities of the State Council and of its members ; to secure freedom of speech in the State Council ; to regulate admittance to the State Council Chamber ; to give protection to persons employed in the publication of the reports and other papers of the State Council ; and for purposes incidental to or connected with the matters aforesaid.

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An Ordinance to declare and define certain powers, privileges and immunities of the State Council and of its members ; to secure freedom of speech in the State Council ; to regulate admittance to the State Council Chamber ; to give protection to persons employed in the publication of the reports and other papers of the State Council ; and for purposes incidental to or connected with the matters aforesaid.

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

Short title.

1 This Ordinance may be cited as the State Council Powers and Privileges Ordinance, No. of 1938.

Freedom of speech.

2 There shall be freedom of speech in the Council and such freedom of speech shall not be questioned in any court or place out of the Council.

Freedom of speech.

3 No member shall be liable to any civil or criminal proceedings in any court or to arrest, fine, imprisonment or damages in respect of anything said or any vote given by him in the Council or in respect of any matter or thing which he may have brought before the Council by bill, motion, petition, resolution, or otherwise.

Immunity of members in respect of statements made and votes given in the Council.

Attendance of witnesses before the Council and matters incidental thereto.

4 The Council, and any committee which is duly authorised by an order of the Council to send for persons, documents or papers, may order any person to attend before the Council or before such committee and to produce any paper, book, record or document in the possession or under the control of such person.

Power to order the attendance of witnesses.

5 (1) Any order to attend or to produce documents before the Council or before any committee shall be notified to the person required to attend or produce documents by a summons under the hand of the Clerk issued by direction of the Speaker ; and in every such summons there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce ; and the summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in Ceylon, with some adult person ; and there shall be paid or tendered to the person so summoned, if he do not reside within four miles of the Council Chamber, such sum for his expenses as may be prescribed by any Standing Order made in that behalf.

Attendance to be notified by summons.

(2) A summons under this section may be served by an Officer of the Council or through the Fiscal or the Police ; and every Fiscal and his deputies and their officers and all police officers are hereby required to assist in the service of any such summons.

6 The Council or a committee may require that any facts, matters, and things relating to the subject of inquiry before the Council or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath which the Speaker or the chairman of the committee or other person specially appointed for that purpose is hereby authorised to administer.

Witnesses may be examined on oath.

7 (1) Where any person ordered to attend or to produce any paper, book, record or document before the Council refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of inquiry, the Speaker may excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof.

Objection to answer questions or to produce papers.

(2) Where any person ordered to attend or to produce any paper, book, record or document before any committee refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of inquiry, the chairman of the committee may report such refusal to the Speaker with the reasons therefor ; and the Speaker may thereupon excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof.

8 Any person who, before the Council or any committee (and whether or not that person has been sworn or has made a solemn affirmation or declaration), after being duly cautioned as to his liability to punishment under this section, intentionally gives a false answer to any question material to the subject of inquiry which may be put to him during the course of any examination, shall be guilty of an offence under section 190 of the Ceylon Penal Code and shall be liable, on conviction, to the penalties prescribed by that section for that offence.

Penalty for perjury before Council or committee.

9 Every person summoned to give evidence or to produce any paper, book, record or document before the Council or a committee shall be entitled, in respect of such evidence or

Privileged evidence.

the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as in civil proceedings before a court of competent jurisdiction; and the provisions of Chapter XI of the Evidence Ordinance, 1895, shall apply accordingly; and for the purposes of such application the summons to such person shall be deemed to be a summons issued by a court of competent jurisdiction and the proceedings before the Council or such committee shall be deemed to be civil proceedings relating to a suit or action in such a court.

Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings.

10 (1) Every witness before the Council or a committee who shall answer fully and faithfully any questions put to him by the Council or such committee to its satisfaction shall be entitled to receive a certificate under the hand of the Speaker or the chairman of the committee, as the case may be, stating that such witness was upon his examination so required to answer and did answer any such questions.

(2) On production of such certificate to any court of law such court shall stay any proceedings, civil or criminal, except for a charge under section 190 of the Ceylon Penal Code for perjury against such witness for any act or thing done by him before that time and revealed by the evidence of such witness, and may, in its discretion, award to such witness such expenses as he may have been put to.

Evidence of proceedings in the Council or committee not to be given without leave.

11 No member or officer of the Council and no shorthand writer employed to take minutes of evidence before the Council or any committee shall give evidence elsewhere in respect of the contents of such evidence or of the contents of any manuscript or document laid before the Council or any committee or in respect of any proceedings or examination held before the Council or before any committee without the special leave of the Council first had and obtained. Such special leave may be given after a dissolution or during a recess or adjournment by the Speaker, or, in his absence or other incapacity, by the Clerk.

Regulation of admittance to the Council Chamber.

Right to enter Council Chamber.

12 No stranger shall be entitled, as of right, to enter or to remain within the Council Chamber.

Power of Speaker to regulate admittance to the Council Chamber.

13 (1) The Speaker is hereby authorised to issue such orders as he may in his discretion deem necessary for the regulation of the admittance of strangers to the Council Chamber.

(2) Copies of orders made by the Speaker under this section shall be duly authenticated by the Clerk of the Council and exhibited in conspicuous positions in the Council Chamber; and such copies, when so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.

Power of Speaker to order withdrawal from Council Chamber.

14 The Speaker may at any time order any stranger to withdraw from the Council Chamber.

Offences and Penalties.

Offences relating to admittance to the Council Chamber.

15 Any person who—

- (1) being a stranger enters or attempts to enter the Council Chamber in contravention of any order of the Speaker, or
- (2) being a stranger fails or refuses to withdraw from the Council Chamber when ordered to withdraw therefrom by the Speaker, or
- (3) contravenes any rule made by the Speaker under the Standing Orders, or
- (4) attends any sitting of the State Council as the representative of any journal after the general permission granted under the Standing Orders to the representative or representatives of that journal has been revoked,

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

Other offences.

16 Any person who—

- (a) disobeys any order made by the Council or a committee for attendance or for production of papers, books, documents or records, unless such attendance or production be excused as hereinbefore provided; or

- (b) refuses to be examined before or to answer any lawful and relevant question put by the Council or a committee unless such refusal be excused as hereinbefore provided ; or
- (c) offers to any member or Officer of the Council any bribe, fee, compensation, gift or reward in order to influence him in his conduct as such member or officer, or for or in respect of the promotion of or opposition to any Bill, resolution, matter, rule, or thing submitted to or intended to be submitted to the Council ; or
- (d) assaults, obstructs or insults any member coming to or going from the Council, or endeavours to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter depending or expected to be brought before the Council ; or
- (e) assaults, interferes with, resists or obstructs any officer of the Council while in the execution of his duty ; or
- (f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Council while the Council is sitting ; or
- (g) presents to the Council or a committee any false, untrue, fabricated or falsified document with intent to deceive the Council ; or
- (h) publishes any false or scandalous libel on the Council,
- shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding one thousand rupees.

17 Every officer of the Council shall, for the purposes of this Ordinance and of the application of the provisions of the Criminal Procedure Code, 1898, have all the powers of a peace officer under that Code.

Officers of Council to have powers of peace officers.

18 Every offence under this Ordinance shall be a cognizable offence for the purposes of the application of the Criminal Procedure Code, 1898, notwithstanding anything contained in the second schedule to that Code.

All offences to be cognizable offences.

19 No prosecution for an offence under this Ordinance shall be instituted except with the written sanction of the Attorney-General.

Attorney-General to sanction prosecutions.

20 (1) No member shall accept or receive either directly or indirectly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the Council.

Members not to receive compensation for promotion or opposition of Bills, &c.

(2) Any person acting in contravention of this section shall be liable to a penalty not exceeding five thousand rupees, and, in addition, to repay the amount of the value of the fee, compensation, gift, or reward accepted or received by him.

21 (1) The Attorney-General may sue for and recover in any civil court of competent jurisdiction any penalty incurred by any person under this Ordinance as though such penalty were a debt due to the Crown ; and no person other than the Attorney-General shall sue for or recover any such penalty.

Recovery of penalties.

(2) Any such penalty shall, when recovered, be credited to the general revenue of Ceylon.

Miscellaneous.

22 Subject to the provisions of this Ordinance, a copy of the Journals of the Commons House of the Parliament of the United Kingdom of Great Britain and Northern Ireland printed or purporting to be printed by the order or by the printer of the Commons House aforesaid shall be received as *primâ facie* evidence without proof of its being such copy upon any inquiry touching the privileges, immunities and powers of the Council or of any member thereof.

Commons Journals to be *primâ facie* evidence in inquiries touching privilege.

23 Upon any inquiry touching the privileges, immunities and powers of the Council or of any member, any copy of the journals printed or purporting to be printed by the Government Printer shall be admitted as evidence of such journals in all courts and places without any proof being given that such copy was so printed.

Journals printed by order of the Council to be admitted as evidence.

24 Any person who shall print or cause to be printed a copy of any Ordinance now or hereafter in force, or a copy of any report, paper, minutes or votes and proceedings of the Council as purporting to have been printed by the Government

Penalty for printing false copy of Ordinance, journal, &c.

Printer or by or under the authority of the Council or by the Speaker, and the same is not so printed, or shall tender in evidence any such copy as purporting to be so printed knowing that the same was not so printed, shall be guilty of an offence and shall be liable upon conviction to imprisonment of either description for a period not exceeding three years.

Protection of persons responsible for publications authorised by the Council.

25 Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant, by order or under the authority of the Council of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours' written notice of his intention, bring before the court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker or of the Clerk stating that the reports, papers, minutes, votes or proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servant by order or under the authority of the Council together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Publication of proceedings without malice.

26 In any civil or criminal proceedings instituted for publishing any extract from or abstract of any such report, paper, minutes, votes or proceedings as in the preceding section mentioned, if the court or jury, as the case may be, be satisfied that such extract or abstract was published *bona fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

Powers of Speaker to be supplementary to his powers under Order in Council.

27 The powers of the Speaker under this Ordinance shall be supplementary to his powers under the Order in Council and the Standing Orders.

Courts not to exercise jurisdiction in respect of acts of Speaker and Officers of the Council.

28 Neither the Speaker nor any Officer of the Council shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or such officer by or under this Ordinance.

Speaker to act notwithstanding dissolution of Council.

29 For the purposes of this Ordinance, the person who fills the office of the Speaker at the time of any dissolution of the Council shall be deemed to be the Speaker until a Speaker has been elected in accordance with the provisions of the Order in Council.

Civil process not to be served in Council Chamber.

30 Notwithstanding anything in any other written law to the contrary, no process issued by any court of Ceylon in the exercise of its civil jurisdiction shall be served or executed within the Council Chamber or through the Speaker, the Clerk or an Officer of the Council.

Privileges to be judicially noticed.

31 All courts are hereby required to take judicial notice of the privileges and immunities of the Council and its members.

Interpretation.

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

“ Clerk ” means the Clerk of the Council appointed under Article 27 of the Order in Council ;

“ committee ” means any executive, standing, select or other committee of the Council and includes the Board of Ministers ; and in sections 5 to 11 and 16 means a committee duly authorised by an order of the Council as provided in section 4 ;

“ Council ” means the State Council of Ceylon constituted under the Order in Council and includes a committee ;

“ Council Chamber ” means the entire building containing the chamber in which the Council sits in session for the transaction of business, together with the offices of the Council and the galleries or places provided for the use or accommodation of strangers, members of the public and representatives of the press, and includes the land on which such building stands bounded on the north, west and south by a parapet wall and on the east by the Secretariat ;

“ journals ” means the minutes of the Council or the official record of the votes or proceedings thereof ;

“ member ” means a member of the Council, whether elected or nominated, and includes an Officer of State ;

“ Officer of the Council ” means the Clerk of the Council or any other officer or person acting within the Council Chamber under the orders of the Speaker, and includes any Police Officer on duty within the Council Chamber ;

“ Order in Council ” means the Ceylon (State Council) Order in Council, 1931, as amended by any other Order of His Majesty in Council ;

“ Speaker ” means the Speaker of the Council and includes the Deputy Speaker, the Deputy Chairman of Committees or other member of the Council when such Deputy Speaker, Deputy Chairman or member is presiding at a meeting of the Council in accordance with the provisions of Article 30 (5) of the Order in Council ;

“ Standing Orders ” means the Standing Orders of the Council made under the Order in Council and for the time being in force ;

“ stranger ” means any person other than a member or an Officer of the Council.

(2) Any reference to a Board, Committee or person mentioned in the Order in Council by name, designation, or office, shall be construed as a reference to the Board or Committee which for the time being is entitled to function under that name under the Order in Council, or to the person for the time being holding that office or entitled to that designation under the Order in Council, as the case may be.

33 Nothing in this Ordinance shall be deemed, directly or indirectly, by implication or otherwise, in any way to diminish the rights, privileges, or powers of the Council, whether such rights, privileges or powers are held by custom, statute, or otherwise ; and the omission to define by this Ordinance all privileges, immunities and powers which could have been so defined in the exercise of the powers conferred by Article 73 of the Order in Council shall not at any time for any purpose be construed in derogation of the right hereafter to define by Ordinance any such privilege, power or immunity which is not expressly mentioned in this Ordinance.

Saving of rights, powers and privileges of the Council.

Objects and Reasons.

The principal objects of this Bill are—

- (a) to secure freedom of speech in the State Council ;
- (b) to provide for the production of documents and the attendance of witnesses before the Council ; and
- (c) to regulate the admittance of ‘ strangers ’ to the State Council Chamber.

2. The Council will not function as a Court of Law and will not exercise punitive powers over persons guilty of acts which would ordinarily be regarded as ‘ contempts ’ of its authority. Such ‘ contempts ’ are, however, declared to be offences punishable by fine on conviction of the offender after summary trial before a Magistrate (Clause 16).

3. Clause 2 declares that there shall be freedom of speech in the State Council. This is the only ‘ privilege ’ which has been expressly defined in the Bill in the exercise of the powers conferred by Article 73 of the Order in Council which provides that a law may be enacted defining the privileges, immunities and powers to be held, enjoyed and exercised by the Council and its members.

4. Clauses 4 to 11 provide for the production of documents and the attendance of witnesses before the Council. A committee of the Council can also summon witnesses to give evidence and to produce documents if such committee is specially authorised by the Council to exercise such powers (Clause 4). A witness can plead the same privilege before the Council as before a Court of Law (Clause 9).

5. Clauses 12 to 14 provide for the regulation of the admittance of ‘ strangers ’ to the Council Chamber. A ‘ stranger ’ is defined in Clause 32 to be a person other than a member or an Officer of the Council.

6. Clauses 22 to 31 deal with miscellaneous matters incidental to or connected with the principal objects of the Bill.

D. B. JAYATILAKA.

Colombo, August 3, 1938.

Leader of the State Council.

MINUTE.

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

An Ordinance to incorporate an Association known as the Government Surveyors' Association.

WHEREAS an Association called and known as the Government Surveyors' Association has heretofore been established for the purpose of carrying out and transacting all matters connected with the said Association according to the rules agreed to by its members :

And whereas the said Association has applied to be incorporated and it will be for the public advantage to grant such application for incorporation.

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

- already changes in long of 26/8/38. 9/29/38*
- Short title.** 1 This Ordinance may be cited as the Government Surveyors' Association Incorporation Ordinance, No. of 1938.
- Incorporation.** 2 From and after the date of the commencement of this Ordinance, the members for the time being of the Government Surveyors' Association (hereinafter referred to as the Association) and such and so many persons as shall after that date be members of the Association shall be and become a body corporate with perpetual succession under the name and style of "The Government Surveyors' Association" and by that name may sue and be sued in all courts.
- General objects.** 3 The general objects for which the corporation is constituted are—
- (a) to administer the Benevolent Fund created by the Association ;
 - (b) to promote thrift among its members ;
 - (c) to give relief to all duly enrolled members of the Benevolent Fund in times of sickness, distress or pecuniary difficulties and to render such other assistance as may be found necessary in accordance with the rules of the Association ;
 - (d) to take such other measures as may be necessary for the purposes of the Association.
- Rules.** 4 (1) It shall be lawful for the Association from time to time at any general meeting of the members and by a majority of votes to make rules for any of the following purposes :—
- (a) the admission, withdrawal or expulsion of members ;
 - (b) the powers, conduct, duties and functions of the various officers, agents and servants of the Association ;
 - (c) the procedure to be observed at meetings and in convening meetings and in the transaction of the business of the Association ;
 - (d) the administration and management of the property of the Association ;
 - (e) fixing the subscription payable by members, the collection of such subscription and the payment of moneys due to members ;
 - (f) the imposition of penalties and forfeitures for breaches of the rules ; and
 - (g) generally the management of the affairs and the accomplishment of the objects of the Association.
- (2) No rule made by the Association shall have effect unless such rule has been approved by the Governor.
- (3) All members of the Association shall at all times be subject to the rules for the time being of the Association.
- Alteration of rules.** 5 No rule made by the Association at a general meeting shall be altered, amended or revoked except by a majority of members present and voting at any subsequent general meeting ; and no such alteration, amendment or revocation shall have effect unless it has been approved by the Governor.
- Power of corporation to hold property.** 6 The corporation shall be able and capable in law to receive and to hold property, both movable and immovable, which may be vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise ; and all such property shall be held by the corporation for the purposes of this Ordinance and subject to the rules for the time being of the said corporation with full power (subject to any trust attaching to such property and to the law regulating such trusts) to sell, mortgage, lease, exchange or otherwise dispose of the same.

7 From and after the date of the commencement of this Ordinance all property of the Association, both movable and immovable, whether held in the name of the Association or in the name of any person or persons in trust for the Association, shall be and is hereby vested in the corporation and such property together with all after-acquired property, both movable and immovable, and all subscriptions, donations, penalties, loans and other moneys received or to be received shall be held by the said corporation for the purposes of this Ordinance and subject to the rules for the time being of the Association.

Vesting of property.

8 (1) It shall be competent for the corporation to have and to use a seal and to change and alter its seal from time to time.

Seal of corporation.

(2) The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of two of its members who shall sign their names on the instrument in token of their presence and such signing shall be independent of the signing of any person as a witness.

9 Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

Saving of rights of the Crown.

Objects and Reasons.

The object of this Bill is to incorporate the Government Surveyors' Association so as to enable the Association more effectively to administer its Benevolent Fund and to hold and dispose of property, both movable and immovable, as a body corporate with perpetual succession.

H. J. HUXHAM,
Mover of the Bill.

Colombo, August 15, 1938.

MINUTE.

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

L. D.—O 71/38

20/7/67 (FSO)

An Ordinance further to amend the Local Loans and Development Ordinance, No. 22 of 1916.

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 Local Loans and Development (Amendment) Ordinance, No. of 1938.

Short title.

2 The following section shall be inserted immediately after section 5 of the Local Loans and Development Ordinance, No. 22 of 1916, (hereinafter referred to as "the principal Ordinance"), and shall have effect as section 5A of that Ordinance :—

Insertion of a new section 5A in Ordinance No. 22 of 1916.

5A. The Governor may from time to time, at the request of the Commissioners, authorise the Financial Secretary to lend to the Commissioners, out of the public revenue or other funds of Ceylon, such sums as the Governor may direct, upon such terms as to the mode and time of repayment of any sum so lent and as to the interest payable thereon as the Financial Secretary may determine.

Loans to Commissioners from the public revenue or other funds of Ceylon.

3 Section 7 of the principal Ordinance is hereby amended as follows :—

Amendment of section 7 of the principal Ordinance.

(1) In sub-section 2—

(a) by the re-numbering of paragraph (c) as paragraph (d); and

(b) by the insertion, immediately after paragraph (b), of the following new paragraph :—

"(c) All such sums as may be lent to the Commissioners under this Ordinance or any other written law ;"

(2) In sub-section 3—

(a) by the substitution, in paragraph (b), for the word "Governor." of the word "Governor ;", and

(b) by the addition, at the end of that sub-section, of the following new paragraph :—

"(c) All such sums as may from time to time be payable, by way of principal or interest, on sums lent to the Commissioners under this Ordinance or any other written law."

Objects and Reasons.

The object of this Bill is to enable loans out of the public revenue or other funds of Ceylon to be made to the Commissioners appointed under the Local Loans and Development Ordinance, No. 22 of 1916.

2. Clause 2 inserts in the principal Ordinance a new section 5A by which the Governor will be empowered from time to time to authorise the Financial Secretary to lend to the Commissioners such sums as the Governor may direct. The Financial Secretary will in such case determine the manner in which, and the time at which, a loan is to be repaid, and the interest to be payable on the loan.

3. Clause 3 makes consequential amendments in section 7 of the principal Ordinance so as to provide that sums lent to the Commissioners under the new section or under any other law will be credited to the Local Loans and Development Fund, and that the principal and interest due upon such sums will be paid out of that Fund.

The Secretariat,
Colombo, August 17, 1938.

H. J. HUXHAM,
Financial Secretary.

MINUTE.

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

L. D.—CF 1/38

CF 193/37

An Ordinance to provide for the total or partial cessation of lighting in Ceylon on occasions of emergency or public danger or by way of experiment or practice for such occasions.

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 Lighting Control Ordinance, No. of 1938.

2 On any occasion which the Governor may consider to be an occasion of emergency or public danger, and also whenever he may consider it necessary by way of experiment or practice for any such occasion, the Governor may make such regulations as he may consider desirable providing, either by express command or by request for co-operation, for the total or partial cessation of lighting in any area or place in Ceylon specified in such command or request.

3 Compliance with any such express command or with any such request for co-operation shall exonerate any person from any liability contractual or otherwise for damage resulting from such compliance, provided that such person has taken all other reasonable measures possible to avoid such damage.

4 Any person who refuses or fails to comply with any such express command shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding one thousand rupees.

5 (1) Every regulation shall be in force for the prescribed period.

(2) Where any regulation is in conflict with any other written law, the regulation shall prevail and such written law shall be deemed to be modified by the regulation for the prescribed period during which that regulation is in force :

Provided that any such written law which is so deemed to be modified by any regulation shall, upon the expiration of such prescribed period, have the same force and effect as if that regulation had not been made.

6 In this Ordinance, unless the context otherwise requires—

“ prescribed ” means prescribed by regulation ;

“ regulation ” means a regulation made by the Governor under section 2.

Objects and Reasons.

The object of this Bill is to provide for the total or partial cessation of lighting in Ceylon on occasions of emergency or public danger. The Bill will also authorise experimental or practice “ black-outs ” to be undertaken occasionally so that they can be successfully applied when emergencies occur. “ Black-outs ” may be arranged for by a request for the co-operation of the members of the public ; they may also be enforced by express command. Any person who refuses or fails to comply with any such express command will be guilty of an offence.

Chief Secretary's Office,
Colombo, August 17, 1938.

W. L. MURPHY,
Acting Chief Secretary.

Short title.

Power to make regulations.

Exoneration from liability of persons complying with regulations.

Penalty for refusal or failure to comply with mandatory regulations.

Operation of regulations.

Interpretation.

Handwritten notes:
L. D.—CF 1/38
CF 193/37
5/19

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,261. In the matter of the insolvency of Mohamed Haniffa Mohamed Saleem and Miskin Bava Mohamed Haniffa, both of 23/4, College street, Kotahena, Colombo.

WHEREAS the above-named M. H. M. Saleem and M. B. M. Haniffa have filed a declaration of insolvency, and a petition for the sequestration of their estate has been filed by E. S. David Perera of No. 215, Messenger street, Colombo, under the Ordinance 7 of 1853: Notice is hereby given that the said court has adjudged the said M. H. M. Saleem and M. B. M. Haniffa insolvent accordingly; and that two public sittings of the court, to wit, on September 20, 1938, and on October 4, 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,
August 16, 1938. Secretary.

In the District Court of Jaffna.

Insolvency In the matter of the insolvency of Subrayan No. 171. Subramaniam of Vannarppenna East, insolvent. *Rs. 10. 29*
Murugesapillai Kalluranetpillai of Vannarppenna East *Rs. 10. 29* Petitioning Creditor.

NOTICE is hereby given that the court has adjudged the above-named Subrayan Subramaniam insolvent and that two public sittings of court, to wit, August 30, 1938, and September 30, 1938, will take place for the said insolvent to surrender and conform to agreeably to the provision of Ordinance No. 7 of 1853, of which the creditors are hereby required to take notice.

By order, J. N. CULANTHAIVALU,
August 23, 1938. Secretary.

NOTICES OF FISCALS' SALES.**Western Province.**

In the District Court of Colombo.

S. K. M. Meyappa Chettiar of 13, Church street, Colombo Plaintiff.
No. S/1,972: *55* Vs.

J. D. Dharmasena carrying on business under the name, style, and firm of J. D. Fernando at 99, Dam street, Colombo *Rs. 28. 39* Defendant.

NOTICE is hereby given that on Monday, September 19, 1938, at 4 p.m., will be sold by public auction at 74, Dam street, Pettah, Colombo, the following movable property for the recovery of the sum of Rs. 520.25, with interest on Rs. 525 at 16½ per cent. per annum from July 26, 1937, till August 27, 1937, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, less Rs. 120 and Rs. 100.50, viz. :—

1. 6,484 lb. Sinhalese printing types, light face, lower and upper, including figures, ornament borders, marks, points, hatches bearing Nos. 267 to 311 contained in 20 stands and cases.

2. One case brass rules, 2 almirahs, 1 almirah tone blocks, 2 imposing stones double and single demy, 4 cwt. quotations, 2 tables, 1 rule cutter, 1 demy folio demy handpress, 4 doz. galleys, 12 composing sticks, 300 pieces wooden furniture, 2 pairs rule cutting scissors, 6 doz. hemple quoins and 4 keys extra, 1 case cut lead, 3 doz. wooden borders, 1 rock stone with stand, all bearing lot Nos. 1 to 17.

3. One Croxley engine, 1 Wharfdale double demy machine Reliance, 1 double crown Bremner printing machine, 1 standard single demy printing machine, 1 Harrild patent printing machine, 1 Hadden foolscap folio patent printing machine, 1 Phoenix platen printing machine, 50 iron chases, 5 dealwood tables, all bearing lot Nos. 18 to 26.

4. One quad demy Krause cutting machine, 1 30-in. cutting machine, 1 board cutter on bench, 1 hand press, 1 Anver perforating machine and other rollers, hammers, blocks; boarders, bath and sewing machine; all bearing lot Nos. 1 to 19 in the book binding department.

5. Binding presses, copying presses, scissors, knives, saw types, tables, compass chairs, and almirahs, all bearing lot Nos. 20 to 39 in the book binding department including the stitching machine and rack and table bearing lot Nos. 40 to 42.

6. Ruling machines, pens, cups, slides, all bearing lot Nos. 43 to 49 in the ruling department, 21 racks containing 1 to 266 cases including all types contained in the said 266 cases and the composing room furniture and equipment and the tools and implements contained in the printing machine room, book binding department, and ruling department.

7. One electric motor dynamo, Memrex, No. B 232265 500V 15 amperes.

Fiscal's Office,
Colombo, August 24, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Kandy.

(1) Dehiwalaliyanage Edward de Silva, (2) ditto Vincent de Silva, both of Pampaloda, Wellawatta, administrators of the estate of Dehiwalaliyanage Abraham de Silva of Pampaloda, deceased. Plaintiffs.
No. 46,490. *Rs. 39* Vs. *39*

(1) Robert Malalgoda, Secretary, District Court of Kandy, official administrator of the estate of Tuwan Yahiya Mansoor Jamion of Kankelle in Kandy, deceased, (2) A. L. R. Aliyar Lohme of 281, High street, Wellawatta Defendants.

NOTICE is hereby given that on Saturday, September 17, 1938, commencing at 2 p.m., will be sold by public auction at the respective premises the following property mortgaged with the plaintiffs by bonds Nos. 1,774 and 2,090 of August 19, 1926, and November 2, 1927, respectively, and attested by S. A. Wijeyatilleke of Kandy, Notary Public, and ordered to be sold by the order of court dated January 25, 1937, for the recovery of the sum of Rs. 3,500 with legal interest thereon at 9 per cent. per annum from December 4, 1935, till payment in full and costs, viz. :—

The right, title, interest, claim, and demand in and to the following lands, to wit :—

1. An allotment of land called and known as Kolan-kaduwwewatta bearing lot No. 106, tiled house, plantations, and everything thereon, situate at Wellawatta within the Municipality and District of Colombo, Western Province; and bounded on the north by lots bearing Nos. 103 and 111, east by lot No. 105, south by road, and on the west by lot No. 107; containing in extent 1 rood and 3 37/100 perches. Registered Well. 33/14.

2. All that allotment of land called and known as Godaporangahaowita being allotment No. 428 in registration plan No. 4, and situated at Kirillapone in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by lot No. 427, east by a path, south by lot No. 429, and on the west by lot No. 425; containing in extent 1 rood and 6 perches. Registered in Krill. 20/102.

Fiscal's Office,
Colombo, August 24, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

Central Province.

In the District Court of Jaffna.

Veluppillai Samuel Suppiah of Kandarodai, presently of Colombo Plaintiff.
No. 9,967. *Rs. 16. 00* Vs. *39*

Nagaratnam, widow of Veluppillai Thuraiappah of Vannarppenna, as administratrix of the estate of her late husband, W. Thuraiappah, in testamentary case No. 7,875, D. C. Jaffna Defendant.

NOTICE is hereby given that on Saturday, October 1, 1938, at 2 p.m., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property mortgaged with the plaintiff by bond No. 15 dated September 3, 1929, attested by N. Eliathamby, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the commission of court dated August 4, 1938, for the recovery of the sum of Rs. 3,630, with interest on Rs. 2,000 at the rate of 12 per centum per annum from June 16, 1936, till payment in full and costs of action (being reserved) and poundage, viz. :—

All that land called Heewalapitiyewatta of 2 pelas and 5 lahas-in paddy sowing extent, situate at Wattegama in Pallegampaha of Pata Dumbara, District of Kandy, Central Province; and bounded on the north by the limit of Ukkurala's hena, south by Heewalapitiyemalakandura, and ditch of Tikiri Banda Aratchila's land, and west by limit of the Crown land, east by the limit of Gamawalawwo Tikiri Banda Aratchila's land and registered in the Kandy

Land Registry in E 227/236, together with the newly built tiled house and everything else standing thereon, and all the right, title, interest and claim whatsoever of the said defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

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

H. C. WIJESINHA,
Deputy Fiscal.

49 In the District Court of Kandy.
Suna Para Rawanna Manne Lena Letchimanen
Chettyar of Brownrigg street, Kandy Plaintiff.
No. 44,914. Vs.

(1) Thevar Appavoo Subramaniam Pillai, (2) Basamma
Subramaniam Pillai, both of 110, Paradeniya road,
Kandy. (3) Tikiri Banna Udurawatta of Ankumbura
in Harispattu Defendants.

C. H. Pate, assignee of the estate of the 1st defendant,
insolvent Added defendant.

NOTICE is hereby given that on Friday, September 30, 1938, at 2 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 49 dated June 3, 1931, and attested by V. M. Guruswamy 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. 23,079.06 with further interest on Rs. 16,869.37 at 15 per cent. per annum from February 15, 1934, till December 13, 1935, and thereafter legal interest on the aggregate amount till payment in full and costs and poundage, viz. :—

All that allotment of land 1 acre and 20 perches in extent (formerly described erroneously as 1 acre 6 perches and $\frac{3}{4}$ of a perch in extent) being a portion towards the middle of the land called Talauyanwatta, together with the plantations and other things thereon, situate at alongside Peradeniya road, in the locality known as Welata in the Gangawata korale of Yatinuwera, in the District of Kandy, Central Province; the said allotment being part and parcel of the middle $\frac{1}{4}$ part of Talauyanwatta and being bounded on the east by the portion of land (that is to say the eastern $\frac{1}{4}$ part) belonging to P. A. Nicholas Appuhamy, south by the Peradeniya road, west by the portion of the middle $\frac{1}{4}$ part (1 acre in extent) sold to Thevar Appavoo Subramaniam Pillai, and on which he has since built a substantial bungalow and the limit of the portion of land (that is to say the western $\frac{1}{4}$ part) belonging to P. A. Selo Hamine *alias* P. A. Sebo Hamine, and north by the fence of Primrose Hill estate. Registered in A 59/34 now A 61/219, and all the right, title, interest, and claim whatsoever of the said first defendant by his attorney assignee, the added defendant and the second defendant, in, to, upon or out of the said several premises mortgaged by the defendants (the land above described now remains subject to a mortgage in favour of plaintiff in terms of court order dated April 8, 1938).

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

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province

49 In the District Court of Ratnapura.
A. D. S. Weerasuriya of Nivitigala Plaintiff.
No. 6,553. Vs.

P. H. Amarias Silva of Nivitigala Defendant.

NOTICE is hereby given that on Monday, September 19, 1938, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. An undivided $\frac{2}{5}$ of the soil and trees together with $\frac{1}{2}$ part of the 7 cubit boutique house thereon of the land called and known as Dewalawatta and Dombagahawatta, situated at Malalagama in Talpe pattu of Galle District; and bounded on the north by Ambrosi Kankanamage Kanda-addarawatta, east by Dewani Guruge Dombagahawatta, south by high road to Matara, west by Dewalawatta and Tantirigewatta; containing in extent 1 acre; and registered in D 349/8.

2. An undivided $\frac{1}{10}$ share of the land called Galketiye-watta, situated at Malalagama aforesaid; bounded on the north by Badumhegewatta, east by Galketiye Arambewatta and Don Juwan Mestrigewatta, south by seashore, and west by Wadu Mahavidanelage Galketiye-watta and Koppitiye-watta, in extent 2 acres; and registered in D 368/272.

3. All the soil and trees with the 15 cubit tiled house standing on the land called Vidanage Talagahawatta, situated at Malalagama aforesaid; bounded on the north by lot 3 and Talagahawatta, east by lots 6, 7 and 8 of this

land and road, south by lot 5 of the same land, and west by lot 2 of the same land, in extent $32 \frac{1}{5}$ perches; and registered in D 368/273.

4. An undivided $\frac{3}{4}$ share of soil and trees of Praveni Kajjugahawatta *alias* Maga-addarawatta lots B and C at Malalagama aforesaid; and bounded on the north by Kotawaneowita *alias* Wela-addarawatta, east by Bandara-watta, south by Galagawawatta, and west by lots marked A and D of the same land; and containing in extent 1 rood and $25 \frac{8}{10}$ perches; and registered in D 308/244.

5. An undivided $\frac{1}{4}$ of $\frac{3}{4}$ and $1/24$ of $\frac{1}{4}$ of soil and trees with 15 cubits tiled boutique standing on the land called Dewalewatta, situated at Malalagama aforesaid; bounded on the north by Dewalekadewatta, east by Dewalegodella, south by high road to Matara, and west by Bandarawatta; containing in extent 1 acre; and registered in D 225/149.

Writ amount Rs. 735.23 together with legal interest on Rs. 680.88 from December 22, 1937, till payment in full and poundage.

Fiscal's Office,
Galle, August 17, 1938.

T. D. S. DHARMASENA,
Deputy Fiscal.

30 In the Court of Requests of Galle.
Gardiyewassan Baduge Andiris Silva of Duwa, Malalagama Plaintiff.

Commission No. 18,214. Vs.

(1) Manawaduge Adonchihamy of Harumalgoda, and another Defendants.

NOTICE is hereby given that on Tuesday, September 20, 1938, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said mortgaged property, viz. :—

All those undivided $\frac{1}{288}$ plus $\frac{1}{4}$ plus $\frac{1}{27}$ parts of the soil and soil share plantations and fruit trees and the wattle walled and tiled 9-cubits house made by Kuda Vidanage Babun Appu and standing thereon of the land called Lokubadaturgewatta, situated at Meepe in Talpe pattu of Galle District, Southern Province; and bounded on the north by Kudabadaturgewatta, east and south by owita of the same land, and west by Deniudumlekumbura or as per second deed, north by Kudabadaturgewatta, east by Kandeowita, south by Batadombagaha-addarawatta, and west by Ittagalakumbura; in extent as per first deed about 6 acres or as per second deed 92 fathoms on the northern side, 70 fathoms on the eastern side, and 92 fathoms on the southern side, and 70 fathoms on the western side, and 324 fathoms in circumference.

Writ amount, Rs. 130.56 with interest thereon at the rate of 9 per cent. per annum from October 20, 1937, till payment in full and costs of the action.

Fiscal's Office,
Galle, August 22, 1938.

T. D. S. DHARMASENA,
Deputy Fiscal.

32 In the District Court of Tangalla.
Galappatti Arachchige David de Silva Jayasuriya of
Walasmulla Plaintiff.
No. 4,008. Vs.

Don William Jayasuriya of Ethpitiya Defendant.

NOTICE is hereby given that on Saturday, September 17, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 1,832.39 together with further legal interest on Rs. 1,104 from June 23, 1938, till payment in full and poundage, viz. :—

At Ethpitiya and Yahalmulla

(1) All the soil and plantations and buildings thereon of the divided off lot B of the land called Moragahamada and Pamanwala, situated at Ethpitiya in West Giruwa pattu of the Hambantota District; and bounded on the north by lot A of this land, east by road and lots D and J, south by lot J, and west by lots C and H; containing in extent 15 acres 1 rood and $27 \frac{1}{2}$ perches.

(2) All that allotment of land called Gangodayaye Jambughashena and Putukakulehena depicted in T. P. 207,267, situated at Yahalmulla in West Giruwa pattu aforesaid; and bounded on the north by land claimed by natives and reservation along Putukakule-ela, east by reservations along Kirama-oya and Heen-ela, south by reservation along the Heen-ela, and west by lots 15526 and 15525 in P. P. 6,045 and a path; containing in extent 8 acres and 12 perches (exclusive of the path passing through the land.)

Deputy Fiscal's Office,
Tangalla, August 17, 1938.

P. D. WEERAMAN,
Additional Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

S. P. A. V. K. N. Subramaniam Chettiar of Kurunegala Plaintiff.
No. 17,714. Vs. 50

Gannoru Dewage John Fernando of Ilukwehera in Hetahaye korale Defendant.

NOTICE is hereby given that on Saturday, September 17, 1938, commencing from the 1st land 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. 624.86, together with interest on Rs. 469.78 at the rate of 9 per cent. per annum till payment in full from August 14, 1935, and poundage (less Rs. 210), viz. :—

1. An undivided $\frac{1}{2}$ share of Ilukweherakumbura of 33 acres and 26 perches in extent, situated at Ilukwehera in Hetahaye korale of Hiriyala hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by kumbuk tree standing on the limit of Thahanamgahawela, oya, and mee tree, east by Pahalawewa lands claimed by Punchirala, Ranhamy, Tikka, Mohotha, Kudaya, Dingiriya, and Baiya, and by the villagers, south by the lands claimed by the villagers, west by mee tree standing on the lands of Kirihamy, and of the fields of the villagers, and property of Frederick Mendis, together with everything thereon. Registered B 201/261.

At 4 p.m.

2. All that Agalehena of 1 pela kurakkan sowing extent, situated at Ipalawa in Ihalawisideke korale west of Hiriyala hatpattu aforesaid; and bounded on the east by the chena of Singa Vedikkaraya, south by the village limit of Thal-godapitiya, west by Mahapitiyehena and Maragaha, north by fence of the chena of Hapuwa, together with everything standing thereon. Registered B 62/375.

3. All that Galrena of 8 lahas kurakkan sowing in extent, situate at Ipalawa aforesaid; and bounded on the east by maimpara of the Crown land, south by the limit of the chena of Mutuwa and others, west by the limit of the chena of Kira, and north by cla on the land of Grantee, together with everything thereon. Registered B 60/360.

4. All that Kadurugamahulahena of 5 lahas kurakkan sowing extent, situated at Ipalawa aforesaid; and bounded on the east by limit of Galrendehena, south by the limit of Girangi's hena, west by limit of Serugamahulahena, and north by wela, together with everything thereon. Registered B 60/356.

The land No. 1 is under seizure under D. C., Kurunegala, writs Nos. 18,275, 15,628, and 18,947.

Fiscal's Office,
Kurunegala, August 23, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of Ibrahim Lebbe Mohamed Aboobucker of Silversmith street, Colombo, deceased.

Mohamed Aboobucker Sitti Leyla, wife of S. L. M. Sheriffdeen of Silversmith street, Colombo, Petitioner.

And

(1) Mohamed Aboobucker Mohamed Shakir, (2) Mohamed Aboobucker Usrifathul Haniffa, wife of M. S. Hassim of Darley road, Colombo, (3) Sinna Lebbe Marikar Mohamed, Sheriff of Colpetty, Colombo, (4) Mohamed Fawzy Sheriff, (5) Noor Suada, wife of M. F. Saleem, (6) Mohamed Zacky Sheriff, (7) Sitti Nafia, wife of A. H. M. Zubair, (8) Sitti Hamza, (9) Mohamed Nazim Sheriff, (10) Noor Malika, (11) Mohamed Zaid Sheriff, (12) Fatima Hany, (13) Nabisathuth Thahira, (14) Kaneemath Seediya, (15) Bisrul Kaneema, (16) Athiathul Marsooka, (17) Mohamed Abdul Rasheed, (18) Mohamed Abdul Rauf, (19) Mohamed Zuhairul Ameen, (20) Aiyun Naleefa, (21) Mohamed Zubair Sheriff, and (22) Umma Safia, all of Colpetty; 7th to 22nd respondents, minors, appearing by their guardian *ad litem* the 3rd respondent above named Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on June 23, 1938, in the presence of Mr. A. H. M. Sulaiman, Proctor, on the part of

the petitioner above named; and the affidavit of the said Petitioner dated June 21, 1938, having been received that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minors, 7th to 22nd 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 daughter and one of the heirs of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents, or any other person or persons interested shall, on or before July 27, 1938, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI,
District Judge.

June 23, 1938.

The date for showing cause against the above Order *Nisi* is hereby extended to September 1, 1938.

W. SANSONI,
District Judge.

August 5, 1938.

20 In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of the late Josiah James Reginald No. 8,446. Dias Gunawardene also known as Josiah James Gunawardene, deceased, of Wellawatta in Colombo.

THIS matter coming on for final determination before W. Sansoni, Esq., District Judge of Colombo, on July 8, 1938, in the presence of Mr. D. E. Wanigesooria, Proctor, on the part of the petitioner, Lilian Agnes Gunawardene of Wellawatta; and the affidavits of the said petitioner and of the attesting notary dated May 26, 1938, having been read:

And it appearing to this court that the said petitioner has established her right thereto, it is ordered that probate of the will of the said deceased be issued to Lilian Agnes Gunawardene of Wellawatta in Colombo.

August 22, 1938.

W. SANSONI,
District Judge.

37 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Haji Abdul Raheman Haji No. 8,476. Abdulla of Matale, deceased.

Haji Mohamed Haji Abdul Raheman of 245, Main street, Pettah, Colombo, Petitioner.

And

(1) Aminabai Haji Abdul Raheman, (2) Hawabai Haji Abdul Raheman, and (3) Haji Alarakhiya Haji Abdul Rahman, all of Kutiyana, Kathiawar, Bombay, the 3rd being a minor appearing by his guardian *ad litem* (4) Yoosooof Motha of Matale Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 16, 1938, in the presence of Mr. N. Ramachandra, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 29, 1938, and a certified copy of power of attorney dated November 29, 1937, having been read:

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minor, the 3rd respondent above named, to represent him for all the purposes of this action, and (2) that the petitioner be and he is hereby declared entitled, as attorney of the widow of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 29, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 17, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the within mentioned Order *Nisi* is hereby advanced to September 1, 1938.

August 18, 1938.

W. SANSONI,
District Judge.

31/ In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Don Bastian Jayawickreme Weerasuriya,
No. 8,482. late of Panadura, deceased.

Leticia Weerasuriya of Morerawatta, Tangalla. Petitioner.

And

- (1) Donald Weerasuriya of Panadure, (2) Darley Weerasuriya of Panadure, (3) David Weerasuriya of Kurunegala, (4) D. N. J. Weerasuriya of Matara, (5) Mrs. Winnie Salgado of Panadure, (6) Mrs. Daluwatte of Weligama, and (7) Mrs. Carlinehamy de Silva of Hikkaduwa Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on July 5, 1938, in the presence of Mr. Valentine S. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 23, 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 July 28, 1938, show sufficient cause to the satisfaction of the court to the contrary.

July 20, 1938.

W. SANSONI,
District Judge.

This *Order Nisi* is extended and reissued for service returnable on September 1, 1938.

W. SANSONI,
District Judge.

314/ In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Mallawa Aratchige Cirigoris Perera,
No. 8,523. Mohandiram of Kitulgala in Lower
Bulathgala in Kegalla District,
deceased.

Mallawa Aratchige Walter Dickson Perera of Kitulgala aforesaid Petitioner.

And

- (1) Rajakaruna Mudiyansele Sujatha Perera, (2) Mallawa Aratchige Gerald Bernard Perera, (3) Mallawa Aratchige Lilian Constance Perera, (4) Mallawa Aratchige Herman Patrick Perera, all of Kitulgala, aforesaid; 3rd and 4th respondents are minors, appearing by their guardian *ad litem* the 1st named respondent above named Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 10, 1938, in the presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 30, 1938, having been read:

It is ordered (a) that the 1st respondent be and she is hereby appointed guardian *ad litem* of the minors, 3rd and 4th 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 son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 1, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 19, 1938.

W. SANSONI,
District Judge.

31/ In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Margaret Clarice Dias Bandaranayake
No. 8,528. late of "Islington", Bambalapitiya,
deceased.

Henry Ernest Dias Bandaranayake of Yakkala. Petitioner.

- (1) Irene Margaret Dias Bandaranayake, (2) Mabel Helen Dias Bandaranayake, (3) Douglas Henry Dias Bandaranayake, all of Yakkala. 2nd and 3rd are minors appearing by their guardian *ad litem* (4) Edward Wilfred Dias Bandaranayake of Peradeniya Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 16, 1938, in the

presence of Mr. S. A. Jayasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 9, 1938, having been read:

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 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 husband of the above named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 1, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 16, 1938.

W. SANSONI,
District Judge.

32/ In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament (with two codicils) of Hey-
No. 8,529 N.T. wood Walter Seton-Karr of 8, St.
Paul's Mansions, Hammersmith in the
County of London, England, a Captain
in His Majesty's Army (retired),
deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 16, 1938, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Gerald Aste of Colombo; and (1) the affidavit of the said petitioner dated August 4, 1938, (2) the power of attorney dated June 8, 1938, and (3) the order of the Supreme Court dated July 29, 1938, having been read: It is ordered that the will of the said Heywood Walter Seton-Karr, deceased, dated March 26, 1936 (and two codicils thereto dated July 22, 1937, and August 8, 1937), a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Gerald Aste is the attorney in Ceylon of the sole executor named in the said will and that he is entitled to have letters of administration (with will and codicils annexed) issued to him accordingly, unless any person or persons interested shall, on or before September 8, 1938, show sufficient cause to the satisfaction of this court to the contrary.

August 16, 1938.

W. SANSONI,
District Judge.

29/ In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament or trust disposition and
No. 8,530 N.T. settlement of Harry Bell sometime of
Fairfield Colinsburgh, Fifeshire, Scot-
land and latterly of 46, Thomson street,
Dundee, Scotland, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 17, 1938, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Eric Lionel Fraser of Colombo; and (1) the affidavit of the said petitioner dated August 10, 1938, (2) the power of attorney dated June 20, 1938, and (3) the order of the Supreme Court dated August 4, 1938, having been read: It is ordered that the will of the said Harry Bell, deceased, dated January 17, 1927, a certified copy of which under the seal of the Sheriff Court of Perth and Angus at Dundee, Scotland, has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Eric Lionel Fraser is the attorney in Ceylon of the sole executrix named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before September 8, 1938, show sufficient cause to the satisfaction of this court to the contrary.

August 17, 1938.

W. SANSONI,
District Judge.

38 In the District Court of Negombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Gajasinghe Aratchige Jessie
No. 3,078. Margaret da Silva nee Jessie Margaret
Gajasinghe of Kurana, Katunayaka,
deceased.

Albert Leslie Polydore Silva of Kurana, Katu-
nayaka Petitioner.

(1) John Hodgson Cyril de Silva, (2) Basil Cyril Gaja-
singhe, both of Kurana, Katunayaka Respondents.

THIS matter coming on for disposal before T. Weera-
ratne, Esq., District Judge of Negombo, on August 4, 1938,
in the presence of Mr. A. E. Rosa, Proctor, on the part of
the petitioner; and the petitioner's petition and affidavit
dated August 4, 1938, and the affidavit dated the same date
of the attesting notary and witnesses, having been read:

It is ordered that the last will and testament of the
above-named deceased No. 106 dated June 15, 1933,
attested by M. E. J. Tissera, Notary Public, the original of
which has now been deposited in this court, be and the
same is hereby declared proved, unless respondents or any
other person or persons interested shall, on or before
August 29, 1938, show sufficient cause to the contrary to
the satisfaction of this court.

It is further ordered (a) that the 1st respondent above
named be and he is hereby appointed guardian *ad litem* of
the 2nd respondent above named who is a minor, to
represent him for all the purposes of this action, and (b) that
the said petitioner is the executor named in the said will and
that he is entitled to have probate thereof issued to him
accordingly, unless the respondents or any other person or
persons interested shall on or before August 29, 1938, show
sufficient cause to the satisfaction of this court to the
contrary.

August 4, 1938. T. WEERARATNE,
District Judge.

25 In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Kumaranahelage Caroline Fonseka,
No. 2,817. deceased, of Wattalpola.

THIS matter coming on for disposal before T. F. C.
Roberts, Esq., District Judge of Kalutara, on
May 19, 1938, in the presence of Messrs. Tirimanne &
Meegama, Proctors, on the part of the petitioners, Kuma-
ranahelage John William Dias, and (2) Adambarage Jane
de Alwis Senanayake, both of Wattalpola; and the affidavit
of the said petitioners dated May 11, 1938, having been
read:

It is ordered that the petitioners above named be and
they are hereby declared entitled, as parents of the deceased
above named, to have letters of administration to her
estate issued to them, unless any person or persons interested
shall, on or before June 30, 1938, show sufficient cause to
the satisfaction of this court to the contrary.

May 19, 1938. E. O. C. VANDER GERT,
District Judge.

The date for showing cause against this Order Nisi is
extended for September 1, 1938.

August 4, 1938. E. O. C. VANDER GERT,
District Judge.

19 In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Dona Maria Gelver Jayatileke (nee
No. 2,828. Wickremasinghe), deceased, of Panadure.

THIS matter coming on for disposal before E. O. C.
Vander Gert, Esq., District Judge of Kalutara, on July 22,
1938, in the presence of Mr. C. L. E. Perera, Proctor, on the
part of the petitioner, Martin Henry Jayatileke of Panadure;
and the affidavit of the said petitioner dated July 22, 1938,
having been read:

It is ordered that the petitioner above named be and he
is hereby declared entitled, as son of the deceased above
named, to have letters of administration to her estate

issued to him, unless any person or persons interested
shall, on or before September 8, 1938, show sufficient
cause to the satisfaction of this court to the contrary.

July 22, 1938. T. F. C. ROBERTS,
District Judge.

In the District Court of Nuwara Eliya.

30 Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Joseph Muttu Carpen Daniel,
No. 323. late of Mayfield estate, Hatton, in the
Island of Ceylon, deceased.

(1) Moses Ponniah Daniel and (2) Manuel Samuel
Daniel, both of Mayfield estate, Hatton Petitioners.

THIS matter coming on for disposal before Herbert S.
Roberts, Esq., District Judge of Nuwara Eliya, on August
11, 1938, in the presence of Mr. V. C. Modder, Proctor, on
the part of the petitioners above named; and (1) the
affidavit of the petitioners dated July 30, 1938, (2) the
affidavit of the attesting witness dated July 30, 1938, (3)
the last will dated September 12, 1923, (4) the certificate of
death, and (5) the power of attorney dated May 27, 1938,
having been read:

It is ordered that the will of the said Joseph Muttu
Carpen Daniel, deceased, dated September 12, 1923, now
deposited in this court, be and the same is hereby declared
proved; and it is further declared that the said petitioners
are the attorneys in Ceylon of Amirthammal Daniel, the sole
executrix named in the said will, and that they are entitled
to have letters of administration (with copy of the will
annexed) issued to them accordingly, unless any person or
persons interested shall, on or before September 2, 1938,
show sufficient cause to the satisfaction of this court to the
contrary.

August 11, 1938. HERBERT S. ROBERTS,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Mohamed Ismail Azeena Umma of Fort,
No. 7,818. Galle, deceased.

Between

Ahmed Lebbe Mohamed Hassan of 59, 3rd Cross street,
Colombo Petitioner.

(1) Mohamed Bhoj Namath Umma, (2) Mohamed
Hassan Nayeema, (3) Mohamed Hassan
Mohamed Jiffry, all of Fort Galle, Respondents.

THIS matter coming on for disposal before N. M.
Bharucha, Esq., District Judge, Galle, on May 18, 1938, in the
presence of Mr. M. S. Marikar, Proctor, on the part of the
petitioner above named; and the affidavit of the said
petitioner, A. L. M. Hassan, dated May 17, 1938, having been
read:

It is ordered that the said 1st respondent be appointed
guardian *ad litem* over the said 2nd and 3rd respondents,
unless the said respondents or any person or persons
interested shall, on or before July 5, 1938, show sufficient
cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is entitled
to have letters of administration issued to him accordingly,
unless the said respondents or any person or persons
interested shall, on or before July 5, 1938, show sufficient
cause to the satisfaction of this court to the contrary.

May 18, 1938. N. M. BHARUCHA,
District Judge.

The date for showing cause is extended to August 3, 1938.

July 5, 1938. N. M. BHARUCHA,
District Judge.

The date for showing cause is extended to September
2, 1938.

August 3, 1938. N. M. BHARUCHA,
District Judge.

31/ In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Don Deonis Abraham Senanayaka of No. 7,832, Welivatta, Galle, deceased.

Between Francis Dahanyaka of Welivatta, Galle Petitioner. And

(1) Wimalawathie Senanayaka, (2) Piyadasa Senanayaka, (3) Somawathie Senanayaka, (4) Maligaspekoralege Abraham de Silva, all of Welivatta, Galle Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on July 25, 1938, in the presence of Mr. M. S. Marikar, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated July 25, 1938, having been read:

It is ordered that the said 4th respondent be appointed guardian *ad litem* over the said 1st to 3rd respondents, unless the said respondents or any person or persons interested shall, on or before September 7, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the petitioner above named is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the said respondents or any person or persons interested shall, on or before September 7, 1938, show sufficient cause to the satisfaction of this court to the contrary.

July 25, 1938. N. M. BHARUCHA, District Judge.

33/ In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Hewawasan Kandaudage Dineshamy of No. 7,833, Modera Patuwata, Dodanduwa, deceased.

Between Hewawasan Kandaudage William of Modera Patuwata Petitioner.

(1) Padmini Marakkalage Bosinahamy, (2) Hewawasan Kandaudage Alice, (3) ditto David Singho, (4) ditto Purnani Singho, (5) ditto Missionera, (6) ditto Emyona alias Gunawathie, all of Modera Patuwata, 2nd to 6th respondents by their guardian *ad litem* the 1st respondent Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Galle, on July 28, 1938, in the presence of Mr. G. P. Samarawickrama, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated July 28, 1938, having been read:

It is ordered that the said 1st respondent be appointed guardian *ad litem* over the 2nd to 6th respondents (minors), unless the said respondents or any person or persons interested shall, on or before September 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the petitioner above named is entitled to have 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 September 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

July 28, 1938. N. M. BHARUCHA, District Judge.

36/ In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Manameldura John Sandoris Mendis of No. 7,835, Dadalla, Galle, deceased.

Between Nandedi Carlinahamy nee Somawathie Maglian Senanayaka nee Somawathie Mendis of Dadalla Petitioner. And

(1) Manameldura Pearl Mendis, (2) ditto Bertie Hector Mendis, (3) ditto Charles Bernard Mendis, (4) ditto Victor Mendis, (5) ditto Norman Vincent Mendis, (6) ditto Bobby Ebert Mendis, (7) ditto Steila Beatrice Mendis, all of Dadalla, Galle, (8) Nandedi Charles Maglian Senanayaka of Dadalla, Galle Respondents.

THIS action coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on August 6, 1938,

in the presence of Mr. P. B. de Silva, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated August 6, 1938, having been read:

It is ordered that the said Nandedi Charles Maglian Senanayaka of Dadalla, the 8th respondent, is appointed guardian *ad litem* over the 1st to 7th minors, unless the said respondents or any other person or persons entitled shall, on or before September 30, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the petitioner above named is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the said respondents or any person or persons entitled shall, on or before September 30, 1938, show sufficient cause to the satisfaction of this court to the contrary.

S. S. JAYAWICKREMA, District Judge.

36/ In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late Jurisdiction. Thangaratnam, widow of Ramalingam No. 578, Thambapillai of Uduvil, deceased.

Thambapillai Arunasalam of Uduvil Petitioner.

(1) Thambapillai Veerasingam, (2) Thambapillai Thanganathan nee Kanagaleppu, daughter of Thambapillai, (3) Sivagnapillai widow of Arunaslam, all of Uduvil Respondents.

THIS matter of the petition of the petitioner praying that the 4th respondent be appointed guardian *ad litem* over the minors, 1st, 2nd, and 3rd respondents, and that letters of administration to the estate of the above named deceased be issued to the petitioner, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on March 24, 1938, in the presence of Mr. T. S. Kanagaretnam, Proctor for petitioner; and the affidavit of the petitioner dated March 18, 1938, having been read: It is ordered that the above named 4th respondent be appointed guardian *ad litem* over the minors, the 1st, 2nd, and 3rd respondents, for the purpose of representing them and acting on their behalf in this action and that letters of administration to the estate of the above named deceased be issued to the petitioner as one of the heir, unless the respondents shall, on or before May 18, 1938, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

April 12, 1938. C. COOMARASWAMY, District Judge.
Order Nisi extended for June 24, 1938.
C. E. A. SAMARAKODY, Additional District Judge.
Order Nisi extended for July 29, 1938.
C. COOMARASWAMY, District Judge.
Order Nisi extended for September 2, 1938.
C. COOMARASWAMY, District Judge.

25/ In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late Jurisdiction. Annamah, widow of Murugasu Sinna No. 519, Annambiy of Vaddukkodai West, deceased.

Murugasu Sinnathambi Rajaratnam of Vaddukkodai West Petitioner.

(1) Sabapathypillai Kumarakuru (dead), and (2) wife Rasamma, both of ditto Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on February 21, 1938, in the presence of Messrs. Aiyadurai & Thambayajah, Proctors, on the part of the petitioner; and the petition and affidavit of the petitioner, having been read:--

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner, unless the respondents or any other person shall appear before this court on March 23, 1938, and show cause to the satisfaction of this court to the contrary.

March 5, 1938. C. COOMARASWAMY, District Judge.
Time to show cause extended for August 29, 1938.
C. C.,
D. J.

In the District Court of Jaffna.

Order Nisi. 33

Testamentary In the Matter of the Estate of the late
Jurisdiction. Ponnammah, wife of M. V. Arumugam of
No. 597. Nunavil, deceased.

Murugesu Visuvalingam Arumugam of Weligama,
presently of Nunavil Petitioner.

Vs. No. 16-08-29

(1) Arumugam Srisadacharam of Nunavil, (2) Mahes-
wary Thevy, daughter of Arumugam of ditto
(3) Vinayagar Varithamby of ditto Respondents.

THIS matter of the petition of the above-named
petitioner praying that the above-named 3rd respondent be
appointed guardian *ad litem* over the minors, the above-
named 1st and 2nd respondents, and that letters of adminis-
tration to the estate of the above-named deceased be issued

to the petitioner, coming on for disposal before C. Coomara-
swamy, Esq., District Judge, Jaffna, on May 11, 1938, in
the presence of Mr. V. S. Karthigesu, Proctor, on the part of
the petitioner, and on reading the affidavit and petition of
the petitioner :

It is ordered that the above-named 3rd respondent be
appointed guardian *ad litem* over the minors, the above-
named 1st and 2nd respondents, and that letters of adminis-
tration to the estate of the above-named deceased be issued
to the petitioner, as the lawful husband of the said deceased,
unless the respondents above named appear before this
court on June 22, 1938, and show sufficient cause to the
satisfaction of this court to the contrary.

June 2, 1938.

Extended to August 29, 1938.

C. COOMARASWAMY,
District Judge.

PASSED ORDINANCE.

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

No. 29 of 1938.

An Ordinance to amend the Ceylon Penal Code.

No. 2 of 1883.

[Assented to by His Majesty the King : See Proclamation dated
August 19, 1938, published in Government Gazette No. 8,389
of August 26, 1938.]

G. S. WODEMAN.

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 Ceylon Penal Code
Amendment Ordinance, No. 29 of 1938, and shall come into
operation on a date to be appointed by the Governor by
Proclamation in the Gazette.

2 Sections 59 to 66 (both inclusive) of the Ceylon Penal
Code are hereby repealed.

Repeal of
sections 59 to
66 of Ordinance
No. 2 of 1883.

Passed in Council the Twenty-ninth day of March, One
thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
Clerk of the Council.