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CEYLON GOVERNMENT
GAZETTE

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PART II.—LEGAL.

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

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DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 112/38

No. 4 of 1902.

An Ordinance to amend the Powers of Attorney Ordinance, 1902.

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 Powers of Attorney Amendment Ordinance, No. of 1939.

Amendment of section 3 of Ordinance No. 4 of 1902.

2 Section 3 of the Powers of Attorney Ordinance, 1902, (hereinafter referred to as "the principal Ordinance"), is hereby amended—

(a) by the substitution, for the words "shall file and register the power of attorney, and after satisfying himself of the correctness of such copy," of the words "shall, after satisfying himself of the correctness of such copy, register the power of attorney and file such copy and"; and

(b) by the substitution, for the words "the power of attorney is filed, and shall return such copy", of the words "such copy is filed, and shall return the power of attorney".

Amendment of section 5 of the principal Ordinance.

3 Section 5 of the principal Ordinance is hereby amended by the substitution, for the words "the power of attorney" of the words "the copy of the power of attorney".

Amendment of section 6 of the principal Ordinance.

4 Section 6 of the principal Ordinance is hereby amended by the substitution, for the words "powers of attorney", of the words "copies of powers of attorney".

Amendment of section 7 of the principal Ordinance.

5 Section 7 of the principal Ordinance is hereby amended by the substitution, for the words "any power of attorney" of the words "any copy of a power of attorney".

Amendment of section 9 of the principal Ordinance.

6 Section 9 of the principal Ordinance is hereby amended—

(a) by the substitution, for the words "to the power of attorney", of the words "to the copy of the power of attorney";

(b) by the substitution, for the words and figures "For the registration of any power of attorney 2.50" of the following :—

" For the registration of any power of attorney 3.75";
and

(c) by the substitution, for the words and figures "For every certified copy issued under section 5, per folio of 120 words 0.25" of the following :—

" For every certified copy issued under section 7, per folio of 120 words .. 0.50".

Objects and Reasons.

The Powers of Attorney Ordinance, 1902, provides that a power of attorney which is registered under that Ordinance should be filed with the Registrar-General and a certified copy thereof returned to the person producing it for registration. More powers of attorney will probably be registered under the Ordinance if the law provides that the certified copy should be filed with the Registrar-General and that the original power of attorney should be returned to the person producing it for registration.

2. The object of this Bill is to amend the principal Ordinance so as to enable the original power of attorney to be returned after registration and to increase the fees payable for the registration of powers of attorney and the issue of certified copies.

G. C. S. CORREA,

Minister for Labour, Industry and Commerce.

Colombo, March 21, 1939.

MINUTE.

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

L. D.—O 108/38

An Ordinance further to amend the Registration of Documents Ordinance, No. 23 of 1927.

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

- | | |
|---|---|
| <p>1 This Ordinance may be cited as the Registration of Documents Amendment Ordinance, No. of 1939.</p> <p>2 The First Schedule to the Registration of Documents Ordinance, No. 23 of 1927, is hereby amended as follows :—</p> <p>(1) in Part I, by the substitution in item 9 thereof, for the figure " 10 " of the figure " 20 " ;</p> <p>(2) in Part III—</p> <p>(a) by the repeal of the Proviso to item 2 thereof ; and</p> <p>(b) by the insertion immediately after item 2 thereof of the following new item :—</p> | <p>Short title.</p> <p>Amendment of First Schedule to Ordinance No. 23 of 1927.</p> |
|---|---|

" 2A. An application for copies of or extracts from any deed, or for copies of or extracts from any folio or folios relating to any land, a Rs. c. fee of . . . 0 50

Objects and Reasons.

The object of this Bill is to effect the following amendments in the First Schedule to the Registration of Documents Ordinance, No. 23 of 1927 :—

- (1) the increase to Rs. 20 of the fee charged by item 9 of Part I for the registration of an instrument presented to the Registrar-General under section 29 of the Ordinance ;
- (2) the repeal of the Proviso to item 2 of Part III ; the effect of this repeal will be that the fee charged under that item for the inspection of any book or index will always be Re. 1 and that no reduction will be made in any special case ;
- (3) the addition in Part III of a new item 2A under which a fee of cents 50 will be charged upon any application for a copy of or extract from any deed or folio.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, March 21, 1939.

MINUTE.

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

L. D.—O 90/38

An Ordinance to amend the Penal Code.

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

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| <p>1 This Ordinance may be cited as the Penal Code (Amendment) Ordinance, No. of 1939.</p> <p>2 The following new section is hereby inserted immediately after section 290 of the Penal Code, (hereinafter referred to as " the principal Ordinance "), and shall have effect as section 290A of that Code .—</p> <p>290A. Whoever does any act, in or upon, or in the vicinity of, any place of worship or any object which is held sacred or in veneration by any class of persons, with the intention of wounding the religious feelings of any class of persons or with the knowledge that any class of persons is likely to consider such act as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.</p> | <p>Chapter 15
(Vol. I., p. 191)</p> <p>Short title.</p> <p>Insertion of new section 290A in the Penal Code, (Chapter 15).</p> <p>Acts in relation to places of worship, &c., with intent to insult the religion of any class</p> |
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| <p>3 Section 294 of the principal Ordinance is hereby amended by the substitution, for Exception 5 in that section, of the following :—</p> | <p>Amendment of section 294 of the principal Ordinance</p> |
|---|--|

Exception 5—Culpable homicide is not murder if the offender, being the mother of a child under the age of twelve months, causes its death whilst the balance of her mind is disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child.

Objects and Reasons.

Section 290 of the Penal Code makes punishable with two years' imprisonment or with fine, or with both imprisonment and fine, the destruction, damage or defilement of a place of worship or any object held sacred by any class of persons, where the destruction, damage or defilement is done with the intention or knowledge that the religious feelings of any class of persons will be wounded or insulted.

The object of Clause 2 of this Bill is to widen the scope of the law so as to penalise other acts which, while not being so grave as to involve actual destruction, damage or defilement, are nevertheless of such a nature as to insult or wound the religious feelings of any class of persons.

2. Exception 5 to section 294 of the Penal Code provides that culpable homicide is not murder if the offender, being the mother of a newly born child, causes its death while the balance of her mind is disturbed by reason of her not having fully recovered from the effect of giving birth to the child.

The recently passed Infanticide Act, 1938, of the Imperial Parliament amended the English law of infanticide, on which Exception 5 to section 294 of the Penal Code was based, in two particulars. It is no longer necessary in England that the child whose death has been caused should have been "newly born" in order to reduce the offence from murder to infanticide. The new provision is that the child should have been under twelve months old. Further, the fact that the balance of a woman's mind is disturbed at the time of the offence, by reason of the effect of lactation consequent on the birth of the child, has been added as a circumstance which will reduce the offence to one of infanticide.

The object of Clause 3 of this Bill is to incorporate in the Penal Code appropriate provisions designed to bring the Ceylon law into line with the English law relating to infanticide.

J. C. HOWARD,
Legal Secretary.

Colombo, March 30, 1939.

MINUTE.

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

L. D.—O. 90/38

Chapter 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 147(1)(d) of the Criminal Procedure Code, (Chapter 16).

2 Section 147 of the Criminal Procedure Code, (hereinafter referred to as "the principal Ordinance"), is hereby amended, in paragraph (d) of sub-section (1) of that section, by the substitution for the words "under section 288" of the following:—

"under section 288 or section 290A".

Amendment of Second Schedule to the principal Ordinance.

3 The Second Schedule to the principal Ordinance is hereby amended by the insertion, immediately after the item relating to section 290 of the Penal Code, of the item set out in the Schedule hereto.

SCHEDULE.

1	2	3	4	5	6	7	8
290A	Doing any act in or upon or in the vicinity of a place of worship or a sacred or venerated object, with intent to insult the religion of any class of persons.	Same	Same	Same	Same	Imprisonment of either description for one year, or fine or both	District Court Magistrate's Court.

Objects and Reasons.

The Bill to amend the Penal Code, which is to be introduced together with this Bill, inserts in that Code a new section 290A, penalising acts done in relation to places of worship or sacred or venerated objects, with the intention or knowledge that the religious feelings of any class of persons will be wounded or insulted.

Clause 2 of this Bill amends the Criminal Procedure Code so as to require the Attorney-General's sanction for every prosecution under the new section, and Clause 3 inserts in the Second Schedule of the Code the necessary item relating to that section.

J. C. HOWARD,
Legal Secretary.

Colombo, March 30, 1939.

MINUTE.

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

L. D.—O 80/38

An Ordinance to amend the Medical Ordinance and other written law in consequence of the suppression of the post of Deputy Director of Medical and Sanitary Services.

Chapter 90.
(Vol. III, p. 6)

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

- | | |
|--|---|
| <p>1 This Ordinance may be cited as the Medical Amendment Ordinance, No. of 1939.</p> | <p>Short title.</p> |
| <p>2 Section 4 of the Medical Ordinance, (hereinafter referred to as "the principal Ordinance") is hereby repealed.</p> | <p>Repeal of section 4 of Chapter 90.</p> |
| <p>3 Section 5 of the principal Ordinance is hereby amended—</p> <p>(a) by the omission of the words and figure "or by section 4 of this Ordinance,";</p> <p>(b) by the omission of the word "Deputy" where that word occurs in that section for the first time; and</p> <p>(c) by the omission of the words "or by the Deputy Director of Medical and Sanitary Services".</p> | <p>Amendment of section 5 of principal Ordinance.</p> |
| <p>4 Section 8 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution in paragraph (b) for the words "Deputy Director of Medical and Sanitary Services", of the words "Assistant Director of Medical Services".</p> | <p>Amendment of section 8 of principal Ordinance.</p> |
| <p>5 Section 9 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for the words "Deputy Director of Medical and Sanitary Services" of the words "Assistant Director of Medical Services".</p> | <p>Amendment of section 9 of principal Ordinance.</p> |
| <p>6 Where in any written law made before the commencement of this Ordinance there occurs the expression "the Deputy Director of Medical and Sanitary Services" or any form of words intended to designate that officer, there shall be substituted therefor the expression "an officer of the Department of Medical and Sanitary Services authorised in that behalf by the Director".</p> | <p>Corrections to be made in former laws.</p> |

Objects and Reasons.

The object of this Bill is to make the necessary amendments in the Medical Ordinance and in other written law, consequent on the suppression of the post of Deputy Director of Medical and Sanitary Services.

Colombo, April 1, 1939.

W. A. DE SILVA,
Minister for Health.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,252. In the matter of the insolvency of Mahawatage Peter Richard Mendis of Mayfield, Moratuwella, Moratuwa.

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 23, 1939, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
March 28, 1939. Secretary.

In the District Court of Colombo.

No. 5,288. In the matter of the insolvency of Mohamed Jameel Marikar Lebbe of 121/180, Grandpass, 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 23, 1939, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
March 28, 1939. Secretary.

In the District Court of Colombo.

No. 5,297. In the matter of the insolvency of Watantrige Victor Alwis of 47, Hampden lane, Wellawatta.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 23, 1939, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
March 28, 1939. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) Nawalage Nandawathie Cooray appearing by her next friend (2) Matarage Dona Leclawathie, both of Galkissa Plaintiff.

No. 877. Vs.

(1) Nawalage Luciana Cooray of Nawala and another Defendants.

NOTICE is hereby given that on Friday, April 28, 1939, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in

the following property, for the recovery of the sum of Rs. 309.26 being *pro rata* costs due by the 1st defendant to the plaintiff, viz. —

All that divided portion marked lot 1 in plan No. 351 dated April 4, 1938, made by J. F. Maloney, Licensed Surveyor, from ~~the~~ out of the land called Hedawakagahawatta, together with the plantations and buildings thereon, bearing assessment No. 162, Welikada road, and Nos. 2 (1) and 2 (2), Narahenpita road, situated at Nawala in the Palle pattu of Salpiti korale, within the Urban District Council limits of Kotte, in the District of Colombo, Western Province; bounded on the north by Hedawakagahawatta of M. Marthenis Cooray, east by lot 2 and the road from Nugegoda to Welikada, south by road from Narahenpita to Nugegoda; west by Hedawakagahawatta of C. Dona Bastiana, bearing assessment No. 4; and containing in extent 26.21 perches. Subject to the mortgage bonds bearing No. 4,714 dated August 31, 1934, No. 4,776 dated December 1, 1934, No. 4,890 dated July 1, 1935, all attested by D. R. de S. Abhayanyake, Notary Public, in favour of the 2nd defendant in this case.

Fiscal's Office,
Colombo, April 3, 1939.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

²⁶ In the District Court of Colombo.
The Shell Company of Ceylon, Limited, Colombo Plaintiffs.
No. 49,730.

M. H. Perera, building contractor, Pita Kotte Defendant.

NOTICE is hereby given that on Saturday, April 29, 1939, at 11 A.M., will be sold by public auction at or near the premises the right, title, and interest of the said defendant in the following property for the recovery of the balance sum of Rs. 1,269.81, with legal interest on Rs. 985.47 from September 6, 1936, till payment in full, viz. :—

All that allotment of land called Madatiyagahawatta, situated at Pita Kotte, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; bounded on the north by the land of Weerasekera-aratchige Don Paulis and others, east by the field of Pnto Jayawardena, south by the land of Nicholas Perera, and west by the high road from Kotte to Colombo; containing in extent 2 roods and 6 perches, together with all the buildings, trees, and plantations standing thereon according to plan No. 1,884 dated November 27, 1928, made by M. B. de Silva, Licensed Surveyor.

Fiscal's Office,
Colombo, April 3, 1939.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

²² Southern Province.
In the District Court of Colombo.
In the Matter of Mrs. Regina Alice de Silva of Stanley Crescent, Beach road, Mount Lavinia, a person of unsound mind.

No. 8,960 (Lunacy).
William Henry de Silva of St. Aloysius College, Galle Defendant.

NOTICE is hereby given that on Friday, April 28, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

All that an undivided $\frac{1}{2}$ share of the soil and soil shares trees of the land called Ketakalagaha Duwa in extent about $1\frac{1}{2}$ acres subject to a life interest in favour of defendant's mother and a 13 cubits house and the kitchen attached thereto, situated at Halwala in the Four Gravets of Galle, Galle District, Southern Province; and bounded on the north by Galgamuwekumbura, east by Pahalamahakumbura, south by Mahakumbura, and west by Wewegoda.

Writ amount Rs. 118.52.

Fiscal's Office,
Galle, April 1, 1939.

T. D. S. DHARMASENA,
Deputy Fiscal.

³⁷ In the Court of Requests of Galle.
The Southern Province Trust Limited, Galle. Plaintiff.
No. 17,908.

Fakir Mohideen Mohamed Sully of 154, Middle street, China Garden, Galle Defendant.

NOTICE is hereby given that on Thursday, May 4, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. The entirety of all those the house and premises comprised of the buildings bearing Municipal Assessment No. 146 and a part of the garden bearing Municipal Assessment No. 145 and forming a divided portion of the land called Kekiribokkewatta *alias* Chinawatta, situated at China Garden in Kumbalwella within the Municipality of Galle, in the Galle District, Southern Province, and bounded on the north by a divided portion of the garden and premises bearing assessment No. 145, east by the high road called the China Garden Middle road, on the south by the house and premises bearing assessment No. 154, and on the west by Rope Walk; and containing in extent 8.18 perches.

2. The entirety of all those the house and premises comprised of the buildings and garden bearing Municipal assessment No. 154 and forming a divided portion of the land called Kekiribokkewatta *alias* Chinawatta, situated at China Garden in Kumbalwella aforesaid; and bounded on the north by the house bearing assessment No. 146 and a part of the garden bearing assessment No. 145, on the east by the high road called China Garden Middle road, on the south by the premises bearing assessment No. 149, and on the west by Rope Walk, in extent 12 perches.

Writ amount Rs. 141.52, with legal interest from September 22, 1937, till payment in full and costs Rs. 22.25.

Fiscal's Office,
Galle, April 1, 1939.

T. D. S. DHARMASENA,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

³⁶ In the District Court of Kalutara.

Order *Nisi* declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Jurisdiction. Kaluperuma Tegrus de Silva, deceased, No. 2,855. of Kalutara North.

THIS matter coming on for disposal before E. O. C. Vander Gert, Esq., District Judge of Kalutara, on March 14, 1939, in the presence of Mr. D. J. K. Goonetilleke, Proctor, on the part of the petitioner, Kaluaratchige Dona Cecilia de Silva of Kalutara North; and the affidavit of the said petitioner dated February 28, 1939, having been read, it is ordered that the will of Kaluperuma Tegrus de Silva of Kalutara North, deceased, dated December 20, 1935, bearing No. 956, and now deposited in this court, be and the same is hereby declared proved, unless the respondents (1) Kaluperuma Derek Stanley de Silva, (2) ditto Nihal Kingsley de Silva, both of Kalutara North, or any other person or persons interested shall, on or before April 25, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Kaluaratchige Dona Cecilia de Silva of Kalutara North is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless the respondents or any other person or persons interested shall, on or before April 25, 1939, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that Jayalath-Kankanaratchige Piyadasa of Kokmaduwa in Matara District, presently of Kalutara North, be and he is hereby appointed guardian *ad litem* over the said 1st and 2nd respondents, who are minors, for all the purposes of this action, unless the respondents shall, on or before April 25, 1939, show sufficient cause to the satisfaction of this court to the contrary.

March 14, 1939.

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

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Kathrasappilai, wife No. 720. of Mylvaganam Periathamby of Vaddukodda East, Jaffna, deceased.

Mylvaganam Periathamby of Vaddukodda East, Jaffna Petitioner.
Vs.

(1) Ampalavanar Veluppillai and (2) wife Pinnachchpillai, both of Vaddukodda East, Jaffna, (3) Pannampalam Sangarappilai and (4) wife Ledchunappillai, both of Vannarponnai East, Jaffna, (5) Ramalingam Rasiah of Vaddukodda West, Jaffna, (6) Ramalingam Kanagaratnam of ditto, presently of Immigration Department, Port Swettenham, F.M.S., (7) Thangammah, widow of Karthigasu Kandasamy of Vaddukodda East, Jaffna, (8) Casippillai Ampalavanar of ditto, presently of Paylang Estate, Batu Annam, Johore, (9) Casippillai Sathasivam of ditto, presently of P. W. D., Pullamadhu, Mannar Respondents.

THIS matter of the petition of the above-named petitioner, praying that the last will and testament of the

above-named deceased dated October 9, 1925, attested by Mr. Subramaniam Sittampalam, Notary Public, under No. 6,664 be declared proved and probate thereof be granted to the petitioner as the executor named therein and the petitioner praying for letters of administration of the estate of the deceased excluded from the said last will coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on March 21, 1939, in the presence of Mr. M. Kathravelu, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner; and the affidavit of the subscribing witnesses thereof dated March 21, 1939, and March 11, 1939, respectively, having been read :

It is ordered that the said last will and testament of the above-named deceased be declared proved and probate thereof be granted to the petitioner and letters of administration to the estate of deceased excluded from the said last will be granted to petitioner unless the above-named respondents or any other person or persons shall, on or before May 19, 1939, show sufficient cause to the satisfaction of this court to the contrary.

March 28, 1939.

C. COOMARASWAMY,
District Judge.

The "Ceylon Government Gazette."

PUBLISHED EVERY FRIDAY.

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19 lines to 36 lines	16	0
37 lines to 45 lines	20	0
46 lines to 54 lines	24	0
55 lines to 63 lines	28	0
64 lines to 72 lines	32	0
73 lines to 84 lines (one column)	36	0
One page	72	0

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