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PART II.—LEGAL.

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

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PASSED ORDINANCES.

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

No. 4 of 1939.

M. L. A. 536—L. D.—O 111/38

An Ordinance to amend the Motor Car Ordinance, No. 45 of 1938, to postpone the operation of that Ordinance, and to make special provision for the issue of licences for motor cars in the year 1939.

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 Motor Car Amendment Ordinance, No. 4 of 1939.

**POSTPONEMENT OF OPERATION OF ORDINANCE
No. 45 OF 1938.**

Ordinance No. 45 of 1938 to come into operation on July 1, 1939.

2 Notwithstanding anything contained in sub-section (1) of section 1 of the Motor Car Ordinance, No. 45 of 1938, (hereinafter referred to as "the principal Ordinance"), or in the Proclamation made under that sub-section and published in Gazette Extraordinary No. 8,403 of October 8, 1938, the first day of July, 1939, is hereby appointed to be the date on which that Ordinance shall come into operation; and any reference in that Ordinance to the "appointed date" shall be deemed to be a reference to the first day of July, 1939.

Operation before the appointed date of certain provisions of the principal Ordinance.

3 The provisions of the principal Ordinance which are mentioned in the Schedule to the Proclamation published under sub-section (2) of section 1 of that Ordinance in Gazette Extraordinary No. 8,404 of October 8, 1938, and which were by that Proclamation brought into operation on the tenth day of October, 1938, shall be deemed to have been brought into operation for the purpose of the issue before the first day of July, 1939, of licences to be in force on and after that date; and all appointments and all regulations heretofore made under any of the aforesaid provisions shall be deemed to have been made for that purpose and shall have effect accordingly until the thirtieth day of June, 1939.

**SPECIAL PROVISIONS RELATING TO MOTOR CAR
LICENCES FOR 1939.**

Licences under Ordinance No. 20 of 1927 for period April to June, 1939.

4 (1) Notwithstanding anything contained in the Motor Car Ordinance, 1927—

- (a) every licence issued for a motor car under that Ordinance before the thirtieth day of June, 1939, in respect of any period commencing on or after the first day of April, 1939, shall be expressed to be in force until and shall cease to be in force on the thirtieth day of June, 1939;
- (b) the amount of the duty payable on any such licence for any motor car shall be one-fourth of the duty prescribed by that Ordinance for a motor car of that class or description;
- (c) if the motor car is a hiring car or lorry, no examination of the car shall be required prior to the issue of a licence unless the Registrar considers it necessary, and where any such car is examined no fee shall be payable for such examination:

Provided, however, that where a licence is issued on or after the first day of June, 1939, and it is shown to the satisfaction of the licensing authority that the motor car for which the licence is required has not been unlawfully used or possessed between the thirty-first day of March, 1939, and the date of the issue of the licence, the amount of the duty payable on the licence shall be one-sixth of the duty prescribed by that Ordinance for a motor car of that class or description.

(2) Where the holder of any licence referred to in sub-section (1) surrenders the licence to the licensing authority for cancellation, he shall be entitled—

- (a) where the licence is surrendered on any date in April, 1939, to a refund of two-thirds of the amount of the duty paid on that licence; or

(b) where the licence is surrendered on any date in May, 1939, to a refund of one-third of the amount of the duty paid on that licence.

(3) Save as otherwise expressly provided in this section, every motor car licence to which this section relates shall be issued in accordance with the requirements of the Motor Car Ordinance, 1927; and the provisions of that Ordinance shall apply accordingly.

5 (1) (a) Every application for a licence for an omnibus or a lorry to be in force on and after the first day of April, 1939, which was included in the old list of applications for licences for omnibuses or in the old list of applications for licences for lorries, as the case may be, shall be deemed to be an application for a licence to be in force on and after the appointed date; and no new application in respect of any such omnibus or lorry shall be required to be made under sub-section (2), or be entertained by the Commissioner.

Applications for licences for omnibuses and lorries to be in force on and after the appointed date.

(b) Every objection, duly made to the Commissioner on or before the sixth day of January, 1939, under section 46 of the principal Ordinance, against the issue of a licence to any person whose application therefor was included in either of the old lists, shall be deemed to be an objection duly made against the issue to that person of a like licence to be in force on and after the appointed date; and, save as otherwise provided in sub-section (2) (e), no further objection may be made against the issue of any licence in any case where the application therefor was included in either of the old lists.

(2) (a) Subject to the provisions of sub-section (1) (a), any person may, on or before the thirty-first day of March, 1939, make application under the principal Ordinance for a licence for an omnibus or a lorry to be in force on and after the appointed date.

(b) Every licensing authority to whom any application is made under paragraph (a) of this sub-section shall forward the application to the Commissioner on or before the twelfth day of April, 1939, together with the recommendation made by that authority under the provisions of section 45 of the principal Ordinance.

(c) The Commissioner shall on or before the twenty-second day of April, 1939, cause to be published and affixed, in accordance with the provisions of section 46 (1) of the principal Ordinance, lists of all such applications for licences as are forwarded to him under the provisions of paragraph (b) of this sub-section, and shall specify on each such list a date on or before which objections may be made to the issue of such licences.

(d) Any licensing authority, and any person whose application for a licence was included in any of the old lists, or is included in any of the new lists published under paragraph (c) of this sub-section, shall be entitled to make objection under and in accordance with the provisions of section 46 of the principal Ordinance, against the issue of any licence the application for which is included in any of the new lists.

(e) Any person whose application for a licence is included in any of the new lists shall be entitled to make, on or before the date specified in such list, objection under and in accordance with the provisions of section 46 of the principal Ordinance, against the issue of a licence to any other person if the application therefor was included in either of the old lists; and no such objection shall, if it is otherwise duly made, be rejected by the Commissioner on the ground that it has been made after the sixth day of January, 1939.

6 (1) In every case where a new licence, expressed to come into force on the appointed date, is to be issued for any motor car under the provisions of the principal Ordinance, and the licensing authority is satisfied that the motor car has not been unlawfully used or possessed between the first day of April, 1939, and the date of the issue of the licence, then, notwithstanding anything contained in the principal Ordinance—

Fee for licences under the principal Ordinance for the period July to December, 1939.

(a) the duty payable on the new licence shall be one half of the duty prescribed by the principal Ordinance for a yearly licence for a motor car of that class or description;

(b) if the motor car is a hiring car or lorry no fee shall be payable for the examination of the car prior to the issue of the new licence.

(2) Section 3 of the Motor Car Licences (Transitional Arrangements) Ordinance, No. 58 of 1938, is hereby repealed.

Repeal of section 3 of Ordinance No. 58 of 1938.

Provisions of Principal Ordinance to have effect unless inconsistent with this Ordinance.

7 Save as otherwise expressly provided in this Ordinance, the provisions of the principal Ordinance shall apply in all matters relating to applications for licences for motor cars to be in force on and after the appointed date, and to the issue of such licences.

AMENDMENTS OF ORDINANCE NO. 45 OF 1938.

Amendment of section 128 of principal Ordinance.

8 Section 128 of the principal Ordinance is hereby amended in sub-section (1) as follows:—

(1) in paragraph (b)—

(a) by the substitution for the words “insures such person” of the words “insures, in accordance with the provisions of paragraph (c), such person”;

(b) by the substitution for the word “highway:” of the words “highway; and”; and

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

“(c) (i) in the case of a hiring car, covers the liability referred to in paragraph (b) up to an amount which shall not be less than five thousand rupees in respect of each passenger authorised to be carried therein, and thirty thousand rupees in respect of persons other than passengers; or

(ii) in the case of a lorry, covers the liability referred to in paragraph (b) up to an amount which shall not be less than thirty thousand rupees; or

(iii) in the case of any other motor car, covers any liability referred to in paragraph (b) which may actually be incurred.”

Amendment of section 129 of the principal Ordinance.

9 Section 129 of the principal Ordinance is hereby amended in sub-section (1) as follows:—

(1) by the substitution for the words “a security must—”, of the words “a security in relation to the use of a motor car must—”;

(2) by the substitution, for paragraph (b), of the following paragraph:—

“(b) consist of an undertaking by the giver of the security, subject to any conditions specified therein, to make good, up to the amount prescribed by section 128 (1) (c) in the case of a policy of insurance relating to a motor of that class, any failure on the part of the owner of the motor car, or such other persons or classes of persons as may be specified in the security, duly to discharge any such liability, required by section 128 (1) to be covered by a policy of insurance, as may be incurred by him or them”.

Minor amendments of the principal Ordinance.

10 The provisions of the principal Ordinance mentioned in the first column of the Schedule to this Ordinance are hereby amended in the manner and to the extent specified in the corresponding entries in the second column of that Schedule.

Interpretation.

11 In this Ordinance, unless the context otherwise requires—

“appointed date” means the first day of July, 1939, appointed by section 2 as the date on which the principal Ordinance shall come into operation;

“new list”, in relation to applications for licences for omnibuses or to applications for licences for lorries, means any list of such applications published under section 5 (2) (c) of this Ordinance;

“old list”, in relation to applications for licences for omnibuses or to applications for licences for lorries, means the list of such applications published by the Commissioner in Gazette No. 8,420 of December 16, 1938, under the provisions of section 46 (1) of the principal Ordinance as modified by the Order under section 183 of that Ordinance published in Gazette No. 8,405 of October 14, 1938.

SCHEDULE.

Amendments of the Motor Car Ordinance, No. 45 of 1938.

Column 1. Provision of Ordinance.	Column 2. Amendment.
1. Section 31	<p>.. In the Proviso to sub-section (1), at the end of paragraph (iv), for the word "required," there shall be substituted the following :—</p> <p>"required, and the licence duty shall be payable on receipt of information under section 52, that the licence will be issued."</p>
2. Section 42	<p>.. In sub-section (2)—</p> <p>(1) for the word "car." at the end of paragraph (c), there shall be substituted the words "car ; or" ; and</p> <p>(2) the following new paragraph shall be added at the end of the sub-section :—</p> <p>"(d) authorising an omnibus to be used, subject to such conditions as may be specified in the permit, for the carriage of mails or newspapers."</p>
3. Section 46	<p>.. In sub-section (1)—</p> <p>(1) for all the words from "The Commissioner" to "be published", there shall be substituted the following:—</p> <p>"The Commissioner shall cause one or more lists of applications for licences for omnibuses and one or more lists of applications for licences for lorries, which are duly forwarded to him under section 45, to be published."</p> <p>(2) the following shall be added at the end of the sub-section :—</p> <p>"Nothing herein contained shall be deemed to prevent the Commissioner from including in any list to be published under this sub-section, any application forwarded after the date specified in section 45 (1) (b), if such application has been duly made in accordance with the provisions of section 43 (1)."</p>
4. Section 61	<p>.. In sub-section (3), for the words "forty pounds." at the end of the sub-section, there shall be substituted the words "twelve pounds."</p>
5. Section 62	<p>.. For the words "forty pounds." at the end of the section, there shall be substituted the words "twelve pounds."</p>
6. Section 79	<p>.. In sub-section (1) (b) for the word "twenty" substitute the word "twenty-five."</p>
7. Section 111	<p>.. The following new sub-section shall be added at the end of the section :—</p> <p>"(5) Where any omnibus or motor cab is authorised by permit issued under section 42 to be used for the carriage of articles of any description, no person shall be deemed to have contravened any provision of this section by reason only of the carriage on the omnibus or motor cab of articles of that description."</p>
8. Section 183	<p>.. For the words "therein enacted." at the end of the section, there shall be substituted the words "herein enacted."</p>

Column 1. Provision of Ordinance.	Column 2. Amendment.
9. First Schedule ..	The following new regulation shall be inserted immediately after regulation 21 and shall have effect as regulation 21A of the First Schedule :— “ 21A. The Commissioner may grant a permit exempting any omnibus, which was registered before October 8, 1938, under the Motor Car Ordinance, 1927, from the provisions of regulation 17 or of regulation 21 (2). Every such permit shall be subject to such conditions as the Commissioner may insert therein, and shall cease to be in force on December 31, 1939.”
10. Sixth Schedule ..	In the parenthesis set out immediately below the caption, for the figure “ 139 ”, there shall be substituted the figure “ 162 ”.

Passed in Council the Ninth day of February, One thousand Nine hundred and Thirty-nine.

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Fifteenth day of February, One thousand Nine hundred and Thirty-nine.

E. R. SUDBURY,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 47/37

No. 2 of 1932.	An Ordinance to amend the Income Tax Ordinance, 1932. 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 Income Tax (Amendment) Ordinance, No. of 1939, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.
Short title and date of operation.	1 This Ordinance may be cited as the Income Tax (Amendment) Ordinance, No. of 1939, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.
Amendment of section 74 of Ordinance No. 2 of 1932.	2 Section 74 of the Income Tax Ordinance, 1932, is hereby amended as follows :— (1) in sub-section (2) of that section, by the substitution for the words “ the facts and the decision of the Board,” of the following :— “ the facts, the decision of the Board, and the amount of the tax in dispute where such amount exceeds five thousand rupees,” ; (2) by the insertion immediately after sub-section (2) of the following new sub-section, which shall have effect as sub-section (2A) of that section :— “ (2A) For the purpose of the application of the provisions of the Stamp Ordinance, 1909— (a) all proceedings before the Supreme Court on any case stated under this section or incidental to the hearing, determination or disposal of any such case, shall be deemed to be civil proceedings before the Supreme Court of the value of five thousand rupees, or of such greater amount as may be set forth by the Board under sub-section (2) as the amount of the tax in dispute ; (b) every such case stated shall, together with all books, documents and papers annexed thereto by the Board, be deemed to be a single exhibit in civil proceedings before the Supreme Court ; and
No. 22 of 1909.	“ (2A) For the purpose of the application of the provisions of the Stamp Ordinance, 1909— (a) all proceedings before the Supreme Court on any case stated under this section or incidental to the hearing, determination or disposal of any such case, shall be deemed to be civil proceedings before the Supreme Court of the value of five thousand rupees, or of such greater amount as may be set forth by the Board under sub-section (2) as the amount of the tax in dispute ; (b) every such case stated shall, together with all books, documents and papers annexed thereto by the Board, be deemed to be a single exhibit in civil proceedings before the Supreme Court ; and

- (c) the Commissioner, if he is the appellant, shall be deemed to be a Government officer suing, or if he is the respondent to the appeal, a Government officer being sued, in a suit *virtute officii*." ; and
- (3) by the addition at the end of that section of the following new sub-section, which shall have effect as sub-section (7) of that section :—

" (7) For the purpose of enabling the Commissioner or any other party to appeal to His Majesty in Council against any order of the Supreme Court under sub-section (5) and for the purpose of the application of the provisions of the Appeals (Privy Council), Ordinance, 1909—

No. 31 of 1909.

- (a) an order made by the Supreme Court under sub-section (5) shall, together with any order of that Court under sub-section (6), be deemed to be a final judgment of the Supreme Court in a civil action between the Commissioner and such other party ;
- (b) the value of the matter in dispute in such civil action shall be deemed to be five thousand rupees :

Provided that where the Board has, under sub-section (2), set forth a higher amount than five thousand rupees as the amount of the tax in dispute, the value of the matter in dispute in such civil action shall be the higher amount so set forth by the Board ; and

- (c) the Commissioner on any appeal to His Majesty in Council, shall not be required to make any deposit or pay any fee or furnish any security prescribed by or under the Appeals (Privy Council) Ordinance, 1909."

Objects and Reasons.

The objects of this Bill are—

- (1) to provide that the proceedings in the Supreme Court on a case stated under section 74 of the Income Tax Ordinance, 1932, shall be subject to the same stamp duty as is payable on civil proceedings before that Court in actions of the value of five thousand rupees. In cases where the amount of the tax in dispute exceeds five thousand rupees, stamp duty will be payable on such higher amount which the Board of Review is required to specify in the case stated when it prepares such case for transmission by the appellant to the Supreme Court ;
- (2) to enable the Commissioner or any other party aggrieved by the judgment of the Supreme Court on a case stated to that Court for its opinion, to appeal to the Privy Council under the procedure provided in the Appeals (Privy Council) Ordinance, No. 31 of 1909.

Financial Secretary's Office,
Colombo, February 10, 1939.

H. J. HUXHAM,
Financial Secretary.

MINUTE.

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

L. D.—O 46/38

An Ordinance further to amend the Police Ordinance, 1865.

No. 16 of 1865.

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 Police Amendment Ordinance, No. of 1939.

Short title.

2 Section 90 of the Police Ordinance, 1865, is hereby amended by the substitution for the word " fireworks," of the words " fireworks, or release any fire balloon or other combustible or explosive contrivance or article which is likely to cause injury to person or property,".

Amendment of section 90 of Ordinance No. 16 of 1865.

Objects and Reasons.

The object of this amendment of the Police Ordinance, 1865, is to include in section 90 provision which will prohibit the release of fire balloons or other such contrivances, except under military regulation or under the authority of licences issued by a Magistrate or by the Police.

Colombo, February 20, 1939.

D. B. JAYATILAKA,
Minister of Home Affairs.

MINUTE.

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

**An Ordinance to amend the Revised Edition of the
Legislative Enactments Ordinance, No. 19
of 1937.**

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 Revised Edition of the Legislative Enactments (Amendment) Ordinance, No. of 1939.

Amendment of section 10 of the Revised Edition of the Legislative Enactments Ordinance, No. 19 of 1937.

2 Section 10 of the Revised Edition of the Legislative Enactments Ordinance, No. 19 of 1937, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution of the following sub-section for sub-section (3) thereof :—

"(3) From and after the date appointed in such proclamation the revised edition shall be deemed to be and shall be without any question whatsoever in all Courts of Justice and for all purposes whatsoever the sole authentic edition of the legislative enactments of this Island, so far as therein contained."

Substitution of new section for section 11 of the principal Ordinance.

3 Section 11 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Saving of existing subsidiary legislation, appointments and acts.

"11. (1) All subsidiary legislation, all appointments and acts made or done under any legislative enactment included in the revised edition, and in force on the date appointed by the Governor under section 10, shall continue in force until otherwise provided; and references in any such subsidiary legislation to the legislative enactment under which such subsidiary legislation is made, or to any other legislative enactment, shall, where necessary and practicable, be deemed to apply to the corresponding legislative enactment in the revised edition.

(2) In sub-section (1) "subsidiary legislation" means rules, regulations and by-laws and shall include proclamations, letters patent, orders, notices, notifications, declarations, resolutions, forms, warrants, schemes and any other document whatsoever made under any legislative enactment."

Objects and Reasons.

Sub-section (3) of section 10 repeals the last revised edition, and the Ordinances passed after the thirty-first day of December, 1923, and in force on the thirtieth day of June, 1938, being the date fixed by the Governor under section 2. It is felt that this repeal might be regarded as affecting appointments made and institutions set up under the repealed legislation. It is proposed therefore to substitute for sub-section (3) of section 10 a provision that will not lend itself to such a construction. As it seems desirable at the same time to extend the scope of section 11 of the Ordinance, clause 3 of the Bill provides for the substitution of a new provision therefor.

Colombo, February 22, 1939.

J. C. HOWARD,
Legal Secretary.

(Continued on page 118.)

**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 Badulla, will be holden at the Court-house at Kandy, on Friday, March 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,
Badulla, February 17, 1939.

T. J. MENDIS,
for Fiscal.

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 Districts of Ratnapura and Avissawella will be holden at the Court-house at Colombo, on Monday, March 20, 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,
Ratnapura, February 21, 1939.

R. M. DAVIES,
Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

Return of Testamentary Cases under Official Administration for the Half-Year ended December 31, 1938.

In the District Court of Hatton.

No. of case : 161—Name of deceased : Batuwitige Hendrick Silva of Dikoya—Name of official administrator : E. de S. Gunawardene, Secretary, District Court, Hatton.

No. of case : 245—Name of deceased : Weeragampita Kirimadina Aratchige Charles of Bogawantalawa—Name of official administrator : E. de S. Gunawardene, Secretary, District Court, Hatton.

District Court, HATTON, January 31, 1939. HERBERT S. ROBERTS, District Judge.

In the District Court of Nuwara Eliya.

Nil.

District Court, Nuwara Eliya, January 5, 1939. HERBERT S. ROBERTS, District Judge.

In the District Court of Ratnapura.

No. of case : 987—Whose estate : Jayatunga Mudiyanse-lage Podisingho of Hindurangala.

No. of case : 1,064—Whose estate : D. E. A. Balasooriya Licensed Surveyor of Pelmadulla.

Ratnapura, January 10, 1939. L. H. DE ALWIS, District Judge.

List of Uncertified Insolvents for the Half-Year ended December 31, 1938.

In the District Court of Avissawella.

No. of case : 7—Name of insolvent : Meemanage Gabriel Pieris, Avissawella—Remarks : Protection withdrawn.

No. of case : 8—Name of insolvent : Weliwita Vithanage Don Juan Appuhamy, Kosgama Ihala—Remarks : Protection withdrawn.

District Court, Avissawella, January 6, 1939. S. S. J. GUNASEKERA, District Judge.

In the District Court of Hatton.

Nil.

District Court, Hatton, January 30, 1939. HERBERT S. ROBERTS, District Judge.

In the District Court of Kegalla.

Nil.

District Court, Kegalla, January 9, 1939. T. F. C. ROBERTS, District Judge.

In the District Court of Nuwara Eliya.

Nil.

Nuwara Eliya, January 5, 1939. HERBERT S. ROBERTS, District Judge.

In the District Court of Puttalam.

Nil.

District Court, Puttalam, January 5, 1939. M. L. D. CASPERSZ, Additional District Judge.

In the District Court of Ratnapura.

Nil.

Ratnapura, January 10, 1939. L. H. DE ALWIS, District Judge.

In the District Court of Trincomalee.

Nil.

District Court, Trincomalee, January 4, 1939. J. WILMOT PERERA, District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,274. In the matter of the insolvency of Kan-nothu Kannan Nayar of 4, Beira road, Small Pass, 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 March 28, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL, Secretary.
February 14, 1939.

In the District Court of Colombo.

No. 5,329. In the matter of the insolvency of Zainul Abdeen Mannan of Lukmanjee Square, Grandpass, Colombo.

WHEREAS the above named Z. A. Mannan has filed a declaration of insolvency and a petition for the sequestration of his estate has been filed by S. M. Munsoor Ally, Buller's road, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said Z. A. Mannan insolvent accordingly ; and that two public sittings of the court, to wit, on March 21, 1939, and on April 4, 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, Secretary.
February 13, 1939.

In the District Court of Colombo.

No. 5,330. In the matter of the insolvency of Gladwin Horsington de Zilva of 335, Galle road, Dehiwala.

WHEREAS the above named G. H. de Zilva has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Q. Jayasinghe of 345, Grandpass road, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said G. H. de Zilva insolvent accordingly ; and that two public sittings of the court, to wit, on March 21, 1939, and on April 4, 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, Secretary.
February 14, 1939.

In the District Court of Colombo.

No. 5,331. In the matter of the insolvency of Charles Fredrick Guy Van Buren of Murzoon Court, Station Road, Bambalapitiya.

WHEREAS the above named C. F. G. Van Buren has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by C. L. C. de Mel of Moratumulla, Moratuwa, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said C. F. G. Van Buren insolvent accordingly ; and that two public sittings of the court, to wit, on March 21, and on April 4, 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, Secretary.
February 16, 1939.

In the District Court of Colombo.

No. 5,332. In the matter of the insolvency of Henda-hewage Henry George de Silva of A/421, Botejue road, Dehiwala.

WHEREAS H. H. G. de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. G. Andiris Perera of Salamulla, Kolonnawa, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said H. H. G. de Silva insolvent accordingly ; and that two public sittings of the court, to wit, on March 21, 1939, and on April 4, 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,
Secretary.

In the District Court of Kandy.

No. I. 8. In the matter of the insolvency (1) M. K. M. Madar, and (2) K. M. M. Abdul Cader, both carrying on business under the name, style, and firm of M. K. M. Madar & Co., Galagedera road, Katugastota.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 21, 1939, for the examination of the insolvents.

By order of court, R. B. RATNAIKE,
February 18, 1939. Secretary.

In the District Court of Kandy.

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

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 March 31, 1939, for the examination of the insolvent.

By order of court, R. B. RATNAIKE,
February 18, 1939. Secretary.

In the District Court of Kandy.

No. I. 14. In the matter of the insolvency of H. A. Alwis Perera of Mahaiyawa in Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 31, 1939, for the examination of the insolvent.

By order of court, R. B. RATNAIKE,
February 18, 1939. Secretary.

In the District Court of Kandy.

No. I. 20. In the matter of the insolvency of Vihinnawegedera alias G. Tamby Kandu Lebbe Habibu Mohamado of Madawela in Udagampaha of Lower Dumbara.

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 March 3, 1939, to appoint an assignee.

By order of court, R. B. RATNAIKE,
February 15, 1939. Secretary.

In the District Court of Kandy.

No. I. 24. In the matter of the insolvency of Telge Abraham Peiris of 19, King street, Matale.

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 March 10, 1939, to appoint an assignee.

By order of court, R. B. RATNAIKE,
February 15, 1939. Secretary.

In the District Court of Kandy.

No. I. 25. In the matter of the insolvency of Muniyandy's son Karupaiah of Nellimale estate, Madulkelle.

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 March 10, 1939, for the examination of the insolvent.

By order of court, R. B. RATNAIKE,
February 15, 1939. Secretary.

In the District Court of Kandy.

No. I. 27. In the matter of the insolvency of Sithambaram Kangany's son Kandiah of Windsor Forest, Dolosbage.

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 March 10, 1939, to appoint an assignee.

By order of court, R. B. RATNAIKE,
February 15, 1939. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Kandy.

D. L. Edward de Silva of Kalubowila, Colombo. Plaintiff.
No. M. R. 34. Vs.

P. Dona Margaret Abeynayake *nee* de Silva of Kandy, administratrix of the estate of D. M. de S. Abeynayake, deceased. Defendant.

NOTICE is hereby given that on Wednesday, March 22, 1939, commencing at 3 P.M., will be sold by public auction at the respective premises in their respective order the right, title, and interest of the said defendant as administratrix of the estate of the above-named deceased in the following property, for the recovery of the sum of Rs. 903.20, viz. :—

1. All that allotment of land called and known as Badullagahawatta bearing lot No. 468 in the registration plan No. 4, together with all the buildings, trees, and plantations standing thereon, situated at Kirillapone, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and which said lot No. 468 is bounded on the north by lot No. 467, on the east by lots Nos. 469D, 469E, 469F, and 469G, on the south by lot No. 478, and on the west by lot No. 466, containing in extent 1 acre 1 rood and 37 perches according to the survey plan No. 1,287 dated January 3, 1922, made by C. C. Wijetunga, Licensed Surveyor, registered in Kirillapone 9/242.

2. All that defined portion of land called and known as Indigahaowita and Kahatagahaowita marked E and coloured pink being a divided and defined portion of the amalgamated lots 463, 464, 465, and 466 in the registration plan No. 4 and fully depicted in the plan No. 2,215 dated August 24, 1930, made by C. C. Wijetunga, Licensed Surveyor, together with all the trees and plantations standing thereon, situated at Kirillapone aforesaid; and which said defined portion marked E is bounded on the north by lot D, on the east by lots 468 and 478, on the south by lots 478 and 479, and on the west by Crown land, containing in extent 3 roods and 20 perches.

3. All that undivided $\frac{1}{2}$ part or share of all that reservation for the road of the land called and known as Indigahaowita and Kahatagahaowita marked D, being a divided and defined portion of amalgamated lots Nos. 463, 464, 465, and 466 in the registration plan No. 4, and fully depicted in the plan No. 2,207 aforesaid, and of all the trees and plantations standing thereon, situated at Kirillapone aforesaid; and which said defined portion marked D is bounded on the north by lot C, on the east by lots 467 and 468, on the south by lot E, and on the west by Crown land, containing in extent 31 perches.

Fiscal's Office, H. E. PERIES,
Colombo, February 22, 1939. Deputy Fiscal.

In the District Court of Colombo.

K. M. N. N. S. Saminathan Chettiar of 247, Sea street, in Colombo. Plaintiff.
No. S/1,143. Vs.

(2) H. H. Appuhamy of 61, Ketawalamulla in Colombo, and another. Defendants.

NOTICE is hereby given that on Monday, March 20, 1939, at 4.30 P.M., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property, for the recovery of the sum of Rs. 2,387.48, with interest thereon at 15 per cent. per annum from August 12, 1936, till payment in full, less a sum of Rs. 1,205.79, viz. :—

All those three contiguous allotments of land with the buildings standing thereon called Delgahawatta, Dangahaowita and portion of Gorakagahawatta, bearing assessment Nos. 61, 61/2 to 6 and 61/6A-D, Ketawalamulla road, and 41, Temple lane, presently bearing Nos. 61/2-28, 61/6A, B, C, D, E, and F, and 43A, 43B, 41A, B and 43, situated at Ketawalamulla, within the Municipality and District of Colombo, Western Province; bounded on the north by formerly the garden of K. Bastian, presently of Crown land and the garden of H. M. Sadiris and G. S. Senaratne and the remaining portion of Gorakagahawatta of H. H. Appuhamy, on the east by the road formerly called Temple road, now called Temple lane, on the south by formerly the garden and field of Haramanis Appu and owita of M. W. Missoris, presently of the garden of Gabriel Silva, and on the west by new road called Ketawalamulla road; containing in extent 4 acres and 21 $\frac{38}{100}$ square perches as per plan No. 702 made by M. I. L. Marikar, Licensed Surveyor.

Prior registration: Colombo, A 229/91.
Fiscal's Office, H. E. PERIES,
Colombo, February 22, 1939. Deputy Fiscal.

In the District Court of Colombo.

Paliawadana-aratchige Elaris Perera of Nakandapola in the Gangaboda pattu of Siyane korale . . . Plaintiff.

No. 3,080/S. Vs.

Hewatantrige Lokin Gnanu Peiris of Bendiyamulla, in Gampaha, as the duly appointed manager of the estate of Hewatantrige Eusena Peiris, a lunatic Defendant.

NOTICE is hereby given that on Saturday, March 18, 1939, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,847.66 with interest on Rs. 1,650 at 12 per cent. per annum from October 31, 1938, till November 28, 1938, and thereafter legal interest on the aggregate amount of the decree, till payment in full and costs of suit, viz. :— .

Commencing at 9 a.m.

1. An undivided $\frac{7}{72}$ shares of the land called Galabodawatta and adjoining Siyambalagahawatta, situated at Nakandapola in the Gangaboda pattu of Siyane korale, in the District of Colombo, Western Province; and bounded on the north by the land belonging to Hendalagamage Baba Appu, on the east by the land of Lochchi Fernando, on the south by Galkanda *alias* Gorakagahalanda, and on the west by Siyambalagahawatta belonging to Juwandarage Sancli Appu; containing in extent about 10 acres.

2. An undivided $\frac{7}{72}$ shares of the land called Gorakagahalanda, situated at Nakandapola aforesaid; and bounded on the north by Medapolakanda and Galabodawatta belonging to Juwan Mohoppurala, on the east by Galabodawatta belonging to Juwan Mohoppurala, on the south-east by Kahatagahawatta described in plan No. 143,799 belonging to H. Babaya, on the south-west by Ambagahawatta described in plan No. 143,804, and on the west by Medapolakanda and Galabodawatta belonging to Juwan Mohoppu; containing in extent about 5 acres and 21 perches.

Commencing at 10 a.m.

3. Half of undivided $\frac{50}{54}$ shares of contiguous portions of the field called Halgahakumbura, situated at Nedungomuwa in the Meda pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by water-course (wella), on the east by the liminary ridge of the field belonging to Karawe Thantirige Marthinu Perera and others, on the south by high land, and on the west by the liminary ridge of the field belonging to Ilange Sinnappu and others; containing in extent about 3 bushels of paddy sowing.

4. An undivided $\frac{1}{2}$ of 369/1080 share of the field called Halgahakumbura, situated at Nedungomuwa aforesaid; and bounded on the north by water-course (wella), on the east by the liminary ridge of the field of Sinnappu, on the south by high land and water-course (wella), and on the west by the liminary ridge of the field belonging to Wickrema-atthige Simon Perera, Vel-Vidamerala; containing in extent about 2 pelas of paddy sowing.

5. An undivided $\frac{1}{2}$ of $\frac{3}{20}$ share of the field called Halgahakumbura, situated at Nedungomuwa aforesaid; and bounded on the north by water-course (wella), on the east by the liminary ridge of the field belonging to Karawe Thantirige Marthinu Perera and others, on the south and west by the liminary ridge of the field belonging to Ilange Sinnappu; containing in extent about one peck of paddy sowing.

6. An undivided $\frac{1}{2}$ share of the six contiguous allotments of fields called Alubogahakumbura in extent about 1 bushel and 1 peck of paddy sowing, Alubogahakumbura *alias* a portion of Marandagahakumbura in extent about 8 kurunies of paddy sowing, a portion of Alubogahakumbura in extent about 2 pecks of paddy sowing, a portion of Alubogahakumbura in extent about $\frac{1}{2}$ a peck of paddy sowing, a portion of Alubogahakumbura in extent about 5 kurunies of paddy sowing, a portion of Galakumbura in extent about 3 pecks of paddy sowing, situated at Nedungomuwa aforesaid; which said allotments are together bounded on the north by water-course (wella), on the east by the liminary ridge of Millagahakumbura belonging to Talge Bastian Peiris, on the south by water-course and the liminary ridge of the portion of Otudena Alubogahakumbura belonging to Weerappuliradage Raphiel Fernando, and on the west by the liminary ridge of the field belonging to Wickrema-aratchige Daniel Perera.

7. An undivided $\frac{1}{2}$ share of the portion of the land called Delgahawatta, situated at Nedungomuwa aforesaid; and bounded on the north by the live fence between the

land called Halawattagewatta, on the east by Higgahawatta, on the south by Halawathagewatta and Delgahawatta, and on the west by a portion of Delgahawatta; containing in extent about 3 roods.

8. An undivided $\frac{1}{2}$ of $\frac{1}{4}$ share of $\frac{1}{4}$ portion of the land called Kongahawatta, situated at Nedungomuwa aforesaid; and bounded on the north by field (wela), on the east by the live fence of another portion of the land belonging to Juwan Peiris, on the south by the ditch of the land called Kadurugahawatta, and on the west by dewata road; containing in extent about 1 bushel of paddy sowing.

9. An undivided $\frac{1}{2}$ of $\frac{1}{2}$ of the defined $\frac{1}{4}$ share of the land called Millagahawatta, situated at Nedungomuwa aforesaid; bounded on the north by the land belonging to Halawathage Bastian Perera, on the east by a portion of this land belonging to Maluge Bastian Dias, on the south by a portion of $\frac{1}{4}$ share of this land belonging to Kotagedera Liyanage Gustan Perera and others, and on the west by $\frac{1}{4}$ share of the land belonging to Kotagedera Liyanage Selestina Perera and others; containing in extent about 2 bushels of paddy sowing.

10. An undivided $\frac{1}{2}$ of $\frac{5}{21}$ share of the land called Horagahawatta, together with the tiled boutique standing thereon, situated at Weliveriya in the Meda pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by the ditch of the portion of Horagahawatta belonging to Habarakadage Domisiyanu Perera and others, on the east by high road from Heneratgoda to Biyagama, on the south by the live fence and the ditch of Gorakagahawatta, and on the west by the ditch of the land belonging to Habarakadage Domisiyanu Perera and others; containing in extent about $\frac{1}{4}$ bushels of paddy sowing.

11. An undivided $\frac{1}{2}$ of $\frac{11}{12}$ share of lot B of the land called Maluge Sambuddi Ambagahawatta, situated at Weliveriya aforesaid; bounded on the north by the live fence of the portion allotted to Dominukku Hewagama-aratchige Domingu Perera, on the east by Biyagama road, on the south by the live fence of the land belonging to Dominikku Hewagama-aratchige Marsal Perera, and on the west by the live fence of the land belonging to Girigoris Dias; containing in extent about 3 roods and 28 perches.

12. An undivided $\frac{1}{2}$ of $\frac{2}{3}$ share of the land called Hurekurunewatta, situated at Weliveriya aforesaid; and bounded on the north by road to Biyagama, on the east by the live fence between the portion of the land called Hurekurugewatta belonging to Hewatantrige Tanna Peiris, on the south by the live fence between the portion of Hurekurugewatta allotted to Santulage Abiliyanu Fernando and others, and on the west by the live fence between the portion of Hurekurugewatta belonging to Hewatantrige Joranis Peiris and others; containing in extent about $1\frac{1}{2}$ bushels of paddy sowing.

13. An undivided $\frac{1}{2}$ share of the second portion of the land called Etaheraliyagahalanda, situated at Weliveriya aforesaid; and bounded on the north-east by ditch and the live fence between the land belonging to K. Goradiyanu Perera and others, on the south-east by third portion allotted to Inasiya Perera, on the south-west by cart road, and on the north-west by the first portion of this land allotted to Maria Salanchiya Perera; containing in extent about 1 rood and $24\frac{1}{2}$ perches.

14. An undivided $\frac{1}{2}$ of $\frac{1}{4}$ share of the land called a portion of Kongahawatta, situated at Weliveriya aforesaid; and bounded on the north by wela, on the east by the live fence of a portion of this land belonging to Hewatantrige Jeelis Peiris and others, on the south by a portion of this land belonging to Simon Peiris, and on the west by the portion of this land belonging to Simon Peiris; containing in extent about $1\frac{1}{2}$ bushels of paddy sowing.

15. An undivided $\frac{1}{2}$ of $\frac{43}{98}$ share of the field called Othudena Dawatagahakumbura, situated at Weliveriya aforesaid; and bounded on the north by Godawella, on the east by inniyara of the field belonging to Romiel Peiris, on the south by Badawella, and on the west by the inniyara of the field belonging to Simon Peiris; containing in extent about 1 bushel and 2 pecks of paddy sowing.

16. An undivided $\frac{1}{2}$ of $\frac{93}{168}$ share of the field called Dawatagahakumbura, situated at Weliveriya aforesaid; and bounded on the north by the inniyara of the field belonging to Simon Peiris, on the east by Godawella, on the south by inniyara of the field of Romiel Peiris, and on the west by the dam; containing in extent about 1 bushel and 2 pecks of paddy sowing.

Fiscal's Office,
Colombo, February 22, 1939.

H. E. PERIES,
Deputy Fiscal.

In the District Court of Colombo.

Muthu Kana Layna Muthucaruppen Chettiar of 95, Sea street, Colombo Plaintiff.

No. 7,115.

Vs.

- (1) Samisi Lebbe Amina Umma, wife of Ismail Lebbe Marikar Mohamadu Edris, (2) Ismail Lebbe Marikar Mohamadu Edris, both of Rajasinghe road, (3) Samsi Lebbe Mohideen of Nelson place, (4) M. S. Mohamed Zakariya of 1, Rajasinghe road, Wellawatta, all in Colombo.....Defendants.
(5) Hamza Edris of 98, Temple road, in Colombo..... Substituted 1st defendant.
(6) Ummu Leila at St. Joseph's street in Colombo..... Substituted 3rd defendant.

NOTICE is hereby given that on Friday, March 17, 1939, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 3,748 dated December 23, 1933, and attested by S. Somasundaram, Notary Public of Colombo, for the recovery of the sum of Rs. 2,347, with interest on Rs. 2,000 at 18 per centum per annum from June 26, 1937, till August 23, 1937, and thereafter on the aggregate amount at 9 per centum per annum limited to 2 years till payment in full, whichever is shorter, viz. :—

1. At 4 p.m.—All that divided western half part marked lot A in the plan marked A dated December 3, 1910, made by Lawrence de Silva, Licensed Registered Surveyor, with the buildings standing thereon of and in all that land and premises bearing assessment No. 77, and presently bearing assessment Nos. 222 and 224, situated at Old Moor street, within the Municipality and in the District of Colombo, Western Province; and which said divided western half part is bounded on the north by Old Moor street, on the east by the other half of the same premises No. 77, on the south by the premises No. 52 of I. L. M. H. Mohideen Hadjar, and on the west by the premises No. 78 of Packeer Tamby Meera Lebbe; containing in extent 595/100 perches.

2. At 4.15 p.m.—An undivided $\frac{1}{2}$ part of a divided half part or share of and in all that allotment of land with the buildings standing thereon bearing assessment No. 77 and presently bearing assessment Nos. 222 and 224, situated at Old Moor street, within the San Sebastian ward of the Municipality and District of Colombo aforesaid; and which said divided $\frac{1}{2}$ share is bounded on the north by the Old Moor street, on the east by the property bearing assessment No. 76 of Mohamado Tamby Sesma Lebbe, on the south by the property of I. L. M. H. Mohideen Hadjar, and on the west by the other divided $\frac{1}{2}$ share of the same property of Samsi Lebbe Amina Umma, wife of I. L. M. Ithroos; containing in extent 595 perches according to plan No. 1,472 dated June 9, 1919, made by J. H. W. Smith, Fiscal's Licensed Surveyor, and which said divided western $\frac{1}{2}$ part and the undivided $\frac{1}{2}$ part of the other divided $\frac{1}{2}$ part have been held by the 1st and 3rd defendants in lieu of the undivided $\frac{1}{2}$ part or share belonging to the said defendants in and out of the entirety of the said premises, to wit :—

All that allotment of land with the buildings thereon bearing assessment No. 77 and presently bearing assessment Nos. 222 and 224, situate at Old Moor street, within the Municipality and District of Colombo aforesaid; bounded on the north by Old Moor street, on the east by the property bearing assessment No. 76 belonging to Mohamado Tamby Sesma Lebbe, on the south by the property of I. L. M. H. Mohideen Hadjar, and on the west by the property bearing assessment No. 78 belonging to Packeer Tamby Meera Lebbe; containing in extent 1189/100 perches.

Prior registration Colombo A 239/250, 222/19.

Fiscal's Office,
Colombo, February 22, 1939.

H. E. PERIES,
Deputy Fiscal.

In the District Court of Colombo.

Tewaratantrige Clara Susan Rodrigo *nee* Fernando of Wekada, in Panadure Plaintiff.

No. 8,066.

Vs.

Kirikankanage Laizarus Francis Perera Jayawardene of Lunawa in Moratuwa Defendant.

NOTICE is hereby given that on Tuesday, March 21, 1939, at 3 p.m., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 627 dated February 12, 1932, attested by Alfred V. Fernando, Notary Public, and declared specially bound and executable under the decree entered in the above action, and ordered to be sold by the order of court dated November 16, 1933/December 2, 1933, for the recovery of the sum of Rs. 1,435, together with interest on Rs. 1,000, at 18 per cent. per annum from December 12,

1937, to June 17, 1938, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and cost of suit Rs. 140.96, viz. :—

All that portion of land called Alubogahawatta, together with the trees, plantations, and buildings standing thereon, situated at Madapatha in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; bounded on the north by a portion of the same land purchased by Don Simon Attygala, Police Vidane, east by Moragahawatta and a portion of Alubogahawatta, south by Alubogahawatta, and on the west by Atadangahawala, Kadadola, in extent land sufficient to plant about 300 coconut plants or 5 acres 1 rood and 29 perches according to the figure of survey No. 1,858 dated May 19, 1914, made by M. William Cooray, Licensed Surveyor. Registered M 329/24.

Fiscal's Office,
Colombo, February 22, 1939.

H. E. PERIES,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Ana Kuna Pana Kuppen Chettiar by his attorney S. K. Chelliah Pillai of Trincomalee street, Kandy Plaintiff.

No. 48,727.

Vs.

- (1). Konara Mudiyanse Ralahamillage Haluwadana Walawwe Palingu Menika, (2). Agaiakotuwegedera Banda Dissanayake, both of Weliganga estate, Ulapane Defendants.

NOTICE is hereby given that on the dates and time mentioned below, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 2636 dated September 29, 1933, and attested by E. H. Wijenaike, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated January 5, 1939, for the recovery of the sum of Rs. 4,400, with interest thereon at the rate of 9 per cent. per annum from May 16, 1938, till payment in full and poundage, viz. :—

Friday, March 31, 1939 commencing at 2 p.m.

1. All that allotment of land called Bopitiyegederawatta described as of two pelas in paddy sowing extent; but containing in extent 1 rood and 10 perches according to the survey and description thereof dated February 22, 1879, and made by S. W. Spencer of Kandy, Licensed Surveyor, situate at Ketawela in the Gandahaya korale of Pata Hewaheta Division of the District of Kandy, Central Province; and bounded on the east and west by the ditch of the garden of Keerale, now belonging to Haluwadana Walawwe Dingiri Banda, south by the ditch of Bopitiyegedera kumbura, and north by the Pitipara of Bopitiyegedera-hena with the buildings and everything thereon.

2. All that allotment of land called Nillegawawatta of about 1 amunam in paddy sowing extent, situate at Ketawela aforesaid; and bounded on the east and north by the fence of Lakam Mahatmaya's garden and ditch, west by the ditch of Aratchilla's garden and south by the ditch of the field with everything thereon.

3. All that field called Kulasekeragederakumbura of about 12 lahas in paddy extent or 3 roods and 2 perches in extent, situate at Ketawela aforesaid; and bounded on the east by the limit of Udagekumbura, south and north by ditch, west by the limitary ridge of Ketawela Aratchilla's field.

4. All that north-western portion being lot marked A in the figure of survey dated January 22, 1917 and made by O. V. Bartholomeusz of Kandy, Licensed Surveyor, of 5 acres 2 roods and 5 perches in extent, from and out of all those contiguous allotments of land called Ketawelawatta and Gederawatta; containing in extent 11 acres and 10 perches in the whole, situate at Ketawela aforesaid; which said north-western portion is bounded on the north and north-east by the lands belonging to Arunasalem Kangany and A. M. Keerale, south-west by the remaining portion of this land being lot marked B in the said plan, south and south-west by Udage kumbura and by Nillawatta with everything thereon.

Saturday, April 1, 1939, commencing at 2 p.m.

5. All those two undivided third parts or shares in extent 2 amunams of paddy sowing or 4 acres of and in all that allotment of land called Pundeluwella Kopiewatta of about 3 amunams in paddy sowing extent, situate at Udu-goda, in Pallegampaha korale of the Pata Dumbura Division

of the District of Kandy aforesaid; and bounded on the east by Kandura and Mala-ela, south by the ditch and fence of Beruwe Aratchille's garden, west by the ditch of Korale Mahatmaya's garden, and north by Pansala-ela with everything thereon.

6. All that northern portion in extent 3 pelas of paddy sowing or 2 acres from and out of all that allotment of land called Pundalu Ellehena Kopiewatta, situate at Udugoda aforesaid; and which said northern portion is bounded on the east by Gurunnelelage ela, south by the ditch of the same land, and west by the limit of Pinhena, north by Mala-ela of Gallenapahurehena with everything thereon, and registered in G 156/124, 125/143, 156/125, E 225/240 and 238/230 and all the right, title, interest, and claim whatsoever of the defendants in, to, upon or out of the said several premises mortgaged by the said defendants.

Fiscal's Office,
Kandy, February 13, 1939.

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

In the matter of the intestate estate of the late Nuga-duwevitanage Lewis de Silva, deceased, of Andugoda, Galle Plaintiff.
No. 6,670 T. Vs.

Mr. L. B. Caspersz, Secretary, District Court,
Galle Official Administrator.

NOTICE is hereby given that on Monday, March 20, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said estate in the following property, viz:—

1. Undivided one bag of paddy sowing extent of Widanelaikumbura at Andugoda in Talpe Pattu of Galle District, Southern Province; and bounded on the north by Kajugahakumbura and Ralahamilaideniya, east by Addarageowita, south by Teahena, west by Gamageikumbura; and in extent 1 amunam of paddy.

2. Undivided 5 kurunies extent of Hitigedeniyewatta and owita, situated at Andugoda aforesaid; and bounded on the north by Hitigewatta, on the east by Radagedeniya, south by Nakandedeniya, and west by Jambugahaowita; and in extent about 4 acres.

3. Undivided 2½ bags paddy sowing extent of Delgahakumbura at Andugoda aforesaid; and bounded on the north by Nakandedeniya, east by Gamageikumbura, south by Teahena, and west by Ambalamagawahena; and in extent 1 amunam of paddy.

4. Undivided 10 kurunies paddy sowing extent of Wellawalakumbura *alias* Ralahamilaikumbura, situated at Andugoda aforesaid; and bounded on the north by Pallewalakumbura, east by Disanayakageowita, south by Widanelaikumbura, west by Kajjugahakumbura; and in extent 6 pelas of paddy.

5. Undivided 8 kurunies paddy sowing extent of Munasingeikumbura at Andugoda aforesaid; bounded on the north by Wallagaha-addarawatta, east by Alutgedorawatta and field, south by Paragaha-addarakumbura, west by Munusingewatta; and in extent 4 pelas of paddy.

6. Undivided 1/5 of Munasingewatta at Andugoda aforesaid; bounded on the north by Lokugewatta, east by Munasingeikumbura, south by Munasingeipittaniya, west by Wattakgodagewatta and Kapparagewatta; and in extent about 2 acres.

7. Undivided 1 bag of paddy sowing extent of Dodan-godakumbura at Kodagoda in Talpe pattu of Galle District, Southern Province; and bounded on the north by Attanaliyadda and Taniperuwatta, east by Dedunna, south by Dedunna Dolkumpawa and Telpeliya, west by Depela and Pattiniwatta; and in extent 6 bages of paddy.

Writ amount Rs. 218/30.

Fiscal's Office,
Galle, February 16, 1939.

T. D. S. DHARMASENA,
Deputy Fiscal.

In the District Court of Matara.

Vitanage Albert Silva of Mirissa Plaintiff.
No. 4,743. Vs.

(1) Edward Benjamin Senaratne of Denepitiya, (3)
Parana Gamage Carolis Appuhamy of Mirissa, (4)
Parana Gamage Babunappu of Mirissa and
others Defendants.

NOTICE is hereby given that on Tuesday, March 21, 1939, commencing at 2 o'clock in the afternoon, will

be sold by public auction at the premises the right, title, and interest of the said plaintiff and 1st defendant, in the following property for the recovery of a sum of Rs. 565.50.

All that undivided sixty-two upon sixty-four parts (62/64) of the contiguous lots A.D.E. and F. of the land called Gallebendigodakumburahena, situated at Mirissa in Weligama korale of Matara District, Southern Province; and bounded on the north by Galahengoda T. P. 197,139, east by Maguranbahinakadawatta *alias* Kekirikamatta, south by Timbirigahawewa and on the west by lots B. and C. of the same land; and containing in extent 9 acres 2 roods and 16 perches, as per plan No. 1,087 made by Mr. J. D. de Niese, Licensed Surveyor, Matara.

Deputy Fiscal's Office,
Matara, February 13, 1939.

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

Northern Province.

In the District Court of Jaffna.

A. Thalayasingam of Urumpiray Plaintiff.
No. 13,050. Vs.

(1) Woodhull Sinnadurai and wife, (2) Sithamparam of
Thunavy Defendants.

NOTICE is hereby given that on Saturday, March 18, 1939, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 1,996, with interest on Rs. 1,500, at the rate of 8 per cent. per annum from April 7, 1938, till payment in full, and costs Rs. 118/35, and poundage and charges, viz:—

1. A piece of land situated at Urumpiray in Kopay parish, Valigamam east division of the Jaffna District, Northern Province, called "Nayinathevan seema and Mayiliyavalavu" in extent 5 lms.v.c., and 10½ kls., with cultivated and spontaneous plantations, share of water of well situated in the land lying on the south-eastern side and the right of way and water-course; is bounded on the east and south by lane, north by Paththumapatthy, wife of Sivagnaratnam, and on the west by Thajyalanmai, wife of Ponnampalam. The whole hereof, with its appurtenances.

2. A piece of land situated at ditto, called "Koddy seema and Thachchan seema" and other parcels, in extent 14½ lms.v.c., with palmyra palms and spontaneous plantations, is bounded on the east by Theivanai wife of Sellappah and shareholders, and lane, north by Vallipuram Rasanayagam and others, west by Sinnachchy, widow of Mailvaganam, V. Rasanagagam and others, and on the south by Sadaiyan Ponnai and shareholders and lane. Of this an undivided one-fourth share with its appurtenances.

Fiscal's Office,
Jaffna, February 18, 1939.

M. SELVADURAI,
for Fiscal.

North-Western Province.

In the District Court of Colombo.

In the matter of the Last Will and Testament of Perumunagamage Don Abilino, late of Colombo, deceased.

No. 5,180. Vs.
Amaratunga Aratchige Welhima Perera of Ja-
ela Executrix.

NOTICE is hereby given that on Saturday, March 25, 1939, commencing at 3 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said estate in the following property, for the recovery of the sum of Rs. 6,005/44, with interest thereon, from May 26, 1931, to date of payment, being balance estate duty due in this case together with a further sum of Rs. 27/60, being cost of a citation and of this writ which sums have not been paid, and poundage, viz:—

1. All that and those the several allotments of land forming one property called and known as Pollapitiyawatta, in extent 23 acres 1 rood and 36 perches, together with its adjoining field in extent 36 perches, situate at Messagammama in Tiragandahe korale (east) of Weuda Willi hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by the garden of Thamby, on the North-east by the garden of Hewapola Officer, east by the garden of Sammara and others, on the south by the field of Athisena and others, on the west and south-west by the garden of Asanda and others, and on the north-west by the Gansabhawa road.

2. All those contiguous allotments of lands called Pilapitiyehena *alias* Peelapitiyehena, now garden of about one pela kurakkan sowing extent, its adjoining Telambagahamulahena, now garden of about 3 lahas kurakkan sowing extent, an undivided 3/4 share of Gederakotuwehena, now garden of about 6 lahas of 8 lahas kurakkan sowing extent which has now been divided, and Palugahawattehena, now garden of 1 acre and 31 perches in extent, all now form one property called and known as Peelapitiyewatta, together with the buildings, plantations, and everything thereon, situated at Messagammana aforesaid; and bounded on the north by Galmoratu bush, on the limit of the chena of Mutuwa and wire fence, east by Pitiyeroda, now wire fence of the field of the Mortgagor and others, south by Karanda bush on the limit of the chena of Abadda and others, now wire fence of the garden of the Mortgagor and another, and on the west by Heena-Mudunen-Meha, now by wire fence of the garden of the Mortgagor and another; containing in extent about 21 acres, held and possessed under and by virtue of deed No. 924 dated October 12, 1929, attested by K. Kandiah, Notary Public.

3. All that and those, the several allotments of land forming one property called and known as Gangodawatta, in extent 11 acres and 3 roods, situated at Hewapola in the korale aforesaid; and bounded on the north by the garden of Kalu Banda, on the north-east by the field of Aruma, on the east and south-east by water course, on the south-west by the field of Isanda and others, and on the north-west by the chena of Wastuwa and garden of Hewapola officer and others according to the figure of Survey No. 618 dated October 9, 1924, made by C. H. de Silva Wickramatilaka, Licensed Surveyor.

4. All that land called Hachiliadde Pillewa, situated at Hewapola aforesaid; and bounded on the north by the field and the fence of Midiwelawatta, on the east by the Midiwelawatta, on the south by the fence of the garden belonging to P. Don Abilino, and on the west by the field; containing in extent about one laha of kurakkan sowing.

5. All that and those, the several contiguous allotments of land forming one property called and known as Dunumadalagahamulahena, Palugamakadawarawatthehena, Paluwatta, Kadawarawatta, Paragawahena, and Totapalagawahena which said lands contain in extent 16 acres 1 rood and 32 perches, Korasawelgalahena of about 6 acres kurakkan sowing extent, half share of Kudadalupota Kumbure Pillewa of about 3 acres kurakkan sowing extent, Kadawarawatta of about 6 lahas kurakkan sowing extent, one-third share of Wiyane Aswedduma of 2 pelas paddy sowing extent, and adjoining Pillewa of about 3 acres kurakkan sowing extent, Aswedduma Kumbura of 5 pelas paddy sowing extent, and adjoining Unambuwehena of 3 lahas kurakkan sowing extent, Pobuvila Pillewa of about 3 lahas kurakkan sowing extent, Viyana Aswedduma of 6 pelas paddy sowing extent and one-third share of the two pillawas of about 3 seers kurakkan sowing extent, one-third part or share of Viyana Aswedduma of 3 pelas paddy sowing extent, and the adjoining two Pillewas of 3 seers kurakkan sowing extent, Palugama, Millagahamulahana of 3 lahas kurakkan sowing extent, and Dangolahena of 6 lahas kurakkan sowing extent, and which said above described several allotments of land and shares of allotments now adjoin each other and form one property, and are situated at Doraliyawa (Doratiyawa) in the korale aforesaid, and Messagammana aforesaid; and bounded on the north by the field belonging to Kallandingiri Banda and others, and the highland belonging to Juse Appuhamy, on the east by the land belonging to James Appu, and the road leading to Katupitiya, and also the land of T. B. Ranawana, on the south by the land belonging to the Crown, and the land belonging to Selwita Walawwa, and Ukku Banda, and on the west by the lands and field belonging to Dingri Banda, Hendirick Appuhamy, Peace Officer, Kirihamy, Upasakaya, Punchirala, Setuwa, Nicothia, Ukku Banda, Agilis Appu, and others; and containing in extent 58 acres 3 roods and 25 perches according to the Survey and description thereof, bearing No. 5,061 dated January 29, 1903, made by J. W. Koelmeyer, Licensed Surveyor and Leveller.

Fiscal's Office, CHARLES DE SILVA,
Kurunegala, February 20, 1939. Deputy Fiscal.

Province of Uva.

In the District Court of Badulla.

Siththampalam Mailvaganam of Badulla Plaintiff.
No. 6,021. Vs.

A. M. Abdul Cader of Ward Street, Badulla, administrator of the Estate of Kawenna Mohaiadeen Pitche, deceased Defendant.

NOTICE is hereby given that on Saturday, March 18, 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 defendant in the following property for the recovery of a sum of Rs. 2,000, being the aggregate amount of the principal and interest due in respect of mortgage Bonds Nos. 1762, 1763 dated March 13, 1928, and February 26, 1928, together with interest at the rate of 9 per cent. per annum from the date of decree, till payment in full and costs, viz:—

1. All that undivided middle boutique room bearing assessment No. 873A, standing on the land called Alamegedrawatta containing in extent sixty feet in length and thirty-five feet in breadth, situated at Lower Street, in the town of Badulla and bounded on the north by the fence of the garden belonging to Bogoda Vihare, east by the remaining portion of this land, south by the remaining portion of this land, and on the west by high road.

2. All that undivided northern boutique room bearing assessment No. 873B standing on the land called Alamegedarawatta, containing in extent sixty feet in length and thirty-five feet in breadth situated at Lower street in the town of Badulla, and bounded on the north by the fence of the garden belonging to Bogoda Vihare, east by the remaining portion of this land, south by the remaining portion of this land, and on the west by the high road.

Fiscal's Office,
Badulla, February 20, 1939.

T. J. MENDIS,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi (de-bonis-non).

Testamentary In the Matter of the Last Will and Testament of Vidanelage Charles William de Mel of Moratuwa, deceased.
No. 817 C.

Francis Johannes Marcus de Mel of Trentino, Horton Place, Colombo Petitioner.

And

(1) William Francis Leopold de Mel, a person of unsound mind, appearing by his guardian *ad litem*, (2) Sterton Leonard de Mel of Moratuwa Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 6, 1939, in the presence of Messrs. Fernando, & Fernando, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 26, 1939, having been read:

It is ordered that the last will of Vidanelage Charles William de Mel, deceased, of which the original had been produced, and is now deposited in this court be and the same is hereby declared already proved; and it is further declared that the petitioner is entitled to have letters of administration *de-bonis-non* issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be and he is hereby appointed guardian *ad litem* of the 1st respondent above named, a person of unsound mind to represent him for all the purposes of this action.

February 16, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Yapa Appuhamillage Don Jan Peris Jayasingha Appuhamy, late Registrar of Marriages, Births and Deaths of Paluwa Peruwa in Kossinna, deceased.
No. 8,673.

Jayasuriya Aratchige Dona Bastiana Hamine of Kossinna, in the Meda Pattu of Siyane Korale. Petitioner.

And

(1) Yapa Appuhamillage Dona Marthina Jayasinghe Hamine, presently of Nittambuwa, (2) Yapa Appuhamillage Dona Cornelia Jayasinghe Hamine, (3) Yapa Appuhamillage Dona Gigel Jayasinghe both of Kossinna aforesaid Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on December 20, 1938, in the presence of Mr. D. F. J. Perera, Proctor, on the

part of the petitioner above named; and the affidavit of the said petitioner dated December 19, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondent above named or any other person or persons interested shall, on or before January 19, 1939, show sufficient cause to the satisfaction of this court to the contrary.

January 11, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against this order is extended for March 2, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Beepathumma, widow of the late Puthiyaveetil Maccarunni of Nattika Amsom and Desam Ponnani, Taluk in South Malabar, deceased.

Ummuru, son of Puthiyaveetil Makkarunni of Nattika Amsom Desom Ponnani Taluk aforesaid, presently of No. 175, Bankshall Street, Colombo, Petitioner.

And

(1) Puthiyaveetil Bavu, (2) Puthiyaveetil Pareekutty, (3) Puthiyaveetil Mohammadunni, and (4) Puthiyaveetil Ummiah, all of Nattika Amsom Desom Ponnani Taluk aforesaid Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on January 6, 1939, in the presence of Mr. K. Chelliah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 23, 1938, power of attorney dated December 25, 1938, and the Supreme Court order dated December 16, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as an heir of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

January 11, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Kiribathgodage Albert Singho of Thimbirigasyaya, deceased.

Geekiyana Don Robert Elwitigala of 274, Thimbirigasyaya, Colombo Petitioner.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on January 9, 1939, in the presence of Mr. Ernest A. de Silva, Proctor, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated December 2, 1938, and (2) of the attesting witnesses dated December 1, 1938, having been read:

It is ordered that the last will of Kiribathgodage Albert Singho, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor in the said will and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

January 11, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of the Reverend George Herbert Green, late of Lympe Vicarage, near Hythe in the County of Kent, Clerk, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 7, 1939,

in the presence of Patrick Merle Duggan of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated February 3, 1939, exemption of probate of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's Order dated January 26, 1939, having been read: It is ordered that the will of the said deceased dated June 18, 1935, of which an exemption of probate has been produced, and is now deposited in this court be and the same is hereby declared proved, and it is further declared that the said petitioner is one of the attorneys of two of the executors named in the said will, and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

February 7, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of the late Arangalage Dona Elshahmy of Homagama, in the Palle Pattu of Hewagama Korale, deceased.

Maniyangamage Don Charles of Homagama aforesaid Petitioner.

And

(1) Maniyangamage Emalin Nona of Homagama aforesaid, (2) Panduwawala Kankanamalage Yohanis Appu of Wehailgama in the Adicari Pattu of Siyane Korale Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on January 20, 1939, in the presence of Mr. A. Clive Abeyewardene, Proctor, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated January 12, 1939, and (2) of the attesting witnesses dated January 12, and 13, 1939, having been read:

It is ordered that the last will of Arangalage Dona Elshahmy, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved and it is further declared that the petitioner is the executor in the said last will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

January 24, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. of Reginald Godfred Perera of Pagoda, deceased.

Merle Edna Hyacinth Perera of Pagoda Petitioner.

And

(1) Ranjit Majintha Perera, and (2) Nalin Crysantha Perera, 1st and 2nd are minors appearing by their guardian *ad litem* (3) Abraham Edward Wijesinghe of Pagoda Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on January 20, 1939, in the presence of Mr. H. Welivittigoda, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 18, 1939, having been read:

It is ordered (a) 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, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above-named or any other person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of the court to the contrary.

January 24, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Sheikka Marikar Kadija Umma, widow No. 8,712. of the late C. L. Noordeen Hadjar, deceased.

Noordeen Hadjar Abdul Wahab of 100, Stanley Place, Colombo Petitioners

Vs.

Noordeen Hadjar Ummu Sadicka, wife of O. L. M. Ha-meed of 110, Stanley Place, Colombo Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on January 31, 1939, in the presence of Mr. S. Kanagarajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 28, 1939, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above named deceased, to have letters of administration to her estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI,
District Judge.

February 11, 1939.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Louisa Pickering of 6, Tudor House, Hanworth in the County of Middlesex, England, widow, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 7, 1939, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Walter Edward Keell of Colombo; and the affidavit of the said petitioner dated February 3, 1939, an affidavit as to the due execution of the will with a certified true copy of the will attached thereto, original will, certificate of death of the abovenamed deceased, power of attorney in favour of the petitioner and Supreme Court's Order dated January 23, 1939, having been read: It is ordered that the will of the said deceased dated July 3, 1935, 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 said petitioner is one of the attorneys of the sole executrix named in the said will, and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI,
District Judge.

February 7, 1939.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the matter of the Last Will and Testament and Codicil of Sir Sorabji Nusserwanji Pochkhanawala of Bombay, India, Parsi-Inhabitant, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 10, 1939, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Edulji Sorabji Captain of Colombo; and the affidavit of the said petitioner dated February 7, 1939, a certified copy of probate of the last will and testament and codicil of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's Order dated January 26, 1939, having been read: It is ordered that the will of the said deceased dated December 7, 1933, and a codicil thereto dated August 26, 1935, of which a certified copy of probate has been produced, and is now deposited in this court be and the same are hereby declared proved; and it is further declared that the said petitioner is the attorney of the executors named in the said will, and that he is entitled to have letters of administration with copies of the said will and codicil annexed issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

W. Sansoni,
District Judge.

February 10, 1939.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Lady Evelyn Hope Villiers, wife of Sir Thomas Lister Villiers of Colombo, in the Island of Ceylon, and of Adisham, Haputale, in the said Island, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 14, 1939, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Cecil Grandison Colquhoun Kerr of Colombo; and (1) the affidavit of the said petitioner dated February 8, 1939, (2) the affidavit of the attesting Notary of the Will dated February 13, 1939, and (3) the order of the Supreme Court dated January 30, 1939, having been read: It is ordered that the will of the said Lady Evelyn Hope Villiers deceased, bearing No. 1,057, dated September 14, 1933, and attested by David Ernest Martensz of Colombo, Notary Public, 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 Cecil Grandison Colquhoun Kerr is one of the executors named in the said will, and that he is entitled to have probate thereof issued to him accordingly, with power reserved to the remaining executors, unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI,
District Judge.

February 14, 1939.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of George Hopewell Stephens of Trevor Dene Evesham Road, Cheltenham in the County of Gloucester, England, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 14, 1939, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Kenneth Ashton Robertson of Colombo; and (1) the affidavit of the said petitioner dated February 9, 1939, (2) the power of attorney dated October 24, 1938, and (3) the order of the Supreme Court dated February 3, 1939, having been read: It is ordered that the will of the said George Hopewell Stephens, deceased dated April 11, 1934, a certified copy of which under the seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Kenneth Ashton Robertson is the attorney in Ceylon of the executors named in the said will and that he is entitled, to have letters of administration (with will annexed) issued to him, accordingly unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI,
District Judge

February 15, 1939.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament (with codicil) of Sir John William Anderson Bell, Knight of 10, Cumberland Terrace, Regents Park, in the County of London, and of 122, Leadenhall Street in the City of London, England, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 15, 1939, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner Norman Oswald Cyril Marsh of Colombo; and (1) the affidavit of the said petitioner dated February 14, 1939, (2) the power of attorney dated November 29, 1938, and (3) the order of the Supreme Court dated February 9, 1939, having been read: It is ordered that the will of the said Sir John William Anderson Bell, deceased dated December 28, 1933, and a codicil thereto dated December 28, 1933, a certified copy of which under the seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Norman Oswald Cyril Marsh is the attorney in Ceylon of the executors named in the said will

and that he is entitled to have letters of administration (with will and codicil annexed) issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

February 16, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament (with two codicils) of Arthur Cressee Underwood, formerly of 310, Washwood Heath Road in the City of Birmingham, England, but late of "Algores" Felstead in the County of Essex, England, retired Medical Practitioner, deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 16, 1939, in the presence of Mr. Victor Gnanaratnam Cooke, Proctor, on the part of the petitioner, David Ernest Martensz of Colombo; and (1) the affidavit of the said petitioner dated February 3, 1939, (2) the power of attorney dated September 15, 1938, and October 12 and 14, 1938, and (3) the order of the Supreme Court dated January 27, 1939, having been read: It is ordered that the will of the said Arthur Cressee Underwood, deceased dated November 3, 1928, (and two codicils thereto dated November 9, 1933, and August 2, 1935), a certified copy of which under the seal of the District Probate Registry at Birmingham of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said David Ernest Martensz, is the attorney in Ceylon of the executors named in the said will and first codicil and that he is entitled to have letters of administration (with will and codicils annexed) issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

February 16, 1939.

W. SANSONI,
District Judge.

In the District Court of Avisawella.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Sinna Lebbe Ismail Lebbe of Napawala, deceased.

Meera Lebbe Saveriyath Umma of Napawala . . . Petitioner.

Vs.

(1) Ismail Lebbe Isuwa Umma and her husband, (2) Uduma Lebbe Isacku, both of Napawala, (3) Majidu Lebbe Ariffa Umma and her husband, (4) Hadjee Marikar Mohamed Thaha, both of Napawala . . . Respondents.

THIS matter coming on for disposal before S. S. J. Goonesekere, Esq., District Judge of Avisawella, on January 6, 1939, in the presence of Mr. V. C. Kelaart, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 23, 1938, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before January 31, 1939, show sufficient cause to the satisfaction of this court to the contrary.

January 6, 1939.

S. S. J. GOONESEKERA,
District Judge.

This *Order Nisi* has been extended for February 28, 1939.

S. S. J. GOONESEKERA,
District Judge.

In the District Court of Avisawella.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Maruthappen, Head Kangany and Kanaka Pulle, deceased, of Eheliyagoda Group in Eheliyagoda.

No. 276.
K. R. A. L. Suppiah, Head Kangany and Kanaka Pulle of Eheliyagoda Group in Eheliyagoda. . . Petitioner.

Vs.

(1) Patchy, (2) V. M. Ramasamy, a minor by his guardian *ad litem* the 1st respondent, both of Eheliyagoda Group in Eheliyagoda. . . Respondents.

THIS matter coming on for disposal before S. S. J. Goonesekera, Esq., District Judge of Avisawella, on February 9, 1939, in the presence of Mr. V. C. Kelaart, Proctor, for the petitioner above named; and the petition and affidavit of the petitioner above named having been read:

It is ordered that (a) the 1st respondent above named be and she is hereby appointed guardian *ad litem* over the minor, the 2nd respondent to represent him for the purposes of this action and (b) that the petitioner be and he is hereby declared entitled, as brother-in-law of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above-named or any other person or persons interested shall, on or before March 2, 1939, show sufficient cause to the satisfaction of this court to the contrary.

February 9, 1939.

S. S. J. GOONESEKERA,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Kanagaratnam Kamadchiammah of Tellippallai West, deceased.

No. 700.
Kandiah Thirumavukkarasu of Victoria road Jaffna Petitioner.

Vs.

(1) Kanagaratnam Kanagasabapathy, minor by his guardian *ad litem*, (2) Akilandanayaki, wife of Sothinagaratnam both of Victoria Road, Jaffna, (3) Thambar Kanagaratnam of Changanai Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on February 7, 1939, in the presence of Mr. S. Canagisabai, Proctor, on the part of the petitioner, and the petition and affidavit of the petitioner having been read:

It is ordered that the second named respondent be appointed guardian *ad litem* over the first-named respondent to watch his interests in the said Testamentary action and that the petitioner as uncle of the deceased, be appointed administrator over the estate of the said deceased, and that letters of administration be granted to him accordingly, unless the respondents or any other person shall, on or before March 24, 1939, appear before this court and show sufficient cause to the satisfaction of the court to the contrary.

February 15, 1939.

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 Karnapathy, wife of Mailvaganam of No. 84/PT Puloly West, deceased.

Chellamma, widow of Alvapillai Subramaniam of Puloly West Petitioner.

Vs.

(1) Ramanather Subramaniam of Thumpalai, (2) Annapooranam, daughter of Subramaniam, (3) Maheswary, daughter of Subramaniam, (4) Subramaniam Balasubramaniam, (5) Sivakolunthu, daughter of Subramaniam, (6) Subramaniam Balakrishnan, (7) Subramaniam Balasuntharam, all of Puloly West, (8) K. Chinnathamby Mailvaganam of Puloly West, presently of Kuala Lumpur Respondents.

THIS matter of the petition of the above-named petitioner praying that the 1st respondent be appointed guardian *ad litem* over the 2nd, 3rd, 4th, 5th, 6th, and 7th respondents and that letters of administration to the estate of the deceased above named be issued to her coming on for disposal before Simon Rodrigo, Esq., Additional District Judge, on November 25, 1938, in the presence

of Messrs Kandaiya and Mailvaganam, Proctors, on the part of the petitioner and the affidavit of the petitioner dated November 22, 1938, having been read :

In is ordered that the 1st respondent be and he is hereby appointed guardian *ad litem* over the 2nd, 3rd, 4th, 5th, 6th, and 7th minor respondents and that letters of administration to the estate of the deceased above-named, be issued to the petitioner, unless the respondents or any other person shall, on or before January 20, 1939, show sufficient cause to the satisfaction of this court to the contrary.

January 11, 1939.

S. RODRIGO,
Additional District Judge.

Extended for service returnable March 3, 1939.

S. R.
A.D.J.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the matter of the Intestate Estate and Jurisdiction. effects of the late Warnakulasuriya No. 2,232. Uswattaliyanage Medardu Perera, Police Headman of Dummaladeniya in Chilaw District, deceased.

THIS matter coming on for disposal before M. A. Smarakoon, Esq., District Judge of Chilaw, on January 20, 1939, in the presence of Mr. A. S. Goonesekera, Proctor, on the part of the petitioner, Warnakulasuriya Uswattaliyanage Wilfrid Perera of Dummaladeniya, and the affidavit of the said petitioner dated September 28, 1938, and the motion dated January 18, 1939, having been read :

It is ordered that the petitioner, as the eldest son of the deceased abovenamed, is declared entitled to have letters of administration to his estate issued to him accordingly unless the respondents (1) Warnakulasuriya Marthina Waas, (2) Warnakulasuriya Uswattaliyanage Jane Perera, (3) ditto Sophia Perera, (4) ditto Paul Perera, (5) ditto Lily Margaret Alout Perera, (6) ditto Euprasia Agnes Perera, and (7) ditto Anthony Stanley Justin Perera, all of Dummaladeniya aforesaid, or any other person or persons interested shall, on or before February 28, 1939, show sufficient cause to the satisfaction of this Court to the contrary.

It is further ordered that the 4th respondent above-named be and he is hereby appointed guardian *ad litem* over the 5th, 6th, and 7th respondents, minors, to represent

them for all the purposes of this action, unless the respondents or any other person or persons interested shall on or before the said February 28, 1939, show sufficient cause to the satisfaction of this Court to the contrary.

January 20, 1939.

M. A. SAMARAKOON,
District Judge.

In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Ganepalle Korallage Dhanawardena No. 8,720. Bandara of Kiriella, deceased. D.C. Colombo.

Between

Cornelia Ellen Bandara Kiriella of Pendennis avenue, Kollupitiya, Colombo. Petitioner.
And

(1) A. E. B. Kiriella of Pendennis avenue, Kollupitiya, (2) Ganepalle Korallage Gunapala Menike (wife of Wilfred Muttettuwagama, Proctor), of 17th lane, Kollupitiya, (3) Ganepalle Korallage Gunawathie Menike of Pendennis avenue, Kollupitiya, (4) Dr. Nicholas Attygalle of Jaffna house, Ward place, Colombo. Respondents.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge of Ratnapura, on December 21, 1938, in the presence of Mr. D. E. Weerasooria, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated December 19, 1938, having been read :

It is ordered that the 4th respondent above named be appointed guardian *ad litem* over the 3rd minor respondent above named, for the purpose of these proceedings, and it is further declared that the said petitioner above named is the widow of the deceased above named, and that she is entitled to have letters of administration issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before February 6, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 21, 1938.

L. H. DE ALWIS,
District Judge.

(Case transferred from District Court, Ratnapura, to District Court, Colombo.)

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to March 9, 1939.

February 17, 1939.

W. SANSONI,
District Judge.

DRAFT ORDINANCES.

(Continued from page 108.)

MINUTE.

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

An Ordinance to make amendments in certain Ordinances of this Island.

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 Statute Law Revision Ordinance, No. of 1939.

Amendment of certain Ordinances.

2 The Ordinances specified in the first column of the Schedule are hereby amended in the manner specified in the second column of that Schedule.

Ordinance to have effect from 30th June, 1938.

3 This Ordinance shall have effect as if it had come into operation on the thirtieth day of June, nineteen hundred and thirty-eight.

SCHEDULE.

First Column.

Second Column.

Ordinance No. 5 of 1839.

(a) In section 1 for the words " every such offender, being convicted thereof shall be deemed guilty of a misdemeanor and punished accordingly " there shall be substituted the words " he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding one year, or to a fine not exceeding one thousand rupees, or to both such imprisonment and fine ".

First Column.	Second Column.
Ordinance No. 17 of 1869.	<p>(b) After section 8 there shall be inserted the following section :—</p> <p>“ 9. (1) A Magistrate shall have power to try summarily any person who commits a breach of any of the provisions of this Ordinance and to impose the full penalties prescribed by this Ordinance, anything in the provisions of the Criminal Procedure Code to the contrary notwithstanding.</p> <p>(2) All penalties and forfeitures, payable under this Ordinance may be recovered as if they were fines imposed by a Magistrate's Court.”</p>
Ordinance No. 2 of 1911	<p>In section 65 for the words “ and every person who shall wilfully destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanor, and shall upon conviction suffer the punishment by law inflicted in cases of misdemeanor ; but if such person shall be an officer of customs not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignor, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such waste, spoil, or embezzlement shall ”, there shall be substituted the words “ and every person who shall wilfully destroy or commit criminal breach of trust of any goods duly warehoused, shall be deemed guilty of an offence, and shall upon conviction be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ; but if such person be an officer of customs not acting in the due execution of his duty, and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occasioned by such waste, spoil, or criminal breach of trust shall.”.</p>
Ordinance No. 5 of 1891	<p>In section 4 for the words “ and Secretary of the Planters' Association of Ceylon, the Rural Member of the Legislative Council ” there shall be substituted the words “ the Deputy Chairman, and Secretary of the Planters' Association of Ceylon ”.</p> <p>(a) In section 1 for the words “ the Assistant Controller of Revenue or such other public officer of similar standing as the Governor may be pleased to appoint instead of him ” there shall be substituted the words “ such public officer as the Governor may be pleased to appoint.”.</p> <p>(b) In paragraph (a) of subsection (1) of section 3 for the words “ The officer for the time being lawfully acting as Assistant Controller of Revenue, or such other public officer of similar standing as the Governor may be pleased to appoint instead of him ” there shall be substituted the words “ such public officer as the Governor may be pleased to appoint ”.</p> <p>(c) In subsection (1) of section 5 for the words “ The officer for the time being lawfully acting as Assistant Controller of Revenue, or such other public officer of similar standing as the Governor may be pleased to appoint instead of him,” there shall be substituted the words “ Such public officer as the Governor may be pleased to appoint.”.</p>
Ordinance No. 17 of 1852	<p>In section 2 for the words “ to the Secretary of the proper District Court, to be by him registered and preserved in the District Court in like manner as notarial deeds of a similar description ; and all persons interested in any such deed shall be entitled, on furnishing the proper stamp, to demand a copy or extract of such deed, certified as correct by the said secretary, for which copy or extract a fee of four shillings shall be</p>

First Column.	Second Column.
	paid to the said secretary, who shall pay the same into the public treasury." there shall be substituted the words "to the Registrar of Lands in accordance with section 4 of the Registration of Documents Ordinance to be by him registered and preserved in the Land Registry in like manner as notarial deeds of a similar description; and all persons interested in any such deed shall be entitled, on furnishing the proper stamp, to demand a copy or extract of such deed, certified as correct by the said Registrar of Lands, for which copy or extract a fee of two rupees shall be paid to the said Registrar of Lands who shall pay the same into the Treasury."
Ordinance No. 11 of 1842.	In section 4 for the words "Colonial Secretary" there shall be substituted the words "Registrar-General".
Ordinance No. 7 of 1853.	In section 155 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Attorney-General".
The Ceylon Savings Bank Ordinance, 1859.	In section 9 for the words "The Treasurer of the Colony" there shall be substituted the words "The Financial Assistant and Accountant of the Treasury".
Ordinance No. 13 of 1864.	In section 8 for the word "Treasurer" there shall be substituted the words "Director of Medical and Sanitary Services".
Ordinance No. 4 of 1865.	(a) In section 5 for the word "Treasurer" where it first occurs and where it occurs for the third time there shall be substituted the words "Deputy Financial Secretary". (b) In subsection (1) of section 18 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary". (c) In subsection (2) of section 18 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary".
Ordinance No. 17 of 1869.	(a) In section 15 for the words "Treasurer or the Sub-accountants" there shall be substituted the words "Deputy Financial Secretary". (b) In section 119 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
Ordinance No. 1 of 1873.	In section 17 for the words "Colonial Secretary" there shall be substituted the words "Director of Medical and Sanitary Services".
Ordinance No. 3 of 1880.	For the word "Treasurer" wherever it occurs in the Ordinance there shall be substituted the words "Financial Secretary".
The Ceylon Paper Currency Ordinance, 1884.	(a) In section 3 for the words "Colonial Secretary" there shall be substituted the words "Financial Secretary". (b) In section 3 for the word "Treasurer" there shall be substituted the words "Deputy Chief Secretary". (c) In section 3 for the words "Auditor-General" there shall be substituted the words "Commissioner of Stamps". (d) In subsection (1) of section 24 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary". (e) In subsection (2) of section 24 for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Youthful Offenders Ordinance, 1886.	(a) In section 45 for the words "the Colonial Secretary, or of an Assistant Colonial Secretary" there shall be substituted the words "The Director of Education". (b) In section 47 for the words "the Colonial Secretary or any Assistant Colonial Secretary" there shall be substituted the words "the Director of Education".

First Column.	Second Column.
Ordinance No. 4 of 1887.	In section 9 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Civil Procedure Code, 1889.	(a) In the explanation to section 466 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary". (b) In section 469 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary".
Ordinance No. 22 of 1889.	In section 1 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary".
The Public Officers' Security Ordinance, 1890.	(a) In paragraph (a) of subsection (1) of section 2 for the words "Colonial Treasurer" and "Treasurer" respectively there shall be substituted the words "Deputy Financial Secretary". (b) In section 2A for the words "Colonial Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary". (c) In subsection (1) of section 4 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (d) In subsection (1) of section 4 for the words "Auditor-General" there shall be substituted the words "Deputy Financial Secretary". (e) In section 5 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary". (f) In sections 5, 6 and 10 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Deputy Financial Secretary".
Ordinance No. 21 of 1890.	In section 4 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
Ordinance No. 24 of 1890.	In subsection (1) of section 10 for the words "Colonial Secretary or by an Assistant Colonial Secretary" there shall be substituted the words "Inspector-General of Prisons".
The Building Societies' Ordinance, 1891.	In section 3 for the words "Registrar for the time being of the Supreme Court" there shall be substituted the words "Registrar-General".
The Ceylon Inscribed Rupee Stock Ordinance, 1892.	(a) In sections 2, 4, 5 and 19 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary". (b) In section 6 for the words "Auditor-General" there shall be substituted the words "Deputy Chief Secretary".
The Small Towns Sanitary Ordinance, 1892.	In section 6 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government".
The Ceylon Evidence Ordinance, 1895.	In subsection (1) of section 78 for the words "Colonial Secretary or an Assistant Colonial Secretary" there shall be substituted the words "Chief Secretary, or an Assistant Chief Secretary".
The Municipal Councils Amendment Ordinance, 1896.	In paragraph (v) of section 36, in section 45, in paragraph (5) of section 50, and section 59 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Director of Medical and Sanitary Services".
The Widows' and Orphans' Pension Fund Ordinance, 1898.	(a) In section 3 for the words "Colonial Treasurer" there shall be substituted the word "Treasury". (b) In subsection (3) for section 5, in section 7, in subsections (2) and (3) of section 9 and in section 19 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary".
The Criminal Procedure Code, 1898.	(a) In paragraph (f) (3) of section 309 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".

First Column.	Second Column.
The Antiquities Ordinance, 1900.	(b) In subsection (2) of section 369 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary". (c) In subsection (2) of section 374 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".
The Lepers Ordinance, 1901.	(a) In subsection (2) of section 8 for the words "Colonial Secretary" there shall be substituted the words "Archæological Commissioner". (b) In section 19 for the words "Colonial Secretary" there shall be substituted the words "Archæological Commissioner".
The Estate Roads Ordinance, 1902.	(a) In section 7 for the words "Colonial Secretary" there shall be substituted the words "Minister of Health". (b) In section 8 for the words "Colonial Secretary" there shall be substituted the words "Minister of Health".
The Patents Ordinance, 1906.	(a) In section 10 for the words "Colonial Secretary" there shall be substituted the words "Executive Committee of Local Administration". (b) In section 36 for the word "Treasurer" there shall be substituted the words "Financial Secretary".
The Notaries Ordinance, 1907.	(a) In subsection (2) of section 30 for the words "Colonial Secretary" there shall be substituted the words "Registrar of Patents". (b) In section 48 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (c) In section 49 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
The Vagrancy Ordinance, 1907.	(a) In subsection (1) of section 21 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary". (b) In subsection (2) of section 23 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".
The Destitute Immigrants Regulation Ordinance, 1907.	(a) In subsection (1) of section 8 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary". (b) In the Schedule for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
The Ceylon Post Office Ordinance, 1908.	(a) In section 4 for the words "Colonial Treasurer" there shall be substituted the words "Financial Secretary". (b) In subsection (2) of section 13 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary". (c) In paragraph (b) of section 14 for the words "Colonial Secretary" there shall be substituted the words "Chief Secretary".
The Ceylon Telegraph Ordinance, 1908.	In subsection (2) of section 27 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police".
The Game Protection Ordinance, 1909.	In subsection (2) of section 5 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police".
The Stamp Ordinance, 1909.	In subsection (1) of section 16 for the words "Colonial Secretary" there shall be substituted the words "Marine Biologist".
	In the list of exemptions to item 47 of Part I of Schedule B for the word "Treasurer" there shall be substituted the words "Deputy Financial Secretary".

First Column.	Second Column.
The Contagious Diseases (Animals) Ordinance, 1909.	In subsection (2) of section 6 for the words "Colonial Secretary" there shall be substituted the words "Government Veterinary Surgeon".
The Municipal Councils Ordinance, 1910.	(a) In section 56 for the words "Colonial Treasurer" wherever they occur there shall be substituted the words "Deputy Financial Secretary". (b) In section 83 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government". (c) In section 152 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government".
The Defence Force Ordinance, 1910.	In section 27 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Elephant Kraal Regulation Ordinance, No. 1 of 1912.	In sections 3 and 6 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Minister for Agriculture and Lands".
The Housing and Town Improvement Ordinance, No. 19 of 1915.	In subsection (4) of section 80 for the words "Colonial Secretary" there shall be substituted the words "Commissioner of Local Government".
The Riot Damages Ordinance, No. 23 of 1915.	(a) In subsection (2) of section 11 and subsection (2) of section 38 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Financial Secretary". (b) In subsection (1) of section 26 and subsection (2) of section 31 for the word "Treasurer" wherever it occurs there shall be substituted the words "Deputy Financial Secretary".
The Local Loans and Development Ordinance, No. 22 of 1916.	In subsection (3) of section 2 for the words "Treasurer of the Colony" there shall be substituted the words "Deputy Financial Secretary".
The Firearms Ordinance, No. 33 of 1916.	In paragraph (i) of subsection (2) of section 22 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police". In section 46 for the words "Colonial Secretary" there shall be substituted the words "Inspector-General of Police".
The Emigration Ordinance, No. 22 of 1917.	(a) In subsections (1) and (2) of section 3, and in subsection (3) of section 5 for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary". (b) In forms A and B of the Schedule for the words "Colonial Secretary" wherever they occur there shall be substituted the words "Chief Secretary".
The Education Ordinance, No. 1 of 1920.	(a) In subsection (1) of section 21 for the words "Colonial Secretary" there shall be substituted the words "Director of Education". (b) In subsections (1) and (2) of section 23 and subsection (1) of section 34 for the word "Director" wherever it occurs there shall be substituted the words "Executive Committee of Education".
The Public Trustee Ordinance, No. 1 of 1922.	(a) In section 36 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (b) In section 39 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary". (c) In subsection (2) of section 40 for the words "Colonial Secretary" there shall be substituted the words "Legal Secretary".
The British Soldiers' and Sailors' Institute of Colombo (Incorporation) Ordinance, No. 19 of 1922.	In section 7 for the words "Colonial Treasurer" there shall be substituted the words "Deputy Financial Secretary".
The Labour Ordinance, No. 1 of 1923.	(a) In sections 2 and 3 for the words "Controller of Indian Immigrant Labour" wherever they occur there shall be substituted the words "Controller of Labour".

First Column.	Second Column.
	(b) In subsection (4) of section 9 for the words " Colonial Secretary " there shall be substituted the words " Controller of Labour ".
The Colonial Treasury Bills Ordinance, No. 8 of 1923.	In sections 2, 6 and 7 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Deputy Financial Secretary ".
The Flood Protection Ordinance, No. 4 of 1924.	(a) In subsection (5) of section 5 and subsection (3) of section 15 for the words " Colonial Secretary " wherever they occur there shall be substituted the words " Executive Committee of Agriculture and Lands ".
	(b) In subsection (1) of section 5 for the words " Colonial Secretary " there shall be substituted the words " Director of Irrigation ".
	(c) In subsection (4) of section 5 for the words " lodge with the Director or at the office of the Colonial Secretary in Colombo " there shall be substituted the words " lodge at the office of the Director in Colombo ".
	(d) In subsection (3) of section 11 for the words " Colonial Treasurer " there shall be substituted the words " Deputy Financial Secretary ".
The Disabled Ceylon Men's Fund Ordinance, No. 1 of 1925.	In subsections (1), (3), (4) and (5) of section 2 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Deputy Financial Secretary ".
The Tea Research Ordinance, 1925.	In paragraph (a) of subsection (1) of section 5 for the words " The Colonial Treasurer, or if the Colonial Treasurer is unable to be present at any meeting of the Board, the Assistant Colonial Treasurer " there shall be substituted the words " The Financial Secretary, or if the Financial Secretary is unable to be present at any meeting of the Board, the Deputy Financial Secretary ".
The Bills of Exchange Ordinance, 1927.	In section 83 for the words " Colonial Treasurer " there shall be substituted the words " Deputy Financial Secretary ".
The Indian Labour Ordinance, No. 27 of 1927.	(a) In sections 2 and 22 for the words " Controller of Indian Immigrant Labour " wherever they occur there shall be substituted the words " Controller of Labour ".
	(b) In subsection (3) of section 5 for the words " Colonial Secretary " there shall be substituted the words " Controller of Labour ".
The Coconut Research Ordinance.	In paragraph (a) of subsection (1) of section 3, in subsections (1) and (2) of section 5, and in paragraph (b) of subsection (1) of section 6 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Financial Secretary ".
The Rubber Research Ordinance, 1930.	(a) In paragraph (a) of subsection (1) of section 3 for the words " Colonial Treasurer " there shall be substituted the words " Financial Secretary ".
	(b) In rule 6 of the Schedule for the words " Colonial Secretary " there shall be substituted the words " Executive Committee of Agriculture and Lands ".
The Ceylon State Mortgage Bank Ordinance, 1931.	In sections 72, 74 and 78 for the words " Colonial Treasurer " wherever they occur there shall be substituted the words " Financial Secretary ".

Objects and Reasons.

The alterations specified in the second column of the Schedule to this Bill have been made in the Ordinances specified in the first column of that Schedule by the Commissioner appointed by section 2 of the Revised Edition of the Legislative Enactments Ordinance, No. 19 of 1937. These alterations are necessary to bring the legislative enactments specified in the said Schedule into conformity with conditions obtaining in this Island on 30th June, 1938.

The object of this Bill is to remove any doubts as to the validity of the alterations effected by the Commissioner.

The Legal Secretary's Office,
Colombo, February 22, 1939.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

M. L. A.—H 185/L. D.—O 13/37

An Ordinance relating to the relief of the poor.

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 Poor Law Ordinance, No. of 1939, and shall come into operation on a date to be appointed by the Governor by Proclamation published in the Gazette.

Short title and date of operation.

PART I.

Preliminary.

2 The powers conferred by this Ordinance upon any Municipal Council, District Council, Local Board, Sanitary Board or Village Committee, shall be in addition to, and not in derogation of, any powers of any such local authority under any other Ordinance :

Powers under Ordinance to be additional to powers conferred by other Ordinances.

Provided that in any case in which any provision of this Ordinance is in conflict with any provision of any such other Ordinance, the provision of this Ordinance shall prevail.

PART II.

Municipalities, District Councils, and Local Boards.

3 (1) This part of this Ordinance shall apply—

- (a) within the administrative limits of any Municipal Council ;
- (b) within the administrative limits of any District Council or of any Local Board in which it shall be declared from time to time to be in force by the Governor by Proclamation published in the Gazette.

Application of Part II.

(2) Any such Municipal Council, District Council, or Local Board to which this Part of this Ordinance applies shall be called and known as an urban local authority and is so referred to in this Ordinance.

4 (1) It shall be the duty of an urban local authority—

- (a) to provide such relief as may be necessary for persons of either sex unable to support themselves owing to physical or mental infirmity or incapacity and in need of relief ;
- (b) to provide such relief as may be necessary for the use of, and to assist, orphans or children below a prescribed age of poor parents who are not able to keep and maintain their children in obtaining educational facilities and industrial training and to erect and maintain school buildings and orphanages for this purpose ;
- (c) to establish and maintain institutions for the treatment of poor persons ;
- (d) to make contributions in aid of any voluntary agencies which appear to render useful aid in the administration of the relief of the poor, of orphans and the children of poor persons, within the administrative limits of the urban local authority and which appear to receive support from the public, provided such agencies agree to register all cases assisted with the Registrar to be appointed by the urban local authority and to allow inspection of their accounts and methods of administration by the urban local authority or its officers ;
- (e) to appoint officers to investigate applications for assistance and to administer relief and to delegate to such officers the provision of relief in cases of sudden and urgent necessity ;
- (f) to recover from the recipient of relief or from prescribed relatives of such recipient who are possessed of sufficient means, the whole or part of the amount expended on his or her relief ;
- (g) to do and execute all other things concerning the matters aforesaid as to the urban local authority may seem convenient.

Duty of Urban local authority with respect to poor persons.

(2) The duties of the urban local authority under this section shall apply to all persons of either sex within its administrative limits.

Power of urban local authority to use its funds to carry out duties under this Ordinance.

5 (1) The purposes for which an urban local authority may expend the funds at its disposal under any Ordinance regulating its powers and duties (including any sum which may, at any time, be voted by the State Council for the purposes of this Ordinance on the recommendation of the Executive Committee of Labour, Industry and Commerce) shall include the fulfilment of the duties of such urban local authority prescribed by this Part of this Ordinance, and the urban local authority may for the purposes of this Ordinance levy a special rate on all property assessed for the purpose of rates over and above the rates imposed by virtue of any other Ordinance, and all the relevant provisions of such other Ordinance, including the provisions for collecting rates, shall apply to such special rate in the same manner and for the same purpose as if they had been inserted herein.

(2) Where the State Council has at any time attached conditions to the vote of any sum to any urban local authority for the purposes of this Ordinance, such conditions shall, on the acceptance of such sum by that local authority, be deemed to be incorporated in the poor law scheme of that local authority and shall have effect accordingly.

Borrowing powers of urban local authority.

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

(2) Any purpose for which an urban local authority may lawfully borrow any sum of money under sub-section (1) shall be deemed to be a purpose for which that local authority is authorised to borrow money by the written law under which that local authority is constituted; and, subject as aforesaid, the provisions of that written law relating to the borrowing of money, the limitation of borrowing powers, the security to be granted for loans, the form of such security and other incidental matters and procedure shall apply accordingly.

Acquisition of land or building.

No. 3 of 1876.

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

Accounts and audit.

8 Separate accounts shall be kept by the urban local authority of their receipts and expenditure in respect of the functions discharged by such local authority under this Ordinance, and those accounts shall be made up and audited in like manner and subject to the same provisions as in the case of a Municipality, District Council or Local Board, respectively; and the enactments relating to the audit of the accounts of a Municipality, District Council or Local Board, as the case may be, and to all matters incidental thereto and consequential thereon, including penal provisions, if any, shall apply to such accounts.

Poor law scheme.

9 (1) For the purpose of discharging the duties prescribed in this Part of this Ordinance, the urban local authority shall each year, when preparing the annual budget or at any other time, prepare and approve of a poor law scheme and shall vote and provide from time to time, whenever necessary, a sum sufficient from the funds at its disposal (in addition to any sum which may be voted by the State Council for the purpose) to defray the cost which will be incurred in carrying out the poor law scheme.

(2) Such sum or sums of money as may be voted or provided by an urban local authority, including any sum placed at its disposal by the State Council for the purpose, shall be spent by such urban local authority or under its direction in carrying the poor law scheme so prepared and approved into execution, subject to the provisions of this Ordinance and any rules prescribed thereunder.

10 The poor law scheme—

Delegation.

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

11 The poor law scheme shall provide for—

Appointment of officers.

- (a) the appointment of such paid officers as may be necessary to investigate applications for assistance and administer relief and the delegation to such officers of the provision of relief in cases of sudden and urgent necessity; and
- (b) in particular, the appointment of a Registrar who shall register in a prescribed book full particulars of all cases assisted by the urban local authority and by voluntary agencies who agree to co-operate in such registration.

12 (1) The Public Assistance Committee shall be composed of the prescribed number of members for the prescribed period.

Public Assistance Committee.

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

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

13 (1) Where the poor law scheme provides for the appointment of local sub-committees the administrative limits of the urban local authority shall be divided into such areas as may be specified in the poor law scheme, and for every such area there shall be a local sub-committee.

Local sub-committees.

(2) Every local sub-committee shall be constituted in such manner as may be provided for in the poor law scheme and shall consist of the number of members fixed in the poor law scheme for the prescribed period, provided the member or members of the urban local authority for the ward or wards or electoral division or divisions falling wholly or partly within the area shall be included in such local sub-committee.

(3) Each local sub-committee shall elect a chairman who shall preside at its meeting and a vice-chairman, and shall, subject to such rules as may be prescribed, exercise, perform and discharge such functions as may be delegated to it by the poor law scheme under the general direction and control of the Public Assistance Committee.

PART III.

Sanitary Boards and Village Committees.

14 (1) This Part of this Ordinance shall apply within a chief headman's division in which it shall be declared from time to time to be in force by the Governor by Proclamation published in the Gazette:

Application of Part III.

Provided, however, that this Part of this Ordinance shall not apply within the administrative limits or part thereof, if any, included in such chief headman's division, of any Municipal Council, District Council or Local Board, in which Part II. of this Ordinance is in force, and such administrative limits or part, if any, shall be deemed to be excluded from such chief headman's division for the purposes of this Part of this Ordinance.

(2) All Sanitary Boards and Village Committees within any area so proclaimed to which this Part of this Ordinance applies acting jointly shall be called and known as a rural local authority and are so referred to in this Ordinance.

Duty of rural local authority in respect to poor persons.

15 (1) Each Sanitary Board and each Village Committee shall be a unit of the rural local authority, and it shall be the duty of the rural local authority and of each such unit—

- (a) to provide such relief as may be necessary for persons unable to support themselves owing to physical or mental infirmity or incapacity and in need of relief;
- (b) to provide such relief as may be necessary for the use of, and to assist, orphans or children below a prescribed age of poor parents who are not able to keep and maintain their children in obtaining educational facilities and industrial training and to erect and maintain school buildings and orphanages for this purpose;
- (c) to establish and maintain institutions for the treatment of poor persons;
- (d) to make contributions to aid of any voluntary agencies which appear to render useful aid in the administration of relief of the poor, of orphans and the children of poor persons, within the administrative limits of such rural local authority or such unit and which appear to receive support from the public, provided that such agencies agree to register all cases assisted with the Registrar to be appointed as hereinafter provided and to allow inspection of their accounts and methods of administration by the prescribed officers;
- (e) to do and exercise all other things concerning the matters aforesaid as to the rural local authority or each unit of the rural local authority may seem fit.

(2) The duties of the rural local authority or each unit of the rural local authority under this section shall apply to all persons of either sex within its administrative limits.

Delegation of functions of rural local authority.

16 All the functions by this Ordinance conferred or imposed upon, or vested in, the rural local authority and each unit of the rural local authority shall stand referred to and be delegated to a joint committee (as hereinafter constituted and known as the rural local committee) except the power of voting or providing or borrowing money or levying a rate or acquiring lands.

Composition of rural local committee.

17 (1) A rural local committee shall be composed—

- (a) as to one-half thereof, of the chairman of each Sanitary Board and of each Village Committee within the chief headman's division proclaimed under section 14, and two members from each such Sanitary Board and Village Committee nominated by such Board or Committee; and
- (b) as to the other half, of such inhabitants within the said chief headman's division as the Executive Committee shall nominate.

(2) The members of the rural local committee shall hold office for the prescribed period and shall elect a chairman, who shall preside at its meetings, and a vice-chairman and shall, subject to such rules as may be prescribed, exercise, perform and discharge the functions delegated to such committee under the preceding section.

Poor law schemes.

18 For the purpose of performing and discharging the functions prescribed under section 16 of this Ordinance, the rural local committee shall each year within the prescribed time prepare and approve a poor law scheme which shall set forth the probable cost which will be incurred in carrying out that scheme.

Contributions for carrying out the poor law scheme.

19 (1) Each unit of the rural local authority shall from time to time contribute such prescribed proportionate amount from the funds at its disposal as will be sufficient to enable it to discharge its functions under this Ordinance as set forth in the poor law scheme, with such modifications in the scheme as may be made from time to time in the prescribed manner.

(2) All such sums contributed by each unit (in addition to any sum which may be voted by the State Council for the purpose on the recommendation of the Executive Committee of Labour, Industry and Commerce) shall form a central fund, and it shall be the duty of the rural local committee to administer such central fund as hereinafter provided.

Appointment of officers, &c.

20 The poor law scheme shall provide—

- (a) for the appointment of such paid officers as may be necessary to investigate applications for assistance and to administer relief and the delegation to such officers of the provision of relief in cases of sudden and urgent necessity;

- (b) for the recovery from the recipient of relief or from prescribed relatives of such recipient who are possessed of sufficient means either the whole or a part of the amount expended on his or her relief ;
- (c) for the appointment of a Registrar who shall register in a prescribed form full particulars of all cases assisted by the rural local committee and by voluntary agencies who agree to co-operate in such registration.

21 (1) The purposes for which any unit of a rural local authority may expend the funds at its disposal under any Ordinance regulating its powers and duties (including any sum which may be voted by the State Council for the purposes of this Ordinance on the recommendation of the Executive Committee of Labour, Industry and Commerce) shall include the fulfilment and performance of the functions of such unit prescribed by this Part of this Ordinance ; and such unit may, for the purposes of this Ordinance, levy a special rate on all property assessed for the purpose of rates over and above the rates imposed by virtue of any other Ordinance ; and all the relevant provisions of such other Ordinance, including the provisions for collecting rates, shall apply to such special rate in such manner and for the same purpose as if they had been inserted herein :

Power of unit of rural local authority to use its funds to perform functions under this Ordinance.

Provided, however, that a unit of a rural local authority shall not have the power to levy a special rate for the purposes of this Ordinance, unless the power to levy a rate has been conferred on it by any other Ordinance for the purposes of that Ordinance.

(2) Where the State Council has at any time attached conditions to the vote of any sum to any rural local committee for the purposes of this Ordinance, such conditions shall, on the acceptance of such sum by that committee, be deemed to be incorporated in the poor law scheme of that committee and shall have effect accordingly.

22 (1) It shall be lawful for a unit of a rural local authority to borrow such sum or sums of money as may be necessary for carrying out any work of a permanent character undertaken under the provisions of this Ordinance and for the acquisition of any lands or buildings required for the purpose of or in connexion with any such work on such terms or conditions as may be approved by the Governor.

Borrowing powers of a unit of rural local authority.

(2) Any purpose for which a unit of a rural local authority may lawfully borrow any sum of money under sub-section (1) shall be deemed to be a purpose for which that unit is authorised to borrow money by the written law under which that unit is constituted ; and, subject as aforesaid, the provisions of that written law relating to the borrowing of money, the limitation of borrowing powers, the security to be granted for loans, the form of such security and other incidental matters and procedure shall apply accordingly.

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

Acquisition of lands or buildings.

24 Separate accounts shall be kept by the rural local committee of the receipts and expenditure in respect of functions discharged by such committee under this Ordinance, and those accounts shall be made up and audited by the Auditor-General or an officer authorised by him in the manner prescribed by rules under this Ordinance.

Audit of accounts.

25 (1) The poor law scheme as finally approved shall be valid only when it has been confirmed by the Executive Committee and such confirmation has been notified by notification published in the Gazette.

Confirmation of poor law scheme.

(2) When a poor law scheme has been so confirmed and notified—

- (a) all the functions of the rural local authority and each unit thereof under this Ordinance shall stand referred to and be delegated to the rural local committee without any restrictions or conditions except the

power of voting and borrowing money or levying a rate or acquiring lands ; and the rural local authority and each unit thereof shall be deemed to have discharged all their functions under this Ordinance except the function of providing funds and voting money for the due execution of the poor law scheme ; and

- (b) it shall be the duty of the rural local committee to discharge all the functions of the rural local authority and each unit thereof under this Ordinance with reference to such poor law scheme throughout the administrative limits of the rural local authority and of each unit of the chief headman's division in which this Part of this Ordinance is in force ; and
- (c) the rural local committee shall have full power to give effect to the poor law scheme and to have control of the central fund referred to in sub-section (2) of section 19 and to spend from such fund subject to prescribed rules.

PART IV.

General.

Application of Part IV to areas under urban and rural local authorities.

26 This Part of this Ordinance shall apply within the administrative limits of an urban local authority in which Part II. of this Ordinance is in force and within a chief headman's division in which Part III. of this Ordinance is in force.

Duty of family to relieve and maintain poor persons.

27 (1) It shall be the duty of the father, grandfather, mother, grandmother, husband or child of a poor person or of an orphan if possessed of sufficient means, to relieve and maintain that person or orphan.

(2) The mother of an illegitimate child, so long as she is unmarried or a widow, shall be bound to maintain the child as part of her family until the child attains the age of sixteen :

Provided that, as respects any female child who is married under the age of sixteen, this sub-section shall not apply after the marriage.

(3) A man who marries a woman having a child (whether legitimate or illegitimate) at the time of the marriage shall be liable to maintain the child as part of his family, and shall be chargeable with all relief granted to, or on account of, the child until the child attains the age of sixteen or until the death of the mother of the child, and the child shall, for the purposes of this Ordinance, be deemed to be part of the husband's family accordingly.

(4) A married woman having separate property shall be subject—

- (a) to all such liability for the maintenance of her husband, children and grandchildren as her husband is by law subject to for the maintenance of herself, her children and grandchildren ;
- (b) to the same liability for the maintenance of her parent or parents as an unmarried woman :

Provided that nothing in this sub-section shall relieve her husband from any liability imposed on him by law to maintain her children and grandchildren.

Relief to wife or child treated as relief to husband or parent.

28 All relief given to or on account of a wife shall be considered as given to her husband, and all relief given to or on account of any child under the age of sixteen, not being a poor person, shall be considered as given to the father of the child or to the husband of the mother, or, if the mother of the child is unmarried or a widow, to the mother of the child, as the case may be :

Provided that—

- (a) nothing in this section shall discharge the father, grandfather, mother or grandmother of any child from liability to relieve and maintain the child in pursuance of the provisions of this Ordinance ; and
- (b) where the husband of a woman is beyond the seas, or in legal custody, or in confinement in an asylum as a lunatic or is living apart from her, all relief given to her or to her child shall, notwithstanding her coverture, be considered as given to her in the same manner and subject to the same conditions as if she were a widow, without prejudice however to the liability of her husband in respect of the relief.

Reimbursement from persons liable to maintain.

29 (1) In any case in which a person in receipt of relief under this Ordinance is liable to be maintained or relieved by a member of his family by virtue of this Ordinance or of any prescribed rules, it shall be lawful for the urban local authority

or the rural local committee to recover from such latter person so much as will reimburse such authority or committee for the amount expended on the relief of that person during the period of six months before the institution of the proceedings for the recovery thereof.

(2) Any such sum may on application by the prescribed officer be recovered for the use of the urban local authority or the rural local committee from the person liable to pay such sum as if it were a fine imposed under this Ordinance by any Police or Municipal Magistrate having jurisdiction over the place where that person may for the time being be resident; and such amount may be recovered notwithstanding that it may exceed the amount of fine which a Police or Municipal Magistrate may in his ordinary jurisdiction impose.

(3) A certificate of chargeability in the prescribed form may be issued by an urban local authority or a rural local committee and every such certificate purporting to be signed by the prescribed officer shall, unless the contrary is shown, be sufficient evidence, of the truth of all statements contained therein, and shall, within the period of twenty-one days from the date of the certificate, be received in evidence accordingly by all courts of law and for all purposes without proof of the signature or of the official character of the person signing it.

30 (1) Where any person in receipt of relief under this Ordinance has in his possession or belonging to him any money or valuable security for money or jewellery or valuable movables, the urban local authority or the rural local committee of the administrative limits to which he is chargeable may take and appropriate or recover as a debt in the prescribed manner so much of the money or produce of the security jewellery or movables as will reimburse the urban local authority or the rural local committee for the amount expended in the relief of that person during the period of six months before the taking and appropriation or the institution of the proceedings for the recovery thereof, as the case may be.

Reimbursement
of relief out of
property of
person relieved.

(2) In the event of the death of any person in receipt of relief having in his possession or belonging to him any money or property, the urban local authority or the rural local committee of the area in which he dies may reimburse themselves therefrom the expenses incurred in and about his burial, and in and about his maintenance at any time during the twelve months before his death.

(3) Every person who applies for relief under this Ordinance having at the time of application in his possession and under his immediate control any money or other property of which, on inquiry made by or on behalf of an urban local authority or a rural local committee, he does not make correct and complete disclosure, shall be guilty of an offence and shall be liable on summary conviction to be punished with imprisonment of either description for a period not exceeding six months or with a fine not exceeding one hundred rupees or both.

31 (1) The Executive Committee may make rules for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

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

- (a) all matters stated or required in this Ordinance to be prescribed ;
- (b) the management of the poor ;
- (c) the government of institutions for the treatment of poor persons, of orphanages and schools, the preservation of order therein, the classification of persons to be relieved therein, the nature and amount of the relief to be given to and the labour, if any, to be exacted from, the persons relieved therein ;
- (d) the guidance and control of urban and rural local authorities, Public Assistance Committees and local sub-committees and rural local committees, and their officers, so far as relates to the management and relief of the poor, of orphans and children of poor persons, and subject to the provisions of this Ordinance, the extent of their duties ;
- (e) the making and entering into contracts in all matters relating to such management or relief or to any expenditure for the relief of the poor or orphans and children of poor persons ;

- (f) the keeping, examining, auditing and allowing of accounts ;
- (g) the form and method and conditions subject to which contracts of service of officers and servants employed under this Ordinance may be entered into ;
- (h) the method of disposal of property acquired under this Ordinance when such property is no longer required for the purposes of this Ordinance ;
- (i) the composition and duration of office of Public Assistance Committees and local sub-committees and rural local committees ;
- (j) the procedure and regulation of meetings of Public Assistance Committees and local sub-committees and rural local committees ;
- (k) the giving of relief in cases of sudden and urgent necessity by relieving officers ;
- (l) the mode in which a contract for the lodging, boarding or maintenance or education of any poor person, or orphan or child of a poor person, may be entered into with the proprietor or manager of a private boarding-house or establishment or school or orphanage, the terms and duration of any such contract and the management and government of any such boarding-house, establishment, school or orphanage and the inspection and visitation of any such boarding-house, establishment, school or orphanage ;
- (m) the method of recovery of sums expended in relief of a poor person or of an orphan or of a child of a poor person from the property of such person or from his relative legally liable to maintain such poor person, orphan or child ;
- (n) the manner in which and conditions subject to which contributions may be made in aid of voluntary agencies.

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

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

Penalty on persons disobeying, &c. rules.

32 If any person wilfully neglects or disobeys or contravenes any rule made under this Ordinance, he shall be guilty of an offence and shall be liable on summary conviction for the first offence to a fine not exceeding fifty rupees and for a second or subsequent offence to a fine not exceeding one hundred rupees nor less than fifty rupees.

Right of auditor to inspect.

33 (1) The auditor may at any time, inspect the accounts and books of account of any urban local authority or of a Public Assistance Committee or of a local sub-committee or of a rural local committee or of any officer concerned in the relief of the poor or of orphans or children of poor persons who is liable to account.

(2) If any member of an urban local authority or of a Public Assistance Committee or of a local sub-committee or of a rural local committee or any officer refuses to allow any such auditor when so authorised or required, to make the inspection or obstructs him in his inspection or conceals any such account or book for the purpose of preventing inspection thereof, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred rupees.

Every member and officer a public servant.

34 Every member of a Public Assistance Committee or a local sub-committee or of a rural local committee and every officer and servant appointed under this Ordinance shall be deemed to be a public servant within the meaning of the Ceylon Penal Code.

Relief not to be given save in accordance with Part II. or Part III.

35 (1) Save in accordance with the provisions of this Ordinance relating to cases of sudden or urgent necessity or of any rules made under this Ordinance relating to such cases, it shall not be lawful for any relieving officer or any other person concerned with the relief of the poor or the relief of orphans or of children of poor persons to give any relief under this Ordinance to any poor person or orphan or a child of a poor person except such as may be provided under Part II. or Part III. of this Ordinance.

(2) Any relieving officer or other person acting in contravention of this section shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding one hundred rupees.

36 (1) If any difficulty arises in connection with the application of this Ordinance to any urban or rural local authority or in bringing into operation any of the provisions of this Ordinance, the Governor may make such order for removing the difficulty as he may judge to be necessary for that purpose, and any such order may modify the provisions of this Ordinance so far as may appear to him necessary for carrying the order into effect.

Power to remove difficulties.

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

Provided that, in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which the State Council is adjourned for more than seven days or the time taken for the election of new members of the State Council.

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

Provisions as to orders and schemes.

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

38 In this Ordinance, unless the context otherwise requires—

Interpretation.

“ appointment ”, “ appointing ”, with its grammatical variations and cognate expressions, includes the power to dismiss or discontinue ;

“ chief headman’s division ” means the area under the supervision of a ratemahatmaya, mudaliyar, adikar maniyakar, or vanniya of a division ;

“ District Council ” means an Urban District Council established under the Local Government Ordinance, No. 11 of 1920 ;

“ Executive Committee ” means the Executive Committee of Local Administration ;

“ functions ” includes powers and duties ;

“ officer ” includes any clergyman, priest, schoolmaster, duly qualified medical practitioner, treasurer, master or matron or warden of an institution or school or orphanage or any other person who is for the time being employed within the administrative limits of an urban or rural local authority or unit thereof in carrying this Ordinance into execution ;

“ orphan ” means a child below the prescribed age whose parents are dead or cannot be found, or one of whose parents is dead or cannot be found and who in the opinion of the poor relief authority is in need of relief under this Ordinance ;

“ poor ”, “ poor persons ”, with its grammatical variations and cognate expressions means persons of either sex unable to maintain themselves owing to physical or mental infirmity or incapacity and in need of relief ;

“ poor law scheme ” when used with reference to an urban local authority means the poor law scheme referred to in section 9 and when used with reference to a rural local committee means the poor law scheme referred to in section 18 ;

“ poor relief authority ” means an urban local authority or the Public Assistance Committee or a rural local committee ;

“ prescribed ” means prescribed by this Ordinance or by the rules made thereunder.

Objects and Reasons.

The object of the draft Bill is to give legal effect to the scheme for poor relief suggested in Part IV., Chapter VI., of Mr. Wedderburn’s Report on Poor Relief in Ceylon (Sessional Paper XX of 1934) as modified by a joint conference of the Executive Committees of Labour and Local Administration.

2. The Bill provides for the relief of persons who are unable to maintain themselves owing to physical or mental infirmity or incapacity and in need of relief, and their wives, and children under sixteen dependent on them. (Clauses 4

and 28). It also provides that relief be given in obtaining educational facilities and industrial training to orphans and children of poor parents (as defined above) in accordance with paragraph 19 of the Memorandum of the Chairman, Colombo Municipality of July 30, 1935. (Clause 4).

3. (a) The Bill makes provision for two classes of local authorities which will be under the duty of providing poor relief. Part II provides for one class and Part III for the second class.

(b) Under Part II, the Ordinance will apply in the first instance to the three Municipal Councils of Colombo, Kandy and Galle, and it can be later extended to Urban District Councils and Local Boards. Their duties will be delegated to a Public Assistance Committee.

(c) Under Part III, the local authority charged with the duty of providing poor relief will be composed of all the Sanitary Boards and Village Committees within a chief headman's division acting jointly, and each Sanitary Board and Village Committee will be a unit. But this duty will be delegated to a rural local committee as constituted in Clause 17.

4. (a) Under Part II, Public Assistance Committees are to consist of the number of members prescribed by rules, half the number being nominated by the local authority and the other half by the Governor on the advice of the Executive Committee of Local Administration (Clauses 10 and 12).

(b) Under Part III, rural local committees will consist as to one-half thereof of the Chairman of each Sanitary Board and each Village Committee and of two members from each Village Committee and of two members from each such body nominated by such body and as to the other half of persons nominated by the Executive Committee.

(c) The Executive Committee will of course follow the suggestion in the Sessional Paper (paragraph 164 (3)) that nominated members should include women members and that they should be persons with experience of work among the poor of the area.

5. (a) In the case of local authorities dealt with under Part II the cost of the poor relief will be met out of funds furnished and voted by each local authority and any sum that may be made over to the local authority by the Central Government. (Clauses 5 and 9).

(b) Power has been given to each local authority to levy a special rate, to borrow money and to acquire lands. (Clauses 5, 6 and 7).

(c) The Bill gives power to the local authority to draw up and prepare a poor relief scheme and the money voted will be spent in carrying out such scheme. (Clauses 9, 10, 11, &c.).

(d) The poor relief scheme will provide for the delegation by the local authority of all its executive functions to the Public Assistance Committee, which will carry out the scheme and spend the money voted in accordance with the scheme, subject to any conditions or restriction contained in the poor law scheme and subject further to such rules as may be made under the Ordinance for the general guidance and control of Public Assistance Committees (Clauses 10 and 12).

(e) The local authority will appoint all officers, keep accounts and audit the accounts and acquire lands. (Clauses 11, 8 and 7.)

6. Under Part III of this Ordinance, which will apply only to a chief headman's division, each Sanitary Board and each Village Committee will form a unit of the rural local authority. This rural local authority will only contribute money and all its functions will be delegated to the rural local committee including the control and spending of funds: hence the appointment of officers, the keeping of accounts and the auditing of accounts will be done by the rural local committee subject to rules made in that behalf under the Ordinance. The power to levy a special rate is only given to a unit of a rural local authority which has the power to levy a rate under any other Ordinance.

7. Part IV of the Ordinance gives power to the Executive Committee to make rules (Clause 31); declares the relatives liable to maintain a poor person and provides the machinery for the recovery of the moneys spent in the relief of a person from the property of the poor person (if he has any) or from his relatives liable to maintain him. (Clauses 27 to 30).

Part IV also makes the members of Public Assistance Committees, local sub-committees, rural local committees and the poor relief officers public servants within the meaning of the Ceylon Penal Code, and there is a general penal provision making the breach of a prescribed rule an offence.

8. An important point dealt with in the Bill is the provision for contributions by local authorities to voluntary agencies, which appear to render useful aid in the administration of poor relief within their administrative limits. By Clauses 4 (1) (d) and 15 (1) (d) and these contributions will depend on the support given by the public to such agencies and they will be conditional on the agencies agreeing to register all cases assisted with the Registrars to be appointed by the local authorities and on their allowing inspection of their accounts and methods of administration by the officers of the poor relief authorities.

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

Ministry of Local Administration,
Colombo, February 23, 1939.