



THE

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PART II.—LEGAL.

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

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SUPPLEMENT :

The INDEX to the *Gazette* for the Second Half-Year of 1938.

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PASSED ORDINANCES.

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

No. 56 of 1938.

L. D.—O 93/38

An Ordinance to make necessary provisions for the purpose of bringing into operation the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, and for other matters incidental to the purpose aforesaid.

A. CALDECOTT.

WHEREAS the Criminal Procedure Code, 1898, makes provision, *inter alia*, for a preliminary inquiry by a Magistrate in a case which appears not to be triable summarily but by a higher court and for the committal of the accused in any such case for trial before a higher court on the instructions of the Attorney-General :

And whereas by the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, other provision has been substituted for the preliminary inquiry by a Magistrate in any such case and for the direct committal by a Magistrate of the accused in any such case for trial before a higher court :

And whereas the first day of January, 1939, has been appointed as the date on which the said Ordinance shall come into operation :

And whereas it is expedient to make such provision as is contained in this Ordinance for the preliminary inquiry into and for the committal for trial of any such case, instituted under the provisions of the said Code prior to the said date, in which the statutory statement of such accused was recorded prior to the said date, and for other matters incidental to or consequential upon the amendment of the said Code by the said Ordinance :

Be it, therefore, 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 Criminal Procedure (Direct Committals) Transitory Provisions Ordinance, No. 56 of 1938, and shall come into operation on the first day of January, 1939, hereinafter referred to as "the appointed date".

Procedure at non-summary inquiry where statutory statement of accused has been recorded prior to appointed date.

2 (1) Where in any non-summary case the statutory statement of the accused has been recorded by a Magistrate prior to the appointed date, non-summary proceedings in that case shall be continued and concluded in accordance with the provisions of the old law.

(2) Where in any case non-summary proceedings are continued under the old law in accordance with the provisions of sub-section (1), the Attorney-General may, in regard to any such case, exercise all or any of his powers under the old law, whether before or after that case is committed for trial before a higher court.

Procedure at trials held after appointed date.

3 Subject as hereinafter provided, the trial before a higher court of any case committed for trial, whether under the old law or the new law, shall be heard and determined under the new law :

Provided that the statutory statement of an accused person under the old law may be put in and read in evidence under the new law as though such statement had been made or recorded in accordance with the provisions of the new law.

Application of new law.

4 Save as provided in this Ordinance, the provisions of the new law shall, on and after the appointed date, apply to every inquiry or trial of any accused person in any case.

Operation of sections 20 and 21 of Ordinance No. 13 of 1938 deferred.

5 Notwithstanding anything in section 1 of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, or in any Proclamation published under that section of that Ordinance, sections 20 and 21 of that Ordinance shall not come into operation until such date (being a date not earlier than the thirty-first day of July, 1939) as the Governor may appoint by Proclamation published in the Gazette.

Amendment of section 8 of Ordinance No. 20 of 1938.

6 The Courts and Magistrates (Change of Designation) Ordinance, No. 20 of 1938, is hereby amended in section 8 thereof, by the substitution, for the definition of "appointed date" in that section, of the following definition :—

"appointed date" means the first day of January, 1939 ;

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

“new law” means the Criminal Procedure Code, 1898, as amended by the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, or any other Ordinance;

“non-summary proceedings”, when used with reference to a non-summary case, includes all acts and proceedings incidental to or connected with that case, other than any act or proceeding in the court of trial;

“old law” means the Criminal Procedure Code, 1898, as amended by any Ordinance other than the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938;

“statutory statement” means the statement made by the accused to a Magistrate in answer to the charge preferred against him in a non-summary case.

(2) This Ordinance shall be read and construed as one with the Criminal Procedure Code, 1898, and any Ordinance amending that Code.

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

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.

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

No. 57 of 1938.

L. D.—O 93/38

An Ordinance to amend the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938.

A. CALDECOTT.

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 Criminal Procedure Code (Amendment) Ordinance, No. 57 of 1938. Short title.

2 Section 41 of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, is hereby amended, in paragraph (9) of that section, by the substitution for the words “seventh column” of the words “eighth column”. Amendment of section 41 of Ordinance No. 13 of 1938.

3 This Ordinance shall be deemed to have come into force on the twelfth day of April, 1938, being the date on which the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, became law and took effect in accordance with the provisions of Article 74 of the Ceylon (State Council) Order in Council, 1931: Retrospective effect of this Ordinance.

Provided that nothing herein contained shall be deemed or construed to bring into operation any provision of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, before the date appointed by Proclamation under section 1 of that Ordinance.

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

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.

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

No. 59 of 1938.

L. D.—O 14/37

**An Ordinance to amend the Public Trustee Ordinance,
No. 1 of 1922.**

A. CALDECOTT.

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 Public Trustee Amendment Ordinance, No. 59 of 1938.

Amendment of section 6 (1) of Ordinance No. 1 of 1922.

2 Section 6 of the Public Trustee Ordinance, No. 1 of 1922, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) thereof, by the addition of the following paragraph at the end of that sub-section :—

No. 2 of 1889.

"(g) As the next friend or guardian for the action under Chapter XXXV of the Civil Procedure Code, 1889, of any minor or lunatic referred to in section 14A (1)."

Insertion of new section 14A in the principal Ordinance.

3 The following new section is hereby inserted immediately after section 14 of the principal Ordinance and shall have effect as section 14A of that Ordinance :—

Appointment of Public Trustee as next friend or guardian *ad litem* of a minor or lunatic in certain cases.

14A. (1) The Public Trustee may be appointed as the next friend or guardian for the action—

- (a) of any minor having an interest in any estate of which the Public Trustee is trustee, or of any minor in respect of whose property a certificate of curatorship has been duly granted to the Public Trustee ; or
- (b) of any lunatic having any interest in any estate of which the Public Trustee is trustee or of any lunatic of whose estate the Public Trustee is the duly appointed manager ;

and all the provisions of Chapter XXXV of the Civil Procedure Code, 1889, shall apply accordingly, subject to the following modifications :—

- (i) it shall not be necessary for the Public Trustee to support by affidavit any application made by him for his appointment as next friend or guardian for the action, as the case may be ;
- (ii) it shall not be necessary for any person to aver or for the court to be satisfied that the proposed next friend or guardian for the action, as the case may be, is a fit or proper person or an adult of sound mind or full age ; and
- (iii) it shall not be necessary for the minor or lunatic to whom the application relates to appear before the court in person when any such application is made, unless the court otherwise directs.

(2) No appointment of the Public Trustee under this section shall be made without his consent.

(3) All costs incurred by the Public Trustee in any action as the next friend or guardian for the action of any minor or lunatic shall be a charge upon the property, both movable and immovable, of that minor or lunatic, as the case may be.

(4) In this section "lunatic" means a person adjudged to be of unsound mind under the provisions of any written law for the time being in force.

Amendment of section 38 of the principal Ordinance.

4 Section 38 of the principal Ordinance is hereby amended by the addition at the end of that section of the following new sub-section :—

"(5) Rules made under this Ordinance may provide that interest shall be charged on all or any of the fees due under this section and may specify the circumstances in which and the rate at which such interest shall be charged."

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

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.

(Continued on page 1666.)

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Western Circuit will be holden at the Court-house at Hulftsdorp on Tuesday, January 10, 1939, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Colombo, December 13, 1938.

J. R. TOUSSAINT,
for Fiscal.

DISTRICT AND MINOR COURTS NOTICES.**Destruction of Valueless Records.**

NOTICE is hereby given that the valueless records of the District Court of Colombo for the period January 6, 1922, to October 10, 1924 (Nos. 7362 to 13695) will be destroyed in terms of Ordinance No. 12 of 1894, at the expiration of three months from January 1, 1939.

Any person interested in any such record or records, may personally, by proctor or by duly authenticated petition, claim, upon good cause shown, that such record or records may not be destroyed.

District Court,
Colombo, December 10, 1938.

W. SANSONI,
District Judge.

NOTICES OF INSOLVENCY.

12 In the District Court of Colombo.
No. 2,952 In the matter of the insolvency of T. H. A. de Soysa, insolvent.

NOTICE is hereby given that a sum of Rs. 2,027.09 lying to the credit of the Bank of Colombo, Limited, will be transferred from the above case to the credit of case No. 521/1921 of this court, unless sufficient cause be shown to the contrary to the satisfaction of this court by any person or persons interested in the said sum on or before January 23, 1939.

December 9, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

No. 5,238. In the matter of the insolvency of Edwin Punchi Banda Dissanayake of 31, Norris Canal road, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 31, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
December 6, 1938. Secretary.

In the District Court of Colombo.

No. 5,242. In the matter of the insolvency of Kalla Puthiya Veetil Cunji Moosa of 196, Gas Works street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 31, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
December 6, 1938. Secretary.

In the District Court of Colombo.

No. 5,269. In the matter of the insolvency of Deyan Tuan Munsoor Sally of 557, Havelock road, Wellawatta.

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 January 31, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
December 6, 1938. Secretary.

In the District Court of Colombo.

No. 5,271. In the matter of the insolvency of Pana Kulan Mujem Raju Muttusamy Reddiar of 143, Church street, Slave Island.

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 January 31, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
December 6, 1938. Secretary.

In the District Court of Colombo.

No. 5,311. In the matter of the insolvency of Robert Carl Kelly of Montrose Cottage, Hunupitiya.

WHEREAS the above-named R. C. Kelly has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. L. Blacker of Slave Island, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said R. C. Kelly insolvent accordingly; and that two public sittings of the court, to wit, on January 24, 1939, and on February 14, 1939, 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, C. EMMANUEL,
December 5, 1938. Secretary.

In the District Court of Colombo.

No. 5,312. In the matter of the insolvency of Vincent Walter Oliver Paul of 43rd lane, Wellawatta, Colombo.

WHEREAS the above-named V. W. Oliver Paul has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by D. D. Jinasena of 121, Dematagoda road, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said V. W. Oliver Paul insolvent accordingly; and that two public sittings of the court, to wit, on January 24, 1939, and on February 14, 1939, 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, C. EMMANUEL,
December 6, 1938. Secretary.

In the District Court of Colombo.

No. 5,313. In the matter of the insolvency of Sena Abdul Cader Zainulabdeen of 111/108, Vincent street, in Colombo.

WHEREAS the above-named S. A. C. Zainulabdeen has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by B. Mahamadu of 13, St. Michael's road, Colpetty, in Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said S. A. C. Zainulabdeen insolvent accordingly; and that two public sittings of the court, to wit, on January 24, 1939, and on February 14, 1939, 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, C. EMMANUEL,
December 9, 1938. Secretary.

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

27
Rs. 16.00
39
39
In the District Court of Colombo.

In the matter of the estate of Jane Amarasinghe, late of Balapitiya, deceased.

The Commissioner of Estate Duty Petitioner.
No. 6,468 Testy. Vs.

Jerry Amarasinghe of Balapitiya Stores, Balapitiya, being the executor of the estate of the above-named deceased Respondent.

NOTICE is hereby given that on Thursday, January 12, 1939, at 4 P.M., will be sold by public auction at the premises,

the following property for the recovery of the sum of Rs. 409.14, with interest thereon at 4 per cent. per annum from September 29, 1933, to date of payment together with a further sum of Rs. 4.20 being costs of this writ, viz.:-

The following property belonging to the estate of the late Jane Amarasinghe, deceased, to wit :-

All that allotment of land called Mahagahawatta bearing assessment No. 288/2 at Jawatta, presently No. 4 and 6, Longdon terrace, and No. 8, Longdon place, with the buildings thereon, situated at Jawatta, within the Municipality and District of Colombo, Western Province; and bounded on the north by Longdon place, east by Longdon terrace, south by Longdon terrace and premises bearing No. 8/2, and on the west by No. 292, "Geva", Buller's road, containing in extent 2 roods and 34 perches more or less.

Fiscal's Office,
Colombo, December 14, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

27/ In the District Court of Kalutara.

In the matter of the estate of Uduma Lebbe Marikar. Ummul Asseena of Kuda Heenatiyangala, deceased.

No. 2,295 Testy.

Mr. A. H. Senarathne assignee of the insolvent estate of Mustapha Haniffar Mohamed Ibrahim of Kuda Heenatiyangala Administrator.

Against the estate of the deceased at the instance of the Commissioner of Stamps.

NOTICE is hereby given that on Wednesday, January 11, 1939, at 4 P.M., will be sold by public auction at the premises the following property, for the recovery of the sum of Rs. 160.60, with interest thereon at 4 per cent. per annum from January 5, 1936, to date of payment and accrued interest cents 85, and costs Re. 1, viz. :-

The following property belonging to the estate of the late Uduma Lebbe Marikar Ummul Asseena, deceased, to wit :-

An allotment of land with the upstairs building standing thereon formerly bearing assessment Nos. 27 and 28 and presently bearing Nos. 89, 91, and 93, Dam Street, and No. 2, New Moor street, within the Municipality and District of Colombo, Western Province; and bounded on the north by New Moor street, east by premises No. 99, Dam street, belonging to M. Charlotte Perera, south and west by Dam street; containing in extent 5 perches more or less.

Fiscal's Office,
Colombo, December 14, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

54/ In the District Court of Colombo.

D. E. Embuldeniya of Embuldeniya of Udaha-mulla Plaintiff.

No. 8,317/M.

D. V. Jayasundera of 1, Hill street, Dehiwala Defendant.

NOTICE is hereby given that on Saturday, January 21, 1939, commencing at 11 A.M. 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. 500, with interest thereon at 9 per cent. per annum from April 12, 1938, to date of decree (September 22, 1938), and thereafter on the aggregate amount of the decree at the same rate till payment in full and taxed costs, Rs. 174.40, viz. :-

1. All that undivided $\frac{3}{4}$ eastern part or share of the tiled house and of the land on which the house is situated falling by the high road forming the western boundary within the undivided 53/56 part of all that defined half part or share of the land called and known as Kahatagahawatta, situated at Nedimale (within the U. D. C. limits of Dehiwala) in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and bounded on the north by the land belonging to Rupasingheatchige people, on the east by the other half share of the same land belonging to Maddaduwaage Charles Silva, on the south by the high road leading to Dehiwala, and on the west by the boundary wall of Malwatta and live fence; and containing in extent about 2 roods.

2. All that undivided $\frac{3}{4}$ of 1/14 part or share of and in all that defined half part or share of the land called and known as Kahatagahawatta, situated at Nedimale aforesaid; and bounded on the north by the land belonging to Rupasinghe-atchige people, on the east by the other half share of the same land belonging to Maddaduwaage Charles Silva, on the south by the high road leading to Dehiwala, and on the west by the boundary wall of Malwatta and live fence; and containing in extent about 2 roods.

3. All that undivided $\frac{3}{4}$ of 1/14 part or share of and in all that defined half part or share of the land called and known as Kahatagahawatta, situated at Nedimale aforesaid; and bounded on the north by the land belonging to Rupasinghe-atchige people, on the east by the other half share of the same land belonging to Maddaduwaage Charles Silva, on the south by the high road leading to Dehiwala, and on the west by the boundary wall of Malwatta and live fence; and containing in extent about 2 roods, together with all rights, easements, advantages, and appurtenances whatsoever to the said premises belonging or appertaining or usually held or enjoyed therewith or reputed to belong or be appertenant thereto, together with all the estate, right, title, interest, claim, and demand whatsoever of the defendant in and to the said premises.

Fiscal's Office,
Colombo, December 14, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

36/ In the Court of Requests of Colombo.

Maria Theresa Anandappa of Kotahena street, Colombo Plaintiff

No. 32,608.

(1) Juliana Silva and (2) Angoda Bandarage Don Charles Perera (wife and husband), both of 53, Nagalagam street, Colombo Defendants.

NOTICE is hereby given that on Friday, January 13, 1939, at 4 P.M., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 300, with legal interest thereon from June 3, 1937, till payment in full and costs incurred Rs. 31.25 and costs prospective Rs. 12.50, less Rs. 55, viz. :-

The right, title, and interest of the defendants in and to the unexpired term of the lease No. 1,669 dated December 2, 1935, attested by B. O. Pullenayagam, Notary Public, in the following property :-

All those two allotments of land marked lots B and B 1, shaded lake in plan, situated at Nagalagam street and Victoria Bridge road, within the Municipality and District of Colombo, Western Province, bearing assessment No. 53, Ward No. 755/756 presently bearing assessment Nos. 755/53 (1-7), 756/53 (8-11), Nagalagam street, and 1579H/53 (2), Madampitiya Cemetery road, and now bearing assessment Nos. 177 and 177 (1-9), Nagalagam street, Grandpass, in Colombo; bounded on the north-east by lots A and A allotted to Philip Silvapulle, on the south-east by Nagalagam street, on the south-west by lots C and C 1 allotted to Philip Gaitan Fernandopulle, and on the north-west by Bolku-ela; containing in extent 2 roods and 14.74 square perches according to the plan and survey thereof dated May 9 and 11, 1896, made by D. Devapuraratne, Surveyor, excluding therefrom a portion in extent 22.74 perches acquired by the Crown.

Fiscal's Office,
Colombo, December 14, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

27/ In the Court of Requests of Colombo.

Dr. M. J. Appasamy of Mutwal, Colombo Plaintiff.

No. 43,293.

Charles Perera of 254, Alutmawatta road, Colombo Defendant.

NOTICE is hereby given that on Tuesday, January 10, 1939, 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. 50 and damages at Rs. 30 per mensem from May 1, 1938, till defendant is ejected and for costs of suit, to wit, Rs. 27.25, being costs incurred and Rs. 10.50 being prospective costs, viz. :-

All that allotment of land called Talgahawatta bearing assessment No. 240, Alutmawatta, within the Municipality and District of Colombo, Western Province; and bounded on the north-west by Alutmawatta road, on the north-east by property of B. S. Perera and Abraham Appuhamy, on the south-east by road reservation, and on the south-west by property of Wilmot Attygalle; and containing in extent 17 34/100 perches. Prior registration A 253/92.

Fiscal's Office,
Colombo, December 14, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

35
Central Province.

In the Court of Requests of Kandy.

Meepe Attalage Luvina Hamine, the administratrix of the estate of Kumarapatti Vidanelage Dolis Perera of Amunugama Plaintiff.
 Annamalai Mutuswami Sundara Mame of 191, Trincomalee street, Kandy Substituted Plaintiff.
 No. 22,871. Vs. 18

(1) Cassim Bawa's daughter Ummani Lamma and (2) Wapethe's son Uduman, both of 37, Katugas-tota road, Kandy Defendants.

NOTICE is hereby given that on Tuesday, January 10, 1939, at 2 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bonds Nos. 46 and 98 dated August 30, 1928, and November 7, 1929, both attested by K. Vije-ratnam of Kandy, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by order of court dated October 24, 1938, for the recovery of the sum of Rs. 303.45, with legal interest thereon from October 25, 1937, and the taxed costs of the sum Rs. 30.25 aggregating to Rs. 333.70, and poundage, viz. :—

All that portion of ground of 212 feet in length along the road and 14 feet in breadth situate at Trincomalee street within the Municipality of Kandy; and bounded on the east by high road, south by Sinnamma's house and the fence of the garden, west by Mr. Hamilton's field, and on the north by Mohideen Natchie's house and the fence of the portion of land within the boundaries together with the house standing thereon bearing assessment No. 191; and registered A 58/257, 53/81, and all the right, title, interest, and claim whatsoever of the defendant in, to, upon or out of the said several premises mortgaged by the defendant.

Fiscal's Office,
 Kandy, December 7, 1938.

H. C. WIJESINHA,
 Deputy Fiscal.

Southern Province.

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 Morawakumbura 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. 1,064.01 with further interest from August 10, 1936, till payment in full.

On Wednesday, January 18, 1939,
 commencing at 2.30 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 Galakolawil-hena, 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 mahamuttetuwa, 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 Elhendenyewatta and Crown land, south by Katuwanagewatta and Crown land, and on the west by Pinliyadda and Crown land; and containing in extent about 16 bags of paddy sowing.

7. All that undivided 2/22 parts of the field called Thebugalhela and Mugunamalgalahiyadda, situated at Beragama aforesaid; and bounded on the north by Ithala-watta, east by Karagaspewatta, south by Nugasmune, and on the west by Galenehena; and containing in extent about 1 amunam of paddy sowing.

On Thursday, January 19, 1939,
 commencing at 2.30 P.M.

8. All that undivided 4/33 parts of the land called Paspela, situated at Beragama aforesaid; and bounded on the north by Halgasmulla, east by Atalahagodawatta, south by Crown jungle, and on the west by Tumpela; and containing in extent about 6 bags of paddy sowing.

9. All that undivided 2/11 parts of the land called Pallehawatta, Ithalahawatta, and Gimadugepalawatta, situated at Diddenipota in Kandaboda pattu aforesaid; and bounded on the north by ganga and Mahagederawatta, east by Pinkumbura and Hinipella, south by Iriyagaha-deniya and Runagewatta, and on the west by Medakuttiye-hena and Paragahawatta; and containing in extent about 16 acres.

10. All that undivided 2/22 parts of the land called Medakuttiyehena, situated at Diddenipota aforesaid; and bounded on the north by Korahanawatta, Elakanatte-kumbura, Arambewatta, Paluwatthehena, Paluwatta, and footpath, east by Ithalahawatta and a road, south by road, Wannigewatta, and Abeysingehena, and on the west by Ipitawatthehena, land in plan No. 118,110, Eramudu-gahadeniyewatta and Crown land; and containing in extent about 36 acres.

11. All that undivided 2/11 parts of the land called Eramudugahadeniya, situated at Diddenipota aforesaid; and bounded on the north by Malapalakella, east by bedda, south by Pinkumbura, and on the west by Bandarawatta; and containing in extent about 6 bags of paddy sowing.

12. All that undivided 2/22 parts of the land called Mahaokanda, situated at Makandura in Kandaboda pattu aforesaid; and bounded on the north by Delikanuwewatta, east by river, south by Ambalayawatta, and on the west by Kansawagehena; and containing in extent about 4 acres.

13. All that undivided 2/11 parts of the land called Digana, situated at Ranchagoda in Kandaboda pattu aforesaid; and bounded on the north by Gonnagewatta, east by Udadeniyewatta, south by Kapumanagewatta, and on the west by Agalahakella; and containing in extent about 2 pelus of paddy sowing.

14. All that undivided 2/11 parts of the land called Udahikkotakumbura, situated at Ranchagoda aforesaid; and bounded on the north by Lewpathdeniyewatta, east by jungle, south by Merenchigewatta, and on the west by Godellewatta; and containing in extent 14 kurunies of paddy sowing.

Deputy Fiscal's Office,
 Matara, December 7, 1938.

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

31
North-Western Province.

In the District Court of Kurunegala.

Pathirajah Mudiyansele Kusalhamy of Henegedera in Yaticaha korale Plaintiff.
 No. 19,062. Vs. 39

Kanduwala Vidanage Podi Appahamy of Epala-deniya in Yaticaha korale north Defendant.

NOTICE is hereby given that on Wednesday, January 18, 1939, commencing at 3.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 916.55 and poundage, viz. :—

1. All that land called Kahatagahamulawatta of about 4 lahas kurakkan sowing in extent, situate at Gallenegedera in Dambadeni Uducaha korale north of Dambadeni hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by rock (gala) and the garden of Ukku Banda Koralemahatmaya, east by rock (gala), south by the garden belonging to the heirs of Dingiri Banda Vidane and west by Kambakanupitiye-kumbura now garden, together with the trees and plantations thereon.

2. All that land called Kambakanupitiekumbura now garden of about one acre in extent, situate at Gallenegedera aforesaid; and bounded on the north by Kahatagahamulawatta, east by Kahatagahamulawatta, south by Kamatgala and field, and west by Kambakanupitiewatta belonging to Ukku Banda Koralemahatnaya and Gansabhawa road, with the trees and plantations thereon.

Fiscal's Office,
Kurunegala, December 13, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

In the District Court of Kurunegala.

S. P. A. V. K. N. Supparamaniam Chettyar of Kurunegala by his attorney V. R. Ramanatha Pillai of Kurunegala Plaintiff.

No. 19,190. 152 Vs.

(2) Ratnayake Mudiyanse Mudiyanse Aratchi of Nelawa in Ihalawasideke korale west Defendant.

NOTICE is hereby given that on Saturday, January 21, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 201 defendant in the following property for the recovery of the sum of Rs. 3,341.68, with interest thereon at the rate of 9 per cent. per annum from April 1, 1938, till payment in full and Rs. 262.60, being costs of this action, less a sum of Rs. 270 being the amount realized by sale of decreed property, and pounce, viz. :—

1. All that field called Pitawelakumbura of one pela paddy sowing extent, situated at Nelawa in Ihalawasideke korale west of Hiriyala hamattu in the District of Kurunegala, North-Western Province; and bounded on the north by field belonging to Kiri Banda Vidane and others, east by Alupitiya, south by Pinkumbura and west by field belonging to Kawwa and others, and registered in B 177/224.

2. An undivided $\frac{1}{3}$ share of the field called Gederagawawela of three pelas paddy sowing extent, situated at Nelawa aforesaid; and bounded on the north by Alupitiya, east by field belonging to Bandirala and others, south by Pahalawatta and west by Pitawelakumbura, and registered in B 179/225.

3. An undivided $\frac{1}{4}$ share of Ihalawatta of about one thimba kurakkan sowing extent, situated at Nelawa aforesaid; and bounded on the north by land belonging to Mudiyanse and others, east by Galwetiya, south by Mala-ela, and west by land of Mudiyanse and others, together with everything thereon, and registered in B 179/221.

4. An undivided $\frac{1}{3}$ share of Millagahakotuwewatta of about 1 $\frac{1}{2}$ seers kurakkan sowing extent, situated at Nelawa aforesaid; and bounded on the north and east by field of Mudiyanse *ex-Arachy*, south by Kahatagahakotuwepillewa, west by field belonging to Mudiyanse *ex-Arachy*, and others, and registered in B 196/35.

5. The field called Ihala Asseddumekumbura of one pela paddy sowing extent, situated at Nelawa aforesaid; and bounded on the north by liminary dam of the field of Bandirala, east by Nagollewele-inbemma, south by village limit of Nagolla, and west by inbemma of the field of Puncheda, and registered in B 98/60.

6. The field called Ambalanwelakumbura of 8 lahas paddy sowing extent, situated at Nelawa aforesaid; and bounded on the north by fence on the limit of the field of Kiri Banda, east by agala (ditch), south by inbemma of the field of Ukku Menika, and west by thalgaha standing on the limit of the field of Puncheda, and registered in B 96/52.

7. An undivided $\frac{1}{4}$ share of the land called Alutwatta of about one laha kurakkan sowing extent, situated at Nelawa aforesaid; and bounded on the north by Alutwatta, east by Pahalagaala, south by land of Puncheda and others, and west by land of Mudiyanse, and registered in B 169/224.

8. An undivided $\frac{1}{3}$ share of Ambagahamulakumbura of about 8 lahas paddy sowing extent and the thereto adjoining pillawa of about 2 lahas kurakkan sowing extent, situated at Nelawa aforesaid; and both bounded on the north by field belonging to Menikrala and others, east by chena of Puncheda, south by field of Heerala, and west by Welawetiekumbura of Appuhamy Aratchila, and registered in B 157/245.

9. An undivided $\frac{1}{3}$ share of Halmillagahakumbura of 8 lahas paddy sowing extent, situated at Nelawa aforesaid; and bounded on the north by field of Heerala, east by field of Appuhamy, south by field of Puncheda, and west by field of Appuhamy, and registered in B 157/244.

10. An undivided $\frac{1}{3}$ share of the field called Peragahakumbura of 5 lahas paddy sowing extent and the thereto adjoining pillawa of one laha kurakkan sowing extent, situated at Nelawa aforesaid; and both bounded on the north

by village limit of Hakirilla and Ambagaha, east by field of Appuhamy, south by Attikkagaha, west by Wewbemmetiya, and registered in B 157/246.

11. An undivided $\frac{1}{4}$ share of the land called Muhandiramalagederawatta of about 6 lahas kurakkan sowing extent, situated at Nelawa aforesaid; and bounded on the north by fence of the garden of Ukkurula, east by land of Jayaturala, south by land of Ranhamy, and west by fence of the gaala of Jayaturala, and registered in B 157/265.

12. All that field called Karawgahagodakumbura of 1 rood and 31 perches in extent or 5 lahas paddy sowing extent, situated at Nelawa aforesaid; and bounded on the east by Wagaletenne Hithgaha, south by liminary dam of the field of Puncheda and others, west by liminary dam of the field of Puncheda and others, and north by liminary dam of the field of Puncheda and others, together with everything thereon, and registered in B 124/224.

13. An undivided $\frac{1}{4}$ share of Wadakahawelekumbura of 2 pelas paddy sowing extent and pillawa of about 1 laha kurakkan sowing extent and Amunekumbura of 1 thimba paddy sowing extent, situated at Nelawa aforesaid; and all bounded together on the north by fence of the field of Mudiyanse and others, east by Ambalanwela, south and west by limit of the land of Bandirala Aratchila, and registered in B 138/186.

14. All that field called Makulgahakumbura of about 5 lahas paddy sowing extent, situated at Nelawa aforesaid; and bounded on the north by field of Appuhamy and gaala of Appurula, east by ela, south by field of Appuhamy, and west by gaala of Ukkuhamy and others, and registered in B 165/25.

15. An undivided $\frac{1}{2}$ share of the land called Kolongahamulawatta of about one thimba kurakkan sowing extent, situated at Nelawa aforesaid; and bounded on the north by Kudawewewatta, east and south by Ambagahamulawatta, and west by Deniyewatta and of everything standing thereon, and registered in B 155/22.

16. An undivided $\frac{1}{3}$ share of the land called Dangahamulawatta *alias* Alutwatta of about one thimba kurakkan sowing extent, situated at Nelawa aforesaid; and bounded on the north by land of Dingiri Menika and others, east by fence of the pahalagaala, south by fence of the gaala of Puncheda and others, and west by fence of the land of Mudiyanse and others, and registered in B 155/23.

17. An undivided $\frac{1}{3}$ share of the field called Asseddumekumbura of 15 lahas paddy sowing extent, situated at Madimulla in Ihalawasideke korale west aforesaid; and bounded on the north and east by inbemma of the field of Mudiyanse, south by godakele of Bandirala *ex-Arachy* and others, and west by inbemma of the field of Kiri Banda, together with everything thereon, and registered in B 122/20.

18. An undivided $\frac{1}{3}$ share of the field called Amunagawakumbura of one pela paddy sowing extent, situated at Madimulla aforesaid; and bounded on the north and east by inbemma of the field of Kiri Banda and limit of pillawa, south by limit of the pillawa of Kiri Banda, and west by Amunekumbura, and registered in B 122/21.

19. An undivided $\frac{1}{18}$ share of the land called Paluwatta of about 2 lahas kurakkan sowing extent, situated at Madimulla aforesaid; and bounded on the north by fence of Hitingederawatta, east by fence of the land of Appuhamy and others, south limit of the pillawa of Mudiyanse and inbemma of the field, and west by godakele of Bandirala Arachy and others, together with everything thereon, and registered in B 122/22.

20. An undivided $\frac{1}{3}$ share of the land called Athpitiyekotuwepillewa of 3 acres 3 roods and 8 perches in extent, situated at Murutawa in Ihalawasideke korale west aforesaid; and bounded on the north by lot V 801 in P. P. 1,833 and land in T. P. 266,254, east by land in T. P. 266,254 and 266,251, and lots 802 $\frac{1}{2}$ and 802 $\frac{1}{2}$ in P. P. 1,833, and tank, south by lands in T. Ps. 264,476, 266,627 and 266,619, and west by ela, together with everything thereon, and registered in B 123/175 and 209/205.

Fiscal's Office,
Kurunegala, December 13, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

Province of Uva.

In the District Court of Badulla.

D. W. Andiris Silva of Lower street, Badulla Plaintiff.

No. 6,556. Vs.

P. B. M. Bandaranayake of Badulla Defendant.

NOTICE is hereby given that on Tuesday, January 10, 1939, at 9 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 a sum of Rs. 418.83 with legal interest from May 19, 1937, till payment in full, and Rs. 142.07 being costs of suit as taxed by the officer of this court less a sum of Rs. 300, viz. :—

All that land called Alkwalawatta situated at Avenue road in the town and District of Badulla, containing in extent 1 acre and 12 perches, and bounded on the north and west by cart road, south by the lands belonging to the Vihara, east by Kendalagederawatta and the remaining portion of this land together with the plantations and the buildings standing thereon.

Fiscal's Office,
Badulla, December 8, 1938.

T. J. MENDIS,
for Fiscal.

part of the petitioners above-named, and (1) the affidavits of the said petitioners dated November 15, 1938, and (2) of the attesting witnesses dated November 16, 1938, having been read :

It is ordered that the last will of Nawalage Simon Dias, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioners are the executors in the said will and that they are entitled to have probate thereof issued to them accordingly, unless any person or persons interested shall, on or before December 8, 1938, show sufficient cause to the satisfaction of this court to the contrary.

November 18, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the within-mentioned Order Nisi is hereby extended to January 26, 1939.

December 6, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.
Walker Sons & Company, Ltd., Colombo Plaintiff.
No. 43,299.

(1) P. G. Vincent de Silva, General Merchant, Koslanda, (2) L. S. Gomeratne of 511, High street, Wellawatta Defendants.

NOTICE is hereby given that on Friday, January 27, 1939, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right title, and interest of the said 1st defendant in the following property, for the recovery of the balance sum of Rs. 99.84 with legal interest thereon from May 5, 1932, till payment in full, and in failure to recover possession of the Dodge car then the sum of Rs. 850 being its value, less a sum of Rs. 55.86, viz. :—

All that and those the contiguous allotments of land called (a) Bulatwelgoda Pahalagederawatta alias Bulatwelgoda Pahalagederawatta Lot 124 in B. S. P. P. 336, (b) Bulathwelgodawatta alias Pallegederawatta alias Pallegederawatta lot 125 in B. S. P. P. 336, (c) Wattedehena alias Bulatwelgodahena alias Udumullehena lot 141 in B. S. P. P. 336, (d) Bulathwelgodawatta lot 142B in B. S. P. P. 336, (e) Bulathwelgodawatta lot 111B in B. S. P. P. 336, (f) Bulatwelgodawatta alias Bulatwelgodapatana alias Bulathwelgoda Pahalagederawattedehena, (g) Ettilimullahena alias Ettilimullehena lot 123 in B. S. P. P. 336 all forming one property, situated at Bulathwelgoda village in Gampaha in Kandapalla Korale in Wellawaya Division in Badulla District of the Province of Uva; and bounded on the north by Ettilimulla-arawa, east by lots 123A, 111A, and 111B in B. S. P. P. 336, south by lot 142, Mala-ara and lot 143 in B. S. P. P. 336, and west by lots 140, 139, 129 and 126 in B. S. P. P. 336 in Lunugera; containing in extent 23 acres and 6 perches and registered under H 25/228.

Fiscal's Office,
Badulla, December 10, 1938.

T. J. MENDIS,
for Fiscal.

In the District Court of Kalutara.
Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Louisa de Livera Weerakoon nee Perera
No. 2,839. Siriwardene, deceased, of Tantrimulla,
Panadure.

(1) Clara Kuruppu nee Goonesekere of Kuruppu road, Borella, (2) Elmo Aloysius de Livera Weerakoon of Tantrimulla, (3) Reirita May Weerakoon nee Goonesekere of ditto Respondents.

THIS matter coming on for disposal before E. O. C. Vander Gert, Esquire, District Judge of Kalutara, on October 13, 1938, in the presence of Mr. D. E. de Silva, Proctor on the part of the petitioner, James de Livera Weerakoon of Tantrimulla; and the affidavit of the said petitioner dated October 12, 1938, having been read: It is ordered that the petitioner above named be and he is hereby declared entitled, as husband of the deceased above named, to have letters of administration to her estate issued to him, unless the respondents or any other person or persons interested shall, on or before November 17, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 3rd respondent be and she is hereby appointed guardian *ad litem* over the said 2nd respondent, who is a minor, for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before November 17, 1938, show sufficient cause to the contrary.

October 13, 1938.

E. O. C. VANDER GERT,
District Judge.

The date for showing cause has been extended for December 22, 1938.

November 17, 1938.

E. O. C. VANDER GERT,
District Judge.

In the District Court of Nuwara Eliya.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Lucy Tilly (also some-
No. 326. times known as Lucy Elizabeth Jane
Tilly or Lucy Elizabeth Tilly) of
Galkandewatte estate, Talawakelle in
the Island of Ceylon, widow, deceased.

THIS matter coming on for disposal before Herbert S. Roberts, Esq., District Judge of Nuwara Eliya, in the presence of Mr. W. C. Modder, Proctor, on the part of the petitioner, Marion Elizabeth Tilly of Galkandewatte estate, Talawakelle; and (1) the affidavit of the said petitioner dated December 2, 1938, (2) the affidavit of the attesting notary of the will dated November 26, 1938, having been read: It is ordered that the will No. 2,218 dated May 14, 1924, and attested by Leslie William Frederick de Saram, Notary Public of the said Lucy Tilly (also sometimes known as Lucy Elizabeth Jane Tilly and Lucy Elizabeth Tilly), deceased, 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 declared that the said Marion Elizabeth Tilly is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, with power reserved to John Tilly the executor also named therein any time hereafter to come in and obtain a similar grant, unless any person or persons interested shall, on or before January 13, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 2, 1938.

HERBERT S. ROBERTS,
District Judge.

I, Noel Edward Ernst, Fiscal for the North-Western Province, do hereby appoint S. M. Marikkar to act as Marshal from December 12, 1938, until the resumption of duties by the permanent officer, for the divisions of Dambadeni Uducaha North and West and Mairawathi korales of Dambadeni hatpattu, Giratalana Baladora and Angomu korales of Dewamedhi hatpattu, Karandapattu, Meddeketiya, Yaticaha, Yagampattu, Kiniyama, Katugampola Medapattu east and west, Katugampola North and South and Pitigal korales of Katugampola hatpattu, in the District of Kurunegala, under the provisions of the Fiscal's Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal for which this shall be his warrant.

Given under my hand at Kurunegala this 12th day of December, 1938.

N. E. ERNST,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Nawalage Simon Dias
No. 8,645. of Kotiwila Sedawatta, deceased.

(1) Saparamadu Mahabalage Don Nicholas Jayatilleke, and (2) Nawalage Benjamin Dias, both of Sedawatta Petitioners.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on November 17, 1938, in the presence of Mr. P. C. Seneviratne, Proctor, on the

24/ In the District Court of Galle.
Order Nisi.
 Testamentary In the Matter of the Estate of the late
 Jurisdiction. Julia Badaturuge Samel de Silva of
 No. 7,843. Koggala, deceased.
 Between
 Julia Badaturuge Rancinona of Koggala, wife of
 Lamaheewala Mendis de Silva, Petitioner.
 And
 Palahennedi Hewage Babunhamy of Koggala. Respondent.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on December 8, 1938, in the presence of Messrs. D. & R. Amarasuriya, Proctors, on the part of the petitioner, Julia Badaturuge Rancinona of Koggala; and the affidavit of the said petitioner dated September 1, 1938, having been read: It is further declared that the said Julia Badaturuge Rancinona of Koggala is entitled to have letters of administration issued to her accordingly, unless the respondent or any persons interested shall, on or before January 13, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 8, 1938. N. M. BHARUCHA,
 District Judge.

In the District Court of Galle.
Order Nisi.
 Testamentary In the Matter of the Estate of the late
 Jurisdiction. Gaurlicks Ubesinghe Jayawardena of
 No. 7,847. Mihiripenna, deceased.
 Between
 Ginona Kumarasinghe of Mihiripenna, presently of Akuru-
 goda, Kamburupitiya, Petitioner.
 And
 (1) Chandrasiri Ubesinghe Jayawardena, (2) Abeyesena
 Ubesinghe Jayawardana, (3) Tudor Ubesinghe Jaya-
 wardena, (4) Don James Kumarasinghe of Heenati-
 gala South Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on November 12 1938, in the presence of Mr. C. E. Abeyewickreme, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 5, 1938, having been read:

It is ordered that the said 4th respondent be and he is hereby appointed guardian *ad litem* over the 1st to 3rd minor respondents, unless the said respondents or any person or persons interested shall, on or before December 20, 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 December 20, 1938, show sufficient cause to the satisfaction of this court to the contrary.

November 12, 1938. N. M. BHARUCHA,
 District Judge.

30/ In the District Court of Tangalla.
Order Nisi.
 Testamentary In the Matter of the Intestate Estate of
 Jurisdiction. Jasin Arachchige Don Davith, late of
 No. 1,293. Murutawela, deceased.
 Motagedara Arachchige Kawanihamy of Muruta-
 wela Petitioner.
 Vs.
 (1) Jasin Arachchige Dingihamy, (2) Jasin Arachchige
 Dondias, both of Murutawela Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Tangalla, on

September 22, 1938, in the presence of Mr. H. Domingo, Proctor for the petitioner above named; and the affidavit of the above-named petitioner dated September 22, 1938, having been read:

It is ordered and adjudged that the petitioner, M. A. Kawanihamy of Murutawela, is entitled, as the widow of the said deceased, to the letters of administration of the said estate, unless any person or persons interested shall, on or before October 27, 1938, show sufficient cause to the contrary.

September 22, 1938. V. S. JAYAWICKRAMA,
 District Judge.

The above *Order Nisi* is extended to December 1, 1938.

October 27, 1938. V. S. JAYAWICKRAMA,
 District Judge.

The above *Order Nisi* is extended to January 5, 1939.

December 1, 1938. V. S. JAYAWICKRAMA,
 District Judge.

32/ In the District Court of Jaffna.
Order Nisi.
 Testamentary In the Matter of the Estate of the late
 Jurisdiction. Kandiah Sathasivam of Karaitivu West,
 No. 624. deceased.
 Ramanatha Kandiah of Karaitivu West Petitioner.
 Vs.
 (1) Kandiah Makkan of Karaitivu West, (2) Kandiah
 Kathiravelu of ditto, presently of Segamat, Johore,
 F. M. S., (3) Velupillai Kanapathipillai of Karaitivu
 West and wife (4) Thangammah of ditto, (5) Rama-
 lingam Nagalingam of ditto and wife (6)
 Annapooranam Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, Kandiah Sathasivam of Karaitivu West, coming on for disposal before C. Coomaswamy, Esq., District Judge, on July 18, 1938, in the presence of Messrs. Aboobucker & Sultan, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated July 14, 1938, having been read: It is declared that the petitioner is the father of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents above-named or any other person shall, on or before August 31, 1938, show sufficient cause to the satisfaction of this court to the contrary.

August 18, 1938. C. COOMARASWAMY,
 District Judge.

Time to show cause extended to January 18, 1939.

C. C.,
 D. J.

In the District Court of Jaffna.
Order Nisi.
 Testamentary In the Matter of the Estate of Nagar
 Jurisdiction. Sabapathy of Chankanai, Jaffna,
 No. 672. late of Gopeng, F. M. S., deceased.

Sabapathy Subramaniam of Perak, F. M. S., by his attorney Ponnuru, wife of Velupillai of Kantermadam, Jaffna Petitioner.

And

(1) Nagamnah, daughter of Sabapathy, and (2) Parameswaran, son of Sabapathy, both of Perak, F. M. S., appearing by their guardian *ad litem* (3) Mari-muttanmal, daughter of Nagar of ditto Respondents.

THIS matter of the petition of the above-named petitioner, praying that the 3rd respondent be appointed

guardian *ad litem* over the 1st and 2nd minor respondents and that the petitioner be granted letters of administration over the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on November 14, 1938, in the presence of Mr. K. Somasundaram, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 13, 1938, having been read; It is ordered that the 3rd respondent be appointed guardian *ad litem* over the 1st and 2nd minor respondents for all the purposes of this testamentary action and that the petitioner above named be granted letters of administration over the estate of the above-named deceased, unless the respondents or any other person shall, on or before December 21, 1938, show sufficient cause to the satisfaction of this court to the contrary.

November 28, 1938.

C. COOMARASWAMY, District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Estate of the late Kanapathiar Subramaniam Arambapillai of No. 81/P. T. Puloly West, deceased.

U. Subramaniam Kandaiya of Puloly West... Petitioner.

Parupatham, wife of Kandaiya of Puloly West... Respondent.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, Kanapathiar Subramaniam Arambapillai, coming on for disposal before C. E. A. Samarakody, Esq., Additional District Judge, on October 29, 1938, in the presence of Mr. M. Easurapadham, Proctor, on the part of the petitioner, and affidavit of the petitioner; dated October 29, 1938, having been read: It is declared that the petitioner is the son-in law of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before November 17, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 29, 1938.

S. RODRIGO, Additional District Judge.

Extended and reissued for service returnable on December 22, 1938.

December 1, 1938.

S. RODRIGO, Additional District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Estate of the late Parupathipillai, widow of Chittampalam No. 82/PT. Arumugam of Karavetty North, deceased.

Arumugam Chittampalam of Karavetty North... Petitioner.

(1) Arumugam Velayutham of Karavetty West, (2) Arumugam Chinniah of ditto... Respondents.

THIS matter coming on for disposal before S. Rodrigo, Esq., Additional District Judge, on November 10, 1938, in the presence of Mr. K. Muttukumaru, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read: It is hereby ordered that the petitioner be and is hereby declared entitled to take out letters of administration to the above estate, as the son of the deceased, and that letters of administration be issued to him accordingly, unless the respondents above named or any other persons appear and show cause to the contrary on or before December 22, 1938.

November 11, 1938.

S. RODRIGO, Additional District Judge.

43 In the District Court of Puttalam.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Intestate Estate of Panikker Mohideen Ibrahim Sarah Umma, late of Puttalam, deceased. No. 733.

Between

Panikker Ibrahim Mohamedo Ibunu of Puttalam... Petitioner.

(1) Panikker Ibrahim Seyado Mohamedo, (2) Panikker Ibrahim Ahamedo Naina Maraikar, (3) Panikker Ibrahim Mohamedo Abdul Cader, (4) Panikker Ibrahim Rahuma Beebee, wife of Mohamedo Ibrahim Assen Naina Maraikar alias Ana Seeyanna Periyathamby, (5) Panikker Ibrahim Habeebu Mohamedo, and (6) Panikker Ibrahim Shaheed Maraikar, all of Puttalam. The 5th and 6th respondents are minors of the ages of 19 and 15 years respectively appearing by their proposed guardian *ad litem* the 2nd respondent above named... Respondents.

THIS matter coming on for disposal before M. L. D. Caspersz, Esq., Additional District Judge of Puttalam, on November 1, 1938, on the motion of Mr. Lazarin E. David, Proctor, on the part of the petitioner; and his petition and affidavit dated October 31, 1938, having been duly read: It is ordered that (a) Panikker Ibrahim Ahamedo Naina Maraikar, the 2nd respondent above named, be and he is hereby appointed guardian *ad litem* of the minors, the 5th and 6th respondents, and (b) Panikker Ibrahim Mohamedo Ibunu, the petitioner above named, be and he is hereby appointed administrator of the estate of Panikker Mohideen Ibrahim Sarah Umma, deceased, and that letters of administration be issued to him accordingly, unless the respondents above named or any other person or persons interested in the matter of this application shall appear and show sufficient cause to the satisfaction of this court to the contrary on November 29, 1938, at 10 o'clock in the forenoon.

M. L. D. CASPERSZ, Additional District Judge. October 31, 1938.

Time extended and reissued for December 20, 1938.

November 29, 1938. M. A. SAMARAKOON, District Judge.

30 In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Intestate Estate of the late Modarage Moses Waas of No. 2,222. Nainamadama, Surveyor in Chilaw District, deceased.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Chilaw, on October 27, 1938, in the presence of Mr. A. S. Goonesekera, Proctor, on the part of the petitioner, Dedigamuge Dona Helen Margaret Waasnee Peris and the affidavit of the said petitioner dated March 21, 1938, having been read:

It is ordered (a) 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 accordingly, unless the respondents—(1) Modarage Rita Frances Terese Waas, (2) Modarage Silverius Aloysius Moses Waas, and (3) Modarage Theodore Escolanu Waas, all of Nainamadama—or any other person or persons interested shall, on or before November 25, 1938, show sufficient cause to the satisfaction of this court to the contrary.

(b) 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.

October 27, 1938. M. A. SAMARAKOON, District Judge.

Date for showing cause is extended to December 22, 1938.

M. A. SAMARAKOON, District Judge.

PASSED ORDINANCES.*(Continued from page 1568.)*

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

No. 60 of 1938.

An Ordinance to amend the Village Communities Ordinance, No. 9 of 1924.

G 17a

[Assented to by His Majesty the King : See Proclamation dated December 15, 1938, published in Government Gazette No. 8,420 of December 16, 1938.]

A. CALDECOTT.

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 Village Communities Amendment Ordinance, No. 60 of 1938, and shall come into operation on such date as may be appointed by the Governor by Proclamation in the Gazette.

Amendment of section 2 of Ordinance No. 9 of 1924.

2 Section 2 of the Village Communities Ordinance, No. 9 of 1924, (hereinafter referred to as "the principal Ordinance") is hereby amended as follows :—

- (1) by the omission of the figure "1" in parenthesis from sub-section (1) thereof; and
- (2) by the repeal of sub-section (2) thereof.

Re-numbering of sections 37 to 98, and section 100 and repeal of section 99 of the principal Ordinance.

3 (1) Sections 37 to 98, both inclusive, and section 100, of the principal Ordinance are hereby renumbered respectively as sections 64 to 125, and section 128, of that Ordinance.

- (2) Section 99 of the principal Ordinance is hereby repealed.

Repeal of sections 3 to 36 of the principal Ordinance and insertion of new sections 3 to 63 therein.

4 Sections 3 to 36, both inclusive, of the principal Ordinance are hereby repealed, and the following sixty-one sections are hereby inserted in the principal Ordinance and shall have effect as sections 3 to 63 thereof :—

PART I.*Village Areas.*

Application of Ordinance to chief headmen's divisions.

3. (1) It shall be lawful for the Governor by Proclamation published in the Gazette, to declare that any chief headman's division or any part thereof shall, from a date to be named therein, be brought within the operation of this Ordinance.

(2) On such Proclamation being published as aforesaid, such division or part thereof shall, from the said date, be within the operation of this Ordinance.

Subdivision of divisions into village areas.

4. Every chief headman's division or part thereof brought within the operation of this Ordinance shall be subdivided into village areas consisting of one or more villages or groups of villages in such manner as the Governor may, by Proclamation published in the Gazette, appoint :

Provided that, where, in the opinion of the Governor, it is unnecessary that any such chief headman's division or part thereof should be subdivided in manner aforesaid, the Governor may, if he thinks fit, by Proclamation published in the Gazette, declare that such chief headman's division or part thereof shall not be subdivided, and in such case such chief headman's division or part thereof shall be deemed to be a village area within the meaning of this Ordinance.

Application of Ordinance to Urban and Sanitary Board areas.

5. (1) For the purpose of giving to a Village Tribunal jurisdiction over an urban area within the administrative limits of a Local Board of Health and Improvement or an Urban District Council, any such urban area may, subject to the requirements of section 64, by Proclamation under the provisions of this Part of this Ordinance, be brought within the operation of this Ordinance and be included in any village area :

Provided that—

- (a) no inhabitant of any such urban area shall be entitled to attend or vote at any meeting of the voters, or to be elected as a member of the Village Committee, of that village area ;
- (b) no inhabitant of such urban area shall be liable to pay—
 - (i) any tax imposed and levied by the Village Committee under section 44, section 45 or section 47 ; or
 - (ii) any licence duty imposed and levied by the Village Committee under section 46 ;
- (c) no by-law made or deemed by virtue of any written law to have been made under this Ordinance shall have any operation in any such urban area ; and
- (d) section 39 shall not apply to any property belonging to the Local Board or Urban District Council.

(2) Where any town or village has been brought under the operation of both this Ordinance and the Small Towns Sanitary Ordinance, 1892—

- (a) no inhabitant of such town or village shall be entitled to attend or vote at any meeting of the voters, or to be elected as a member of the Village Committee, of any village area ;
- (b) no inhabitant of such town or village shall be liable to pay—
 - (i) any tax imposed and levied by the Village Committee under section 44, section 45 or section 47 ; or
 - (ii) any licence duty imposed and levied by the Village Committee under section 46 ;
- (c) no by-law made or deemed by virtue of any written law to have been made under this Ordinance shall have any operation in any such town or village ;
- (d) section 39 of this Ordinance shall not apply to any property whatsoever belonging to the Sanitary Board ; and
- (e) rules made or deemed to have been made under any law for the time being in force for the purpose of regulating the procedure of Village Tribunals shall have force therein notwithstanding section 36 of the Small Towns Sanitary Ordinance, 1892.

6. (1) For the purposes of this Ordinance the Governor may, from time to time, by Proclamation in the Government Gazette—

- (i) alter and redefine the limits of any village area ;
- (ii) divide any village area into two or more village areas ;
- (iii) amalgamate two or more village areas or portions thereof ;
- (iv) constitute new village areas.

(2) Anything in this Ordinance to the contrary notwithstanding, the Governor may, by Proclamation in the Government Gazette, provide from time to time for all matters which he may deem to be necessary to give effect to any alteration, definition, division, amalgamation or constitution made under sub-section (1), including—

- (a) the dissolution of any Village Committee existing in any village area concerned and the election of such fresh Committee or Committees as may be necessary ;
- (b) the continuance or the application of the by-laws in force in any village area concerned or any part thereof at the time of the Proclamation under sub-section (1) ;
- (c) the transfer, apportionment and adjustment of the property, rights, debts, liabilities and obligations of the Village Committee of any of the village areas concerned ;
- (d) the extension, curtailment or redefinition of the territorial jurisdiction of any Village Tribunal established in the chief headman's division or part thereof in which any of the village areas concerned is situated ;
- (e) the collection and levy of taxes, tolls, penalties, fines and other sums of money which may be or become due to the Village Committee of any of the village areas, concerned ;
- (f) pending contracts and legal proceedings to which the Village Committee of any of the areas concerned may be a party.

Alteration of boundaries and extent of village areas.

Proclama-
tions to be
laid before
State Council.

7. Every Proclamation made under the provisions of this Part of this Ordinance shall be laid before the State Council as soon as conveniently may be, and may, at any time within forty days of its being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, but without prejudice to anything that may have been done thereunder.

PART II.

Election of Village Committees.

Village
Committee to be
elected for each
village area.

8. In every village area there shall be constituted a Village Committee, elected in accordance with the provisions of this Ordinance and the rules made thereunder.

Term of
office of
Village
Committee.

9. (1) Every Village Committee elected under the provisions of this Ordinance shall, subject to the provisions of section 62, go out of office on the last day of June of the third year after the general election at which the members were elected.

(2) Notwithstanding the provisions of sub-section (1)—

- (a) the Governor may, by order published in the Gazette in respect of any Village Committee, substitute for the date specified in that sub-section the last day of any other month, whether in the year so specified or in the year immediately preceding or following that year, but so that the period by which the term of office of the Committee is extended or curtailed by the order shall not exceed twelve months; and
- (b) in the application of this Part of the Ordinance to any Village Committee in respect of which an order is so made, all references to the last day of June and to the first day of July shall be deemed to be references respectively to the date substituted by the order and to the day following that date.

Election of
new
Committees.

10. In place of every Village Committee going out of office, another Committee to be elected as hereinafter provided, shall come into, and remain in, office for the next ensuing period of three years, and, at the expiration of such period, shall in like manner go out of office and be succeeded by another such Committee for a like term of three years, and so on during the continuance of this Ordinance:

Provided that no Committee elected in place of a Committee going out of office otherwise than by effluxion of time, shall remain in office beyond the unexpired portion of such latter Committee's term of office.

Wards and
representa-
tion.

11. (1) For the purposes of the election of the Village Committee every police headman's division in a village area shall be deemed to be a ward of that area:

Provided, however, that no police headman's division or part thereof which is within the limits of any area or town or village to which section 5 applies shall be deemed to be a ward or part of a ward for the purposes of this section:

And provided further that with the approval of the Governor, the Executive Committee may, by notification published in the Gazette, subdivide any such police headman's division into two or more wards, or amalgamate two or more police headmen's divisions or any portions thereof into one single ward, with such limits as may be specified in the notification, and thereupon each such subdivision or amalgamated division shall be deemed to be a ward within the meaning of this section.

(2) Each of the wards of a village area within the meaning of this section shall be entitled to return one member to the Village Committee for that area.

(3) The total number of persons elected as members of the Village Committee for any village area shall not exceed or be less than the total number of the wards of that area.

Qualification
of voter.

12. Every person of either sex, who is not an excepted person, and who—

- (a) is a British subject; and
- (b) is not less than twenty-one years of age on the first day of May of the year in which the election is held; and
- (c) is resident in any ward of a village area, and has been so resident for a continuous period of not less than six months during the eighteen months immediately preceding the date of the election,

shall be qualified to vote at the election of a member for that ward of the village area :

Provided however that no person otherwise qualified under this section to vote at an election shall be entitled or permitted to vote, if such person—

- (i) has been adjudged by a competent court to be of unsound mind ; or
- (ii) is at the date of the election disqualified by order of any court made under section 18 :

And provided further that at any election held in any ward of a village area after the date on which a land tax under section 45 is imposed in that area—

- (a) an excepted person shall be entitled to vote, if such person is otherwise qualified under this section and is the owner of any land within that area on which the land tax is payable ; and
- (b) any person (whether or not he is entitled to vote by virtue of his own qualifications) who is resident in the ward and is the authorised agent of any non-resident individual or of any body of individuals, whether corporate or unincorporate, owning any land within that area on which the land tax is payable, shall be entitled to vote on behalf of such individual or body of individuals, without prejudice to any right to vote to which he may be entitled under this section by virtue of his own qualifications.

13. Every person of either sex who is entitled to vote at the election of a member for any one of the wards of a village area shall be deemed to be qualified for election as the member for any ward of that area, if such person—

Qualification
for election
as member.

- (a) is possessed of immovable property the value of which exclusive of any mortgage debts thereon, is not less than two hundred rupees, or of an income of not less than sixty rupees per annum ;
- (b) is able to read and write the Sinhalese, the Tamil or the English language ; and
- (c) is not the holder of the office of chief or minor headman, or of any office of emolument in the service of the village committee of that area ; and
- (d) is not either directly or indirectly, except as a shareholder in an incorporated company, interested in any contract entered into by any person with the village committee of that area ; and
- (e) has not at any time served a sentence of imprisonment of either description for a period of three months or any longer period on conviction of any crime within the meaning of the Prevention of Crimes Ordinance, No. 2 of 1926.

14. (1) Every election, whether it be of the first Village Committee for any area brought or deemed by virtue of any written law to be, within the operation of this Ordinance, or of a Committee to succeed any Committee going out of office, or of one or more individual members to fill any casual vacancy or vacancies, shall, subject to the provisions of section 15 (4), be held at a meeting of the voters of each of the wards or of the ward for which a member has to be elected ; and every such meeting shall be summoned and conducted by the Government Agent in the manner hereinafter provided.

Meetings of
voters for
purposes of
elections.

(2) The Government Agent shall fix one or more convenient dates for the meetings of the voters of the several wards, and such date or dates shall—

- (a) in the case of the first general election of a Committee for any village area brought within the operation of the Ordinance by a Proclamation under section 3, be not more than three months after the date of the Proclamation ;
- (b) in the case of a general election of a Committee to succeed a Committee going out of office by effluxion of time, be not more than three months before the date on which the term of office of the Committee is to expire, or not more than six months before that date in any case where the Governor, by order published in the Gazette, so directs on the ground of the impracticability of completing the election within a period of three months ;

- (c) in the case of a general election of a Committee to succeed a Committee which goes out of office otherwise than by effluxion of time, be not more than three months after the date on which the Committee goes out of office; and
- (d) in the case of the election of a member to fill any casual vacancy in a Committee, be not more than three months after the date on which the vacancy arises.

(3) The place of each meeting of the voters of a ward, shall also be fixed by the Government Agent; and where a suitable place is not available within any ward, any place within a convenient distance thereof may be fixed by the Government Agent in his discretion, but in no case shall any place be so fixed which is outside the limits of the village area of which that ward forms a part.

(4) Not less than one month's notice of the time and place fixed for each meeting of the voters of a ward, shall be given by the Government Agent, by beat of tom-tom, and by causing written notices in English and in Sinhalese or Tamil or both in Sinhalese and in Tamil to be affixed in conspicuous places within the ward.

(5) Every notice under sub-section (4) shall specify in addition—

- (a) a date on or before which the candidate or candidates for election shall be nominated, such date not being less than fourteen days before the date fixed for the meeting of the voters of the ward; and
- (b) the place at which nomination papers shall be delivered to the Government Agent.

**Nomination
of candidates.**

15. (1) No person shall be entitled to be a candidate for election at any meeting held under section 14, unless he is qualified for election within the meaning of section 13, and unless he has—

- (a) been nominated as a candidate by means of one or more nomination papers, each signed by himself to signify his consent and by a proposer and a seconder severally entitled to vote at that election; and
- (b) delivered or caused such nomination paper or papers to be delivered to the Government Agent, on or before the date specified for the delivery of nomination papers in the notice under section 14, at the Kachcheri or such other place as may be specified in that notice; and
- (c) deposited or caused to be deposited with the Government Agent a sum of ten rupees on or before the date specified in that notice for the delivery of nomination papers.

(2) No person shall be entitled to be nominated as a candidate for more than one ward of any one village area in the course of the same general election or in the course of a bye-election for filling two or more vacant seats in the Village Committee of that area.

(3) The nomination paper or papers delivered by or on behalf of the candidate or candidates for election shall be scrutinised forthwith by the Government Agent; and all objections raised against any candidate, on the ground that he is not qualified to be elected or that he is not a candidate duly nominated, shall be disposed of by the Government Agent, after such inquiry as he may deem sufficient, either forthwith or at any convenient time prior to the date of the meeting of voters summoned under section 14. Every decision of the Government Agent under this sub-section shall be final and conclusive.

(4) If not more than one candidate is duly nominated for any ward, the Government Agent shall declare that candidate to be the duly elected member for that ward, and shall cancel the meeting of the voters of that ward summoned under section 14 by notice given in like manner as the notice under that section.

(5) If two or more candidates are duly nominated for any ward, the Government Agent shall hold a poll at the meeting of voters summoned under section 14.

(6) The Government Agent shall keep a record containing all necessary particulars as to—

- (a) the nomination paper or papers delivered by or on behalf of each candidate nominated;
- (b) the objections, if any, raised against each such candidate;

- (c) the inquiry, if any, held by the Government Agent into such objections; and
- (d) the decision given by him upon each objection, together with his reasons for such decision.

16. (1) Every meeting of the voters of a ward for the purposes of an election shall be held at the time and place specified in the notice issued in that behalf under section 14, and shall be presided over by the Government Agent: Provided, however—

Procedure at meeting of voters.

- (i) that the Government Agent may appoint any other officer of Government other than a chief or minor headman to be the presiding officer at any meeting, and the presiding officer so appointed shall be entitled to exercise all the powers and to perform all the duties that may be exercised or performed by the Government Agent at that meeting; and
- (ii) that the Government Agent or the presiding officer may, for sufficient reason appearing to him, adjourn any such meeting to any other time or place to be then announced to the voters present at the meeting and also notified thereafter by beat of tom-tom and written notices as required by section 14.

(2) Every poll at a meeting of voters under this section shall be held by secret ballot and shall be conducted in accordance with such rules as may be made in that behalf under section 59.

(3) For the purposes of any election of members under this Ordinance, the preparation of a register of voters shall not be obligatory.

(4) If at any meeting any question is raised as to the right of any person to vote, the Government Agent shall then and there make such inquiry as he may deem sufficient and decide whether or not such person has the right to vote. Every decision of the Government Agent under this sub-section shall be final and conclusive.

(5) The Government Agent shall keep the minutes of each meeting of the voters of a ward and enter or cause to be entered therein a complete record of the proceedings, including—

- (a) the number of voters present and voting at the meeting;
- (b) the reasons for any adjournment directed by him, and the time and place fixed for the adjourned meeting;
- (c) the name of each candidate nominated for election, with the names of the proposer and seconder in each case;
- (d) the objections or other questions raised, and the decision given by him in each case together with his reasons therefor; and
- (e) the name of the member declared by him to be elected, with details of the number of votes recorded.

17. (1) The deposit made by a candidate shall be returned to him, if—

Return or forfeiture of deposits.

- (a) he refrains from delivering any nomination paper for the purposes of the election for which the deposit was made; or
- (b) he withdraws from the candidature before four o'clock in the afternoon of the date specified in the notice under section 14 for the delivery of nomination papers; or
- (c) in the event of a poll being held, he obtains more than one-eighth of the number of votes polled.

(2) The deposit made by a candidate who fails to obtain more than one-eighth of the number of votes polled shall be forfeited to the Crown.

(3) The deposit made by a candidate who is declared to be duly elected shall not be returned to him until he has taken his seat as a member of the Committee.

18. Any person who is convicted of the offence of bribery or undue influence or personation, within the meaning of Chapter IXA of the Ceylon Penal Code, at or in connection with any election held for the purposes of this Ordinance, shall, in addition to such fine as may be imposed under the provisions of that Code, be disqualified by order of the court which convicts him from taking any part as a voter or as a candidate in any other such election for a period of four years.

Penalty of disqualification for election offences.

Vacation of office by operation of law.

19. (1) Any member of a Village Committee shall be deemed to vacate his seat *ipso facto*, if he—

- (a) is disqualified after his election by an order of a court under section 18, or ceases to be qualified as required by section 13 ; or
- (b) is absent, without leave of the Committee, from more than three consecutive meetings of the Committee ; or
- (c) is adjudicated an insolvent ; or
- (d) is sentenced to, and has commenced to serve, any term of imprisonment imposed for any crime within the meaning of the Prevention of Crimes Ordinance, No. 2 of 1926 ; or
- (e) is found to be of unsound mind by a court of competent jurisdiction.

(2) Any member of a Village Committee who votes at or takes any other part in any meeting of the Committee after he has, either directly or indirectly, otherwise than as a shareholder of an incorporated company, become interested in any contract entered into by any person with the Committee, shall be guilty of an offence punishable by a police court after summary trial with a fine not exceeding one hundred rupees and with disqualification for a period of four years from taking part in any election under this Ordinance.

(3) Within seven days of any seat becoming vacant under sub-section (1), the Chairman shall send written information thereof to the Government Agent.

Refusal or resignation of office.

20. (1) Any person elected, but deciding before the first meeting of a Village Committee not to serve, as a member of the Committee, shall communicate his refusal of office to the Government Agent in writing.

(2) After the first meeting of a Village Committee any member deciding not to continue in office, shall communicate his resignation of the office in writing to the Government Agent either direct or through the Chairman of the Committee.

Filling of casual vacancies.

21. In the event of any member of a Village Committee dying, or ceasing to possess the qualifications required by section 13, or vacating his office by virtue of the provisions of section 19, or refusing or resigning office under section 20, the Government Agent shall take steps for the election of a duly qualified person in place of that member in accordance with the provisions of sections 14, 15 and 16 ; and the person so elected shall hold office until the next succeeding general election of members of that Committee.

Nomination of members on failure of election.

22. Where, for any reason, the voters of all or any of the wards of a village area fail either to nominate any candidate on the date fixed for the nomination of candidates, or to elect any member on the date fixed for the meeting or any adjourned meeting of the voters, for the purposes of a general election or a bye-election, it shall be lawful for the Executive Committee to nominate such number of duly qualified persons as may be necessary to constitute or to complete the Village Committee, as the case may be ; and the Village Committee or the member or members so nominated shall be deemed, for all the purposes of this Ordinance, to have been duly elected.

Delay in holding elections.

23. If the term of office of any Village Committee is allowed to expire before the election of another Committee as its successor, it shall nevertheless be lawful for the Government Agent to take steps under section 14 for the election of a Committee ; but the term of office of any Committee elected in such circumstances shall be reckoned from the date on which the term of office of the first-mentioned Committee expired.

Procedure in cases of doubt as to validity of an election.

24. (1) Whenever any doubt arises as to the validity of the election of any Committee, the Attorney-General may state a case for the opinion of the Supreme Court as to the validity of such election.

(2) On the consideration of any case so stated, the Committee whose election is in question or any member thereof may appear and be represented, and the Supreme Court may make any such declaration or order thereon as it may think fit, including an order as to costs against any party to the proceedings if, in the opinion of the court, any other party to the proceedings has been put to expense or inconvenience by reason of the unnecessary or unreasonable opposition or delay of such first-mentioned party : Provided, however, that no such order as to costs shall be made against the Attorney-General.

(3) Whenever any election is declared invalid under this sub-section, the Government Agent shall, as soon as conveniently may be, proceed to convene a meeting of the voters of the several wards of the village area for the purpose of electing another Committee in all respects as if the Committee whose election is declared invalid were about to go out of office, and the term of office of the Committee so elected shall be reckoned from the first day of July next preceding the date of its election.

(4) All proceedings held or taken and all acts, matters, or things performed or done, by any Committee whose election is declared invalid under this sub-section, or by the members or any of the members thereof, in accordance with the provisions of this Ordinance and prior to the date on which such election is declared invalid, shall be deemed for all purposes whatsoever to have been duly held, taken, performed or done, as the case may be.

25. (1) The Government Agent shall, as soon as possible after the election of a Village Committee, convene the first meeting thereof by notice in writing addressed to and served upon each elected member of that Committee not less than five days before the date of the meeting. Where service of any such notice cannot for any reason be effected personally on any member, the notice shall be deemed to have been duly served if it is left at that member's last known place of abode.

First meeting of a Committee and meetings for the election of the Chairman.

(2) Every notice under sub-section (1) shall specify the date, time and place of the meeting, and the date specified shall be within the period of twenty-one days next succeeding the date appointed for the commencement of the term of office of the Committee, or in the case of a Committee elected as successor to a Committee going out of office otherwise than by effluxion of time, within the period of twenty-one days next succeeding the date on which the election or nomination of the members of the new Committee is completed.

(3) Every meeting under this section shall be held at the time and place and on the date specified in the notice under sub-section (1), and shall be presided over by the Government Agent or any officer of Government other than a chief headman deputed by him to act as presiding officer.

(4) At such meeting the members of the Committee shall elect two of their own number to be respectively the Chairman and the Vice-chairman of the Committee.

(5) Whenever the office of Chairman of a Village Committee falls vacant during the term of office of the Committee, the Government Agent shall within one month of his receiving information of the vacancy, take steps in the manner provided by sub-section (1) for the election of a new Chairman.

26. (1) No election of a Chairman shall be held at any meeting summoned under section 25 unless there is present a quorum consisting of not less than half the number of the members elected to the Committee.

Quorum for election of Chairman.

(2) If there is no quorum present, the meeting shall not be held, and it shall be lawful for the Government Agent or other presiding officer to convene a meeting for another date or time or place in the manner prescribed in section 25, but so that the new date shall similarly be within the period of twenty-one days referred to in that section.

27. (1) The election of the Chairman of a Village Committee shall be by ballot, and, where there are three or more candidates for election, the balloting shall be repeated as often as may be necessary, the candidate obtaining the smallest number of votes at each ballot being excluded from the next succeeding ballot, until one candidate obtains more votes than the remaining candidate or the aggregate votes of the remaining candidates, as the case may be.

Procedure for election of Chairman.

(2) Every election of a Chairman and the ballot or ballots for that purpose shall be conducted in accordance with such procedure as may be prescribed by rules under section 59.

28. (1) The first Vice-chairman of a Village Committee shall be elected at the meeting held under section 25.

Procedure for election of Vice-chairman.

(2) Every vacancy in the office of Vice-chairman of a Committee after the first election to that office shall be filled by election held at the ordinary meeting of the Committee next succeeding the date on which the office became vacant.

(3) The Chairman shall preside at every election of a Vice-chairman, and such election shall be conducted in accordance with such procedure as may be prescribed by rules under section 59.

In default of election, the first Chairman and Vice-chairman to be nominated by Executive Committee.

29. If a Chairman and Vice-chairman are not elected at any meeting convened and constituted as provided by sections 25 and 26 within the period of twenty-one days prescribed in section 25, it shall be lawful for the Executive Committee to nominate two of the members of the Committee to be respectively the Chairman and the Vice-chairman thereof, and the members so nominated shall for all purposes be deemed to be respectively the elected Chairman and Vice-chairman of the Committee.

Term of office and powers and duties of Chairman.

30. (1) The Chairman of a Village Committee shall hold office for the term of office of the Committee, unless he resigns the office earlier or ceases for any cause to be or to be qualified to be a member of the Committee.

(2) The Chairman shall preside over every meeting of the Committee held for the election of a Vice-chairman and over every other meeting at which he is present, and shall be the chief executive officer of the Committee; and all executive acts and functions, which are by this Ordinance directed or empowered to be done or discharged by the Committee, may, unless the contrary intention appears from the context, be done or discharged by the Chairman: Provided always that the Chairman, in the exercise of his powers under this section, shall, except in matters expressly committed to him, act in conformity with such resolutions as may from time to time be passed by the Committee.

(3) The Chairman may at any time, without vacating his office as a member, resign the office of Chairman by a written communication addressed to the Government Agent.

(4) On vacating office whether by operation of law or by resignation, the Chairman of a Village Committee shall hand over charge of all minute books, accounts, records, furniture and other property of the Committee, either personally or by a duly authorised person—

- (a) to the person duly elected to succeed him as Chairman, within forty-eight hours of the receipt of notice of the election of such successor, or
- (b) where a successor is not elected within a period of fourteen days of the occurrence of the vacancy, to the Government Agent or an officer or person deputed in that behalf by the Government Agent, within forty-eight hours after the expiry of the aforesaid period of fourteen days.

(5) Any Chairman of a Village Committee who contravenes the provisions of sub-section (4) shall be guilty of an offence punishable with a fine not exceeding twenty rupees by the Village Tribunal having jurisdiction over the village area for which the Committee is constituted.

Term of office, powers and duties of Vice-chairman.

31. (1) The Vice-chairman of a Village Committee shall hold office for a period of one year from the date of his election to that office, unless he resigns the office earlier or ceases for any cause to be or to be qualified to be a member of the Committee. A Vice-chairman vacating his office by effluxion of time shall be eligible for re-election.

(2) The Vice-chairman shall, whenever he is present, preside over every meeting of the Committee from which the Chairman is absent, and may exercise any power or perform any duty of the Chairman which the Chairman may authorise him in writing to exercise or perform in his behalf.

(3) The Vice-chairman may at any time, without vacating his office as a member, resign the office of Vice-chairman by a written communication addressed to the Government Agent through the Chairman.

32. In the absence of both the Chairman and the Vice-chairman, the members present at any meeting of a Committee may elect one of themselves to preside over that meeting; and if the meeting has been duly convened and is in all other respects properly constituted, it shall for all purposes be deemed to have been duly held.

A member to preside at meetings in the absence of the Chairman and Vice-chairman.

Meetings of Committee

33. (1) Ordinary meetings of a Village Committee shall be held for the despatch of business on such dates or at such intervals as may be fixed by by-laws made or deemed by virtue of any written law to have been made under this Ordinance.

(2) A special meeting of a Committee may be convened by the Chairman whenever he considers it desirable, and shall be convened whenever a written requisition is presented

to him signed by members of the Committee not less in number than the quorum prescribed for ordinary meetings of the Committee.

(3) The special meeting in compliance with any requisition shall be convened within seven days of the receipt of the requisition by the Chairman.

(4) If the Chairman of any Committee refuses or wilfully neglects to convene a special meeting within seven days of the receipt of any requisition presented to him, it shall be lawful for the Government Agent to convene a special meeting at any time thereafter and to preside or to depute an officer of Government to preside over that meeting.

(5) Not less than two days' notice of the date appointed for each special meeting under this section and of the business to be transacted thereat shall be given to, or left at the residence of, each member of the Committee.

34. Save as provided in section 26, the quorum for any meeting of a Village Committee shall, unless and until it is fixed by a by-law made in that behalf under section 49, be not less than one-third of the total number of members constituting the Committee.

Quorum.

35. The business of every Village Committee shall, as far as possible, be conducted in the language prevailing in the village area for which that Committee is constituted.

Language in which business is to be conducted.

PART III.

Status, Powers and Duties of Village Committees.

36. Every Village Committee shall be a corporation with perpetual succession and a common seal and shall have capacity to hold property, to enter into contracts, and to sue and be sued by the name and designation of the Village Committee of the area in and for which it is constituted.

Village Committees to be corporations.

37. All acts whatsoever, authorised or required by this Ordinance or any other written law to be done by any Village Committee, shall be decided upon by the majority of members present at any meeting of the Committee held in accordance with the provisions of this Ordinance :

Decisions and acts of Village Committees.

Provided that when the votes of the members present at any meeting are equally divided on any question brought up for decision, the Chairman, Vice-chairman or other member presiding over that meeting shall, in addition to his vote as a member, have also a casting vote.

38. All proceedings, decisions, orders and acts of a Village Committee shall be entered in a book of minutes, and upon their confirmation with such amendments as may be necessary at the next succeeding meeting of the Committee, shall be signed by the Chairman ; and a copy, certified by the Chairman, of any record so entered and signed, shall be admissible in evidence in any court or Village Tribunal in the Island.

Minutes.

39. All property movable or immovable enjoyed or controlled at the commencement of this Ordinance by the inhabitants of any village area or of any area deemed by virtue of any written law to be a village area under this Ordinance, shall be vested in the Village Committee constituted or so deemed to have been constituted for that area under the provisions of this Ordinance :

Property deemed to be vested in Village Committees.

Provided, however,—

- (i) that any building used, whether in whole or in part, as the court-house of a Village Tribunal together with the land on which that building stands and any other land or building appurtenant thereto, may, if such building and any such land have heretofore been vested in the inhabitants or are vested in the Village Committee of the area in which they are situate, be resumed by or transferred to the Crown by Order of the Governor published in the Government Gazette ; and
- (ii) that the publication of such Order shall, without the execution of any deed or instrument, be sufficient to convey to the Crown the right, title and interest of the inhabitants or of the Committee in the land or building affected by such Order, and the description in any such order of any land or building as appurtenant to any court-house to which the Order relates shall, as between the Crown and the inhabitants or the Committee, be conclusive proof of the fact that it is so appurtenant.

Further property vested in Village Committees.

40. There shall further be vested in every Village Committee, the following classes of property :—

- (a) all such immovable property of the Crown, situated within the village area, as may with the sanction of the Governor be handed over to the Village Committee for the purposes of this Ordinance by a vesting order signed by the officer or person authorised in that behalf by the Governor: provided, however, that each such property shall be held by the Committee subject to such conditions as may be set out in the vesting order relating to that property, and that nothing in this section shall be deemed to affect or prejudice the right of the Crown at any time to resume possession of any such property or to dispose of it for any other public purpose;
- (b) all moneys which for the time being form part of the communal fund;
- (c) all village works and all fixtures, fittings or equipment in village works, for the construction, maintenance, or provision of which any part of the communal fund, or any tax payable in labour, is applied by the Committee.

Transfer to Village Committees of the rights and liabilities of Sanitary Boards.

41. (1) Where any town or village excluded from the operation of the Small Towns Sanitary Ordinance, 1892, by Proclamation under section 4 of that Ordinance, is duly brought or continues to be within the operation of this Ordinance, the Governor may by order published in the Gazette—

- (a) transfer to the Village Committee of the area in which that town or village is situated, the whole or any specified part of any property or rights over property or any funds, acquired or received by or vested in the Sanitary Board for the use or benefit of that town or village;
- (b) apportion and assign to the aforesaid Village Committee the whole or any specified part of the rights, liabilities, debts or obligations of the Sanitary Board under any contract entered into by the Board for the benefit of that town or village; and give directions as to the security to be given by the Village Committee for any debt, and as to the mode and conditions of discharge of any liabilities or obligations, so apportioned or assigned; and
- (c) prescribe the terms and conditions on which any officer or servant employed by the Sanitary Board for any purpose relating exclusively to that town or village, may be transferred to the service of the aforesaid Village Committee.

(2) Upon the publication of an order under sub-section (1)—

- (a) all the property or the rights over property or the funds, specified therein, shall vest in the Village Committee;
- (b) such rights, liabilities, debts or obligations as may be apportioned or assigned thereby, shall be enforceable or shall be secured or discharged by the Village Committee in such manner and subject to such conditions as may be specified therein; and
- (c) any officer or servant of the Sanitary Board who is offered and accepts employment under the Village Committee, shall be appointed and shall hold office on the terms and conditions specified in the order, without prejudice, however, to any qualifications acquired by him for any pension, gratuity or other compensation payable out of the funds of the Sanitary Board in respect of his service under the Board.

(3) In this section the expression "Sanitary Board" used in relation to any town or village means the Sanitary Board of the province or district within which that town or village is situated.

Use of property and revenue.

42. All property vested in a Village Committee under the provisions of sections 39, 40 and 41 shall be used or administered, and any revenue derived therefrom shall be employed, by the Village Committee for the purposes of this Ordinance.

43. Subject to the provisions of section 53, every Village Committee shall have power—

- (a) to purchase or take on lease any land or building ;
- (b) to sell, exchange or let or give out on lease any land or building deemed to be vested in the Committee by virtue of section 39 ; or in the case of any land or building vested in the Committee by a vesting order under section 40, to let or give out on lease such land or building to any person subject to the conditions of the vesting order, or to surrender such land or building to the Crown ;
- (c) to undertake the construction of such new village works as may be necessary and the alteration, improvement or maintenance of existing village works ;
- (d) to apply any part of the communal fund for the construction or alteration, improvement or maintenance of village works, and for the purposes of administering any property vested in or acquired by the Committee, or of carrying out the provisions of this Ordinance or any by-law duly made or deemed by virtue of any written law to have been made thereunder ;
- (e) to enter into any contract with any person for any work to be done, services to be rendered, or materials to be supplied ;
- (f) to employ all such officers and servants as may be necessary, and to provide for their remuneration and for the payment of pensions, gratuities or other compensation, on the termination of their services ;
- (g) to enter into any arrangement with any other Village Committee or other local authority for the joint execution of any work or for the employment and remuneration of any officer or servant for the several purposes of each Committee or local authority ;
- (h) to impose and levy taxes in accordance with the provisions of this Ordinance ;
- (i) to impose and levy tolls at any ferry established or maintained by the Committee, and for the protection of such ferry to prohibit or restrict private ferries by by-laws made in that behalf ;
- (j) to apply any part of the communal fund to the conduct of experiments in agriculture and the breeding of domestic animals, and to the maintenance of experimental farms and studs for this purpose ;
- (k) to organise schemes for the relief of distress in times of famine or of epidemic diseases, and to set apart contributions from the communal fund for such purposes and for any educational or charitable purposes that may be approved by the Executive Committee ;
- (l) to enforce the by-laws made or deemed by virtue of any written law to have been made by it under this Ordinance, and to enter prosecutions in the Village Tribunal for breaches of such by-laws ; and
- (m) generally to do all things necessary for the effective discharge of its duties under this Ordinance.

Powers of
Village
Committees.

44. A Village Committee may impose each year in such manner as may be prescribed by rules under section 59, and levy within the limits of the village area for which it is constituted a capitation tax on every male voter resident in that area, such tax being payable either in labour performed in or in connection with a village work, or in money by way of commutation, in such manner and according to such rates of commutation as may be prescribed by by-laws :

Capitation
tax.

Provided, however, that in any village area where, in addition to the capitation tax, a land tax under section 45 is imposed and levied by the Village Committee, no person by whom the land tax for any year has been paid in respect of any land within that village area shall be liable to pay for that year the capitation tax imposed by that Committee.

45. (1) In addition to the capitation tax under section 44 a land tax may be imposed and levied under this section by any Village Committee which is authorised in that behalf by the Executive Committee, with the approval of the Governor, by notification published in the Gazette.

Authority to
levy land tax
in lieu of
capitation
tax.

(2) A Village Committee shall not be authorised under sub-section (1) to impose and levy a land tax, unless a resolution, that such tax should be levied in that area in addition to the capitation tax, is passed by that Committee.

(3) The land tax under this section shall consist of the following :—

- (a) an assessment tax not exceeding four per centum of the annual value of all buildings and all lands situated in localities within the village area which are declared by the Village Committee with the approval of the Government Agent to be built-up localities ; and
- (b) an acreage tax not exceeding fifty cents a year on each acre of land which is situated outside a built-up locality and is under permanent cultivation or regular cultivation of any kind other than paddy and chena cultivation :

Provided that where a building is used wholly or mainly for purposes connected with or incidental to the cultivation of the land on which it is situated or for residential purposes by any person or persons engaged in the cultivation of that land, and an acreage tax is levied and paid on that land, no assessment tax shall be imposed or levied by a Village Committee on that building notwithstanding that it is situated within a built-up locality :

Provided, further, that no assessment tax or acreage tax shall be imposed by any Village Committee on—

- (a) any land or building wholly or mainly used for religious, educational, or charitable purposes ;
- (b) any building in charge of military sentries ;
- (c) any burial or cremation ground ; or
- (d) any divided portion of land, duly defined and forming one property, which is situated in any part of a village area other than a built-up locality and is less than five acres in extent :

And provided also that the Committee may by resolution specially exempt any property from the assessment tax or acreage tax on the ground of the poverty of the owner.

(4) Where any land or building, which is situated within any village area and is the property of the Crown, is occupied or held by any person under any lease or permit granted by the Crown, such land or building shall be liable to be assessed in respect of any land tax imposed under this section, and such person shall be liable to pay and shall pay the tax leviable in respect of that land or building.

(5) No property of the Crown, whether movable or immovable, shall be liable to be seized or sold for the recovery of any tax which may be due from any person occupying or holding or enjoying any land or building, which is the property of the Crown, under any agreement, contract, or permit, whether express or implied, with or from the Crown.

(6) The land tax under this section shall be assessed and levied, and, in cases of default, shall be recovered summarily, in such manner as may be prescribed by rules under section 59 :

Provided, however, that for the purposes of the recovery of the tax in any case of default, the following shall not be liable to such seizure or sale as may be prescribed by any such rule :—

- (a) the necessary wearing apparel, beds, and bedding of the defaulter, or of his wife and children ;
- (b) tools, utensils, and implements of trade or business, and, where the defaulter is an agriculturist, his implements of husbandry and such cattle and seed grain as may be necessary to enable him to earn his livelihood as such ;
- (c) professional instruments and library necessary for the carrying on of the defaulter's profession or business ;
- (d) books of accounts ;
- (e) mere rights to sue for damages ;
- (f) any right of personal service ;
- (g) the wages of labourers and domestic servants, whether before or after they are actually payable.

(7) The authority to levy a land tax given to a Village Committee by the Executive Committee by notification under sub-section (1) may at any time be withdrawn by a like notification upon the passing of a resolution in that behalf by the Village Committee in the manner required by sub-section (2) and upon the recommendation of the Government Agent that effect should be given to such

resolution; and where the authority is so withdrawn the Village Committee shall forthwith abolish the tax, but without prejudice to its right to recover any arrears of tax that may be due at the time of such abolition.

46. A Village Committee may impose and levy on every licence issued by it under this Ordinance or the by-laws made or deemed by virtue of any written law to have been made thereunder, a licence duty at such rates as may be approved by the Governor.

Licence
duties.

47. (1) A Village Committee may impose and levy each year a tax on such of the vehicles and animals specified in the First Schedule as are ordinarily used or kept for use within the village area, at such rates not exceeding the respective amounts set out in that Schedule as the Committee may from time to time determine by resolution:

Tax on
vehicles and
animals.

Provided, however, that no such tax shall be levied in respect of—

- (a) any vehicle or animal which is the property of the Crown or of the Village Committee; or
- (b) the authorised number of horses belonging to military officers doing staff, regimental or other public duty within the village area; or
- (c) any vehicle kept for sale by a *bona fide* dealer in such vehicles and not used for any other purpose; or
- (d) any vehicle subject to a licence duty under sections 5 and 7 of the Vehicles Ordinance, No. 4 of 1916, or under the Motor Car Ordinance, 1927.

(2) The tax on vehicles and animals shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found thirty days after it has been used for the first time within the village area or brought into the village area for use therein.

(3) No person shall be liable in any year to pay the tax in respect of any vehicle or animal—

- (a) which has been in his possession for less than thirty days in that year, or
- (b) which has been transferred to him after the payment by the previous owner of the tax due thereon for that year, or which has been brought by him into the village area after payment by him of the tax due thereon in any other village area for that year.

48. Every village area shall, for the purposes of this Ordinance, have a communal fund, and there shall be paid into that fund—

Communal
fund.

- (a) all fines and penalties enumerated in the Second Schedule;
- (b) all taxes levied under sections 44, 45 and 47;
- (c) all licence duties levied under section 46 and the amount of all stamp duties enumerated in the Third Schedule;
- (d) all sums realised by sales, leases, or other transactions of the Committee;
- (e) all revenue derived from any property vested in the Committee or from any public service maintained by the Committee; and
- (f) all sums otherwise accruing to the Committee in the course of the exercise of its powers and duties under this Ordinance.

49. (1) Every Village Committee may from time to time make all such by-laws as may be necessary for the exercise of its powers or the performance of its duties under this Ordinance.

Power to
make
by-laws.

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

- (i) Meetings and procedure, including—
 - (a) the intervals at which ordinary meetings are to be convened;
 - (b) special meetings;
 - (c) mode of convening a meeting;
 - (d) the quorum;
 - (e) conduct of meeting.
- (ii) Officers and servants, including—
 - (a) the number of officers and servants to be employed, and the qualifications necessary for each grade or class;

- (b) the salaries or wages for each grade or class ;
 - (c) the conditions for the payment to officers and servants of compensation on termination of service whether by way of pension, gratuity or contribution to a provident fund ;
 - (d) the procedure to be followed in appointing, and in paying salaries or wages and compensation on termination of service to, officers or servants employed in the joint service of the Committee and of any other Committee or local authority ;
 - (e) conditions for the grant of leave of absence to officers and servants.
- (iii) The Capitation Tax, including—
- (a) the exemption of any person or class of persons from the liability in respect of the tax ;
 - (b) the number of days' labour not exceeding ten days' labour in any one year to be imposed on every male inhabitant electing to pay the tax by the performance of labour ;
 - (c) the allotment, performance and supervision of labour, and the enforcement of double labour in cases of default ;
 - (d) the rate at which payment is to be made in money by way of commutation of the liability to perform labour, or in cases of default, of double labour ;
 - (e) the manner of collecting the tax when it is paid in money.
- (iv) Taxation of land, including—
- (a) the fixing, for the purposes of the assessment tax on property, of the percentage or rate to be deducted from the annual value for the probable annual average cost of insurance, repairs, maintenance and upkeep ;
 - (b) the form of the returns, statements or information that may be called for for the purposes of any tax, and the manner in which they are to be called for by the Chairman and furnished by the inhabitants.
- (v) Loans, including—
- (a) the form and manner of execution of securities ;
 - (b) the arrangements for liquidation ;
 - (c) the mode and order of repayment of securities ;
 - (d) the conditions of any loan and the appropriation of the sums advanced.
- (vi) Land and property, including—
- (a) the provision, regulation, and management of ambalams and madams, open spaces, and places for public recreation ;
 - (b) the care of waste or public land ;
 - (c) the maintenance and management of immovable property vested in, or under the control of, the Committee ;
 - (d) the care, regulation, and provision of common pasture grounds, and the levy of fees for the use of the same ;
 - (e) the putting up and preservation of boundaries and of fences of lands, whether private or public ;
 - (f) the authorisation of entry upon private lands for the purpose of the prevention of damage to, or the repairing or remedying defects in, any wires or apparatus or the supports thereof maintained for the purpose of any public service.
- (vii) Roads and paths, including—
- (a) the improvement, alignment, level, width, and construction of new roads and paths in the area ;
 - (b) the cleaning, watering, and lighting of roads and paths ;
 - (c) the use of, and regulation of traffic in, roads and paths, including the limitation of the weight and speed of vehicles, and the prevention or restriction of the use of vehicles upon any bridge, road, or path, or in any place where such use may be attended with danger to the public, or may be likely to damage such bridge, road, or path ;

- (d) the regulation of processions and assemblages and of the performance of music on roads or paths ;
 - (e) the prevention, abatement, supervision, and regulation of obstructions, encroachments, projections and other interferences with roads and paths ;
 - (f) the erection of hoardings and other temporary structures, and charging of fees for the use of hoardings erected by the Committee ;
 - (g) the protection of the public against dangers resulting from building and other operations in or about roads and paths.
- (viii) Buildings, building operations, and works, including—
- (a) the definition, after due notice and hearing of objections, of areas to which the by-laws under this heading are to apply ;
 - (b) the regulation of the material of new buildings with a view to securing stability, the prevention of fire, and purposes of health ;
 - (c) the space to be left about any building or block of buildings to facilitate and secure free circulation of air and to facilitate scavenging ;
 - (d) the dimensions of doors and windows, the level of the floor, the height of the roof, general ventilation, and drainage ;
 - (e) the number and nature of latrines ;
 - (f) foundation and stability of structure ;
 - (g) the line of building frontage.
- (ix) Public health and amenities, including—
- (a) drainage ;
 - (b) conservancy and scavenging, and the charging of fees therefor ;
 - (c) the inspection, regulation, maintenance, and cleansing of drains, privies, cesspits, ash-pits, and sanitary conveniences and appliances ;
 - (d) the regulation and management of public sanitary conveniences ;
 - (e) the regulation, supervision, inspection, and control of lodging-houses and tenement buildings ;
 - (f) the abatement of nuisances ;
 - (g) the seizure, forfeiture, removal, and destruction of unwholesome articles of food or drink, and the prevention of the sale or exposure for sale thereof ;
 - (h) the regulation, supervision, inspection, and control of bakeries, eating-houses, and restaurants, and tea and coffee boutiques ;
 - (i) the regulation, supervision, inspection, and control of dairies, and the sale of milk ;
 - (j) the sale of provisions, including the inspection, regulation, and control of shops and places (other than markets) used for the sale of meat, poultry, fish, fruit, vegetables, or other perishable articles of food for human consumption, and the licensing of shops and places used for the sale of fresh meat, fresh fish, or live animals ;
 - (k) the regulation, supervision, inspection, and control of trades deemed to be offensive or dangerous by the Committee ;
 - (l) the regulation of the dimensions and use of kraals in public lakes, rivers, lagoons, and estuaries for soaking coir husks, and the charging of fees for the use of such kraals ;
 - (m) the regulation, supervision, inspection, control, and licensing of breweries and aerated water manufactories ;
 - (n) the compelling of owners and occupiers in the village area to keep their lands free of undergrowth and rubbish, and their dwelling compounds in a clean and sanitary condition ;
 - (o) the prevention of malaria and the destruction of mosquitoes and disease-bearing insects ;
 - (p) the draining, cleansing, covering, or filling up of ponds, pools, open ditches, sewers, drains, and places containing or used for the collection of any drainage, filth, water, matter, or thing of an offensive nature or likely to be prejudicial to health ;

- (q) the cleansing, purifying, ventilating, and disinfecting of houses, dwellings, and places of assembly or worship by the owners or occupiers and persons having the care and ordering thereof;
 - (r) the prevention or mitigation of epidemic, endemic, or contagious diseases, and the speedy interment of the dead during the prevalence of such diseases;
 - (s) washing and bathing, including the establishment, maintenance, and regulation of public bathing places and places for washing animals and clothes;
 - (t) all such other purposes as are not specially provided for by this Ordinance, and may be necessary for the preservation of the public health and the suppression of nuisances.
- (x) Animals, including—
- (a) the regulation, supervision, inspection, and control of slaughter-houses, including the levy and recovery of fees for the use of village slaughter-houses;
 - (b) the housing and penning of cattle, horses, sheep, goats, and pigs;
 - (c) stray cattle, goats, and pigs, including the fixing, levying, and recovery of charges for the occupation of pounds, and the cost of the keep of the animals impounded;
 - (d) the control of epidemic diseases among animals, the maintenance and regulation of quarantine stations for animals, and the levying of fees for the occupation thereof;
 - (e) the regulation of the time and manner of fishing and the use of fish kraals, the preservation of fish, and the charging of fees in respect of fishing and the use of fish kraals in public streams, lakes, lagoons, and estuaries;
 - (f) the protection and preservation of fish, game, and wild birds;
 - (g) the destruction of stray dogs;
 - (h) the prevention of cruelty to animals (including the restriction of the exposure for sale of live animals in any manner which in the opinion of the Committee is likely to cause unnecessary pain or suffering);
 - (i) the regulation and supervision of cattle sheds, galas, and halting places and the control of the location thereof;
 - (j) the disposal of the bodies of dead animals.
- (xi) Markets and fairs, including—
- (a) the establishment, maintenance, and improvement of village markets;
 - (b) the protection, regulation, supervision, inspection, and control of village markets;
 - (c) the conservancy and scavenging, and the prevention of nuisances in connection with village markets;
 - (d) the control of traffic, and the preservation of order within village markets and in their immediate vicinity;
 - (e) the provision, inspection, and control of latrines, slaughter-houses, water supply, and lighting on the premises of village markets;
 - (f) the allotment of stalls, stands, seats or spaces in village markets;
 - (g) the inspection of food and seizure of unwholesome articles of food;
 - (h) the prohibition of the introduction or sale of any article or articles of food in cases where, in the opinion of the Committee there exists good reason for such prohibition;
 - (i) the absolute prohibition, or the restriction by means of special licences, of the sale of any article, and the charging of fees for such special licences;
 - (j) the provision of security against fires;
 - (k) the temporary closing of any village market or fair;

- (l) the due performance of their duties by market keepers and other employees at village markets ;
 - (m) the fixing and recovery of fees or rents for the use of the premises of a village market or any part thereof, or of the buildings thereon, and for the leasing of the right to collect any such fees or rents ;
 - (n) the declaration of a market area for each village market, and the licensing, restriction, or prohibition of private markets or of the sale of market commodities within such area in any place other than the village market ;
 - (o) the licensing of private markets or fairs, the conditions of the licence, and the fees payable in respect thereof ;
 - (p) the standards to be observed in respect of accommodation, drainage, roads, air spaces, equipment, and sanitary requirements in private markets or fairs ;
 - (q) the renovation, alteration, enlargement, and improvement of existing buildings, and the erection of new buildings after notice to the Committee and in accordance with plans to be approved by the Committee, in or about the premises of private markets or fairs.
- (xii) Water supply, including—
- (a) the regulation, protection and maintenance of communal wells, spouts, springs or other watering places for the supply of water for domestic purposes ;
 - (b) the regulation and maintenance of watering places of any kind set apart by the Committee for bathing or for the washing of animals, clothes and other articles ;
 - (c) the regulation of the construction and maintenance of private wells in such manner as may be necessary to safeguard the public health and safety.
- (xiii) Public services, including all matters necessary for their establishment, maintenance, working, and supply, for the recovery of charges in connection therewith, and for their protection against damage and against competition.
- (xiv) The measure or dimension of bread, and the regulation of its manufacture and quality.
- (xv) The regulation of weights and measures.
- (xvi) The prevention of accidents connected with toddy drawing and for the periodical inspection of the ropes and other appliances used for that purpose.
- (xvii) The prevention of accidents caused by the setting of spring guns and traps.
- (xviii) The fencing of wells and pits.
- (xix) The prevention of gambling and cock-fighting and of cart-racing on public paths or roads.
- (xx) The prevention of disorderly conduct, of loitering in public paths or roads or public places, and of the use of abusive language.
- (xxi) The prevention of the sale to boys under sixteen years of age or to females, of any description of spirits or other intoxicating liquor or toddy drawn from any species of palm or the fermented juice of the sugar cane.
- (xxii) The enforcement of ancient custom relating to cultivation, the repair, protection and maintenance of village tanks, and the irrigation of fields and gardens under such tanks.
- (xxiii) All other purposes, whether of the same nature as those above enumerated or otherwise, which, in the opinion of the Committee, may be necessary for the protection or promotion of the local public interests, conveniences, and amenities.

(3) No by-law made under this section shall have effect until it is approved by the Executive Committee and confirmed by the Governor, and notification of such approval and confirmation is published in the Government Gazette.

50. (1) Subject to the provisions of section 56, a Village Committee may, from time to time, raise a loan for the purpose of carrying out any resolution passed by it as to the construction or maintenance of any village work.

Power to
raise loans.

(2) For the purpose of securing repayment of the sum or sums so borrowed and the interest accruing thereon, the Committee may mortgage and assign to the lender, by or on whose behalf such sum or sums or any part thereof may be lent, any revenues accruing under the provisions of this Ordinance and any property acquired by or belonging to the Committee.

(3) Notwithstanding anything in section 14 of the Local Loans and Development Ordinance, No. 22 of 1916, contained, it shall be lawful for the Commissioners appointed under that Ordinance to advance money to a Village Committee for the purposes aforesaid on such security as such Commissioners may deem sufficient, and the provisions of that Ordinance shall apply to any such loan whether made before or after the commencement of this Ordinance.

(4) All securities given by a Village Committee in respect of loans under this section shall be free of stamp duty.

(5) It shall be the duty of any Village Committee which raises a loan under this section to set apart each year such portion of the communal fund as may be sufficient for the purpose of paying the interest falling due on the loan and of repaying the principal when it falls due.

Village Committee to be proper authority under Ordinance No. 9 of 1899.

51. For the purposes of section 4 of the Cemeteries and Burials Ordinance, 1899, every Village Committee shall be the proper authority under that Ordinance within the limits of the village area for which that Committee is constituted.

Definition of village work.

52. In this Part of the Ordinance, "village work" includes—

- (a) any path, road, drain, bridge, culvert, edanda, ambalam, madam, schoolroom, spout, well, watering or bathing place, canal, tank, ford, ferry, burial or cremation ground, pasture land, gala, market or slaughtering place, or
- (b) any other work or scheme for the preservation of the public health or the promotion of the comfort, convenience or welfare of the people,

which is constructed, established, maintained, protected, or regulated and controlled, by a Village Committee.

PART IV.

Supervision and Control of Village Committees.

Limitation of powers of Village Committees.

53. The powers conferred on a Village Committee by sections 43 to 47 shall be subject to the limitation and condition that it shall not be lawful for the Village Committee to give effect to any resolution or decision arrived at in the exercise of those powers, until such resolution or decision is approved—

- (1) by the Governor, in every case where the resolution or decision relates to the imposition of any tax, licence duty, or toll; or
- (2) by the Government Agent, subject to an appeal to the Executive Committee, in every case where the resolution or decision relates to—
 - (a) the purchase, sale or exchange of any land or building; or
 - (b) the lease of any immovable property handed over to the Committee by a vesting order under section 40; or
 - (c) the creation of any salaried office in the service of the Committee; or
 - (d) the expenditure of any sum of money exceeding one hundred rupees out of the communal fund on any work, scheme or project; or
 - (e) the formation of any contract or other agreement involving any expenditure exceeding one hundred rupees out of the communal fund; or
 - (f) the organisation of any scheme for the relief of distress, to which contributions are to be given from the communal fund; or
 - (g) the allocation of any part of the communal fund for any educational or charitable purpose.

54. (1) The administration by a Village Committee of the communal fund and of the property vested in, or used or occupied by, the Committee, shall be further subject to such rules of procedure as may be made under section 59 for prescribing—

Rules as to administration of fund and property.

- (a) the form in which estimates and budgets shall be prepared ;
- (b) the period within which, and the manner in which, the approval of the Governor or of the Government Agent shall be obtained in any matter connected with a budget, which requires such approval under the provisions of this Ordinance ;
- (c) the steps to be taken in any matter connected with a budget, in the event of its being disapproved by the Governor or the Government Agent ;
- (d) the form in which books of accounts shall be kept by a Village Committee ;
- (e) the form of the periodical statement of accounts which shall be prepared by a Village Committee ;
- (f) the manner in which, the intervals at which, and the persons by whom, the books, accounts, documents and other records of a Village Committee, the works of construction, maintenance or repair undertaken or executed by a Village Committee, and the lands and buildings vested in or used or occupied by a Village Committee shall be inspected ; and
- (g) the mode of giving notice, within the village area, of the financial proposals of a Village Committee, and of publishing the periodical statements of accounts.

(2) (a) The accounts of every Village Committee shall be audited annually by the Auditor-General or an officer authorised by him (hereinafter referred to as the auditor) ; and the Village Committee shall pay to the Government, as a contribution towards the cost of such audit, a fee according to such rates as may from time to time be determined by the Governor.

Audit of accounts.

(b) For the purposes of any audit and examination of accounts under this sub-section, the Auditor-General or authorised officer may, by notice in writing, require the production before him of any book, deed, contract, account, voucher, and any other document and papers which he may deem necessary, and may require any person holding or accountable for any such book, deed, contract, account, voucher, document, or papers to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration in respect of any matter relating thereto. Every such declaration shall be free of stamp duty.

(c) If any person neglects or refuses to produce any book, deed, contract, account, voucher, document, or papers, or to make or sign any declaration when required so to do under this sub-section, he shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence.

(d) In auditing the accounts of a Village Committee under this sub-section, the auditor shall disallow every item of the accounts which is contrary to law, and surcharge the same on the person making or authorising the making of the illegal payment, and shall charge against any person the amount of any deficiency or loss incurred by the negligence or misconduct of that person and any sum 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 :

Provided that no expenses incurred by a Village Committee shall be disallowed by the auditor if such expenses have been sanctioned by the Executive Committee.

(e) Before making any surcharge or disallowance 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 surcharge or disallowance, furnish such person in writing, on application being made to him for that purpose, with the reasons for his decision in respect of such surcharge or disallowance.

(f) Any person aggrieved by any surcharge or disallowance made under this sub-section may, within fourteen days after the date of the decision of the auditor being communicated to him, appeal therefrom to the Executive Committee :

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

surcharge or disallowance after an opportunity to do so has been afforded to him by the auditor in accordance with the provisions of this sub-section.

(g) The Executive Committee shall decide every appeal under this sub-section according to the merits of the case, and may by order direct the recovery from the appellant of the whole or any portion of the amount surcharged or disallowed, if it thinks fit to do so; and if it finds that any surcharge or disallowance has been lawfully made, but that the subject matter thereof was incurred in such circumstances as to make it fair and equitable that the surcharge or disallowance should be remitted, the Executive Committee 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 surcharge or disallowance, or any portion thereof, shall be recovered from such person.

(h) Every sum certified to be due from any person by the auditor as aforesaid shall be paid by such person to the 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 Village Committee to recover the sum 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.

(i) Any amount directed to be recovered from any such person by any order made by the Executive Committee under this sub-section may forthwith be recovered by the Village Committee in the same manner as any sum certified by the auditor is recoverable under the provisions of this sub-section.

Deposit and
use of
communal
fund.

55. (1) The communal fund of each village area shall be deposited with the Government Agent to the credit of an account bearing the name of that area, and such of the moneys payable into that fund as are collected or recovered by the Village Committee or by the Chairman on behalf of the Village Committee, shall be paid by the Chairman into that account within two weeks of the receipt thereof, or in the case of moneys received in commutation of the capitation tax, within one month after the respective final dates fixed by the by-laws in force in that area in respect of the performance and the commutation of labour and double labour.

(2) No payment shall be made out of the communal fund by the Government Agent except on an order of payment under the hand of the Chairman, or of the Vice-chairman acting under the authority of the Chairman; and no order of payment shall be issued by or under the authority of the Chairman unless the expenditure to which it relates has been authorised by the Committee, either generally or by a resolution in that behalf.

(3) For the purposes of this section the Chairman of a Village Committee shall be deemed to be a public servant within the meaning of the Ceylon Penal Code.

Interest on
loans raised
by Village
Committee.

56. (1) Every resolution passed by a Village Committee relating to the raising of a loan shall specify the rate of interest which is to be paid on the loan and the purposes to which the money is to be applied, and a copy of the resolution shall be submitted forthwith to the Governor for approval.

(2) No loan shall be raised by a Village Committee unless the resolution relating thereto has been approved by the Governor.

PART V.

Supplemental Provisions relating to Village Committees.

Expenses of
elections and
other
meetings.

57. No part of the expenses incurred by the Government Agent in conducting meetings of the voters of any village area for the election of members or for any other purpose, shall be chargeable to the Village Committee of that area; but all such expenses shall be defrayed out of the general revenue of the Island.

Payment of
costs awarded
against
Village
Committees.

58. All costs, charges, and expenses arising from or in respect of any suit, action, or legal proceeding, which a Village Committee may become liable to pay, shall be paid from the communal fund; and no member of the Village Committee or inhabitant of the village area shall be liable for the payment thereof.

59. (1) The Executive Committee may make all such rules, not inconsistent with the provisions of this Ordinance, as may be necessary for the purpose of prescribing—

Rules as to elections, land tax and finance.

- (a) the procedure to be followed by Government Agents or presiding officers in conducting the election of members to a Village Committee, and the election of the Chairman and Vice-chairman of a Village Committee ;
- (b) the manner in which the land tax shall be assessed and levied, or, in cases of default, recovered summarily, by a Village Committee ;
- (c) the manner in which any toll, rent, fee or licence duty, which is not payable in advance under the by-laws made by a Village Committee, may be recovered summarily in the event of default being made in the payment thereof ; and
- (d) the several matters appertaining to finance and administration of property for which rules are required under section 54.

(2) Every rule made by the Executive Committee under this section shall be published in the Gazette and shall be brought before the State Council, as soon as may be after such publication, by a motion that such rule shall be approved, and, if so approved, shall be submitted to the Governor for ratification.

(3) Every rule made by the Executive Committee shall, when approved by the State Council and ratified by the Governor, be as valid and effectual as if it were herein enacted. Notification of such approval and ratification shall be published in the Gazette.

60. (1) As soon as may be after the publication, in the Gazette, of any by-law made by a Village Committee under section 49, the Government Agent shall cause such by-law to be translated and printed at the expense of the Committee in the language or languages prevailing in the village area in which the by-law is to be enforced.

Publication of by-laws and translation in village area.

(2) The Village Committee shall cause copies of the by-law, and copies of the translation thereof, to be made available for purchase at the Village Committee office at such price as may be fixed by the Government Agent.

61. If at any time the Governor is satisfied that there is sufficient proof of—

Removal of Chairman and dissolution of Committee.

- (a) incompetence and mismanagement, or
- (b) persistent refusal or wilful neglect to perform the duties imposed by this Ordinance, or
- (c) misconduct in the performance of those duties, or
- (d) abuse of the powers conferred by this Ordinance,

on the part of the Chairman of a Village Committee or on the part of the Village Committee, the Governor may by order published in the Gazette—

- (i) remove the Chairman from office, or
- (ii) dissolve the Committee, and direct the Government Agent either to take steps for the election of a fresh Committee or to administer the affairs of that area for such period as may be specified in the order.

62. Upon the publication of an order under section 61 the following consequences shall ensue :—

Consequences of order for removal of Chairman or dissolution of Committee.

- (a) if the order removes the Chairman from office, he shall be deemed to vacate forthwith the office of member of the Committee as well as the office of Chairman ;
- (b) if the order directs the election of a fresh Committee, any fresh Committee so elected shall go out of office on the date on which the original Committee would have gone out of office if it had not been dissolved ;
- (c) if the order directs the Government Agent to administer the affairs of the area, all the property and the rights under contracts, and all the powers vested in the Committee, shall be deemed to be vested in the Government Agent for all the purposes of this Ordinance ; and all the liabilities and duties of the Committee shall be deemed to be transferred to him and shall be discharged by him, until the end of the period specified in the order.

- Breach of by-laws to be an offence.
63. Every breach of a by-law made or deemed by virtue of any written law to have been made under this Ordinance, shall be an offence punishable in the manner provided by section 84, by the Village Tribunal having jurisdiction over the area in which the breach takes place, or, if there is no such Village Tribunal, by the Village Committee of that area.
- Amendment of section 39 of the principal Ordinance.
- 5 Section 39 of the principal Ordinance (renumbered as section 66 thereof by this Ordinance) is hereby amended as follows:—
- (1) by the substitution for the expression "section 95" of the expression "section 122"; and
 - (2) by the substitution for paragraph (a) set out therein, of the following new paragraph:—

“(a) possess the qualifications specified in section 13 for members of Village Committees; and”.
- Amendment of section 40 of the principal Ordinance.
- 6 Section 40 of the principal Ordinance (renumbered as section 67 thereof by this Ordinance) is hereby amended by the substitution for the expression "section 38" of the expression "section 65".
- Amendment of section 44 of the principal Ordinance.
- 7 Section 44 of the principal Ordinance (renumbered as section 71 thereof by this Ordinance) is hereby amended as follows:—
- (1) by the substitution for the words "any rules shall have been duly made by the Village Committee of any subdivision", of the words "any by-laws made or deemed by virtue of any written law to have been made under this Ordinance are in force in any village area";
 - (2) by the substitution for the words "for such subdivision" of the words "with jurisdiction over such village area"; and
 - (3) by the substitution for the words "of such rules" of the words "of such by-laws".
- Amendment of section 55 of the principal Ordinance.
- 8 Section 55 of the principal Ordinance (renumbered as section 82 thereof by this Ordinance) is hereby amended as follows:—
- (1) in that part of that section which is set out under the heading "A. Civil", by the substitution in paragraph (c) for the expression "section 95" of the expression "section 122";
 - (2) in that part of that section which is set out under the heading "B. Criminal"—
 - (a) by the substitution in paragraph (a) for the words "rules made under section 29 of this Ordinance", of the words "by-laws made or deemed by virtue of any written law to have been made under this Ordinance"; and
 - (b) by the substitution in paragraph (b) for the word "schedule" of the words "Fourth Schedule";
- Amendment of sections 56, 59 and 60 of the principal Ordinance.
- 9 Sections 56, 59 and 60 of the principal Ordinance (renumbered as sections 83, 86 and 87 thereof by this Ordinance) are hereby amended by the substitution for the words "rules made under section 29 of this Ordinance" or "rules under section 29", of the words "by-laws made or deemed by virtue of any written law to have been made under this Ordinance".
- Amendment of section 63 of the principal Ordinance.
- 10 Section 63 of the principal Ordinance (renumbered as section 90 thereof by this Ordinance) is hereby amended by the substitution for the expression "section 62 of this Ordinance", of the expression "section 89".
- Amendment of section 64 of the principal Ordinance.
- 11 Section 64 of the principal Ordinance (renumbered as section 91 thereof by this Ordinance) is hereby amended by the substitution for the words "rule under section 29 of this Ordinance", of the words "by-law made or deemed by virtue of any written law to have been made under this Ordinance".
- Amendment of section 70 of the principal Ordinance.
- 12 Section 70 of the principal Ordinance (renumbered as section 97 thereof by this Ordinance) is hereby amended by the substitution for the expression "section 69 of this Ordinance" of the expression "section 96".
- Amendment of section 80 of the principal Ordinance.
- 13 Section 80 of the principal Ordinance (renumbered as section 107 thereof by this Ordinance) is hereby amended by the substitution for the words "or of any rule", of the words "or of any by-law made or deemed by virtue of any written law to have been".

14 Section 95 of the principal Ordinance (renumbered as section 122 thereof by this Ordinance) is hereby amended in sub-section (1) thereof, as follows :—

- (1) by the omission of the words " in Executive Council " ;
- (2) by the substitution in paragraph (viii) set out in that sub-section, for the expression " sections 55 and 60 ", of the expression " sections 82 and 87 " ; and
- (3) by the substitution for paragraph (ix) set out in that sub-section, of the following new paragraph (ix) :—
 - " (ix) The person by whom, the times at which, and the manner in which, fines, penalties, and other sums recovered by a Village Tribunal shall be deposited with the Government Agent " .

Amendment of section 95 of the principal Ordinance.

15 Section 96 of the principal Ordinance (renumbered as section 123 thereof by this Ordinance) is hereby amended by the substitution for the expression " section 95 " of the expression " section 122 " .

Amendment of section 96 of the principal Ordinance.

16 The principal Ordinance is hereby further amended by the substitution for the expression " subdivision ", " village tribunal " or " village committee " wherever such expression occurs in any of the sections 37 to 97 thereof (renumbered as sections 64 to 124 thereof by this Ordinance) of the expression " village area " or " Village Tribunal " or " Village Committee ", as the case may be.

Further amendment of sections 37 to 97 of the principal Ordinance.

17 The following new sections shall be inserted immediately after section 98 (renumbered as section 125 by this Ordinance) and shall have effect as sections 126 and 127, of the principal Ordinance :—

Insertion of new sections 126 and 127 in the principal Ordinance.

126. (1) All fines, penalties and other sums recovered by a Village Tribunal shall, subject to the provisions of sections 97, 98 and 99, be deposited with the Government Agent by the President or such other person as may be designated, and at such times and in such manner as may be prescribed, by rules made under section 122.

Fines recovered by Village Tribunals to be deposited with Government Agent.

(2) Of the fines, penalties and other sums deposited with the Government Agent under sub-section (1), such part as may be payable under section 48 into the communal fund of any village area within the jurisdiction of the Village Tribunal shall be credited by the Government Agent to that communal fund and the balance shall be credited by him to the general revenue.

127. In this Ordinance, unless the context otherwise requires—

Interpretation.

" annual value " means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any house, building, land, or tenement, if the tenant undertook to pay all public rates and taxes, and if the landlord undertook to bear the cost of insurance, repairs, maintenance and upkeep, if any, necessary to maintain the house, building, land or tenement in a state to command that rent: Provided that in the computation and assessment of annual value—

- (a) the probable annual average cost of such insurance, repairs, maintenance, and upkeep shall be deducted ;
- (b) no allowance or reduction shall be made for any period of non-tenancy whatsoever ;

" chief headman " means a ratemahatmaya, mudaliyar, adikar, maniyagar, or vanniya ;

" chief headman's division " means the area under the supervision of a chief headman ;

" co-operative society " means any society registered under any law for the time being in force relating to such societies ;

" excepted persons " means persons resident in the colony and being (a) persons commonly known as Europeans, (b) persons commonly known as Burghers, and (c) labourers as defined in Ordinance No. 13 of 1889, including any woman or child related to any such labourer or any aged or incapacitated relative of any such labourer ;

" Executive Committee " means the Executive Committee of Local Administration ;

" Fiscal " includes a Deputy Fiscal within the province of the Fiscal ;

" Government Agent " includes the Assistant Government Agent of a district ;

- “ minor headman ” means any headman other than a chief headman and includes a muhandiram, korala, udayar, vidane arachchi, or police headman ;
- “ plantation ” includes any land on which tea, coffee, cacao, cardamoms, cinchona, or rubber is growing, and any coconut estate of over five acres in extent ;
- “ police headman ” means a police vidane or gan-arachchi ;
- “ produce ” includes the fruit, leaf, bark, latex, and roots of any plant or tree cultivated on a plantation ;
- “ village area ” means a portion of a chief headman’s division declared to be a village area by Proclamation under section 4 or deemed by virtue of any written law to be a village area under this Ordinance ;
- “ voter ” in relation to any ward means a person entitled under section 12 to vote at an election of a member for that ward ;
- “ ward ” means a ward of a village area within the meaning of section 11.

Renumbering of the Schedule to the principal Ordinance as the Fourth Schedule thereto.

Insertion of First, Second and Third Schedules to the principal Ordinance.

18 The Schedule to the principal Ordinance is hereby amended by the substitution for the heading “ SCHEDULE ” of the heading “ FOURTH SCHEDULE ”.

19 The three following Schedules shall be set out and shall have effect respectively as the First, the Second and the Third Schedule to the principal Ordinance :—

FIRST SCHEDULE.

Section 47.

	Rs. c.
For every carriage of whatever description other than a cart, hackery, or jinricksha ..	5 0
For every double bullock cart or hackery of whatever description ..	4 0
For every single bullock cart or hackery ..	2 50
For every jinricksha ..	2 50
For every bicycle ..	1 0
For every—	
Elephant	10 0
Horse	5 0
Mule	2 50
Donkey	2 50

SECOND SCHEDULE.

Section 48.

All fines, penalties and other sums, recovered by the Village Committee of a village area or by a Village Tribunal having jurisdiction over that area, in respect of breaches, committed within that area, of the following provisions of written law :—

- (1) The by-laws made or deemed by virtue of any written law to have been made under this Ordinance.
- (2) The Nuisances Ordinance, 1862.
- (3) Any other written law the administration of which is entrusted to the Village Committee and which is added to this list of written laws by the Governor by Order published in the Gazette.

THIRD SCHEDULE.

Section 48.

1. All stamp duties and fees paid by or recovered from the inhabitants of the village area under—

- (a) The Boats Ordinance, 1900
- (b) The Butchers Ordinance, 1893
- (c) The Vehicles Ordinance, No. 4 of 1916
- (d) Any other Ordinance the operation of which is extended to the village area.

2. All stamp duties and fees paid in respect of licences by the inhabitants of the village area under—

- (a) The Masters Attendant’s Ordinance, 1865
- (b) The Petroleum Ordinance, 1887
- (c) The Explosives Ordinance, 1902
- (d) The Firearms Ordinance, No. 33 of 1916
- (e) The Poisons, Opium and Dangerous Drugs Ordinance, No. 17 of 1929.

3. All stamp duties paid by inhabitants of the village area—

- (a) as advocates or proctors, on certificates of admission under section 1 of Ordinance No. 12 of 1848, or as proctors on the annual certificates and declarations under sections 2 and 3 of that Ordinance ;
- (b) as notaries, on warrants, certificates and declarations issued under sections 4, 25 and 26 of the Notaries Ordinance, 1907 ;
- (c) in respect of articles of apprenticeship or upon any contract whereby any person first becomes bound in order to qualify himself as a notary.

20 On and after the date on which this Ordinance comes into operation—

Savings and
transitional
provisions .

- (1) every chief headman's division or part thereof brought within the operation of any Ordinance repealed by the principal Ordinance and deemed at the aforesaid date to be within the operation of the principal Ordinance, or brought within the operation of the principal Ordinance before the aforesaid date, shall be deemed to be within the operation of the principal Ordinance as amended by this Ordinance ;
- (2) every sub-division declared or constituted under any Ordinance repealed by the principal Ordinance, or under the principal Ordinance before the aforesaid date, shall be deemed for all purposes to be a village area within the meaning of the principal Ordinance as amended by this Ordinance, and shall be referred to and cited for all purposes as a village area, (hereinafter referred to in relation to that sub-division as " the corresponding village area ") with the territorial name or designation assigned to that sub-division ;
- (3) every Village Committee which continued in office under the principal Ordinance or which was elected in place of a Village Committee going out of office under the principal Ordinance before the aforesaid date, shall be deemed to have so continued in office, or to have been elected and to have held office, in all respects in accordance with the law for the time being in force ;
- (4) every Village Committee in existence in any sub-division under the principal Ordinance at the aforesaid date shall be deemed for all purposes to be the Committee elected for the corresponding village area under the provisions of the principal Ordinance as amended by this Ordinance, and the term of office of every such Committee and of the Chairman thereof shall be determined in accordance with those provisions, and the Government Agent may take steps for the election of a new Committee to succeed such Committee under those provisions : provided, however, that any vacancy caused by the death, resignation or disqualification of any member of such Committee may be filled in accordance with the provisions of the principal Ordinance in force at the time when such Committee was elected ;
- (5) all wards into which any sub-division may have been divided under the principal Ordinance before the aforesaid date shall be deemed to be wards of the corresponding village area, until the expiry of the term of office of any Village Committee in existence in that sub-division at that date and deemed under this section to be the Committee elected for the corresponding village area, without prejudice however to the power of the Government Agent, pending the expiry of the term of office of such Committee, to make all such arrangements as may be necessary for the election of a new Committee in place of that Committee on the basis of the wards specified by, and in accordance with the provisions of, the principal Ordinance as amended by this Ordinance ;
- (6) all property movable or immovable vested in the inhabitants of any sub-division, or enjoyed or controlled by such inhabitants at the aforesaid date, or purchased or acquired by or gifted or leased to such inhabitants before that date, shall be deemed to be transferred to, and shall be held by, the Village Committee elected or deemed under this section to be the Committee elected for the corresponding village area, upon the terms and conditions appertaining, attaching or applicable to the tenure of that property by such inhabitants at that date, and subject to the provisions of the principal Ordinance as amended by this Ordinance ;
- (7) all debts, liabilities and obligations incurred, and all contracts, deeds, bonds, agreements and other instruments executed or entered into, and all matters and things engaged to be done by, with or for, the inhabitants of a sub-division under the provisions of the principal Ordinance before or at the aforesaid date, shall be deemed to have been incurred, executed, entered into or engaged to be done by with or for the

Village Committee elected or deemed under this section to be the Committee elected for the corresponding village area ;

- (8) all taxes, rents, tolls, fees, fines, penalties and other sums of money, due to the inhabitants or to the Village Committee of any sub-division under the principal Ordinance or the rules thereunder at the aforesaid date, shall be deemed to be due to and shall be recoverable by the Village Committee elected or deemed under this section to be the Committee elected for the corresponding village area ;
- (9) any balance, standing to the credit of the inhabitants of any sub-division at the aforesaid date, out of moneys deposited with the Government Agent under the provisions of the principal Ordinance, shall be transferred to and shall form part of the communal fund of the corresponding village area ;
- (10) all tolls, duties or fees duly imposed by the inhabitants or by the Village Committee of any sub-division under the provisions of the principal Ordinance, or deemed to have been imposed thereunder and in force at the aforesaid date, shall be deemed to be tolls, duties or fees imposed under the provisions of the principal Ordinance as amended by this Ordinance, by the Village Committee elected or deemed under this section to be the Committee elected for the corresponding village area ;
- (11) every rule not inconsistent with the provisions of the principal Ordinance as amended by this Ordinance—
- (a) made under any Ordinance repealed by the principal Ordinance, or made under and in accordance with the provisions of the principal Ordinance which were in force at the time such rule was made ; and
- (b) continuing in force, or kept in force in any sub-division by the provisions of the principal Ordinance, at the aforesaid date,

shall continue in force in the corresponding village area and shall be deemed for all purposes to be a by-law made under the provisions of the principal Ordinance as amended by this Ordinance, until such rule is rescinded by a by-law made under the provisions of the principal Ordinance as amended by this Ordinance ;

- (12) all suits, prosecutions or other legal proceedings, civil and criminal, instituted or maintained, or which might have been instituted or maintained by or against the inhabitants or the Village Committee of any sub-division at or before the aforesaid date, may, subject to the provisions of any other law relating thereto, be continued, maintained or instituted by or against the Village Committee elected or deemed under this section to be the Committee elected for the corresponding village area, and all decrees or orders entered or made in any such proceedings by a competent court prior to the aforesaid date in favour of or against the inhabitants or the Village Committee of such sub-division shall be deemed to have been entered or made in favour of or against the Village Committee elected or deemed under this section to be the Committee elected for the corresponding village area.

Savings for deposits held by the Government Agent and authority to credit them to revenue.

21 In every case where, in anticipation of the enactment of the amended provisions, inserted by this Ordinance in the principal Ordinance, which require the Government Agent to credit to the general revenue all such part of the fines, penalties and other sums recovered by a village Tribunal as may not be payable into the communal funds of the Village Committee or Committees within the jurisdiction of the Village Tribunal, any moneys forming such part of any such fines, penalties or other sums recovered after the first day of October, 1935, have been held in deposit by a Government Agent for the purpose of being credited to the general revenue, such moneys shall be deemed to have been lawfully held in deposit by the Government Agent and shall be credited by him to the general revenue as soon as may be after the date on which this Ordinance comes into operation.

22 In connection with the preliminary arrangements necessary for bringing this Ordinance into operation, either generally or with reference to any special matter or matters and either throughout the Island or in any specified place or area, the Governor may, by Order published in the Gazette, issue all such directions as he may deem necessary with a view to providing for any unforeseen or special circumstances or to determining or adjusting any question or matter for the determination or adjustment of which no provision or no effective provision is made by this Ordinance, or by the principal Ordinance as amended by this Ordinance.

Power to issue directions in cases not provided for.

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

E. W. KANNANGARA,
Clerk of the Council.

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

No. 61 of 1938.

G 17a/L. D.—CF 3/38

An Ordinance to amend the Ordinance intituled “ An Ordinance to amend the Village Communities Ordinance, No. 9 of 1924.”

[Assented to by His Majesty the King : See Proclamation dated December 15, 1938, published in Government Gazette No. 8,420 of December 16, 1938.]

A. CALDECOTT.

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 Village Communities (Second Amendment) Ordinance, No. 61 of 1938.

Short title.

2 In the event of the Bill intituled “ An Ordinance to amend the Village Communities Ordinance, No. 9 of 1924 ”, receiving the assent of His Majesty and taking effect as an Ordinance (hereinafter referred to as “ the First Amendment Ordinance ”) upon the signification of such assent by Proclamation published in the *Government Gazette*, the First Amendment Ordinance shall, with effect from the date of the publication of such Proclamation, be amended in section 4 thereof by the substitution for the new section 12 of the Village Communities Ordinance, No. 9 of 1924, (hereinafter referred to as “ the principal Ordinance ”), of the following :—

Clause 4 of the Village Communities Amendment Bill to be amended in the event of that Bill becoming law.

“ 12. At the election of a member for any ward of a village area, every person of either sex shall be qualified to vote, who—

Qualification of voter.

- (a) is a British subject ; and
- (b) is not less than twenty-one years of age on the first day of May of the year in which the election is held ; and
- (c) is resident in that ward, and has been so resident for a continuous period of not less than six months during the eighteen months immediately preceding the date of the election :

Provided, however, that no person otherwise qualified under this section to vote at such election shall be entitled or permitted to vote, if such person—

- (i) is a labourer, or kangany in charge of labourers, employed on any plantation and in occupation of any building on the plantation provided by the employer for the accommodation of any such labourer, or kangany, or is the spouse or a child or a dependant of any such labourer, or kangany and living with him in any such building on any such plantation ; or
- (ii) has been adjudged by a competent court to be of unsound mind ; or
- (iii) is at the date of the election disqualified by the operation of any order made by a court under section 18.” :

Provided that section 12 of the principal Ordinance as set out in this section shall not come into operation until the date on which the First Amendment Ordinance is brought into operation by Proclamation of the Governor under section 1 of that Ordinance.

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

E. W. KANNANGARA,
Clerk of the Council.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 30/38

No. 16 of 1931.

An Ordinance further to amend the Ceylon State Mortgage Bank Ordinance, 1931.

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

Short title.

1 This Ordinance may be cited as the Ceylon State Mortgage Bank (Amendment) Ordinance, No. of 1938.

Amendment of section 43 of Ordinance No. 16 of 1931.

2 Section 43 of the Ceylon State Mortgage Bank Ordinance, 1931, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

- (a) by the re-numbering of that section as sub-section (1) of section 43 ;
- (b) by the substitution, in the re-numbered sub-section (1), for the words "by such advertisement as is provided in section 41", of the words "by advertisement in the Gazette"; and
- (c) by the addition at the end thereof of the following new sub-section (2) :—

"(2) Before the expiry of a period of fifteen days after the date of the publication in the Gazette of any advertisement under sub-section (1), the Board shall, by notice inserted in any two newspapers published in the Island, give information that the advertisement has been published and specify the number and date of the Gazette in which it was published."

Amendment of section 44 of the principal Ordinance.

3 Section 44 of the principal Ordinance is hereby amended by the substitution for the words "the day so appointed", of the words "the day appointed by advertisement in the Gazette under section 43 (1)".

Replacement of section 51 of the principal Ordinance.

4 (1) Section 51 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Bank not to be affected with notice of trusts.

"51. (1) Save as is otherwise provided in this section, no notice of any trust in respect of any debenture shall be receivable by the Bank.

(2) (a) Any debenture holder or any person who is an applicant for any debenture or to whom any debenture is to be transferred may, by request made in writing to the Board, require that he be described in the register of debentures as a trustee, whether under a specified instrument of trust or otherwise ; and on such request being made, the Board may make such entries, in the register of debentures and in any debenture issued to such person, as the Board may consider necessary for the purpose of complying with the request.

(b) Where any request is made under paragraph (a) by a debenture holder or by a person to whom a debenture is to be transferred, the debenture shall be forwarded to the Board at the time when such request is made.

(3) Where any instrument of transfer of a debenture or any power of attorney or other document purporting to be executed by a debenture holder, who is described in the register of debentures as a trustee, is produced to the Board, the Board shall not be concerned to inquire whether the debenture holder is entitled in law to execute such instrument or other document or to give any such power ; and the Board may act upon such instrument or power of attorney or document in like manner as though the debenture holder had not been described in the register as a trustee, whether or not he is so described in such instrument, power, or document and whether or not he purports to execute such instrument, power of attorney or document in his capacity as a trustee.

(4) Nothing in sub-section (2) or sub-section (3) shall, as between any trustees or as between any trustee and any beneficiary, be deemed to authorise a trustee to act otherwise than in accordance with the rules of law applicable in the case of that trustee and the terms of the instrument if any appointing him a trustee ; and neither the Government of Ceylon, nor the Bank, nor any person holding or acquiring any interest in any debenture shall, by reason only of any entry in the register of debentures, or of anything in any

debenture or in any document or instrument relating thereto, be affected with notice of any trust or the fiduciary character of any debenture holder or of any fiduciary obligation attaching to the holding of any debenture.

(5) In this section, "trustee" includes the executor of the last will or the administrator of the estate of a deceased person, the curator of the property of a minor, the manager of the estate of a lunatic and any person holding or intending to hold any debenture on behalf or for the benefit of any other person or body of persons."

(2) Every entry which was made before the date of the commencement of this Ordinance in the register of debentures kept under the principal Ordinance or in any debenture issued thereunder, and which described any debenture holder as a trustee, shall be deemed for all purposes to have been validly made in like manner as though the provisions of the new section 51, which is substituted in the principal Ordinance by this section, had been in force at the time such entry was made, and as though the entry had been duly made in accordance with the provisions of that section; and the provisions of sub-sections (3) and (4) of that section shall apply and shall be deemed to have applied accordingly in the case of every such entry.

Section 51 as amended to have retrospective effect.

5 Section 53 of the principal Ordinance is hereby amended in paragraph (a) of sub-section (1) by the omission of the words "five hundred".

Amendment of section 53 of the principal Ordinance.

6 Section 60 of the principal Ordinance is hereby amended as follows:—

Amendment of section 60 of the principal Ordinance.

(a) in sub-section (1), by the substitution for the words "is offered by the borrower" of the words "is offered in respect of that loan"; and

(b) by the repeal of sub-section (2) and the substitution therefor of the following sub-section:—

"(2) Where an order issued under sub-section (1) is not complied with, default shall be deemed to be made in respect of the whole of the unpaid portion of the loan and the interest due thereon up to date, and the provisions of part (iv) of this chapter shall apply accordingly."

7 Section 61 of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

Replacement of section 61 of the principal Ordinance.

"61. The Board shall accept any payment in respect of a loan before the date on which such payment is due, if notice of three months is given to the Board of the intention to make such payment."

Anticipation of payments.

8 Section 63 of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

Replacement of section 63 of the principal Ordinance.

"63. (1) Whenever default is made in the payment of any sum due on a loan, whether on account of principal or of interest or of both, default shall be deemed to have been made in respect of the whole of the unpaid portion of the loan and the interest due thereon up to date; and the Board may, by special resolution published in the Gazette, authorise any person in writing to sell the property mortgaged as security for such payment by public auction at any time not less than twenty-one days after the date on which such resolution is published, in order to recover the whole of the unpaid portion of the loan and all other expenses, charges and costs recoverable under section 64.

Procedure on default of payment

(2) (a) Save as otherwise provided in paragraph (b), the provisions of sub-section (1) shall apply in the case of any default notwithstanding that the borrower may have died or that any right, title or interest whatsoever in the property mortgaged to the Bank as security for the loan may have passed by voluntary conveyance or by operation of law to any other person.

(b) Where a borrower is dead and probate of his will or letters of administration to his estate have not been issued to any person, the District Court of Colombo or the District Court of the district in which the property, mortgaged to the Bank by that borrower, is situate, may, upon application made in that behalf by the Board and after service of notice of the application on such persons, if any, as the court may order, and if satisfied that the grant of probate or the issue of letters of administration is likely to be unduly delayed, appoint a person to represent the estate of the borrower for the purposes of this section; and the provisions of sub-section (1) shall not apply in the case of

any default made by such borrower unless and until a person is appointed under this paragraph to represent the estate of such borrower.

(3) (a) Notice of every resolution under sub-section (1) authorising the sale of any property shall be published in the Gazette and in a daily newspaper, and copies of such notice shall be despatched to the borrower, if he is alive, and to every person who has, in respect of that property, registered his address under the provisions of paragraphs (b) and (c) of section 103 (1).

(b) Notice of the date, time and place of every sale shall, not less than fourteen days before the date fixed for the sale, be published in the Gazette and copies of such notice shall be—

- (i) despatched to the borrower if he is alive, and to every person to whom notice of any resolution is required to be despatched under paragraph (a);
- (ii) posted on or near the property which is to be sold; and
- (iii) affixed to the walls of the Kachcheri and the several District Courts and Police Courts within the jurisdiction of which the property is situate.

(4) (a) If the amount of the whole of the unpaid portion of the loan together with interest, including any penal interest due thereon, and of the moneys and costs, if any, recoverable by the Board under section 64, is tendered to the Board at any time before the date fixed for the sale, the property shall not be sold, and no further steps shall be taken in pursuance of the resolution under sub-section (1) for the sale of that property.

(b) If the amount of the instalment or equated payment in respect of which default has been made, together with any penal interest due thereon, and of the moneys and costs, if any, recoverable by the Board under section 64 is tendered to the Board at any time before the date fixed for the sale, the Board may, in its discretion, direct that the property shall not be sold, and that no further steps shall be taken in pursuance of the resolution under sub-section (1) for the sale of that property.

(5) The Board may fix an upset price below which the property shall not be sold to any person other than the Bank.

(6) In any case where two or more loans have been granted by the Bank on the security of the same property and default is made in the payment of any sum due upon any one or more of such loans, the provisions of this section shall apply notwithstanding that default may not have been made in respect of the other loan or any of the other loans, and the Board may, in any such case, by resolution under sub-section (1) authorise the sale of the property for the recovery of the total amount due to the Bank in respect of both or all the loans, as the case may be, and the provisions of this part of this chapter shall apply accordingly.

(7) Nothing in this section shall preclude the Board from recovering the amount due on a mortgage bond in accordance with the provisions of any other written law.

9 The following new section shall be inserted immediately after section 66 of the principal Ordinance and shall have effect as section 66A of that Ordinance:—

“66A. (1) The purchaser of any land sold in pursuance of the provisions of section 63 shall, upon application made to the District Court of Colombo or the District Court having jurisdiction over the place where the land is situate, and upon production of the certificate of sale issued in respect of the land under section 66, be entitled to obtain an order for delivery of possession of the land.

(2) Every application under sub-section (1) shall be made, and shall be disposed of, by way of summary procedure in accordance with the provisions of Chapter XXIV of the Civil Procedure Code, 1889; and on all documents filed for the purposes of each such application and on all proceedings held thereupon, stamp duties and other charges shall be payable at the respective rates payable under any written law for the time being in force, on applications for, and proceedings connected with or incidental to, the execution of a decree of a District Court for the delivery of possession of a land of the same value as the land to which such application relates.

(3) Where the land sold in pursuance of the provisions of section 63 is in the occupancy of the debtor or of some person on his behalf or of some person claiming under a title created by the debtor subsequently to the mortgage

Insertion of new section 66A in the principal Ordinance.

Order for delivery of possession.

of the land to the Bank, the District Court shall order delivery to be made by putting the purchaser, or any person whom he may appoint to receive possession on his behalf, in possession of the land.

(4) Where the land sold in pursuance of the provisions of section 63 is in the occupancy of a tenant or other person entitled to occupy the same, the District Court shall order delivery to be made by affixing a notice that the sale has taken place, in the English and in the Sinhalese or Tamil language, in some conspicuous place on the land, and proclaiming to the occupant by beat of tom-tom, or in such other mode as may be customary, at some convenient place, that the interest of the debtor has been transferred to the purchaser. The cost of such proclamation shall be fixed by the court and shall in every case be prepaid by the purchaser.

(5) Every order under sub-section (3) or sub-section (4) shall be deemed, as the case may be, to be an order for delivery of possession made under section 287 or section 288 of the Civil Procedure Code, 1889, and may be enforced in like manner as an order so made, the debtor and the purchaser being deemed, for the purpose of the application of any provision of that Code, to be the judgment-debtor and judgment-creditor, respectively.

No. 2 of 1889.

10 Section 103 of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

Replacement of section 103 of the principal Ordinance.

“103. (1) Every debenture holder and every person—

Registered address and notices.

(a) to whom a loan is granted by the Bank; or
(b) who has obtained probate of the will, or letters of administration to the estate of a person to whom a loan has been granted by the Bank, or who has, under the provisions of paragraph (b) of section 63 (2), been appointed to represent the estate of a deceased borrower; or

(c) to whom any right, title or interest whatsoever in any property, or in any part of any property, mortgaged to the Bank as security for any loan, has passed, whether by voluntary conveyance or by operation of law, shall register with the Bank an address to which all notices to him may be addressed.

(2) In any case where any debenture holder or other person fails to register his address under sub-section (1), the Bank shall be absolved from all responsibility in respect of the service of any notice required under this Ordinance to be served upon such debenture holder or person:

Provided, however, that in the case of any such failure on the part of any person who is a debenture holder or a person to whom a loan has been granted by the Bank, the Bank shall publish a notice addressed to him in the Gazette and in a daily newspaper, and such notice shall be deemed to be duly given to that debenture holder or person on the day on which such notice is published.

(3) Service of any notice under this Ordinance shall be deemed to be duly effected on any person if the notice is sent by registered letter to the address registered by that person under this section and, unless the contrary is proved, the time at which the letter would be delivered in due course of post shall be deemed to be the time of the service of such notice on such person.”

Objects and Reasons.

Section 43 of the Ceylon State Mortgage Bank Ordinance, 1931, requires that the distinguishing numbers of debentures to be compulsorily redeemed under section 40 or which are drawn for such redemption under section 42 shall be declared by advertisement in the Gazette and in any two newspapers. The present practice is that the Board, in addition to such advertisement, gives written notice to the holder of each debenture which will be redeemed.

The object of Clause 2 of this Bill is to dispense with the necessity for the publication in two newspapers of the numbers of the debentures which will be redeemed. It is considered that, as a measure of economy, it will be sufficient if a notice is inserted in two newspapers calling attention to the fact that the numbers of the debentures to be redeemed appear in an advertisement published in the Government Gazette.

Clause 3 effects a minor consequential amendment in section 44 of the principal Ordinance.

2. The Trusts (Amendment) Ordinance, No. 1 of 1934, added the debentures of the Ceylon State Mortgage Bank to the list of trustee securities authorised by the Trusts Ordinance, No. 9 of 1917, and debentures have been frequently issued in

the names of persons who are described as trustees both in the debentures and in the register kept by the Bank. In view of the provisions of section 51 of the principal Ordinance, doubts have arisen as to the regularity of this practice, and it is considered advisable that the Board should be given express authority where necessary to make entries to the effect that debentures are held in trust.

The object of Clause 4 is to substitute for section 51 of the principal Ordinance a new section containing provisions similar to those set out in sections 51 (1) and 55 (3) of the Registered Stock and Securities Ordinance, No. 7 of 1937. Under the new section the Board will be empowered to make an entry in the register or in a debenture describing the holder as a trustee, but no such entry will operate to affect the Bank or the Government of Ceylon or any transferee with notice of a trust, or to require the Board to satisfy itself that a debenture holder who is described as a trustee is acting within his legal powers.

Clause 4(2) will give retrospective validity to entries which were made before the date on which the new section 51 comes into operation and which described debenture holders as trustees.

3. The object of Clause 5 of the Bill is to amend section 53 (1) of the principal Ordinance in order to reduce the minimum amount of a loan which may be granted by the Bank to Rs. 2,000.

4. Section 63 of the principal Ordinance provides a special summary procedure which enables the Board, if default is made in the payment of any sum due on a loan, to authorise the sale of any property mortgaged to the Bank as security for the loan, in order to recover the unpaid principal and interest. The Board has experienced difficulties in the application of this procedure in cases where the borrower is dead or where any right, title or interest in the mortgaged property has vested in some other person. It is therefore necessary that the present provisions should be amplified so as to facilitate their application to the cases referred to.

The object of Clause 8 of this Bill is to replace section 63 by a new section which declares that the power of sale may be exercised in cases where the borrower is dead or where any right, title or interest in the mortgaged property has vested in some other person. Notice of a resolution for the sale of property will be required to be despatched to the executor of the will or to the administrator of the estate of a deceased borrower; and where no executor or administrator has been appointed, the District Court will be empowered to appoint a representative of the estate of the deceased for the purposes of the section. If any person in whom any right, title or interest in the property has vested has registered his address with the Bank, notice of any resolution for the sale of that property will be sent to him.

Clauses 6 and 7 will effect consequential amendments in sections 60 and 61.

5. The substitution of a new section 63 in the principal Ordinance necessitates the replacement of the existing section relating to the registration of addresses.

The object of Clause 10 of this Bill is to substitute for section 103 a new section providing for the registration of an address by an executor or administrator or by a person appointed to represent the estate of a deceased borrower, as well as by a person in whom any right, title or interest in a mortgaged property has vested. Failure to register an address will absolve the Bank from the necessity to send a notice.

6. Section 66 of the principal Ordinance provides for the issue of a certificate of sale to the purchaser of land which is sold under the summary procedure for the recovery of principal and interest due on a loan. The certificate vests in the purchaser all the right, title and interest of the debtor to and in the land. The Ordinance does not, however, contain any provision as to the delivery of possession of the land to the purchaser.

The object of Clause 9 is to insert in the principal Ordinance a new section 66A which will enable an application for an order for delivery of possession to be made to the District Court of Colombo or of the district in which the land is situated. Sub-sections (3) and (4) of the new section are based on sections 287 and 288, respectively, of the Civil Procedure Code, 1889, and an order made by a District Court will be enforced as if it were an order made under one of those sections for delivery of possession of land.

MINUTE.

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

L. D.—CF 22/38

An Ordinance to amend the Criminal Procedure Code, 1898.

No. 15 of 1898.

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 Criminal Procedure Code (Amendment) Ordinance, No. of 193 .

Short title.

2 Section 100 of the Criminal Procedure Code, 1898, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution, for all the words from "in Her Majesty's army" to "acting as such", of the words—

Amendment of section 100 of Ordinance No. 15 of 1898.

"of His Majesty's Regular Forces or an officer or soldier of the Defence Force who is on active service within the meaning of the Defence Force Ordinance, 1910".

3 Section 102 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for all the words from "commissioned" to "provisions of any law", of the words—

Amendment of section 102 of the principal Ordinance.

"officer or non-commissioned officer in command of any soldiers of His Majesty's Regular Forces or of any soldiers of the Defence Force who are on active service within the meaning of the Defence Force Ordinance, 1910,".

4 Section 103 of the principal Ordinance is hereby amended by the substitution, for the words "Her Majesty's army", of the words "His Majesty's Regular Forces".

Amendment of section 103 of the principal Ordinance.

5 Section 104 of the principal Ordinance is hereby amended as follows :—

Amendment of section 104 of the principal Ordinance.

(1) by the substitution for the words "or any military officer, peace officer, soldier, or soldiers of the Defence Force", of the words—

"or any peace officer or any officer or soldier of His Majesty's Regular Forces or of the Defence Force";

(2) in paragraph (d), by the substitution, for the words "No inferior officer or soldier or soldier of the Defence Force", of the words—

"No officer or soldier of His Majesty's Regular Forces or of the Defence Force".

6 The following new section is hereby inserted immediately after section 104, and shall have effect as section 104A, of the principal Ordinance :—

Insertion of new section 104A in the principal Ordinance.

104A. In this Chapter—

Interpretation.

"Army Act" means the Army Act of the Imperial Parliament read with any other Act for the time being amending that Act and includes the Articles of War or Rules made and in force for the time being thereunder ;

"Defence Force" means the Defence Force formed or maintained in Ceylon under the provisions of the Defence Force Ordinance, 1910 ;

"His Majesty's Regular Forces" has the same meaning as in the Army Act.

Objects and Reasons.

Sections 100 and 104 of the Criminal Procedure Code, 1898, mention only soldiers, that is to say, the privates, of the Defence Force, where the officers should also be included ; and it is therefore proposed in Clauses 2 and 5 of this Bill to make the necessary amendments in those sections.

The object of the amendment set out in Clause 3 is to make it clear that any part of the Defence Force, which has been duly called out for active service by Proclamation under section 13 of the Defence Force Ordinance, 1910, can be required to disperse an unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace.

The opportunity has also been taken to replace the archaic expression "Her Majesty's army", in the sections referred to, by the expression "His Majesty's Regular Forces" which is now used in the English Acts. The same amendment is to be made, for the sake of uniformity in section 103 also (Clause 4).

Clause 6 introduces a new section 104A setting out some definitions which appear to be necessary.

Colombo, December 12, 1938.

J. C. HOWARD,
Legal Secretary.