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PART II.—LEGAL.

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

	PAGE		PAGE
List of Jurors and Assessors	—	District and Minor Courts Notices	—
Passed Ordinances	—	Notices in Insolvency Cases	250
Draft Ordinances	230	Supreme Court Notices	—
Governor's Ordinances	—	Council of Legal Education Notices	—
List of Notaries	—	Notices of Fiscals' Sales	251
Notifications of Criminal Sessions of the Supreme Court	—	Notices in Testamentary Actions	253
		Miscellaneous	—

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DRAFT ORDINANCES.**MINUTE.**

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

L. D.—O 11/39

An Ordinance further to amend the Heavy Oil Motor Vehicles Taxation Ordinance, No. 56 of 1935.

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

Short title and date of operation.

1 This Ordinance may be cited as the Heavy Oil Motor Vehicles Taxation (Amendment) Ordinance, No. of 1939, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Substitution in Ordinance No. 56 of 1935 of references to the Motor Car Ordinance, No. 45 of 1938.

2 The Heavy Oil Motor Vehicles Taxation Ordinance, No. 56 of 1935 (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution for the words "Motor Car Ordinance, 1927", wherever they occur collectively therein, of the words "Motor Car Ordinance, No. 45 of 1938".

Amendment of section 3 of the principal Ordinance.

3 Section 3 of the principal Ordinance is hereby amended in sub-section (1) by the substitution for the words "The Registrar of Motor Cars" of the words "The Commissioner of Motor Transport".

Amendment of section 6 of the principal Ordinance.

4 Section 6 of the principal Ordinance is hereby amended in sub-section (2) (a) by the substitution, for the words "section 2 of the Motor Car Ordinance, 1927", of the words "section 176 of the Motor Car Ordinance, No. 45 of 1938".

Objects and Reasons.

The object of this Bill is to amend the Heavy Oil Motor Vehicles Taxation Ordinance, No. 56 of 1935, by the substitution for all references to the Motor Car Ordinance, 1927, of references to the new Motor Car Ordinance, No. 45 of 1938, and to insert in section 3 (1) the words "Commissioner of Motor Transport" in place of the words "Registrar of Motor Cars".

It is proposed to bring the amendments into force on the date on which the new Motor Car Ordinance is brought into operation.

Colombo, March 4, 1939.

H. J. HUXHAM,
Financial Secretary.

MINUTE.

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

L. D.—O. 153/34

An Ordinance to make supplementary provision for the Public Service and the Electrical Undertakings for the financial year 1936-37.

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 Supplementary Appropriation (1936-37) Ordinance, No. of 1939.

Supplementary Appropriation for the financial year 1936-37.

2 In addition to the sums declared to be payable for the service of the financial year beginning on the first day of October, 1936, and ending on the thirtieth day of September, 1937, by or under the authority of—

- (a) the provisions of the Appropriation Ordinance, No. 5 of 1936;
- (b) the budget of the Electricity Board approved for that year in accordance with the provisions of section 13 of the Electricity Board Establishment Ordinance, No. 38 of 1935; and
- (c) the provisions of section 4 of the Electricity Board (Dissolution) Ordinance, No. 10 of 1937,

the sums severally mentioned in the third column of the First and Second Schedules and amounting to the sum of one million six hundred and sixty-seven thousand five hundred and sixty-eight rupees and ten cents in the First Schedule, and five hundred and fifteen thousand two hundred and forty-four rupees and seventy-five cents in the Second Schedule, are hereby declared to be payable for the service of the aforesaid financial year out of the revenue and other funds of the Island and the Electrical Undertakings, respectively, in respect of the several services mentioned in the second column of each of those Schedules.

SCHEDULE I.

Sums payable out of the Revenue of the Island.

I. Head of Estimates	II. Service.	III. Sum declared payable.	
		Rs.	c.
2 ..	Supreme Court	48,302	39
6 ..	Civil Service ..	84,619	84
10 ..	Legal Secretary	9,978	9
11 ..	Attorney-General	44,783	68
17 ..	Fiscals ..	55,661	44
21 ..	Pensions ..	93,143	65
29 ..	Miscellaneous Services	1,314,097	93
30 ..	Minister for Home Affairs	5,172	16
53 ..	Department of Fisheries	968	92
58 ..	Ayurvedic Medicine	10,840	0
		1,667,568	10

SCHEDULE II.

Sums payable out of the Revenue of the Electrical Undertakings.

— ..	Transfer to Reserve and Renewal Fund	515,244	75
		515,244	75

Objects and Reasons.

° This Bill makes supplementary provision for the Public Services and the Electrical Undertakings for the financial year 1936-37.

No supplementary provision for the Ceylon Government Railway Services for the financial year 1936-37 is required.

D. B. JAYATILAKA,
Minister of Home Affairs and
Leader of the State Council.

Colombo, March 1, 1939.

MINUTE.

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

L. D.—O. 33/37

An Ordinance to regulate the importation of agricultural commodities and to facilitate the sale of the agricultural products of Ceylon.

TABLE OF SECTIONS.

1. Short title and date of operation.
2. Appointment of Commissioner and other officers.
3. The Agricultural Products Regulation Board.
4. Functions of the Board.
5. Application of Ordinance to specified agricultural products by Order of the Executive Committee.
6. Notification of standard grade, price, &c.
7. Importation of regulated product prohibited except under licence.
8. Application for import licence.
9. Payment for prescribed quantity of local product a condition precedent to issue of import licence.
10. Coupon for proportionate quantity of local product paid for by importer.
11. Coupons to be exchanged for delivery warrants.
12. Commissioner authorised to issue multiple delivery warrants and to vary standard place of delivery, standard grade, &c.
13. Regulations.
14. Authority of other officers to act for Commissioner in specified cases.
15. Interpretation.
16. Construction of Ordinance.

An Ordinance to regulate the importation of agricultural commodities and to facilitate the sale of the agricultural products of Ceylon.

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 Agricultural Products (Regulation) 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.

Appointment of
Commissioner
and other
officers.

2 (1) The Governor may appoint any person by name or by office to be or to act as Commissioner for Agricultural Marketing, and may in like manner appoint such Assistant Commissioners and other officers as he may deem necessary for the purposes of this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Commissioner shall be subject to the general direction and control of the Executive Committee.

The Agricultural
Products
Regulation
Board.

3 (1) There shall be established an "Agricultural Products Regulation Board" which shall consist of the Commissioner as *ex officio* Chairman and not more than five other members all of whom shall be appointed by the Governor on the recommendation of the Minister for Agriculture and Lands.

(2) Subject as hereinafter provided, each member of the Board shall ordinarily hold office for a period of three years unless he is appointed to be a member of the Board for some shorter period:

Provided that any member of the Board may at any time resign from the Board or be removed therefrom by order of the Governor.

(3) Regulations may be made providing for the conduct of the business of the Board and the procedure to be observed at meetings of the Board:

Provided that the Board may regulate its own procedure in any matter not provided for by regulation.

(4) Where the Board has by resolution determined that information on any matter is necessary for the purposes of this Ordinance, the Chairman of the Board may, at any time after the passing of such resolution, exercise in respect of any such matter any power conferred on the Director of Statistics by or under the Statistics Ordinance; and that Ordinance shall, for such purpose, be read and construed and shall have effect as though—

- (a) such matter were a matter to which the provisions of that Ordinance have been duly applied by Proclamation under section 2 of that Ordinance;
- (b) any reference in that Ordinance to the Bureau of Statistics were a reference to the Board; and
- (c) any reference in that Ordinance to the Director of Statistics were a reference to the Chairman of the Board.

Chapter 119.

Functions of the
Board.

4 (1) It shall be the duty of Board to discharge such functions as are assigned to the Board under this Ordinance and to advise the Executive Committee from time to time on the following matters:—

- (a) the agricultural products to which the provisions of this Ordinance shall be applied by Order under section 5 and all other matters required to be prescribed by notification under section 6;
- (b) any other matters referred by the Executive Committee to the Board for advice.

(2) The Board shall also perform such functions, discharge such duties and exercise such powers as may be assigned or entrusted to or vested in the Board by this Ordinance or by any regulation.

Application of
Ordinance to
specified agri-
cultural pro-
ducts by Order
of the Executive
Committee.

5 (1) The Executive Committee may, by Order, apply the provisions of this Ordinance with effect from a specified date to any agricultural product specified in that Order, and may, in like manner, vary or revoke any such Order.

(2) An agricultural product specified in an Order is hereinafter referred to as a "regulated product" and shall continue to be a regulated product for the purposes of this Ordinance until that Order is revoked as hereinbefore provided.

(3) Every Order shall, in addition, specify the local product which an importer must purchase in order to obtain a licence to import the regulated product

(4) An Order may be made in respect of any agricultural product notwithstanding the revocation of any previous Order made in respect of the same product.

(5) No Order shall have effect until that Order—

- (a) has been approved by the State Council and ratified by the Governor; and
- (b) has been published in the Gazette after such approval and ratification.

6 (1) The Executive Committee, after consulting the Board, may, by notification published in the Gazette, prescribe—

Notification of standard grade, price, &c.

- (a) the ratio for determining the quantity of the local product which an importer must purchase in order to obtain a licence to import a specified quantity of the regulated product;
- (b) the price at which a specified grade of the local product will be sold to an applicant for a licence to import the regulated product and the place at which such local product will ordinarily be delivered to the purchaser.

(2) Where, in respect of any local product, the price referred to in paragraph (b) and proposed to be inserted in a notification under sub-section (1) is, in the opinion of the Minister for Agriculture and Lands, less than the cost (including all connected charges and expenses) at which that local product can be obtained by the Commissioner, such price shall not be prescribed by notification until the draft of that notification has been submitted to and approved by the Board of Ministers.

(3) Any ratio, price, grade, or place specified in a notification published under sub-section (1) is hereinafter referred to as the standard ratio, the standard price, the standard grade, or the standard place.

7 (1) No quantity of any regulated product shall be imported into Ceylon unless the importation of that quantity of that regulated product is authorised by an import licence issued by the Commissioner under this Ordinance.

Importation of regulated product prohibited except under licence.

(2) For the purposes of the application of the Customs Ordinance, a regulated product shall be deemed to be an article the importation of which is restricted by Ordinance.

Chapter 185.

8 (1) Every application for a licence to import a quantity of any regulated product shall be made to the Commissioner on a form which shall be provided by him for the purpose.

Application for import licence.

(2) The form of application for an import licence shall be prepared by the Commissioner and submitted to the Board for approval. It shall not be issued for use until it has been approved by the Board.

9 (1) No person shall be entitled to receive a licence authorising the importation of any quantity of any regulated product until he has paid to the Commissioner the standard price for delivery at the standard place of that quantity of the standard grade of the corresponding local product which bears the standard ratio to the quantity of the regulated product sought to be imported.

Payment for prescribed quantity of local product a condition precedent to issue of import licence.

(2) Regulations may be made prescribing the circumstances and cases in which and the conditions subject to which security for payment may be accepted by the Commissioner in lieu of payment; and where such security has been tendered and accepted by the Commissioner in accordance with such regulations, the acceptance of such security shall be deemed to be the equivalent of payment for the purposes of this section.

10 (1) Every person who, under section 9, pays for any quantity of any local product for the purpose of obtaining an import licence, shall be entitled to receive from the Commissioner a coupon for that quantity of that local product.

Coupon for proportionate quantity of local product paid for by importer.

(2) Where the Commissioner has, in his discretion, fixed the denominations of coupons to be issued in respect of any local product, a person entitled under sub-section (1) to a coupon for any quantity of that local product shall be entitled to receive from the Commissioner on demand, instead of a single coupon, coupons of such denominations as will in the aggregate represent that quantity of that local product.

(3) Every coupon shall specify—

- (a) the person to whom and the date on which it is issued;
- (b) the local product in respect of which it is issued and the quantity of that local product; and
- (c) the period for which it shall be in force.

(4) Any coupon may be negotiated by endorsement and each such endorsement shall be subject to a duty of five cents payable in stamps which shall be affixed to the coupon.

11 (1) Subject to the provisions of section 12, the holder of a coupon may, at any time while that coupon is in force, obtain from the Commissioner, in exchange for the coupon, a delivery warrant for the amount of the local product specified in that coupon.

Coupons to be exchanged for delivery warrants.

(2) Every delivery warrant shall specify—

- (a) the quantity and grade of the local product which will be delivered on surrender of that warrant and the place at which such delivery will be made ; and
- (b) the holder of the coupon in exchange for which that delivery warrant is issued and the date of issue.

(3) A delivery warrant shall be sufficient authority for any person, on surrender thereof, to obtain at the place specified therein delivery from the stocks at the disposal of the Commissioner of such quantity of such grade of such local product as may be specified in that delivery warrant.

(4) Any person entitled to the delivery of any quantity of any local product on surrender of a delivery warrant at the place of delivery specified in such warrant, shall be entitled, on such surrender, to have that quantity of that local product despatched to him from that place to any railway station named by him on payment to the prescribed officer in the prescribed manner of the freight and charges for the conveyance of such goods to such railway station.

Commissioner
authorised to
issue multiple
delivery
warrant and to
vary standard
place of delivery,
standard grade,
&c.

12 (1) It shall be lawful for the Commissioner in his discretion to issue, in exchange for any coupon, separate delivery warrants for any part of the quantity of the local product specified in that coupon : provided that the aggregate of the quantities specified in such delivery warrants shall be equal to the quantity specified in the coupon.

(2) It shall be lawful for the Commissioner in his discretion to specify in any delivery warrant issued under this Ordinance for any quantity of any local product—

- (a) that such local product shall be of a grade other than the standard grade ; or
- (b) that such local product shall be delivered at a place other than the standard place ; or
- (c) that such local product shall be of a grade other than the standard grade and shall be delivered at a place other than the standard place.

(3) Where under sub-section (2) any variation is made in the grade, or in the place of delivery, or in both the grade and in the place of delivery, of any local product, the standard price of such local product may be varied and the price to be paid for such local product shall be such price as the Commissioner may have fixed for any such variation with the approval of the Board.

(4) Where the price fixed under sub-section (3) is lower than the standard price, the holder of a coupon shall, at the time of issue to him of a delivery warrant in exchange for that coupon, be entitled to a refund of the amount by which the cost at the standard price of the quantity specified in such delivery warrant exceeds the cost of that quantity at the lower price so fixed.

(5) Where the price fixed under sub-section (3) is higher than the standard price, the holder of a coupon shall not be entitled to receive any delivery warrant in exchange for that coupon until he has paid to the Commissioner the amount by which the cost at such higher price of the quantity specified in any such delivery warrant exceeds the cost of that quantity reckoned at the standard price.

(6) Where the holder of a delivery warrant fails to take delivery of the quantity of the local product specified in that warrant before the expiry of a period of one month reckoned from the date of issue specified in that warrant, delivery of that quantity of the local product shall not be made except upon surrender of the delivery warrant and upon payment of warehouse charges at such rates as the Commissioner, in his discretion, may prescribe.

(7) No delivery of any quantity of any local product specified in any delivery warrant shall be made after the expiry of a period of two months reckoned from the date of issue specified in that warrant ; and a quantity of the local product in the stocks of the Commissioner corresponding to the quantity of that local product specified in the delivery warrant may, after the expiry of that period, be sold at the risk of the person named in the delivery warrant as the holder of the coupon in exchange for which that warrant was issued. Such person is hereinafter in this section referred to as " the last holder ".

(8) Where any quantity of any local product specified in any delivery warrant is sold under sub-section (7), the last holder may, on application made to the Commissioner and on surrender of that delivery warrant, be entitled to be paid the sum realised at such sale less—

- (a) such amount as may be due in respect of warehouse charges for that quantity of that local product until the time of sale; and
- (b) the costs of such sale;

and, upon payment of such sum to the last holder, the Government and the Commissioner shall be discharged from any liability to any person in respect of that delivery warrant.

(9) If no application is made under sub-section (8) by the last holder named in any delivery warrant within a period of six months reckoned from the date of issue specified in that warrant, any sum which such last holder may have claimed under that sub-section shall be credited to the general revenue of the Island; and the Government and the Commissioner shall thereupon be discharged from any liability to any person in respect of that delivery warrant or of any sum payable under sub-section (8) to the last holder named in that delivery warrant.

(10) Subject to the provisions of this Ordinance, the issue of a delivery warrant shall be deemed to constitute a contract between the last holder and the Crown.

13 (1) The Executive Committee may make regulations for the purposes of this Ordinance and such regulations may contain such incidental, consequential and supplementary provisions as may appear to the Executive Committee to be necessary or proper for giving full effect to this Ordinance.

Regulations.

(2) No regulation shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(3) Upon the publication in the Gazette of a notification to the effect that a regulation made by the Executive Committee has been approved by the Council and ratified by the Governor, that regulation shall be as valid and effectual as if it were herein enacted.

14 The Governor may by notification published in the Gazette, authorise any officer appointed under section 2 to exercise the powers and perform the duties of the Commissioner under this Ordinance in respect of any matter or for any purpose specified in such notification.

Authority of other officers to act for Commissioner in specified cases.

15 In this Ordinance, unless the context otherwise requires—

Interpretation.

“ agricultural product ” means any agricultural or horticultural produce whether grown in Ceylon or outside Ceylon and whether in its natural state or otherwise adapted, prepared, treated or dealt with for sale or for consumption, and includes any commodity derived or manufactured in whole or in part from any such produce by any operation or process;

“ Board ” means the Agricultural Products Regulation Board established under this Ordinance;

“ Commissioner ” means the person appointed under section 2 to be or to act as Commissioner for Agricultural Marketing and includes an Assistant Commissioner;

“ coupon ” means a coupon issued under section 10;

“ delivery warrant ” means a delivery warrant issued under section 11;

“ Executive Committee ” means the Executive Committee of Agriculture and Lands;

“ grade ”, when used with reference to any agricultural product, includes any quality, variety or description of that product;

“ import licence ” means a licence to import a regulated product;

“ local product ” means an agricultural product either grown in Ceylon or derived or manufactured from an agricultural product grown in Ceylon;

“ Order ” means an Order made by the Executive Committee under section 5;

“ prescribed ” means prescribed by or under this Ordinance or by any regulation;

“ regulated product ” means an agricultural product to which the provisions of this Ordinance have been applied by an Order;

“regulation” means a regulation made by the Executive Committee under section 13 ;

“standard”, when used with reference to any grade, place, price or ratio, means the grade, place, price or ratio prescribed in a notification published under section 6.

Construction of Ordinance.

16 The provisions of this Ordinance shall be in addition to and not in derogation or substitution of the provisions of any other written law relating to the marketing or sale or importation of agricultural products.

Objects and Reasons.

The object of this Bill is to facilitate and encourage the marketing and sale of the agricultural products of Ceylon by regulating the importation into the Island of identical or related products from abroad.

2. When the provisions of the Ordinance have been applied by Order of the Executive Committee to any agricultural product, that product becomes a “regulated product” which no person can import into Ceylon except on a licence issued by the Commissioner for Agricultural Marketing. No licence to import an agricultural product will be issued until the prospective importer has paid for a prescribed quantity of the related “local product”. The prescribed quantity to be purchased locally will be determined in accordance with a ratio, called the “standard ratio” which is fixed by notification published in the Gazette. That Order will also prescribe the standard price which will have to be paid for a standard grade of the local product when delivered at a prescribed place called the “standard place”.

3. The standard ratio will depend upon the quantity of the local product which is available for sale in Ceylon. It is proposed that the Commissioner for Agricultural Marketing should, on behalf of Government, purchase such quantities of local products as are available in Ceylon and from his stocks, which will be kept at various centres in the Island, sell such quantities to the importers who will be compelled to buy in order to obtain licences to import any regulated product from abroad.

4. On payment of the standard price for any quantity of any local product, the importer will receive a coupon for that quantity of the local product together with an import licence for the regulated product. A single coupon can be taken for the entire quantity of the local product purchased or such quantity can be made up in a number of coupons of smaller denominations.

5. Each coupon can be exchanged for a delivery warrant at any time while the coupon is in force and can be negotiated by endorsement. The delivery warrant will entitle the holder of that warrant to delivery of a specified grade of the local product at a specified place. Power has been taken to adjust the standard price where delivery has to be taken at a place other than the standard place or of any quantity of any local product of a grade other than the standard grade. Where the adjusted price is less than the standard price the importer will be entitled to a refund of the difference ; correspondingly any increase of the standard price will necessitate an additional payment in order to obtain delivery. The holder of a delivery warrant will further be entitled to have the goods despatched to him from the place of delivery to any railway station named by him on payment of the freight and charges for such conveyance.

6. It is believed that this scheme will not merely ensure a market for the agricultural products of Ceylon but will provide an incentive for improving the quality of such products and, in certain cases, for demonstrating their superiority over the corresponding imported products.

7. An Agricultural Products Regulation Board will be established with the Commissioner for Agricultural Marketing as Chairman and not more than five other members, all of whom will be appointed by the Governor on the recommendation of the Minister for Agriculture and Lands. The chief function of the Board will be to act as an advisory body to the Executive Committee.

D. S. SENANAYAKE,

Colombo, March 8, 1939. Minister for Agriculture and Lands.

MINUTE.

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

An Ordinance to amend the Prisons Ordinance, 1877.

No. 16 of 1877.

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 Prisons Amendment Ordinance, No. of 1938.

Short title.

2 Section 7 of the Prisons Ordinance, 1877, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of section 7 of Ordinance No. 16 of 1877.

- (1) by the omission of all the words from "and for the Superintendent" to "same province"; and
- (2) by the substitution, for the words "for the jailor", of the words "for the Superintendent or the jailor".

3 The following new section is hereby inserted immediately after section 7, and shall have effect as section 7A of the principal Ordinance :—

Insertion of new section 7A in the principal Ordinance.

7A. (1) Where any prisoner is found or is suspected to be suffering from any disease (other than leprosy or a mental disease) which cannot adequately be treated or kept under observation in a prison, the Inspector-General may, by a warrant of transfer under his hand, direct the removal of the prisoner to any public hospital in Ceylon (other than a leper asylum or a lunatic asylum) maintained or controlled by the Government; and such warrant shall be sufficient authority for the detention of the prisoner in the hospital for such period as the medical officer in charge of the hospital may consider necessary.

Removal of prisoners to hospital, place of observation, or lunatic asylum.

(2) Where any prisoner is suspected to be of unsound mind or to be suffering from any mental disease, and adequate facilities for keeping him under observation or for diagnosing the disease are not provided in the prison in which the prisoner is detained, the Inspector-General may, by a warrant of transfer under his hand, direct the removal of the prisoner to any place of observation or lunatic asylum appointed or maintained for the purposes of the Lunacy Ordinance, 1873, and such warrant shall be sufficient authority for the detention of the prisoner in such place or asylum for any period not exceeding fourteen days in the first instance; and where any further observation is required, the Inspector-General may authorize in writing the detention of the prisoner for such further period as may be necessary, but so that the aggregate period of detention in such place or asylum shall not exceed twenty-eight days in any case.

No. 1 of 1873.

(3) Every prisoner who is removed to a hospital under sub-section (1) or to a place of observation or lunatic asylum under sub-section (2) shall, during the period of his detention therein and so long as he is not entitled to be discharged from prison in due course of law, continue to be subject to the provisions of this Ordinance, the rules made thereunder and any other written law relating to prisons, in the same manner and to the same extent as if he were detained in a prison.

(4) The medical officer in charge of the hospital or the place of observation or lunatic asylum to which a prisoner is removed under sub-section (1) or sub-section (2), as the case may be, shall, in respect of that prisoner, and during the period of the detention of that prisoner in such hospital, place or asylum and so long as he is not entitled to be discharged from prison in due course of law, have the powers conferred, and perform the duties imposed, on the Superintendent of a prison by this Ordinance or the rules made thereunder or by any other written law.

(5) Where a prisoner removed under sub-section (2) to a place of observation or a lunatic asylum is found by the medical officer in charge thereof to be of unsound mind, the medical officer shall, by writing under his hand, certify to the Inspector-General that the prisoner is of unsound mind; and such writing shall, for the purposes of section 12 of the Lunacy Ordinance, 1873, be deemed to be the certificate of the medical officer referred to in that section.

No. 1 of 1873.

(6) The Superintendent of the prison from which a prisoner is removed under this section to a hospital or place of observation or lunatic asylum shall cause him to be taken back to the prison as soon as may be after the medical officer certifies in writing that it is no longer necessary to detain the prisoner in such hospital, place of observation or asylum.

Substitution of new section for section 10 of the principal Ordinance.

Prison officers.

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

10. (1) The staff of every prison shall consist of a Superintendent, a medical officer, a jailor and such number of subordinate officers as the Governor may in each case determine.

(2) In any case where the Governor deems it necessary, the staff of a prison may also include one or more of any of the following classes of officers, namely, Assistant Superintendents, Probationary Superintendents, assistant medical officers, deputy jailors, and apothecaries.

(3) In every prison in which female prisoners are detained there shall be at least one female officer.

(4) In every prison there shall be at least one officer competent to interpret the Sinhalese language and one officer competent to interpret the Tamil language.

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

Appointment and supervision of medical officers and apothecaries.

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

11. (1) The medical officer, assistant medical officer or apothecary required for any prison shall be posted to such prison by the Director of Medical and Sanitary Services with the concurrence of the Inspector-General.

(2) The medical officer, assistant medical officer or apothecary of a prison shall, for the purposes of section 67, be deemed to be a prison officer; but shall in all other respects be under the supervision and control of the Director of Medical and Sanitary Services.

Insertion of new section 12B in the principal Ordinance.

Weapons and arms for prison officers.

6 The following new section is hereby inserted immediately after section 12A, and shall have effect as section 12B, of the principal Ordinance :—

12B. All prison officers shall be provided with such weapons including batons, staves, arms, ammunition and accoutrements as may be prescribed by rules made under section 76.

Insertion of new section 13A in the principal Ordinance.

Duty of prison officers to maintain discipline and order among prisoners.

7 The following new section is hereby inserted immediately after section 13, and shall have effect as section 13A, of the principal Ordinance :—

13A. It shall be the duty of every prison officer to preserve order and discipline among the prisoners in accordance with the provisions of this Ordinance and the rules made under section 76 and of any other written law applicable to prisons; and for such purpose it shall be lawful for a prison officer to use all such means, including such degree of force, as may reasonably be necessary to compel obedience to any lawful directions given by him.

Insertion of new section 16A in the principal Ordinance.

Duties and powers of Assistant Superintendents and Probationary Superintendents.

8 The following new section is hereby inserted immediately after section 16, and shall have effect as section 16A, of the principal Ordinance :—

16A. Any of the duties or functions, imposed on the Superintendent by the provisions of this Ordinance and the rules made under section 76 or of any other written law, may be performed or exercised by an Assistant Superintendent or a Probationary Superintendent, under the general or special directions of the Superintendent, or in the absence of the Superintendent; and for the purposes of the performance or exercise of such duties or functions, an Assistant Superintendent or Probationary Superintendent shall be deemed to have all the powers, privileges, protections and immunities conferred by any of the aforesaid provisions of law upon the Superintendent.

Insertion of new section 18A on the principal Ordinance.

Treatment of prisoners failing or refusing to take food.

9 The following new section is hereby inserted immediately after section 18, and shall have effect as section 18A, of the principal Ordinance :—

18A. (1) It shall be the duty of the medical officer to keep under close observation every prisoner whose health is or is likely to be injuriously affected by any inability or failure to take food or sufficient food, and to subject every such prisoner to any medical treatment that may be necessary at the earliest possible stage after his condition is discovered.

(2) The medical officer may, whenever he considers it to be necessary or advisable, adopt any device or means which may appear to him to be suitable—

- (a) for the compulsory feeding of any prisoner who, in the opinion of the medical officer, feigns inability to take food or wilfully refuses food with intent to procure a discharge from prison or any exemption from labour or for any other reason; or
- (b) for the artificial feeding of any prisoner who has become unconscious or otherwise unable to feed himself.

(3) The medical officer shall personally carry out the compulsory or artificial feeding required in any case referred to in sub-section (2), and shall, in every such case, take all due precautions to ensure that no greater force is used than may be reasonably necessary for the purposes of such feeding.

(4) The medical officer shall report to the Superintendent for the information of the Inspector-General, and to the Director of Medical and Sanitary Services, full particulars of every case of compulsory or artificial feeding carried out by him.

(5) No criminal prosecution or civil action shall be instituted or maintained against the medical officer in respect of any injury caused or alleged to have been caused to any prisoner by any act of the medical officer in the course of any compulsory or artificial feeding carried out by him or by the omission of the medical officer in the exercise of his discretion to adopt any measures for the compulsory or artificial feeding of the prisoner.

10 The following new section is hereby inserted immediately after section 20, and shall have effect as section 20A, of the principal Ordinance :—

20A. The medical officer, and any assistant medical officer or apothecary appointed to a prison shall perform their duties in the prison in co-operation with the prison staff and with due regard to the maintenance of discipline and the security and the proper administration of the prison in accordance with this Ordinance and the rules made in that behalf under section 76 or with any other written law.

11 (1) Sections 32, 32A, 32B and 32C of the principal Ordinance are hereby repealed and the following new sections are substituted therefor :—

32. (1) It shall be lawful for the Governor, by notice published in the Gazette, to appoint—

- (a) for all prisons in Ceylon generally, a Board of Prison Visitors consisting of the Inspector-General as Chairman and of six other members, of whom four shall be persons who do not hold any public office under the Crown;
- (b) for each of the prisons in Ceylon, a Local Visiting Committee consisting of four persons who are not members of the Board of Prison Visitors and do not hold any public office under the Crown; and
- (c) for any specified prison or group of prisons, one or more Additional Prison Visitors, each of whom shall be a person who is not a member of the Board of Prison Visitors or of a Local Visiting Committee and does not hold any public office under the Crown.

(2) Every member of a Local Visiting Committee shall for the purposes of this Ordinance be deemed to be a Visitor for the prison for which the Committee is appointed, and, save as otherwise expressly provided, shall, in relation to that prison, exercise the powers and perform the duties of a Visitor accordingly.

(3) Any person appointed under this Ordinance as a Visitor may be removed from office by the Governor at any time.

(4) Every Visitor appointed under this Ordinance shall hold office for a period of three years from the date of his appointment, unless he is earlier removed from office by the Governor :

Provided however that where any Visitor is appointed for any shorter period specified in the notice relating to his appointment, such Visitor shall hold office only for the period so specified.

Insertion of new section 20A in the principal Ordinance.

Duties of medical officer, &c.

Substitution of new sections for sections 32, 32A, 32B and 32C of the principal Ordinance.

Power to appoint, and remove from office, Board of Prison Visitors, Local Visiting Committees, and Additional Prison Visitors.

Duties of Board of Prison Visitors, Local Visiting Committees and Additional Prison Visitors.

32A. (1) It shall be the duty of the Board of Prison Visitors—

- (a) to advise the Inspector-General in matters relating to the general administration of prisons in Ceylon; and
- (b) to investigate and report on any matter concerning prisons referred to the Board either by the Executive Committee or by the Inspector-General.

The quorum for any meeting of the Board shall be three members.

(2) It shall be the duty of every Local Visiting Committee—

- (a) to elect a Chairman from among the members at a meeting held as soon as may be after the appointment of the Committee;
- (b) to conduct such inquiry as may be necessary, whenever any special matter, concerning the prison for which the Committee has been appointed, is referred to the Committee for inquiry by the Executive Committee or the Inspector-General, and to report their opinion thereon to the Executive Committee or the Inspector-General as the case may be.
- (c) to hold a meeting once in each half year at the prison for the purpose of considering matters concerning the prison not specially referred to the Committee by the Executive Committee or the Inspector-General under sub-paragraph (b), and to furnish a half yearly report to the Inspector-General on any matter which in the opinion of the Committee it is expedient to refer to him for consideration.

(3) It shall be the duty of the Chairman of each Local Visiting Committee—

- (a) to prepare a rota of attendance and to make all such arrangements as may be necessary to ensure that at least one member of the Committee shall visit the prison once at least in every week and shall hold himself in readiness to attend at the prison at any reasonable time to hear any complaint that a prisoner may desire to make;
- (b) to sign all letters and reports on behalf of the Committee; and
- (c) to summon the half-yearly meetings of the Committee and all such other meetings as may from time to time be necessary for the purposes of any inquiry to be held under sub-section (2) (b).

(4) It shall be the duty of every Visitor who is a member of a Local Visiting Committee—

- (a) to inquire into and report on any matter relating to the prison which may be specially referred to him for inquiry or report by the Executive Committee or the Inspector-General;
- (b) unless he is prevented by illness or other sufficient cause, to visit the prison once at least in every week in any period during which he is required in accordance with the rota of attendance or other arrangements made by the Chairman, to visit the prison, and to hold himself in readiness during that period to attend at the prison at any reasonable time to hear any complaint that a prisoner may desire to make;
- (c) to attend at the prison whenever he is summoned to act as member of a tribunal for the purposes of section 67;
- (d) to enter in the Log Book after each visit made by him to the prison, a statement of all matters relating to the prison which were investigated by him during the visit; and
- (e) to record in the Complaint Book each complaint made to him by a prisoner and the proceedings taken by him on such complaint.

(5) Any Additional Prison Visitor shall, in relation to the prison or any of the prisons to which he has been appointed, be entitled to exercise the rights of an individual member of a Local Visiting Committee, and shall, whenever called upon by the Superintendent of such prison, perform in respect of such prison any of the duties imposed by this Ordinance or any other written law upon an individual member of a Local Visiting Committee.

(6) Every Visitor shall, in the performance of his duties, act in conformity with the provisions of this Ordinance, the rules made thereunder and any other written law relating to prisons, and shall co-operate with the prison staff in the maintenance of discipline in, and the good management of, the prison in or in respect of which such duties are performed.

32B. (1) Every Visitor shall be entitled—

- (a) to visit any prison at any time;
- (b) to have free access to any part of any prison or to any prisoner therein;
- (c) to inspect the condition of any part of the buildings or the premises of any prison, or any appliance or equipment provided therein for the use of the prisoners;
- (d) to inspect or test the diet provided for the prisoners in any prison;
- (e) to inquire into the general condition and treatment of the prisoners in any prison;
- (f) to record in the Visitors' Book or in the Log Book, as the case may be, a statement of the facts discovered by him in the course of any inspection or inquiry under any of the foregoing paragraphs of this sub-section and any observations he may desire to make as a result of such inspection or inquiry.

Powers of
Visitors.

Provided, however, that no Visitor shall be entitled—

- (i) if he is a member of a Local Visiting Committee or an Additional Prison Visitor, to visit or to have access to, or to hold any inspection or inquiry in, any prison other than the prison or one of the prisons for which he has been appointed; or
- (ii) to hold any inquiry, or make any observation or recommendation, as to any matter connected with the appointment, promotion or transfer of any prison officer or the supervision, control or discipline of the prison staff; or
- (iii) save as provided in sections 33 (2) and 65, to issue any order to any prison officer or prisoner.

(2) Nothing in this section contained shall be deemed to authorise the Board of Prison Visitors or a Local Visiting Committee to hold any inquiry, or make any observation or recommendation, as to any matter connected with the appointment, promotion, or transfer of any prison officer or the supervision, control, or discipline of the prison staff or to issue any order to any prison officer or prisoner.

32C. (1) It shall be the duty of the jailor of every prison—

(a) to keep within the prison—

- (i) a Visitors' Book in which Judges of the Supreme Court, Members of the State Council and Members of the Board of Prison Visitors may record any observations or recommendations after a visit paid by them to the prison;
- (ii) a Log Book in which members of Local Visiting Committees or Additional Prison Visitors may record statements or particulars of the business transacted during their visits which they are required or authorised to record by this Ordinance or the rules made thereunder;
- (iii) a Complaint Book in which any Visitor may record the complaints made to him by prisoners and the proceedings taken upon such complaints; and

Visitors'
Book, Log
Book and
Complaint
Book.

(b) to produce the Visitors' Book, Log Book, or Complaint Book, as the case may be, on demand made by any of the aforesaid persons in the course of any visit made by him to the prison.

(2) It shall be the duty of the Superintendent to transmit to the Inspector-General, within such period as may be specified by him, a copy of each new entry made in the Visitors' Book or the Log Book.

(3) The Inspector-General may, after consideration of any report transmitted to him under section 32 or section 33 or of any entry in a Visitors' Book or Log Book, of which a copy is transmitted to him under sub-section (2), take such action thereon as to him may seem expedient.

Insertion of new sections 32D and 32E in the principal Ordinance.

Power of Judges of the Supreme Court and members of the State Council to visit prisons.

Penalty for resistance or obstruction to persons authorised to enter prisons.

Insertion of new section 35A in the principal Ordinance.

Finger-printing, &c. of criminal prisoners.

Insertion of new section 37A in the principal Ordinance.

Discharge of prisoners.

12 The following new sections are hereby inserted immediately after the new section 32c substituted in the principal Ordinance by section 11 of this Ordinance, and shall have effect as sections 32D and 32E of the principal Ordinance :—

32D. (1) Nothing in this Ordinance shall be deemed to abridge or affect the power of a Judge of the Supreme Court to visit any prison at any time and to hold therein any inspection, investigation or inquiry which he may consider necessary.

(2) Any member of the State Council may visit any prison, between the hours of 5.30 A.M. and 5.30 P.M. on any day, for the purpose of inspecting the general condition of the prison and of the prisoners therein, and may record in the Visitors' Book any observations or recommendations which he may think fit to make after such inspection.

(3) The provisions of section 32c, as to the production of the Visitors' Book and the transmission of copies of the entries made therein to the Inspector-General shall apply in the case of Judges of the Supreme Court and members of the State Council in like manner as in the case of Members of the Board of Prison Visitors.

32E. (1) No jailor or subordinate prison officer shall refuse admittance or offer any hindrance or obstruction to a Visitor, a Judge of the Supreme Court, a member of the State Council or any other person authorised by any written law to enter a prison.

(2) A jailor or subordinate prison officer who acts in contravention of this section shall be guilty of an offence and shall be liable to be tried and punished therefor under the provisions of section 69.

13 The following new section is hereby inserted immediately after section 35, and shall have effect as section 35A, of the principal Ordinance :—

35A. (1) The Inspector-General or the Superintendent may cause to be taken or recorded, in such manner as may be prescribed by rules made under section 76—

(a) photographs, measurements, finger-prints and foot-prints of any criminal prisoner ; and

(b) the name, age, height, weight, distinctive marks, and any other prescribed measurements and particulars, of any prisoner.

(2) Any prisoner refusing or failing to give any answer, or knowingly giving any answer which is false, to any question addressed to him for the purposes of sub-section (1), shall be guilty of an offence against prison discipline.

(3) No photograph, finger-print, foot-print or record taken or kept under this section shall be supplied or sent save to such officers or persons as may be specified by rules made under section 76.

14 The following new section is hereby inserted immediately after section 37, and shall have effect as section 37A of the principal Ordinance :—

37A. (1) The jailor shall be responsible for the due discharge of each prisoner upon his becoming entitled to release whether by the expiration of his term of sentence, or on the grant of a pardon or on remission or commutation of sentence, or by operation of law.

(2) The equivalent in days, and the date of expiry, of every sentence of imprisonment or preventive detention, shall be calculated in such manner as may be prescribed by rules made under section 76.

(3) Each prisoner entitled to release shall be discharged from prison on the date on which he becomes entitled to release, or, if that date falls on a Sunday or other day which is for the time being specified in any rule made under section 76 as a non-working day for all prisoners generally, then on the day next preceding that date, at such time as may be prescribed by any such rule :

Provided, however, that where any such prisoner is on that date under medical treatment for any acute or dangerous illness, he may be formally discharged, but unless he himself desires to leave, may be further detained in prison until the medical officer certifies that the prisoner can be removed from prison without danger to his health.

(4) On the discharge of a prisoner from any prison the Superintendent may, in accordance with such rules as may be made in that behalf under section 76, provide him with a railway warrant or with such amount of money as may be necessary, or with both such warrant and such money, to

enable him to return to his home or intended place of residence. All expenses incurred by the Superintendent in providing such warrant or money shall be met out of such funds as may be allocated for the purpose out of the general revenue of Ceylon.

15 The following new sections are hereby inserted immediately after section 45, and shall have effect respectively as sections 45A, 45B, and 45C of the principal Ordinance :—

45A. The classification, separation, safe custody, treatment and discipline of prisoners shall, without prejudice to the provisions of sections 38 to 45, be subject to such rules as may be made in that behalf under section 76.

45B. Facilities at the discretion of the Inspector-General may be allowed in every prison, in accordance with such rules as may be made in that behalf under section 76, for imparting religious or other instruction to the prisoners.

45C. A remission of sentence, or a gratuity or privileges, according to such scales as may be prescribed by rules made under section 76, may be earned by industry and good conduct by any prisoner who is undergoing a sentence of imprisonment of either description for a term or terms in the aggregate exceeding one month :

Provided, however, that this section shall not apply to—

- (a) a civil prisoner ; or
- (b) a person committed to prison under Chapter VII of the Criminal Procedure Code, 1898 ; or
- (c) a person committed to prison to serve the unexpired portion of any sentence of imprisonment or preventive detention upon the forfeiture or revocation of a licence to be at large under the Prevention of Crimes Ordinance, No. 2 of 1926.

16 Section 46 of the principal Ordinance is hereby amended by the substitution, for the words " such rules ", of the words " such conditions ".

17 The following new section is hereby inserted immediately after section 48, and shall have effect as section 49 of the principal Ordinance :—

49. The food, clothing and bedding issued to each prisoner or each class of prisoners shall, without prejudice to the provisions of sections 46, 47 and 48, be in accordance with such rules as may be made in that behalf under section 76.

18 The following new section is hereby inserted immediately after section 51, and shall have effect as section 52 of the principal Ordinance :—

52. Every prisoner shall perform such labour, whether manual or otherwise, as may be assigned to him ; and the nature and the amount of labour assigned to and exacted from each class of such prisoners shall be in accordance with such rules as may be made in that behalf under section 76 :

Provided that unconvicted prisoners or civil prisoners shall not be required to perform any labour in excess of such labour as may, in the opinion of the Superintendent, be reasonably necessary for keeping in a clean and proper condition the prison or part of the prison in which they are confined and the clothing, bedding, furniture and utensils allotted to prisoners of the class to which they are assigned, and for preparing and serving the food of prisoners of that class.

19 Sections 57 and 58 of the principal Ordinance are hereby repealed and the following new sections are substituted therefor :—

57. Every prisoner shall be allowed, in accordance with such rules as may be made in that behalf under section 76, to receive visits from, and to communicate with, his relations and friends and his legal adviser, subject to such restrictions as may be imposed by the rules with a view to the maintenance of discipline and order in the prison and the prevention of crime.

58. (1) The jailor may—

- (a) demand the name and address of any person desiring to visit a prisoner ; and
- (b) where he has ground for suspicion, search or cause such person to be searched before giving him admission ; and
- (c) where such person does not submit to such search, deny him admission.

Insertion of new sections 45A, 45B and 45C in the principal Ordinance.

Rules as to classification &c. of prisoners.

Religious instruction and education.

Remission of sentences and rewards for good conduct.

Amendment of section 46 of the principal Ordinance.

Insertion of new section 49 in the principal Ordinance.

Nature of food, clothing and bedding of prisoners.

Insertion of new section 52 in the principal Ordinance.

Nature of labour or employment to be assigned to prisoners.

Substitution of new sections for sections 57 and 58 of the principal Ordinance.

Visits from and communication with relations, &c.

Powers of jailors as to admission of persons desiring to visit prisoners.

(2) Whenever the jailor denies admission to any person under sub-section (1), the reasons for his decision shall be recorded by him in his journal.

(3) A search under this section shall not be carried out in the presence of any person other than a prison officer.

(4) Where a person desiring to visit a prisoner is a female, no search necessary for the purposes of this section shall be carried out except by a female prison officer or in the presence of any person other than a female prison officer.

Amendment of sections 59 and 60 of the principal Ordinance.

20 Sections 59 and 60 of the principal Ordinance are hereby amended by the substitution in each of those sections, for the words "contrary to the regulations of the prison", or the words "contrary to such regulations", wherever they may occur therein, of the words "without lawful authority".

Substitution of new section for section 62 of the principal Ordinance.

21 Section 62 of the Principal Ordinance is hereby repealed and the following new section is substituted therefor:—

Power of prison officer to arrest.

62. It shall be lawful for any prison officer to arrest any person who commits or who aids and abets any other person in committing any offence under section 59 or section 60; and every prison officer so arresting a person shall forthwith deliver such person into the custody of the nearest police officer or headman appointed to perform police duties, or produce him before the nearest Police Court to be dealt with according to law.

Insertion of new section 63 in the principal Ordinance.

22 The following new section is hereby inserted immediately after section 62, and shall have effect as section 63 of the principal Ordinance:—

Use of weapons and force.

63. (1) A prison officer may use weapons on or against any prisoner escaping or attempting to escape from custody: Provided that resort shall not be had to the use of any weapon unless such officer has reasonable ground for believing that he cannot otherwise prevent the escape of the prisoner.

And provided further that no firearms shall be used on or against any such prisoner unless the prison officer shall have first given a warning to the prisoner that he is about to use such firearms against the prisoner.

(2) A prison officer may use weapons on or against any prisoner engaged in any combined outbreak of the prisoners or in any attempt to force or break open the doors, gates or enclosure wall of a prison, and may continue to use such weapons so long as such combined outbreak or attempt is actually continued.

(3) No prison officer shall, in the presence of a senior officer of rank not lower than a jailor or deputy jailor or officer for the time being acting for the jailor use weapons on or against any prisoner engaged in an outbreak or attempt to escape, unless such senior officer orders such weapons to be used.

(4) The use of weapons under this section shall be as far as possible to disable and not to kill.

(5) Every police officer who is for the time being engaged in escorting any prisoner or prisoners, or in guarding any prison or other place where prisoners are confined or employed, or in assisting in the quelling of any disturbance or violence on the part of any prisoners, or in recapturing any escaped prisoner, shall be deemed to have all the powers and rights granted by this section to prison officers.

(6) Nothing in this section contained shall be deemed to be in derogation of the provisions of sections 89 to 99, inclusive, of the Ceylon Penal Code.

No. 2 of 1883.

Amendment of section 67 of the principal Ordinance.

23 Section 67 of the principal Ordinance is hereby amended as follows:—

(1) in sub-section (1) thereof, by the substitution in paragraph (a) of that sub-section, for all the words from "causing hurt" to "cause hurt", of the words "escape or attempt to escape or abetment of escape from lawful custody, or with causing hurt or grievous hurt to a prison officer or with attempt to cause hurt or grievous hurt"; and

(2) by the addition of the following proviso to paragraph (a) of sub-section (2):—

"Provided that no delay beyond the aforesaid period of seven days shall be deemed to invalidate any inquiry held under this section, if the District Judge certifies that the delay was due to a cause which, in his opinion, is good and sufficient".

- (3) in sub-section (4) thereof, by the substitution for the words " on any female prisoner " of the following :—
 " on any offender below the age of sixteen years otherwise than in accordance with the provisions of the Flogging Regulation Ordinance, 1904, or on any female prisoner "

24 Section 67A of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

67A. (1) Where a prisoner, undergoing any sentence or punishment of any description duly imposed on him, is convicted, under section 65 or section 67 or under any other written law, of any of the following offences against prison discipline, namely—

- (a) refusing to work,
 (b) failing to perform his allotted task,
 (c) wilfully evading labour by self-disablement or by refusing to take food or by feigning madness or illness or other incapacity for work,

he shall, after undergoing such sentence or punishment as may be imposed on him for that prison offence, undergo for an additional period equal to the period during which that prison offence may have been continued, the sentence or punishment which he was undergoing at the time the prison offence was committed.

(2) Where any new sentence of imprisonment is imposed on a prisoner after the date of his conviction of any of the offences specified in sub-section (1), such new sentence shall commence only on the expiry of the additional period referred to in that sub-section.

25 Section 69 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

69. (1) Any jailor or subordinate prison officer charged with ill-treating a prisoner, or with negligence or remissness or inefficiency in the discharge of his duties, or with a contravention of any of the provisions of this Ordinance or of any rule made thereunder, or with any other misconduct, may be dealt with in accordance with the regulations for the time being in force relating to the dismissal or other punishment of public officers.

(2) Every jailor or subordinate prison officer, who ill-treats a prisoner or contravenes any of the provisions of this Ordinance or of any rule made thereunder, shall be guilty of an offence and may, where he is not in the discretion of the Inspector-General dealt with under sub-section (1), be prosecuted in the Police Court having jurisdiction over the place where the offence is alleged to have been committed, and punished by such court on conviction after summary trial with a fine not exceeding two hundred rupees, or with imprisonment of either description for a term not exceeding three months or with both such fine and such imprisonment.

(3) No person shall be punished both under sub-section (1) and under sub-section (2) for the same offence.

26 Section 74 of the principal Ordinance is hereby amended by the substitution for the words " is used ", of the words " is used under section 71 (2) or section 72 ".

27 Section 75 of the principal Ordinance is hereby amended by the substitution, for the words " approved by the Governor ", of the words " prescribed by rules made under section 76 ".

28 Section 76 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

76. (1) The Executive Committee may from time to time make all such rules, not inconsistent with this Ordinance or any other written law relating to prisons, as may be necessary for the administration of the prisons in Ceylon and for carrying out or giving effect to the provisions and principles of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, the Executive Committee may make rules for all or any of the following purposes or matters :—

- (a) the medical examination and the taking of measurements, photographs, finger-prints, foot-prints or other records, of prisoners, including particulars of the previous history of any such prisoners ;

Substitution of new section for section 67A of the principal Ordinance

Punishment for evasion of labour.

Substitution of new section for section 69 of the principal Ordinance.

Punishment of offences committed by prison officers.

Amendment of section 74 of the principal Ordinance.

Amendment of section 75 of the principal Ordinance.

Substitution of new section for section 76 of the principal Ordinance.

Power to make rules.

- (b) the persons, if any, to whom such measurements, photographs, finger-prints, foot-prints or other records may be sent or supplied ;
- (c) the disposal of the clothing and property of prisoners on admission ;
- (d) the classification, separation, safe custody, treatment and discipline of prisoners, and the classes of diet to be provided for prisoners ;
- (e) the specifications and requirements of the several types of cells and wards ;
- (f) the kind of labour to be exacted from prisoners at the different stages of their imprisonment, the manner in which and the place or places at which such labour may be exacted ;
- (g) the computation of sentences ;
- (h) visits to prisoners, and correspondence or other communication with prisoners ;
- (i) the religious instruction and the education of prisoners ;
- (j) rewards for good conduct and the remission of sentences to be allowed to prisoners for industry and good conduct, and the conditions in which such remissions may be allowed ;
- (k) means of restraint, the patterns or types that may be used and the circumstances and the manner in which they may be used ;
- (l) the supply of money, food, clothing or means of travelling to prisoners on their discharge ;
- (m) rewards for the recapture of escaped prisoners ;
- (n) the sanitation of the prisons and the health of prisoners and prison officers ;
- (o) inspection, inquiries and other proceedings by visitors ;
- (p) the duties of the Superintendent and other prison officers, and of persons appointed to act as jail guards or sentries or as escorts for the purposes of the custody of prisoners outside prison walls ;
- (q) any other purposes or matters for which rules are authorised or required by this Ordinance or by any other written law in any context relating to prisons.

(3) No rule made under this section shall have effect until it is approved by the State Council and ratified by the Governor and notification of such approval and ratification is published in the Gazette. Every rule, in respect of which such notification is published, shall be as valid and effectual as if it were herein enacted.

Insertion of a new section 86 in the principal Ordinance.

29 The following new section is hereby inserted immediately after section 85, and shall have effect as section 86, of the principal Ordinance :—

Bar of actions.

86. (1) No action shall lie against the Government of Ceylon or against any prison officer for damages in any civil court for any act *bona fide* done or ordered to be done in pursuance of this Ordinance the rules made thereunder or any other written law for the time being in force relating to the prisons in Ceylon.

(2) All actions which may lawfully be brought against the Government of Ceylon or against any prison officer, in respect of any act done in pursuance of this Ordinance or the rules made thereunder or any other written law for the time being in force relating to the prisons in Ceylon, shall be instituted within six months from the date of such act and not afterwards.

Savings for existing rules.

30 All rules made or deemed to have been made under the principal Ordinance, and in force by virtue of any written law at the date on which this Ordinance comes into operation, shall be deemed for all purposes to be rules made under the principal Ordinance as amended by this Ordinance, and may be amended, rescinded or replaced accordingly.

Repeal of Ordinance No. 24 of 1890.

31 The Prisons Amendment Ordinance, 1890, is hereby repealed.

Objects and Reasons.

The principal object of this Bill is to make some additional amendments which have been found to be necessary in the Prisons Ordinance after the date of the enactment of the amending Ordinance, No. 50 of 1935. The opportunity is also taken to introduce some formal or verbal changes designed to clarify the legal position and to facilitate the administration of the Ordinance.

Clause 2.—It is no longer necessary to give the Superintendent of a prison the power to transfer prisoners from one prison to another within the same Province. Section 7 of the Ordinance is to be amended accordingly by the omission of the words relating to this power.

Clauses 3 and 21.—As the Prisons Amendment Ordinance, 1890, is retained in the statute book merely for the sake of two of its sections, namely section 3 and section 9, it has been decided that the Ordinance should be repealed and that these sections should be revised and inserted in the appropriate context in the principal Ordinance. The latter section, recast and amplified, is to be set out as section 7A in the principal Ordinance (Clause 3), and the former as section 62 (Clause 21).

Clauses 4 and 5.—Sections 10 and 11 of the principal Ordinance, which relate to appointments to the prison staff, are to be replaced by two new sections which will make provision for the staff necessary under present conditions and will also be more in keeping with the requirements of the new Constitution as to the manner in which appointments are to be made.

Clauses 6 and 22.—These Clauses contain respectively the new sections 12B and 63 which it is proposed to insert in the principal Ordinance in order to set out clearly the law relating to the use of weapons by prison officers. Apart from the general provisions of the Penal Code as to the right of private defence of person or property, the provisions applicable to prison officers are to be found at present only in the prison rules; and they are far from complete. The new sections are based on the corresponding law of the Straits Settlements and of Tanganyika.

Clauses 7 and 10.—The new sections 13A and 20A, set out in these two Clauses, indicate the general duties of the prison staff and the medical officers in relation to the administration of the prison, and the means that may be adopted by prison officers in order to enforce obedience to the lawful directions issued by them.

Clause 9.—The new section 18A set out in this Clause is intended to enable the medical officer of a prison to take measures for the compulsory feeding of prisoners who mangle or go on hunger-strike and for the artificial feeding of those who become incapable of taking food.

Clauses 11 and 12.—Sections 32 to 32c which were inserted in the principal Ordinance by the amending Ordinance, No. 50 of 1935, have since been found to fall short of some of the recommendations of the Prison Inquiry Commission (Sessional Paper I. of 1932). In the new sections which are now to be substituted for those sections, the provisions have been amplified, and rearranged where necessary.

Clause 13.—The power to take photographs, finger-prints, foot-prints and other measurements of prisoners, which has not hitherto been expressly provided for and which is essential for custodial and identification purposes, is now to be taken, by means of the new section 35A set out in this clause, as is done in the law of other countries like the Straits Settlements, and Tanganyika.

Clause 14.—A section which will similarly lay down specifically all the main provisions as to the discharge of prisoners appears to be necessary, and the insertion of a new section 37A is accordingly proposed in this Clause. The new section will also enable the prison authorities to provide discharged prisoners with railway warrants and money for travelling expenses.

Clauses 15, 17 and 18.—The object of the new sections in these Clauses is to provide the formal authority for the rules which may hereafter be framed on the various subjects enumerated in those sections.

Clause 25.—It is proposed in this Clause to substitute for the existing section 69, which is rather involved and archaic, a revised section which will also be consistent with the requirements of the new Constitution as to the method of dealing with prison officers who are guilty of misconduct in the discharge of their duties.

Clause 28.—In the new section 76 contained in this Clause, the various matters or purposes for which rules may be made are set out in greater detail.

Clause 30.—This Clause provides the necessary savings for existing rules and will make it possible to amend or rescind or replace them as occasion may demand.

D. B. JAYATILAKA,
Minister for Home Affairs.

Colombo, March 8, 1939.

MINUTE.

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

L. D.—CF 22/38

No. 15 of 1898.

An Ordinance to amend the Criminal Procedure Code, 1898.

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 Criminal Procedure Code (Amendment) Ordinance, No. of 1939.

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

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

"of His Majesty's Regular Forces or an officer or soldier of the Defence Force acting as such".

Amendment of section 102 of the principal Ordinance.

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

"officer or non-commissioned officer in command of any soldiers of His Majesty's Regular Forces or of any soldiers of the Defence Force".

Amendment of section 103 of the principal Ordinance.

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

Amendment of section 104 of the principal Ordinance.

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

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

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

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

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

Insertion of new section 104A in the principal Ordinance.

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

Interpretation.

104A. In this Chapter—

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

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

Objects and Reasons.

The object of this Bill is to amend some of the provisions of Chapter VIII. of the Criminal Procedure Code which deals with the dispersal of unlawful assemblies by the use of civil and military force.

2. Section 100 of the Code refers to an "officer or soldier in His Majesty's army or a soldier of the Defence Force". The amendment proposed in Clause 2 is to substitute the phrase "His Majesty's regular forces" for "His Majesty's army" as the former phrase is defined in the Army Act to which reference is made in new section 104A (Clause 6) and in section 435 of the Code. The opportunity has been taken to insert a reference to an officer of the Defence Force in view of the specific reference to an army officer in the existing section.

3. Section 102 of the Code authorises the use of soldiers of the Defence Force for the dispersal of unlawful assemblies by military force "if the Governor so direct in writing". It would be difficult for a Magistrate, &c., to obtain an *ad hoc* direction when an emergency occurs, and the retention of the words is unnecessary if the direction is to be general in its

terms and application. Clause 3 accordingly provides for the omission of the words quoted and for the insertion in section 102 of amendments similar to those proposed to be inserted in section 100.

4. The amendments dealt with in Clauses 4 and 5 are consequential on those to which reference has already been made, while Clause 6 inserts at the end of Chapter VIII a new section 104A explaining the phrases 'Defence Force' and 'His Majesty's Regular Forces'.

J. C. HOWARD,
Legal Secretary.

Chambers,
Hulftsdorp, Colombo, March 14, 1939.

MINUTE.

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

L. D.—O 107/38

An Ordinance to validate the grant by the Ceylon State Mortgage Bank of loans of sums below two thousand five hundred rupees.

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

1 This Ordinance may be cited as the Ceylon State Mortgage Bank (Validation of Loans) Ordinance, No. of 1939.

Short title.

2 Notwithstanding anything in section 53 (1) (a) of the Ceylon State Mortgage Bank Ordinance, No. 16 of 1931, no loan heretofore granted under that Ordinance by the Ceylon State Mortgage Bank shall be deemed to have been granted in contravention of the provisions of that Ordinance by reason only of the fact that the loan was less than the sum of two thousand five hundred rupees.

Loans of less than Rs. 2,500 to be deemed to have been properly made.

Objects and Reasons.

Section 53 of the Ceylon State Mortgage Bank Ordinance, No. 16 of 1931, as amended by Ordinance No. 24 of 1938, enables the Bank to grant additional loans on the security of property already mortgaged to the Bank; the amendment was made retrospective in effect in order to regularize the additional loans which had been granted by the Bank before the amendment of the section.

It has now been found that certain of these additional loans were of amounts below the minimum prescribed by section 53 (1) (a), and the question whether the loans were properly made is therefore not entirely free from doubt. The object of this Bill is to declare that no loan heretofore granted shall be deemed to have been improperly made by reason only of the fact that the amount of the loan was less than the prescribed minimum.

Financial Secretary's Office,
Colombo, March 15, 1939.

H. J. HUXHAM,
Financial Secretary.

MINUTE.

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

L. D.—CF 22/38

N 52/39

An Ordinance to amend the Defence Force Ordinance, 1910.

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 Defence Force Amendment Ordinance, No. of 1939.

Short title.

2 Section 19 of the Defence Force Ordinance, 1910, is hereby amended by the substitution, for sub-section (2) thereof, of the following new sub-section :—

Amendment of section 19 of Ordinance No. 8 of 1910.

“(2) At all times when an officer or soldier of the Defence Force is deemed under section 13 (3) to be on active service, whether within or beyond the limits of the Colony, the provisions of the Army Act and of any other Act for the time being amending that Act shall apply to such officer or soldier in like manner as they apply to the officers and soldiers of His Majesty's Regular Forces.”

Objects and Reasons.

Sub-section (2) of section 19 of the Defence Force Ordinance, 1910, declares that when the Defence Force or any part of that Force is on active service with any part of His Majesty's Regular Forces, the provisions of the Imperial Army Act which are for the time being in force shall apply to the officers and soldiers of the Defence Force or the part of it which has been called out for active service. The section as it now stands does not deal with the case where the Defence Force or a part of it is on active service as a separate unit; and as it is advisable to make provision for such a case, it is proposed in this Bill to replace sub-section (2) by a new sub-section which will make the Army Act applicable as soon as the Defence Force or any part of it is called out for active service.

Colombo, March 11, 1939.

M. M. WEDDERBURN,
Chief Secretary.

MINUTE.

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

	L.D.—O 91/38
Cap. 16. Vol. I. p. 327.	An Ordinance to amend the Criminal Procedure Code.
	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 Criminal Procedure Code Amendment Ordinance, No. of 1939.
Amendment of section 435 of Chapter 16.	2 The Criminal Procedure Code is hereby amended in sub-section (1) of section 435 of that Code as follows:—
	(1) by the substitution for the words "and the Army Act, or any similar law", of the words "and military law or any similar law";
	(2) by the substitution for the words "under the Army Act, section 41," of the words "under military law"; and
	(3) by the addition at the end of that sub-section of the following:—
	In this sub-section, the expression "military law" includes the Army Act, the Naval Discipline Act and the Air Force Act, and the expression "persons subject to military law" includes all persons subject to any one of the said Acts.

Objects and Reasons.

The object of this Bill is to amend the provisions of section 435 of the Criminal Procedure Code by extending the application of that section to persons subject to the Naval Discipline Act and the Air Force Act.

Colombo, March 9, 1939.

J. C. HOWARD,
Legal Secretary.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.
Insolvency In the matter of the insolvency of Henry
Jurisdiction. Gilbert Aponso of Gilcot, Lakshapathiya,
No. 5,257. Moratuwa.

NOTICE is hereby given that a public sitting of the creditors of the above-named insolvent will be held on March 23, 1939, at 10.45 in the forenoon, for the appointment of an assignee of the estate of the above-named insolvent.

By order of court, C. EMMANUEL,
Secretary.
March 13, 1939.

In the District Court of Colombo.
No. 5,265. In the matter of the insolvency of Royston
Hendrick Perera of 7 5/4, Pickering's road,
Kotahena, 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 May 9, 1939, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
Secretary.
March 7, 1939.

10
In the District Court of Colombo.
No. 5,293 In the matter of the insolvency of Hewa-
Insolvency. dewage Lawrence Fernando of 272,
Main Street, Pettah, Colombo.

10
NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at a sitting of this court fixed for March 28, 1939, to approve conditions of sale.

By order of court, C. EMMANUEL,
Secretary.
March 3, 1939.

In the District Court of Colombo.
No. 5,338. In the matter of the insolvency of Don
Wilmot Adikaram of Muhandiram's lane,
Pettah, Colombo.

WHEREAS the above-named D. W. Adikaram has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. T. de Soysa of Pettah, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said D. W. Adikaram insolvent accordingly, and that two public sittings of the court, to wit, on April 4, 1939, and on May 9, 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.

March 10, 1939.

In the District Court of Colombo.

No. 5,339. In the matter of the insolvency of Kassim Nagoor Meera, carrying on business under the name, style, and firm of Messrs. Meera Bros. at 1, Consistory building, Colombo.

WHEREAS the above-named Kassim Nagoor Meera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by H. M. Ibrahim of 164, Bankshall street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Kassim Nagoor Meera insolvent accordingly; and that two public sittings of the court, to wit, on April 4, 1939, and on May 9, 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.

March 13, 1939.

In the District Court of Colombo.

No. 5,340. In the matter of the insolvency of Dr. Mohamed Sherriff Gowzul Ameer of 292, Dematagoda road, Colombo.

WHEREAS the above-named Dr. M. S. G. Ameer has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Donald Senanayake of Dematagoda, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Dr. M. S. G. Ameer insolvent accordingly; and that two public sittings of the court, to wit, on April 4, 1939, and on May 9, 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.

March 13, 1939.

In the District Court of Nuwara Eliya holden at Hatton.
No. 31. In the matter of the insolvency of Seena Mana Daweed Saibo of Maskeliya.

NOTICE is hereby given that at the sitting of this court held on March 14, 1939, for the grant of a certificate of conformity to the above-mentioned insolvent, the said insolvent was granted a certificate of conformity as of the second class.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

March 14, 1939.

In the District Court of Nuwara Eliya holden at Hatton.
No. 32. In the matter of the insolvency of T. S. M. Sheriff of Agarapatana.

NOTICE is hereby given that at the sitting of this court held on March 14, 1939, for the grant of a certificate of conformity, to the above-mentioned insolvent, the said insolvent was granted a certificate of conformity as of the first class.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

March 14, 1939.

In the District Court of Nuwara Eliya holden at Hatton.
No. 33. In the matter of the insolvency of P. L. V. E. P. L. Palaniappa Chettiar of Talawakele, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at a sitting of this court on April 11, 1939, for assignee's report and proof of further claims, if any.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

March 14, 1939.

In the District Court of Jaffna.

Insolvency In the matter of the insolvency of R. E. No. 173. Rasanayagam of Jaffna.

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 27, 1939, for the appointment of an assignee.

By order of court, J. N. CULANTHAIVALU,
Secretary.

March 9, 1939.

In the District Court of Badulla.

Insolvency In the matter of the insolvency of Seena No. 35. Thana Vaithilingampillai of Lower street, Badulla.

WHEREAS Seena Vana Muthiapillai has filed a declaration of insolvency, and a petition for the sequestration as insolvent under the Ordinance No. 7 of 1853, of the estate of the above insolvent, who has surrendered to Court: Notice is hereby given, that the said court has adjudged him an insolvent accordingly, and that two public sittings of the Court, to wit, on April 25, 1939, and June 27, 1939, will take place for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. K. ALVAPILLAI,
Secretary.

March, 2, 1939.

NOTICES OF FISCALS' SALES.

Central Province No. 36.00.00

In the District Court of Kandy No. 20.39

Awanna Veeyanna Rawanna Maha Shuna Pana
Ramasamy Chettiar of Gampola Plaintiff
No. 45,686.

(1) Udagedera Jayamangala Durayalegedera Rankiri Vidane Dureya, (2) Egoda Jayamangala Durayalegedera Pinchi Ukku, (3) Jayamangala Durayalegedera Elisa, all of Radagoda in Meda palata of Udunuwara Defendants.

NOTICE is hereby given that on Saturday, April 15, 1939, commencing at 2 P.M., will be sold by public auction at the premises as one block the following property mortgaged with the plaintiff by bond No. 1,570 dated November 6, 1929, and attested by M. W. R. de Silva, Notary Public of Gampola, 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 December 5, 1934, for the recovery of the sum of Rs. 3,397.18, with interest on Rs. 2,000 at 24 per centum per annum from August 25, 1934, till October 9, 1934, and thereafter legal interest on the aggregate amount, till payment in full, and costs and poundage, viz. :—

1. All that portion towards the Mulwakkada of the field called Bodipelekumbura, containing in extent 15 lahas presently 2 pelas in paddy sowing extent, situate at Radagoda in Medapalata of Udunuwara in the District of Kandy, Central Province; and which said portion is bounded on the north by Udumawe-ella and by above Muttetuwekamata, east by Asweddumekanatiyeimaniyara, south by Bokumbure-ela, and west by the portion of this field sold to Kuda Duraya.

2. All that divided portion towards the south of 12 lahas, presently containing in extent 2 pelas in paddy sowing from and out of all that field called Kitulgolle-asweddumakumbura of 3 lahas and the adjoining Kitulgollewatta of .1 pela, and together containing in extent 1 pela and 3 lahas in paddy sowing, situate at Radagoda aforesaid; and which said portion towards the south is bounded on the north by the reserved portion of this field, east by the stone fence of Sirimalie's land, south by land belonging to Kalu Duraya Veda, and west by Nawate-bimaella, together with everything thereon.

3. All that land called Kelaphillehena of about 3½ lahas paddy sowing, presently containing in extent 8 lahas in paddy sowing, situate at Radagoda aforesaid; and bounded on the north by Wele-ella, east by field, south by ela, and west by the land belonging to Rattarana, together with everything standing thereon.

4. An undivided ½ part or share from and out of all that land called Kelaphillehena of about 12 lahas, presently containing in extent 3 pelas of paddy sowing extent in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the limit of Durayagehena, east by the limit of Ukku's hena, south by above Deniyaella, and west by ella, together with a like share of everything thereon.

5. All that portion towards the north of about 3 lahas and presently containing in extent 5 lahas in paddy sowing from and out of all that land called Kitulgolle-pihillegawahena, situate at Radagoda aforesaid; and which said portion towards the north is bounded on the north by ela, east by Ravanidalakanuwa, south by the remaining portion of this field, and west by the limit of Sirimala's hena, together with everything thereon.

6. All that portion towards the west of 1 pela presently containing in extent 2 pelias in paddy sowing from and out of all that land called Kitulgollehena, situate at Radagoda aforesaid; and which said portion towards the west is bounded on the north by the limit of Kuda Duraya's land, east by the remaining portion of this land, south by Deniyakumbura, and west by the limit of the land belonging to Ran Kira Ganduraya, together with everything thereon.

7. An undivided $\frac{3}{4}$ parts or shares of about 5 lahas in paddy sowing extent from and out of all that land called Nawatehena of 5 lahas presently containing in extent 8 lahas in paddy sowing; and which said entire land is bounded on the north by the ditch of Lapaya's land, east by the limit of the land belonging to Hapu and Bilindu, south by Mala-ela, and west by the limit of Dingiri Kella's land, together with a like share of everything thereon.

8. An undivided $\frac{1}{2}$ part or share from and out of all that land called Andiyamullehena of about 12 lahas presently containing in extent 2 pelias in paddy sowing in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the agala of Ukkuwa's land, east by ela, south by the limit Dingiri Kella's land, and west by the agala of Lapayagehena, together with a like share of everything thereon.

9. An undivided $\frac{3}{4}$ parts or shares from an undivided $\frac{1}{2}$ part or share out of all that land called Kelepihillehena of 3 pelias presently containing in extent 1 amunam in paddy sowing in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by Mala-ela, east by the limit of the hena belonging to Kuda Duraya, south by Deniye-ela, and west by the agala of Rattarana's hena, together with a like share of everything thereon.

10. An undivided $\frac{1}{2}$ part or share from and out of an undivided $\frac{1}{4}$ part or share from and out of all that land called Kitulgollewatta of about 2 pelias presently about 1 amunam in paddy sowing extent in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the ela of Bilinda's kumbura, east by Galwetiya, south by agala, and west by ela, together with a like share of everything thereon.

11. All that land called Kitulgollehena of 2 pelias presently containing in extent 1 amunam in paddy sowing extent, situate at Radagoda aforesaid; and bounded on the north by the ella of Bilinda's field, east by Panwatta and ela, south by the agala of Mutuwagehena, and west by the stone fence of Kuda Duraya's hena, together with everything thereon.

12. An undivided $\frac{1}{2}$ part or share from and out of all that land called Kelepihillehena of about 12 lahas presently 2 pelias in paddy sowing extent in the whole, together with a like share of everything thereon, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the limit of Durayagehena, east by the limit of Ukku's hena, south by above Deniye-ella, and west by the same ella, and registered in C 97/258; 87/275, 276; 83/204, 87/277 to 280; 40/23; 87/281 to 283; and all the right, title, interest, and claim whatsoever of the said defendants in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,
Kandy, March 8, 1939.

H. C. WIJESINHA,
Deputy Fiscal.

44 In the District Court of Kandy.

Bisso Monika Ehelapola Seneviratna of Ampitiya in Gandahaya korale of Pata Hewaheta Plaintiff.

No. 47,419.

Batagalla Borumma Durayalagedera Kalu alias Kalu Ukku, residing at Maqura Parakalagedera in Uduwela in Gandahaya korale aforesaid Defendant.

NOTICE is hereby given that on Wednesday, April 12, 1939, commencing at 2 P.M. will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 6,360 dated February 21, 1929, and attested by M. E. E. Seneviratne, 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 June 5, 1937, for the recovery of the sum of Rs. 750, with legal interest on Rs. 950 from

October 15, 1936, till June 10, 1937, and thereafter legal interest on Rs. 750 from June 11, 1937, till payment in full and costs of suit (costs not taxed) and poundage, viz. :—

1. The northern half share in extent 3 roods and 15 perches out of Meegahamula-asvedduma of 1 acre 2 roods and 32 perches, situate at Uduwela in Gandahaya korale of Pata Hewaheta in the District of Kandy, Central Province, which said half share is bounded on the east by Horanakarayalagedewatta-agala, south by the stone fence of the remaining portion of this field, west by the garden belonging to Ukkurale and Pinhamy, and north by Talatu-oya.

2. Two undivided fifth shares out of Pallekikiriwela-kumbura alias Kekiriwelakumbura of 16 lahas alias 2 pelias paddy sowing extent, situated as aforesaid and the entirety being bounded on the east by the fence of Aratchilla's garden, south by ella of the garden, west by Kira's field, and north by the fence of Aratchilla's garden.

3. An undivided fourth share of Nayekalehena of 15 lahas in paddy sowing extent, situate at Uduwela aforesaid; and bounded on the east by the stone fence of Horanakaraya's land, south by the Talatu-oya, west by the stone fence of Kotikabaddewatta, and north by agala, and registered in G 118/137, 145/92, and 136/132 and all the right, title, interest, and claim whatsoever of the defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

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

H. C. WIJESINHA,
Deputy Fiscal.

Northern Province.

34 In the District Court of Jaffna.

Ponnammah, widow of Sinnathanby Sabapathippillai of Changanai Plaintiff.

No. 9,067.

Rs. 16.00 vs.

(1) Achymuthu alias Achchippillai, widow of Ilakan Kanapathippillai of ditto, (2) Arumugam Kulanthavelu of ditto Defendant.

(3) Visaladchy, widow of Eliyathamby of Chittankerny Added-Defendant.

NOTICE is hereby given that on Thursday, April 13, 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 3rd added-defendant, for the recovery of a sum of Rs. 325, and poundage and charges in the following property, viz. :—

A piece of land situated at Changanai in Changanai parish, Vailgamam West division of the Jaffna District, Northern Province, called Samikkaladdy and Pulimirapulo, in extent 10 lachams varagu culture, with $\frac{1}{4}$ share of the well, the shares of well and cultivated and spontaneous plantations. Of this 5 lachams varagu culture on the eastern side, with $\frac{1}{4}$ share of the house situated in it the shares of the wells, situated in the north-eastern and south-eastern corners and cultivated and spontaneous plantations; is bounded on the east by the lands belonging to Thiruchittampalam Velliampalam and Ponnammah, wife of Kumarasamy, north by front of lane and the lands belonging to Achchippillai, widow of Kanapathippillai, Ponnammah, wife of Sabapathy, and shareholders, west by the remaining portion of the land and on the south by the land belonging to Sinnathamby Vaithilingam.

This land is said to be under mortgage.

Fiscal's Office,
Jaffna, March 13, 1939.

M. SELVADURAI,
for Fiscal.

In the District Court of Jaffna.

Vairanuttu Sinnathamby of Kokuvil East Plaintiff.

No. 9,934.

Vs.

Arumugam Rajaratnam of Urelu Defendant.

NOTICE is hereby given that on Wednesday, April 19, 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 defendant in the following property for the recovery of a sum of Rs. 3,564, with interest on Rs. 3,000 at 12 per cent. per annum from June 11, 1936, until payment in full, and poundage and charges, viz. :—

All that piece of land with its appurtenances, situated at Urelu in Kopay parish, Valikamam East division of the Jaffna District, Northern Province, called Akkadalai and other parcels in extent 8 lachams varagu culture, with

22/1
cultivated and spontaneous plantations, well and house; bounded on the east by road, north by Sivakamani, wife of Ramalingam, west by Chelammah, wife of Annamalai, south by lane.

Also seized under writ No. 4,716 D. C., Jaffna.

Fiscal's Office,
Jaffna, March 13, 1939.

M. SELVADURAI,
for Fiscal.

23 In the District Court of Jaffna.

Kanthar Sellathurai of Vannarponnai East Plaintiff.

No. 23,262.

Sithambarappillai Ambalavanar of Vannarponnai East Defendant.

NOTICE is hereby given that on Tuesday, April 11, 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 defendant for the recovery of a sum of Rs. 13,372, with interest at the rate of 9 per cent. per annum from January 4, 1928, until payment in full, less a sum of Rs. 6,450.10, and poundage and charges in the following property, viz. :-

An undivided half share with its appurtenances of a piece of land situated at Vannarponnai East in Vannarponnai parish, Jaffna division of the Jaffna District, Northern Province, called Aavaranthulakkai, Vannanthoddam, and Kattalampulam, in extent 7 lachams varagu culture, with house, well, and plantations; and bounded on the east by Karthigasu and wife, Theivanai, and by lane, north by road, west by the property belonging to Kanthapoorana Madam, south by Nallathamby Vaithilingam.

Fiscal's Office,
Jaffna, March 14, 1939.

M. SELVADURAI,
for Fiscal.

Province of Sabaragamuwa.

In the Court of Requests of Kegalla.

R. B. Y. Senanayaka of Meedeniya Plaintiff.

No. 12,180.

Mrs. Karunawathie Dehigama and Arthur William Dehigama, Kumbaloluwa Waluwwa of Kumbaloluwa Defendants.

NOTICE is hereby given that on Tuesday, April 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, viz. :-

All those several allotments of lands called Harankahatennawatta, Kalotuwegoda Punchiyale *alias* Punchihena also called Galpottehena Kiyawatta and Telambygahamulla *alias* Telambugahahena Telambygahamulehena also called Kalotuwegoda Telambugahamulahena Kalotuwegoda Punchihena and Gam-ime Bogahamulahena all forming one property with the buildings and plantations thereon bearing assessment No. 381 and situated in Madeiyawa in Deyaladahamuwa pattuwa in Kegalla District of the Province of Sabaragamuwa; and bounded on the north by Bogahamulahena and land said to be belonging to the Crown, east by land said to be belonging to the Crown, Nikagallehena and Pahalagederawatta, south by the high road to Kandy, and west by Gam-imehena, Kalotuwegodahena and Rambukpotehena and Bogahamulahena; and containing in extent 10 acres 3 roods and 27 56/100 perches, and appearing in the figure of survey made by Mr. R. W. Hepponstall, Surveyor, and which said premises comprises of the following lots or parcels of land :-

1. A portion of 6 perches of Harankahatennawatta and house standing thereon according to the figure of survey made by Mr. R. W. Hepponstall, Surveyor, dated October 2, 1874, situated at Madeiyawa aforesaid.

2. Harankahatennawatta with the tiled building thereon, situated at Madeiyawa aforesaid of 1 acre and 1 rood.

3. Kalotuwegoda Puchi *alias* Punchiyanehena *alias* Galpottehena Kiyawatta of 1 acre 1 rood and 32 perches in extent and adjoining Telambugahamulahena also called Telambugahamulehena of 2 acres 2 roods and 20 perches, both forming one property of 4 acres and 12 perches in extent according to the figure of survey made by Mr. R. W. Hepponstall, Surveyor, dated January 20, 1885, and situated at Madeiyawa aforesaid.

4. Telambugahamulahena also called Kalotuwegoda Telambugahamulehena of 3 acres 1 rood and 27 56/100 perches in extent according to the figure of survey made by Mr. R. W. Hepponstall, Surveyor, dated September 20, 1884, and situated at Madeiyawa aforesaid.

B 4

5. Kalotuwegoda Punchihena of 1 acre and 13 perches in extent according to the figure of survey made by Mr. R. W. Hepponstall, Surveyor, dated February 9, 1885, and situated at Madeiyawa aforesaid.

6. Gam-ime Bogahamulahena of 1 acre and 9 perches in extent according to the figure of survey made by Mr. R. W. Hepponstall, Surveyor, dated August 3, 1885, and situated at Madeiyawa aforesaid which said lands are subject to the mortgaged bond No. 6,984 dated May 10, 1938, attested by Mr. G. C. H. Molligodda, Notary Public, for the sum of Rs. 1,000, together with interest thereon at the rate of 8 per centum per annum.

To levy Rs. 274.70 together with legal interest on Rs. 244.33 from date of decree till payment in full, Fiscal's charges and poundage.

Deputy Fiscal's Office,
Kegalla, March 14, 1939.

J. A. F. SIRIWARDENE,
Additional Deputy Fiscal.

I, William Lindsay Murphy, Fiscal for the Central Province, do hereby appoint Mr. D. W. Wickremasinghe, as Fiscal's Marshal for the District of Matale under Ordinance No. 4 of 1867 and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,
Kandy, March 7, 1939.

W. L. MURPHY,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

34 In the District Court of Colombo.

Order Nisi.

No. 8,543. In the Matter of the Intestate Estate of Muhuppu Aratchchige Thomas Perera of Sinharamulla, Kelaniya, deceased.

Palihawadane Aratchchige Alice Eugene Perera of Heiyantuduwa the Adicari pattu of Siyane korale Petitioner.

(1) Muhuppu Aratchchige Christopher Perera, (2) a child *en ventre sa mere* both minors appearing by their guardian *ad litem* Palihawadane Aratchchige Francis Perera, all of Heiyantuduwa, aforesaid Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 26, 1938, in the presence of Mr. L. L. B. Cabraal, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated June 29, 1938, having been read:

It is ordered and decreed that the 3rd respondent be and is hereby appointed guardian *ad litem* of the minors the 1st and 2nd respondents above-named to represent them for all purposes of this action and 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 interested shall, on or before September 15, 1938, show sufficient cause to the satisfaction of this court to the contrary.

August 29, 1938.

W. SANSONI,
District Judge.

The date for showing cause is extended to March 24, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate of Rm. Ar. Jurisdiction. Ar. Rm. Arunachalam Chettiar of Devakottai in South India, deceased. No. 8,727.

(1) V. Ramaswami Iyengar and (2) K. R. Subramaniam Iyer, both of Devakottai in South India, and presently of Sea street in Colombo Petitioners.

And

(1) Lakshmi Achi, (2) Nachiar Achi, widows of the deceased, Rm. Ar. Rm. Arunachalam Chettiar, (3) Umayal Achi, widow of the deceased, Rm. Ar. Rm. Ar. Arunachalam Chettiar, (4) A. R. S. M. S. Sundaresan Chettiar and (5) C. T. L. R. M. Arunachalam Chettiar, all of Devakottai in South India. Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 21, 1939,

in the presence of Mr. Adv. Peri Sundaram with Mr. Adv. N. Nadarajah instructed by Messrs. Wilson & Kadigamar, Proctors, on the part of the petitioners above named; and the affidavits of the said petitioners dated February 4, 1939, having been read and the said application having been supported by Counsel.

It is ordered that the petitioners be and they are hereby declared entitled as Receivers appointed by the Sub-Judge of Devanagai of all the assets of the deceased in India, Ceylon and other places to have Limited letters of administration to the estate in Ceylon of the said deceased for the purpose of collecting and depositing the moneys due to the estate in the Imperial Bank of India or any other Bank appointed by court, or in the Colombo Kachcheri to the credit of this case, and to take all necessary steps to collect preserve and protect the estate and generally to safeguard the assets of the estate in Ceylon of the said deceased, or in the alternative, to have letters *ad Colligenda* issued to them unless the respondents above named or any other person or persons interested shall, on or before March 30, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the notice of *Order Nisi* be served on the respondents in India.

March 9, 1939.

W. SANSONI,
District Judge.

19 In the District Court of Colombo.
Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of the late James Alexander Lourenz of "New Haven", Nuwara Eliya, No. 8,737. deceased.

THIS matter coming on for final determination before W. Sansoni, Esq., District Judge, Colombo, on February 22, 1939, in the presence of Mr. G. A. H. Wille, Proctor, on the part of the petitioner, James Herbert Lourensz of Bambalapitiya; and the affidavits of the said petitioner dated February 20, 1939, and of the attesting notary dated February 3, 1939, having been read: and it appearing to this court that the said petitioner has established his right thereto, it is ordered that probate of the will of the said deceased, be issued to James Herbert Lourensz of Bambalapitiya accordingly.

Colombo, March 9, 1939.

W. SANSONI,
District Judge.

36 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of Weerasinghe Aratchige Edward No. 8,738. Perera of Kalubowila, deceased.

Weerasinghe Aratchige Stephen Perera of Kalubowila Petitioner.

And

(1) Somawathie, (2) Wimalawathie, (3) Kamalawathie, (4) Piyasilli 1st to 4th respondents are minors appearing by their guardian *ad litem* (5) Weerasinghe Aratchige Victor Perera, (6) Uduwage Don Carolis Abeyaratne, and (7) Weerasinghe Aratchige Liliyana Perera, all of Kalubowila Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 22, 1939, in the presence of Mr. K. V. A. Perera, Proctor, on the part of the petitioner; and (1) the affidavits of the said petitioner dated February 14, 1939, (2) of the attesting witnesses dated February 3, 1939, and (3) of the attesting notary dated February 22, 1939, having been read:

It is ordered that the last will of Weerasinghe Aratchige Edward Perera, 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 one of the three executors in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above-named or any other person or persons interested shall, on or before March 23, 1939, show sufficient cause to this court to the contrary. It is further ordered that the 5th respondent be and he is hereby appointed guardian *ad litem* of the minors, 1st to 4th respondents above named to represent them for all the purposes of this action.

March 9, 1939.

W. SANSONI,
District Judge.

31 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of Arumugam Subramaniapillay of 202, No. 8,745. Jampettah street, Colombo, deceased.

Subramaniapillay Soranam of 202, Jampettah street, Colombo. Petitioner.

16 29 Vs.
(1) Subramaniapillay Thuyakayakie, (2) ditto Sivag-nansunderam, (3) ditto Sivapalasunderam, (4) ditto Somaskandhan, (5) ditto Sivakamy, all of 202, Jampettah street, Colombo 1st to 5th respondents are minors appearing by their guardian *ad litem* the (6) S. Appiah of New Chetty street, Colombo. Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on February 28, 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 February 17, 1939, having been read:

It is ordered (a) that the 6th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st to 5th respondents above named to represent them for all the purpose 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 30, 1939, show sufficient cause to the satisfaction of this court to the contrary.

March 1, 1939.

W. SANSONI,
District Judge.

20 In the District Court of Colombo.
Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of the late Doctor Adolphus Simon No. 8,748. Peter Fernando, late of Spring-field, Kanatta road, Colombo, deceased.

16 29 Vs.
THIS matter coming on for final determination before W. Sansoni, Esq., District Judge, Colombo, on March 2, 1939, in the presence of Mr. J. Tambyah-Bartlett, Proctor, on the part of the petitioner, Mildred Felicia Margaret Fernando of Spring-field Kanatta road, Colombo, and the affidavits of the said petitioner and of the attesting notary dated February 28, 1939, having been read:

And it appearing to this court that the said petitioner has established her right thereto, it is ordered that probate of the will of the said deceased, be issued to Mildred Felicia Margaret Fernando of Spring-field, Kanatta road, Colombo, accordingly.

Colombo, March 9, 1939.

W. SANSONI,
District Judge.

36 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of Wilfred Lovel Garth of Brighton. No. 8,749. Nuwara Eliya, deceased.

Lilian Beatrice Garth of Brighton, Nuwara Eliya Petitioner.

16 29 Vs.
(1) Wilfred Lovel Garth (Jnr.), (2) Lucian Harold Garth, (3) Eric William Garth, (4) Penelope Augusta Garth, all of Brighton, Nuwara Eliya, 4th respondent is a minor appearing by her guardian *ad litem* (5) Miss Leonora Gauder of Charlemont road, Wellawatta, Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on March 3, 1939, in the presence of Messrs. Pereira & Rustomjee, Proctors, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated March 2, 1939, and (2) also of the said petitioner dated March 8, 1939, having been read:

It is ordered that the last will of Wilfred Lovel Garth, deceased, of which the original has been produced, and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner, is the executrix in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person

or persons interested shall, on or before March 30, 1939, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the 5th respondent, be and she is hereby appointed guardian *ad litem* of the minor the 4th respondent above named to represent her for all the purposes of this action.

March 13, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi. 30

Testamentary In the Matter of the Intestate Estate and
Jurisdiction. Effects of Anverally Abdulhusein of
No. 8,750. Bambalapitiya in Colombo, deceased.

Banoobhai Mohamedally of Bambalapitiya in
Colombo Petitioner.
Vs. Rs. 16 29

(1) Sabirhusein Anverally, (2) Zakiruddin Anverally
1st and 2nd respondents are minors appearing
by their guardian *ad litem* (3) Abdulhusein
Shaikh Hebtulabbhoy, all of Bambalapitiya in
Colombo Respondents.

THIS matter coming on for disposal before W. Sansoni,
Esq., District Judge of Colombo, on March 6, 1939, in the
presence of Mr. F. Rustomjee, Proctor, on the part of the
petitioner above named; and the affidavit of the said
petitioner dated March 4, 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 30, 1939, show sufficient cause to the
satisfaction of this court to the contrary.

March 8, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Joint Last Will and
Jurisdiction. Testament of Philip Francis Ondaatje
No. 8,760 N.T. (and his wife, Edith Clarice Maud On-
daatje) of Kegalla in the Island of
Ceylon, but late of Dorlyn Dick-
son's road, Havelock town, Colombo,
in the said Island, Advocate, deceased.

THIS matter coming on for disposal before W. Sansoni,
Esq., District Judge of Colombo, on March 9, 1939, in the
presence of Messrs. F. J. & G. de Saram, Proctors, on the
part of the petitioner, Edith Clarice Maud Ondaatje of
Colombo; and (1) the affidavit of the said petitioner dated
March 5, 1939, and (2) the affidavit of the attesting notary
of the said last will and testament having been read: It
is ordered that the will of the said Philip Francis Ondaatje,
deceased, No. 3,213 dated November 29, 1930, and attested by
Walter Osmund Herat of Kegalla aforesaid, Notary Public, the
original of which has been produced and is now deposited
in this court, be and the same is hereby declared proved;
and it is further declared that the said Edith Clarice Maud
Ondaatje is the sole executrix named in the said will and
that she is entitled to have probate issued to her, accord-
ingly, unless any person or persons interested shall, on or
before March 23, 1939, show sufficient cause to the satis-
faction of this court to the contrary.

March 9, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Barbara Josephine
No. 8,771. Lenox-Conyngham of 36, Burton Court,
Chelsea in the County of London,
England, formerly of Lavenham
Rectory in the County of Suffolk,
England, widow, deceased.

THIS matter coming on for disposal before W. Sansoni,
Esq., District Judge of Colombo, on March 13, 1939, in the
presence of Messrs. F. J. & G. de Saram, Proctors, on the
part of the petitioner, Daniel Cottier Wilson of Colombo;
and (1) the affidavit of the said petitioner dated March 8,
1939, (2) the power of attorney dated November 29, 1938,
and (3) the order of the Supreme Court dated March 6,

1939, having been read: It is ordered that the will of the
said Barbara Josephine Lenox-Conyngham, deceased, dated
March 16, 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 Daniel Cottier Wilson 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 23, 1939,
show sufficient cause to the satisfaction of this court to the
contrary.

March 13, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Ismail Lebbe Marikar of 14/7,
No. 8,762. Paranawadiya passage, Maradana,
Colombo, deceased.

Aboobucker Lebbe Marikar Kalidien of 74, Second
Maligakada lane, Colombo Petitioner.
Vs. Rs. 20 29

(1) Aboobucker Lebbe Marikar Moomina Umma, wife
of I. L. M. Shamsideen, (2) Aboobucker Lebbe Mari-
kar Aseena Umma, wife of the late C. L. M. Zainu-
deen of 14/7, Paranawadiya Passage, Colombo,
(3) Aboobucker Lebbe Marikar Dhaneera Umma, wife
of A. C. M. Shariff of 14/8, Paranawadiya pas-
sage, Colombo, (4) Aboobucker Lebbe Marikar Pathu
Muthu Johera, wife of H. A. Abdul Rahman of
527, 2nd Division Maradana, Colombo, (5) Aboo-
bucker Lebbe Marikar Ummu Habeeba, wife of C.
L. M. Faccy of No. 74, Second Division Maradana,
(6) Aboobucker Lebbe Marikar Mohamed Faleel of
154, Old Moor street, Colombo Respondents.

THIS matter coming on for disposal before W. Sansoni,
Esq., District Judge of Colombo, on March 9, 1939, in the
presence of Mr. A. R. M. Razeen, Proctor, on the part of
the petitioner above named; and the affidavit of the said
petitioner dated December 1, 1938, having been read:

It is ordered that the petitioner, be and he is hereby
declared entitled, as son of the above-named deceased, to
have letters of administration to his estate issued to him,
unless the respondents above named or any other person or
person interested shall, on or before May 11, 1939, show
sufficient cause to the satisfaction of this court to the
contrary.

March 11, 1939.

W. SANSONI,
District Judge.

The date for showing cause against the within-mentioned
Order Nisi is hereby advanced to March 30, 1939.

March 13, 1939.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Maurice John Cary of
No. 8,772. of Colombo in the Island of Ceylon,
deceased.

THIS matter coming on for disposal before W. Sansoni,
Esq., District Judge of Colombo, on March 13, 1939, in the
presence of Messrs. F. J. & G. de Saram, Proctors, on the
part of the petitioner, Raymond Douglas Allen of Colombo;
and (1) the affidavit of the said petitioner dated March 10,
1939, (2) the power of attorney dated January 13, 1939,
and (3) the order of the Supreme Court dated March 6,
1939, having been read: It is ordered that the will of the
said Maurice John Cary, deceased, dated February 20, 1901,
an exemplification 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
Raymond Douglas Allen is the attorney in Ceylon of
Emily Winifred Cary, the administratrix and residuary
legatee and devisee 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 23, 1939, show sufficient
cause to the satisfaction of this court to the contrary.

March 13, 1939.

W. SANSONI,
District Judge.

20 In the District Court of Kalutara.

Order Nisi declaring Will Proved &c.

Testamentary In the Matter of the Estate of the late Jurisdiction. Hatanechchige Don Pavilis, deceased, of No. 2,853. Batuwa.

THIS matter coming on for disposal before E. O. E. Vander Gert, Esq., District Judge of Kalutara, on February 21, 1939, in the presence of Messrs. Sirimanne & Meegama, Proctors of the part of the petitioner, Padukkage Podinona of Batuwa; and the affidavits of the said petitioner dated February 18, 1939, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to his estate issued to her, unless the respondents or any other person or persons interested shall, on or before March 30, 1939, show sufficient cause to the satisfaction of this court to the contrary.

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

February 21, 1939.

32 In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Ibrahim Saibo, Abdul Rahiman, deceased, of 16, Penitudumulla, Nawalapitiya.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Kandy, on February 27, 1939, in the presence of Mr. V. E. Wickramatilleke, on the part of the petitioner, Mrs. E. Abdul Rahiman alias Cassila Marikkar Senon Umma; and the affidavit of the said petitioner dated February 13, 1939, and of the attesting notary dated February 16, 1939, having been read:

It is ordered that the last Will of the above-named deceased dated July 17, 1933, and now deposited in this court, be and the same is hereby declared proved, unless the respondents—(1) Abdul Rahiman Mohammed Cassim, (2) Abdul Rahiman Badoor Deen, (3) A. M. Cassim's daughter, Suleiha Umma, (4) A. M. Cassim's daughter, Nooril Musseima Umma, (5) A. B. Deen's daughter, Sitti Zaneera Umma, (6) A. B. Deen's daughter, Umma Zakkiya—or any other person or persons interested shall, on or before April 3, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the widow, and that she is entitled to have letters of administration with copy of will annexed issued to her accordingly, unless the said respondents or any other person or persons interested shall, on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

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

February 27, 1939.

32 In the District Court of Galle.

Order Nisi.

D. C., Galle. In the Matter of the Estate of Baranige Testamentary. Amaru Appu of Kataluwa East, deceased. Case No. 7,837.

Dickkumburege Sopinamy of Kataluwa East. Petitioner. And:

- (1) Baranige Nona, (2) Nona of Nagastuduwa, Kataluwa, (2) ditto Arach Appu, (3) Kulappu Tantirige Daro Gunasinghe, (4) Baranige Umm Nona, (5) ditto Nerlin Nona, 4th and 5th respondents by their guardian the 3rd respondent, all of Kataluwa East; (6) ditto Sopinahamy, c/o, S. P. Gunasena, B.I., Office, Nuwara Eliya Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on February 6, 1939, in the presence of Mr. C. E. Wickramasinghe, on the part of the said petitioner and after inquiry.

It is ordered that the said Kulappu Tantirige Daro Gunasinghe of Kataluwa East be and she is appointed guardian *ad litem* over the said 4th and 5th minor respondents, unless the said respondents or any person or persons interested shall, on or before March 29, 1939, show sufficient cause to the satisfaction of this Court to the contrary.

It is further declared that the said Dickkumburege Sopinamy of Kataluwa East is entitled to have letters of administration issued her accordingly, unless the said respondents or any person or persons interested shall, on or before March 29, 1939, show sufficient cause to the satisfaction of this Court to the contrary.

N. M. BHARUCHA,
District Judge.

February 27, 1939.

26 In the District Court of Galle.

Order absolute declaring Will Proved, &c.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Indippili Pathiranage Bastian Appu, deceased, of Hikkaduwa.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on December 6, 1938, in the presence of Mr. K. R. A. de Silva, Proctor, on the part of the petitioner, Indippili Pathiranage Andiris Appu of Nakanda, Hikkaduwa; and the affidavits of the said petitioner dated November 2, 1938, and of the attesting notary and witnesses dated November 29, 1938, having been read:

It is ordered that the Will of Indippili Pathiranage Bastian Appu, deceased, dated June 20, 1938, and now deposited in this court be and the same is hereby declared proved.

It is further ordered that the said Indippili Pathiranage Andiris Appu of Nakanda, Hikkaduwa, is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly.

C. L. WICKREMESINGHE,
District Judge.

December 10, 1938.

Extended and reissued for March 31, 1939.

N. M. BHARUCHA,
District Judge.

December 6, 1938.

32 In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. M. G. Maduranayakam Nadar, deceased, No. 7,855. of Tiruchendur Talk Tinnavelly District, South India.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Galle, on February 27, 1939, in the presence of Mr. G. Jayawardena, Proctor, on the part of petitioner, S. K. David Nadar of Ambalangoda, attorney of Jesuadial Chellammal; and the affidavit of the said petitioner dated January 19, 1939, having been read:

It is ordered that the 1st respondent, S. Kovilpully Chelliah Nadar of 4th Cross street, Colombo, and he is hereby appointed guardian *ad litem* over the minor respondents (2) Ratna Bai Gnanadeepam Daisy, (3) David Maduranayakam, both of Tiruchendur Talk, Tinnavelly District, South India, unless the said respondents or any person or persons interested shall, on or before April 3, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is declared that the said S. K. David Nadar, as attorney of the Jesuadial Chellammal, widow of the deceased, and guardian of the minors, Ratna Bai Gnanadeepam Daisy and David Maduranayakam, is entitled to have letters of administration issued to him accordingly, unless the said respondents or any persons interested shall, on or before April 3, 1939, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,
District Judge.

27 In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Arumuga Chettiar Pasupatty of Puloly No. 91/PT. East, deceased.

Packiam, widow of Pasupatty of Puloly East. Petitioner.

- (1) Saraswathi, daughter of Pasupatty, (2) Sivagnanasundaram, daughter of Pasupatty, (3) Pasupatty Durasingham, (4) Pasupatty Kanagasingham, (5) Pasupatty Thanabalingham, (6) Pasupatty Navaratnasingham, (7) Vyramuthu Chettiar Sanmugam, all of Puloly East Respondents.

THIS matter coming on for disposal before S. Rodrigo, Esq., Additional District Judge of Jaffna, on March 6, 1939, in the presence of Mr. K. Muthukumar, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read: It is hereby ordered that the 7th respondent be and is hereby appointed guardian *ad litem* over the minors the 1st to 6th respondents, to represent them in these testamentary proceedings, and

that the petitioner be and is hereby declared entitled, to take out letters of administration to the above estate, as the widow of the deceased, and that letters of administration be issued to her accordingly, unless the respondents above named appear and show cause to the contrary on or before March 24, 1939.

March 10, 1939. S. RODRIGO,
Additional District Judge.

In the District Court of Jaffna.

Order Nisi. 30

Testamentary In the Matter of the Estate of the late
Jurisdiction. Chelvanayagam Edwin Clough of Telli-
No. 553. pallai, deceased.

(1) William Adams Clough and (2) wife, Anneletheemi-
pillai of Tellipallai Petitioners.
Ranimuttu, widow of Chelvanayagam Edwin Clough
of Tellipallai Respondent.

THIS matter of the petition of the above-named peti-
tioners, praying for letters of administration to the estate
of the above-named deceased, Chelvanayagam Edwin
Clough, coming on for disposal before C. Coomaraswamy,
Esq., District Judge, on February 10, 1938, in the presence
of Mr. K. Somasunderam, Proctor, on the part of the
petitioners; and the affidavit of the petitioners dated
February 10, 1938, having been read: It is declared that
the petitioners, as parents on the said intestate and is
entitled to have letters of administration to estate of the
said intestate issued to them, unless the respondent or any
other person shall, on or before May 11, 1938, show sufficient
cause to the satisfaction of this court to the contrary.

March 24, 1938. C. COOMARASWAMY,
District Judge.

Time to show cause extended for March 3, 1939.

C. COOMARASWAMY,
District Judge.

Time to show cause extended for April 26, 1939.

March 3, 1939. C. COOMARASWAMY,
District Judge.

33
In the District Court of Mannar.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Seemampillai Mudliar Anantham, late
No. 623. of Colombc, deceased.

Anantham Seemampillai of Sinnakadai Man-
nar Petitioner.
Vs. 16 29

(1) Bastiampillai Joseph Navaratnam and wife (2)
Rosalin Ratnamma, (3) Joseph Walter Martin Rat-
narajah and wife (4) Sebastiamma Chettachchi,
(5) Anantham Sebastiampillai and, (6) Seemam-
pillai Mudliar Muttutambay of Sinnakadai, Man-
nar Respondents.

THIS matter of the petition of the above-named
petitioner, Anantham Seemampillai of Sinnakadai, Mannar,

praying for letters of administration to the estate of the
above-named deceased, Seemampillai Mudliar Anantham,
coming on for disposal before G. R. W. de Silva, Esq.,
District Judge of Mannar, on March 11, 1939, in the pre-
sence of Mr. A. L. Savundranayagam, Proctor, on the part
of the petitioner; and the affidavit of the petitioner dated
January 31, 1939, having been read: It is ordered that
the 6th respondent above named, be and he is hereby
appointed guardian *ad litem* over the minor, the 5th respon-
dent, to represent him for the purpose of this action and
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 shall, on or
before April 17, 1939, show sufficient cause to the satis-
faction of this court to the contrary.

March 10, 1939. G. R. W. DE SILVA,
District Judge.

In the District Court of Chilaw.

Order Nisi. 34

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Atham Mohamedo Beebi, late of Putta-
No. 736. lam, deceased.

Between
Seeni Meera Saibe Mohamedo Ibrahim of Putta-
lam Petitioner.
16 29

And

(1) Mohamedo Ibrahim Asen Neina Marakar, (2) Moha-
medo Ibrahim Yusuf Natchia, wife of Abdul Asiz
Marakar Sella Marakar, (3) Elevathamby Marakar
Kothuwal Marakar and his wife, (4) Mohamedo
Suleha, commonly known as Sinne Muttu, all of
Puttalam Respondents.

THIS matter coming on for disposal before M. L. D.
Caspersz, Esq., Additional District Judge of Puttalam,
on February 8, 1939, upon the motion of Mr. Wilfred A.
Muttukumaru, Proctor, on the part of the petitioner;
and the petitioner's affidavit dated January 24, 1939, and
petition dated February 6, 1939, having been duly read:

It is hereby ordered that the petitioner be and he is here-
by appointed administrator of the estate of Atham Moha-
medo Beebi, deceased, and directing that letters of admi-
nistration be issued to the petitioner accordingly, unless
the respondents or any other person or persons interested
in the said estate shall, show sufficient cause to the satisfac-
tion of this court to the contrary on February 21, 1939,
at 10 o'clock in the forenoon.

February 14, 1939. M. L. D. CASPERZ,
Additional District Judge.

Time for showing cause extended for March 28, 1939.

February 21, 1939. M. A. SAMARAKOON,
District Judge.