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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 86/38

An Ordinance to establish a Board of Indigenous Medicine, to vest in that Board the Administration and management of the College of Indigenous Medicine, the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto, and to provide for the Registration of Practitioners of Indigenous Medicine.

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

Short titled and date of operation.

1 This Ordinance may be cited as the Indigenous Medicine Ordinance, No. of 1939, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

The Board of Indigenous Medicine.

Maintenance of College, Hospital, Pharmacy, Herbarium and Dispensary of Indigenous Medicine.

2 The College of Indigenous Medicine, the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto, which are in existence on the date on which this Ordinance comes into operation, shall, with effect from that date, be maintained out of funds provided for the purpose by the State Council and such other funds as may be at the disposal of the Board of Indigenous Medicine.

Constitution of the Board.

3 (1) The administration and management of the College of Indigenous Medicine, the Hospital of Indigenous Medicine and the Pharmacy, Herbarium and Dispensary attached thereto shall be vested in a Board, which shall be called the Board of Indigenous Medicine, and shall consist of the following members :—

- (a) a President and seven other members appointed by the Governor on the recommendation of the Executive Committee; and
- (b) the person acting for the time being as Principal of the College :

Provided that three of the members appointed by the Governor under paragraph (a) shall be practitioners of indigenous medicine who have been registered under this Ordinance.

(2) Any member of the Board who is appointed by the Governor may at any time be removed from office by the Governor on the recommendation of the Executive Committee.

(3) Any member of the Board who is appointed by the Governor shall, if he leaves Ceylon with the intention of remaining abroad for a period exceeding six months or if he fails to attend more than six consecutive meetings of the Board, be deemed to have vacated his office.

(4) Every member of the Board who is appointed by the Governor shall, unless he earlier resigns or vacates his office or is removed therefrom, hold office for three years from the date of his appointment, but shall be eligible for re-appointment.

Incorporation of the Board.

4 (1) The Board shall be a corporation with perpetual succession and a common seal and with capacity to acquire, hold and dispose of property and to sue and be sued under the name and style of the Board of Indigenous Medicine.

(2) All moneys provided by the State Council for the purposes of this Ordinance and all other funds at the disposal of the Board shall be administered by the Board in accordance with the provisions of this Ordinance and the regulations made thereunder.

Meetings of the Board.

5 (1) Every question which comes up for consideration before the Board shall be dealt with at a meeting of the Board and shall be determined by the majority of the members present and voting.

(2) The President shall preside over every meeting of the Board at which he is present. In the absence of the President from any meeting, the members present may choose one of their number to be Chairman of the meeting.

(3) The quorum for any meeting of the Board shall be three.

(4) In the event of an equality of votes on any question considered at a meeting of the Board, the President or the member acting as Chairman shall have a casting vote in addition to his original vote.

(5) Save as herein expressly provided, meetings of the Board shall be held at such intervals and conducted according to such procedure, and the business of the Board shall be transacted in such manner and subject to such conditions, as may be prescribed.

6 Subject as hereinafter provided, all appointments to the staff of the College and of the Hospital and the Pharmacy, Herbarium and Dispensary attached thereto, shall be made by the Board:

Appointments
in the service
of the Board.

Provided that no such appointment shall have effect until it has been confirmed by the Executive Committee:

Provided further that any person so appointed shall for all purposes be deemed to be in the service of the Board and not of the Government of Ceylon.

7 Subject to such terms and conditions as may be prescribed, the Board may, from time to time—

Salaries,
Scholarships,
&c.

- (a) determine the salaries to be paid to members of the staff of the College and of the Hospital and the Pharmacy, Herbarium and Dispensary attached thereto, and
- (b) make financial or other arrangements for the awarding of scholarships, exhibitions or prizes, by way of reward or assistance to deserving students of the College.

8 (1) The Board shall, on or before the prescribed date in each year, submit for the consideration of the Executive Committee the annual budget of the Board containing details of the anticipated revenue and expenditure of the Board for the financial year commencing after that date, and such other particulars as may be prescribed.

Budget and
expenditure.

(2) The budget of the Board may at any time be varied or amended with the approval of the Executive Committee.

(3) No expenditure shall at any time be incurred by the Board unless such expenditure—

- (a) has been approved by the Executive Committee in the annual budget of the Board or in any amendment or variation thereof, or
 - (b) has been authorised by the Executive Committee, either generally or in the circumstances of any particular case.
- (4) The accounts of the Board shall be audited by such person and at such intervals as may be prescribed.

Duties of
the Board.

9 It shall be the duty of the Board, in accordance with such regulations as may be made in that behalf—

- (a) to provide courses of instruction in indigenous medicine to the students admitted to the College;
- (b) to hold the prescribed examinations at the prescribed intervals in the subjects in which instruction is provided;
- (c) to grant diplomas in indigenous medicine to students of the College who have been successful in the prescribed examinations and have fulfilled the prescribed conditions;
- (d) to maintain the Herbarium and the Pharmacy in efficient condition and to ensure an adequate supply of such medicines, medicinal appliances and goods, and medicated articles of food or drink, as may be necessary for the purposes of the Hospital and the Dispensary; and
- (e) to provide at the Hospital and the Dispensary all such facilities as may be necessary for the treatment of diseases and for the supply of medicines, medicinal appliances or goods, and medicated articles of food or drink.

Registration of Practitioners of Indigenous Medicine.

10 The Board shall maintain a register of the practitioners of indigenous medicine in Ceylon and shall enter therein the prescribed particulars in respect of each practitioner so registered.

Register of
practitioners.

11 (1) No person shall be entitled to be registered as a practitioner of indigenous medicine, unless such person—

Qualifications
for registration.

- (a) is the holder of a diploma granted by the Board or of a diploma or certificate granted by any college, hospital or other institution in Ceylon or in India which has been declared to be an approved institution for the purposes of this Ordinance by regulation made thereunder; or
- (b) has been registered before the date on which this Ordinance comes into operation as a practitioner under the provisions of the Ayurvedic Medical Council Ordinance; or

Cap. 219.

(c) satisfies the Board that he possesses sufficient knowledge, experience and skill for the efficient practice of indigenous medicine.

(2) The Board may refuse to register any person, or remove from the register the name of any person who has been registered under this Ordinance as a practitioner of indigenous medicine, on the ground—

- (a) that he has been convicted by a competent court of any offence which shows him to be unfit to be a practitioner of medicine ;
- (b) that he has been guilty of any misconduct in his professional capacity ;
- (c) that he has been deprived of any diploma or certificate, issued by any institution or authority other than the Board, which constituted his qualification to be registered under this Ordinance.

Privileges
of registered
practitioners.

12 (1) Every person who is registered under this Ordinance as a practitioner of indigenous medicine shall be entitled to sue for and recover in due course of law by action in a Court or Village Tribunal of competent jurisdiction in Ceylon any reasonable sum claimed by him as—

- (a) fees for any services rendered or advice given or work done in his professional capacity ;
- (b) charges for any medicines, medicinal preparations or appliances or medicated articles of food or drink, supplied by him ; or
- (c) expenses incurred by him in connexion with or for the purposes of the medical treatment of any patient.

(2) No person who is not registered under this Ordinance as a practitioner of indigenous medicine shall be entitled to institute or maintain any action in any Court or Village Tribunal in Ceylon for the recovery of any fees, charges or expenses of any description referred to in sub-section (1).

(3) Any medical certificate or other document, or any opinion or statement issued, given or made as to the state of health of any person by a practitioner of indigenous medicine who is not registered under this Ordinance, shall not be accepted or admitted as evidence for any of the purposes of any proceedings held before or taken by any Court or Village Tribunal in Ceylon.

Penalty for
false
representations
as to
qualifications.

13 Any person who, by the adoption or use of any title or professional designation or in any other manner whatsoever, holds himself out to be the holder of a diploma granted by the Board or to be a practitioner of indigenous medicine registered under this Ordinance, when in truth and in fact he is not the holder of such diploma or has not been so registered, shall be guilty of an offence punishable after summary trial before a Magistrate with a fine not exceeding one hundred rupees.

Practice of
indigenous
medicine by
unregistered
practitioners.

14 Nothing in this Ordinance shall be deemed to declare the practice of any system of indigenous medicine or surgery by any person to be unlawful by-reason only of the fact that such person is not the holder of a diploma issued by the Board or has not been registered by the Board as a practitioner of indigenous medicine.

Miscellaneous.

Power to levy
fees and
charges.

15 (1) The Board may charge and levy fees and other charges at the prescribed rates for—

- (a) the enrolment of any person as a student of the College ;
- (b) the admission of a student to any course of lectures or other instruction ;
- (c) the admission of a student to the examinations of the College ;
- (d) the grant of a diploma to a student ;
- (e) the inquiry into an application made by any person, other than the holder of a diploma, for registration as a practitioner of indigenous medicine ;
- (f) the registration of any person as a practitioner of indigenous medicine ;
- (g) the treatment of patients at the Hospital ;
- (h) the medicines, medicinal appliances or medicated articles of food or drink supplied at the Dispensary.

(2) All fees and charges received or recovered by the Board shall be credited to the funds of the Board and shall be at the disposal of the Board subject to the provisions of this Ordinance.

Regulations.

16 (1) The Executive Committee may make regulations for or in respect of all purposes or matters for which regulations are authorised or required by this Ordinance and all such other regulations as may be necessary for giving effect to the principles and carrying out the provisions of this Ordinance.

(2) No regulation made under this Ordinance 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 regulation shall, upon the publication of such Notification in respect thereof, be as valid and effectual as if it were herein enacted.

17 In this Ordinance, unless the context otherwise requires—

Interpretation.

- “ Board ” means the Board of Indigenous Medicine constituted by this Ordinance ;
- “ College ”, “ Hospital ”, “ Pharmacy ”, “ Herbarium ” and “ Dispensary ” mean the respective institutions in existence on the date on which this Ordinance comes into operation ;
- “ Executive Committee ” means the Executive Committee of Health ;
- “ indigenous medicine ” includes the Ayurvedic, Siddha, and Unani systems of medicine and surgery ;
- “ prescribed ” means prescribed by regulations made under this Ordinance.

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

Saving of rights of the Crown.

Objects and Reasons.

The object of this Bill is to make provision—

- (a) for the administration and management of the existing College of Indigenous Medicine and the Hospital of Indigenous Medicine with the Pharmacy, Herbarium and Dispensary attached to it ; and
- (b) for the registration of practitioners of indigenous medicine.

2. The existing College, Hospital and connected institutions are to be maintained and administered by an incorporated Board of management to be known as the Board of Indigenous Medicine.

3. The duty of maintaining a register of the practitioners of indigenous medicine in Ceylon is also to be assigned to the Board.

Colombo, November 9, 1939.

W. A. DE SILVA,
Minister for Health.

MINUTE.

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

L. D.—O 91/38

An Ordinance to amend the Criminal Procedure Code.

Cap. 16 ;
Vol. I., p. 327.

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

1 This Ordinance may be cited as the Criminal Procedure Code Amendment Ordinance, No. of 1939.

Short title.

2 The Criminal Procedure Code is hereby amended in sub-section (1) of section 435 of that Code as follows :—

Amendment of section 435 of Chapter 16.

- (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, to be tried by a court-martial ”, of the words “ to be tried under military law ” ; and

(3) by the substitution for all the words from " of the regiment," to the end of that sub-section, of the following :—

' of the ship, regiment, corps or detachment to which he belongs or to the Commanding Officer of the nearest naval, military or air force station, as the case may be, for the purpose of being tried in accordance with military law.

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, November 3, 1939.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

L. D.—O 66/39

Cap. 292,
(Vol. VI.,
p. 323).

An Ordinance to amend the Savings Certificates Ordinance.

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 Savings Certificates Amendment Ordinance, No. of 1939.

Amendment of
section 25 of
Chapter 292.

2 Section 25 of the Savings Certificates Ordinance is hereby amended, by the substitution for sub-section (2) thereof, of the following new sub-section :—

" (2) (a) Out of the balance of the Fund, a sum not exceeding one-third of the Fund may, with the approval of the Governor, be invested by the Trustees in loans granted from time to time to the Government; and the Deputy Financial Secretary is hereby authorised to borrow such sum on behalf of the Government and to act for the Government for the purposes of any such loan.

(b) Out of such part of the balance of the Fund as may not be immediately required for the purposes of paragraph (a) of this sub-section, the Trustees may from time to time grant loans of such amounts as may be approved by the Governor to the Local Loans and Development Commissioners for the purposes of the Local Loans and Development Ordinance."

Cap. 281.

Objects and Reasons.

The object of this Bill is to amend section 25 (2) of the Savings Certificates Ordinance (Cap. 292, Volume VI., page 323) so as to fix a limit for loans granted out of the Savings Certificates Fund to the Government and to empower the Deputy Financial Secretary to act for the Government for the purposes of any such loan.

The existing law requires that loans granted to the Government should be utilised only for the purpose of meeting expenditure incurred or to be incurred on public works. The proposed amendment will remove this restriction in regard to the purpose for which loans may be applied, and authorises an investment by the Trustees of moneys which will form part of the General Loan Fund of the Government to be expended in any manner or for any purpose which may be authorised by law.

J. L. KOTELAWALA,
Minister for Communications and Works.
Colombo, November 7, 1939.

MINUTE.

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

L. D.—O 98/38

**An Ordinance to amend the Ordinance intituled
“ 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 :—

1 This Ordinance may be cited as the Criminal Procedure Code (Amendment) Ordinance, No. of 1939.

Short title.

2 In the event of the Bill intituled “ An Ordinance to amend the Criminal Procedure Code ”, (which was passed by the State Council on the nineteenth day of July, 1939,) taking effect as an Ordinance upon the signification of His Majesty's assent thereto by Proclamation published in the Government Gazette, that Ordinance shall, with effect from the date of the publication of such Proclamation, be amended, in section 3 thereof and in the marginal note to that section, by the substitution for the words “ Second Schedule ” of the words “ First Schedule ”.

Clause 3 of the Criminal Procedure Code (Amendment) Bill to be amended in the event of that Bill becoming law.

Objects and Reasons.

In the Bill to amend the Criminal Procedure Code, which was passed by the State Council on July 19, 1939, and reserved for His Majesty's assent, reference was made to the “ Second Schedule ” of the Criminal Procedure Code. As a result of the renumbering of the Schedules to the Criminal Procedure Code in the Revised Edition of the Legislative Enactments, the reference should have been to the “ First Schedule ”, and the object of this Bill is to rectify the error with effect from the date on which His Majesty's assent to the Criminal Procedure (Amendment) Bill above referred to becomes law.

Colombo, November 9, 1939.

J. C. HOWARD,
Legal Secretary.

PASSED ORDINANCES.

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

No. 47 of 1939.

M. L. A.—B 1410/L. D.—O 44/36

An Ordinance to amend certain provisions of the Municipal Councils Ordinance.

Chapter 193.
Vol. V., p. 3.

A. CALDECOTT.

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

1 This Ordinance may be cited as the Municipal Councils Amendment Ordinance, No. 47 of 1939.

Short title.

2 Section 110 of the Municipal Councils Ordinance, (hereinafter referred to as “ the principal Ordinance ”), is hereby amended by the addition at the end thereof, of the following new paragraph, which shall have effect as paragraph (25) of that section :—

Amendment of section 110 of Chapter 193.

“ (25) The abatement of nuisances, including the prohibition, regulation and control of the operation of gramophones, loudspeakers, amplifiers and other instruments automatically or mechanically producing or reproducing sound.”

3 Section 188 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Repeal and replacement of section 188 of the principal Ordinance.

188. (1) The Council shall determine the name by which any street shall be known, and may at any time alter the name of any street.

Naming of streets and numbering of houses.

(2) Before any private street is given a name or before the name of any private street is altered, the Council shall cause

notice of the proposed name to be posted at either end of such street and to be given to the owners of land abutting such street; and any such owner may, within fifteen days after the posting of the notice or the date on which such notice is given, whichever is the later, object to the proposed name, by sending to the Council a written statement containing the grounds on which his objection is based. The Council shall, after considering the objections, if any, determine the name by which such private street shall be known.

In this sub-section, "private street" means a street over which the public have no right of way.

(3) The Council shall determine the number by which any house or tenement shall be distinguished and may alter such number from time to time as occasion may require.

(4) It shall be lawful for the Council to paint or otherwise mark or exhibit the name of any street or the number of any house or tenement on any private property, and from time to time to alter or renew such inscription of the name or the number, as the case may be, whenever such name or number is altered or the inscription becomes illegible.

(5) Any person who, without the authority of the Council destroys, pulls down, defaces, or alters any inscription of the name of any street or the number of any house or tenement which has lawfully been set up by the Council or sets up in any street any name different from the name lawfully given to such street or sets up in any house or tenement any number other than the number lawfully given to such house or tenement, shall be guilty of an offence.

(6) For the purposes of this section and of section 43 (1) (f) the word "street" includes any road, footway or passage used or intended to be used as a means of access to two or more houses or sites of houses whether the public have a right of way thereover or not, and any side-walk and reservation at the side thereof.

Amendment of
section 269 of the
principal
Ordinance.

Chapter 194.

4 Section 269 of the principal Ordinance is hereby amended as follows:—

- (a) by the substitution, for the words "this Ordinance" of the words "this Ordinance or the Colombo Municipal Council (Constitution) Ordinance";
- (b) by the substitution, for the words "before a Magistrate", of the words "before a District Judge, Magistrate":

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-seventh day of October, One thousand Nine hundred and Thirty-nine.

E. H. DAVIES,
Secretary to the Governor.

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

No. 48 of 1939.

An Ordinance to make provision for the establishment of Juvenile Courts, for the supervision of Juvenile Offenders, for the protection of Children and Young Persons, and for other connected purposes.

[Assented to by His Majesty the King: see Proclamation dated November 9, 1939, published in Government Gazette No. 8,549 of November 17, 1939.]

M. M. WEDDERBURN.

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FIRST SCHEDULE.

SECOND SCHEDULE.

**An Ordinance to make provision for the establishment of
 Juvenile Courts, for the supervision of Juvenile Offenders,
 for the protection of Children and Young Persons,
 and for other connected purposes.**

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 Children and Young Persons Ordinance, No. 48 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.

PART I.

ESTABLISHMENT OF JUVENILE COURTS, JURISDICTION
OF AND PROCEDURE IN JUVENILE COURTS, &C.

Juvenile Courts.

2 A court of summary jurisdiction sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on a Juvenile Court by or under this Ordinance or any other written law shall be known as a Juvenile Court.

Juvenile
Courts.

3 (1) The Governor may appoint any person by name or by office to be or to act as the Magistrate of a Magistrate's Court when that court is sitting as a Juvenile Court.

Children's
Magistrate.

(2) The Governor may appoint any person by name or by office to be or to act as the Magistrate of the Magistrate's Court and of the Municipal Court of any municipal town when either such court is sitting as a Juvenile Court.

(3) A woman shall not be disqualified by reason only of her sex from being appointed as a Magistrate under sub-section (1) or sub-section (2).

(4) Any person appointed under sub-section (1) or sub-section (2) shall be known as the Children's Magistrate of the judicial division or of the municipal town for which he is appointed.

4 (1) Notwithstanding anything in any written law to the contrary but subject as hereinafter provided, a Magistrate's Court sitting as a Juvenile Court shall have jurisdiction to hear and determine any case in which a child or young person is charged with any offence other than a scheduled offence and any question of law or fact arising in such case.

Jurisdiction
of Juvenile
Courts.

(2) A Municipal Court sitting as a Juvenile Court shall have no jurisdiction to hear and determine any case in which a child or young person is charged with having committed an offence other than an offence which, in the case of an adult, is triable by such Municipal Court under the provisions of the Municipal Councils Ordinance or of any other written law.

Chapter 193,
Vol. V., p. 3.

(3) A Village Tribunal or a Village Committee sitting as a Juvenile Court shall have no jurisdiction to hear and determine any case in which a child or young person is charged with having committed any offence other than an offence, which, in the case of an adult, is triable by such Tribunal or Committee, as the case may be, under the provisions of the Village Communities Ordinance or of any other written law.

Chapter 198,
Vol. V., p. 379.

Assignment of certain matters to Juvenile Courts.

5 (1) Subject as hereinafter provided, no charge against a child or young person and no application whereof the hearing is by this Ordinance or by any other written law assigned to Juvenile Courts, shall be heard by a court of summary jurisdiction which is not a Juvenile Court :

Provided that—

- (a) no case in which a child or young person is charged with having committed a scheduled offence shall be heard and determined by a Juvenile Court ; and
- (b) a charge made jointly against a child or young person and a person who has attained the age of sixteen years shall be heard by a court of summary jurisdiction other than a Juvenile Court ; and
- (c) where in any case a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a Juvenile Court, if a person who has attained the age of sixteen years is in the same case charged with the abetment of that offence ; and
- (d) where, in the course of the proceedings before any court of summary jurisdiction other than a Juvenile Court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this section shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

Order for bail by courts not sitting as Juvenile Courts.

6 No direction, whether contained in this Ordinance or in any other written law, that a charge shall be brought before a Juvenile Court, shall be construed as restricting the powers of any court of summary jurisdiction which is not a Juvenile Court to entertain an application for bail or for a remand and to hear such evidence as may be necessary for that purpose.

Sittings of a Juvenile Court.

7 (1) A Juvenile Court shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on such court by or under this Ordinance or any other written law.

(2) A Juvenile Court shall sit in a different building or room from that in which sittings of courts other than Juvenile Courts are held :

Provided, however, that this sub-section shall not apply in the case of a Village Tribunal or a Village Committee sitting as a Juvenile Court, if a different building or room is not available for the sittings of such Juvenile Court.

(3) No person shall be present at any sitting of a Juvenile Court except—

- (a) members and officers of the Court ;
- (b) parties to the case before the Court, their advocates, proctors and witnesses and other persons directly concerned in that case ; and
- (c) such other persons as the Court may specially authorise to be present.

Power of Juvenile Court to proceed with hearing where accused person is not a child or young person.

8 (1) A Juvenile Court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit so to do, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

(2) Where the court before which any person is bound by his recognizance under Chapter XXVI of the Criminal Procedure Code or under the provisions of the Village Communities Ordinance or any rules made thereunder to appear is a Juvenile Court, the attainment by him of the age of sixteen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognizance, or of jurisdiction to vary or discharge the recognizance.

Chapter 16, Vol. I., p. 327.

Procedure in Juvenile Courts.

9 (1) Where a child or young person is brought before a Juvenile Court for any offence which that court has jurisdiction to hear and determine, it shall be the duty of the court as soon as possible to explain to him in simple language the substance of the alleged offence.

(2) Where a child is brought before a Juvenile Court for any offence which that court has jurisdiction to hear and determine, the case shall be tried and determined in that court.

(3) Where a young person is brought before a Municipal Court, a Village Tribunal or a Village Committee sitting as a Juvenile Court, for any offence which that Juvenile Court has jurisdiction to hear and determine, the case shall be tried and determined by such Juvenile Court.

(4) Where a young person is brought before a Magistrate's Court sitting as a Juvenile Court for any offence which that Juvenile Court has jurisdiction to hear and determine, the following provisions shall apply :—

- (a) Where the offence alleged against the young person is an offence other than an indictable offence, the case shall be tried and determined by the Juvenile Court ;
- (b) Where the offence alleged against the young person is an indictable offence—

- (i) the court shall, if it is of opinion that it is expedient that the case should be summarily disposed of, put to the young person the following or a similar question, telling him that he may consult his parent or guardian or a friend before replying :—

“ Do you wish to be tried by this court or by a higher court ? ”,

and the court shall explain to the young person and to his parent or guardian, if present, the meaning of being so tried ; and if the young person on being so questioned states that he wishes to be tried by the Juvenile Court, the case shall be tried and determined by that court :

Provided that if the court becomes satisfied at any time during the hearing that the case should be tried by a higher court, the Juvenile Court shall discontinue the proceedings against that young person and direct that the charge should be preferred in a Magistrate's Court of competent jurisdiction ;

- (ii) if the court is of opinion that it is not expedient that the case should be summarily disposed of, or if the young person in answer to the question put to him under paragraph (i) states that he wishes to be tried by a higher court, the Juvenile Court shall discontinue the proceedings against that young person and direct that the charge should be preferred in a Magistrate's Court of competent jurisdiction.

(5) In every case which is tried by a Juvenile Court in accordance with the provisions of this section the court shall adopt the following procedure :—

- (a) The court shall ask the child or young person whether he admits that he committed the offence ;
- (b) If the child or young person does not admit that he committed the offence, the court shall then hear the evidence of the witnesses in support of the charge. At the close of the evidence-in-chief of each such witness, the court shall ask the child or young person, or if it thinks fit, the parent or guardian of the child or young person, whether he wishes to put any question to the witnesses ; and the child or young person, or the parent or guardian may, if he so desires, put any questions accordingly. The child or young person may, instead of asking any questions, make a statement, if he so desires ;
- (c) It shall be the duty of the court to put to every witness who gives evidence in support of the charge such questions as appear to the court to be necessary ;
- (d) The court may put to the child or young person such questions as may be necessary to explain anything in any statement made by the child or young person ;
- (e) If it appears to the court that a *prima facie* case is made out, the evidence of any witness for the defence shall be taken and the child or young person shall be allowed to give evidence or to make any statement ;
- (f) If the child or young person admits that he committed the offence or if the court is satisfied on the evidence adduced that the child or young person committed the offence, he shall be asked if he desires to say anything in extenuation of the offence or in mitigation of punishment or otherwise.

Procedure on finding of guilty in Juvenile Courts.

10 (1) Where a Juvenile Court is satisfied that a child or young person is guilty of an offence in respect of which that court has jurisdiction under this Ordinance, the court shall, for the purpose of deciding how the child or young person should be dealt with, take into consideration any information which may be available regarding the antecedents and circumstances of the child or young person, including any information supplied by a probation officer under section 17, and may summon and examine any probation officer or other person and may also put to the child or young person any question arising out of such information or examination.

(2) For the purpose of enabling any information regarding the antecedents and circumstances of the child or young person to be obtained, the court may, if it is a Magistrate's Court sitting as a Juvenile Court, remand the child or young person for a period not exceeding twenty-one days to a remand home or to the custody of a fit person; and when any child or young person has been so remanded the court may—

- (a) in his absence extend the period for which he is remanded, so, however, that he appears before the court at least once in every twenty-one days; and
- (b) when the required information has been obtained, deal with him finally.

Restriction on reports of proceedings in Juvenile Courts.

11 No report of any proceedings before a Juvenile Court shall be published in any newspaper, magazine, or other journal: Provided that nothing in this section shall affect the *bona fide* publication of any report of any such proceedings in any scientific journal or other publication devoted exclusively to the protection or welfare of children or young persons:

Provided further that no report in any such journal or publication shall reveal the name, address, or school, or any other particulars calculated to lead to the identification of, any child or young person concerned in such proceedings.

Rules of court.

12 (1) The Judges of the Supreme Court, or any five of them, of whom the Chief Justice shall be one, may frame rules of court for regulating the procedure and practice in Magistrate's Courts and Municipal Courts sitting as Juvenile Courts; and the provisions of the Criminal Procedure Code shall apply to the procedure and practice in such Juvenile Courts, in so far as those provisions are not inconsistent with the provisions of this Ordinance or of any rules framed under this sub-section.

(2) The matters for which rules may be framed under sub-section (1) shall be deemed to be added to the list of matters for which rules may be framed, constituted, and established under section 49 of the Courts Ordinance; and the provisions of that section of that Ordinance shall apply accordingly to any rules of court framed under sub-section (1) for the purposes of this Ordinance.

(3) The Governor may frame rules for regulating the procedure and practice in Village Tribunals and Village Committees sitting as Juvenile Courts; and the provisions of the Village Communities Ordinance and of any rules made thereunder relating to the procedure and practice in criminal cases before such Tribunals and Committees shall, in so far as those provisions are not inconsistent with the provisions of this Ordinance or of any rules made under this sub-section, apply in cases heard by a Village Tribunal or a Village Committee sitting as a Juvenile Court.

(4) The matters for which rules may be framed under sub-section (3) shall be deemed to be added to the matters for or in respect of which rules may be made under the Village Communities Ordinance relating to the procedure and practice in criminal cases before Village Tribunals and Village Committees; and the provisions of that Ordinance shall apply accordingly to any rules made under sub-section (3) for the purposes of this Ordinance.

Chapter 6, Vol. I., p. 25.

Separation of children and young offenders from adults in Police Stations, courts, &c.

13 Arrangements shall be made for preventing a child or young person while detained in a police station or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or

PART II.

SPECIAL PROVISIONS APPLICABLE TO ALL COURTS IN RELATION TO CHILDREN AND YOUNG PERSONS.

Preliminary Proceedings.

young person is jointly charged, and for ensuring that a girl (being a child or young person) shall while so detained, being conveyed or waiting, be under the care of a woman.

14 (1) Where a person apparently under the age of sixteen years is arrested, with or without warrant, and cannot be brought forthwith before the competent court of summary jurisdiction, the person making the arrest shall take such person to the nearest police station and the officer in charge of that station shall inquire into the case and shall release such person if a recognizance is entered into by him or his parent or guardian (with or without sureties) for such an amount as will, in the opinion of the officer, secure his attendance upon the hearing of the charge :

Bail or detention of children and young persons arrested.

Provided, however, that where the competent court of summary jurisdiction is a Magistrate's Court, the officer in charge of the station may detain and deal with him in the manner provided in sub-section (2) if—

- (a) the charge is in respect of a scheduled offence ;
- (b) it is necessary in the interest of such person to remove him from association with any reputed criminal or prostitute ; or
- (c) the officer has reason to believe that the release of such person would defeat the ends of justice.

(2) Where a person apparently under the age of sixteen years having been arrested is not so released as provided in sub-section (1), the officer in charge of the station shall cause him to be detained in a remand home or in the residence of any person nominated by the Governor under sub-section (3) until he can be brought before the competent court of summary jurisdiction, unless the officer certifies :

- (a) that it is impracticable to do so ; or
- (b) that he is of so unruly a character that he cannot safely be so detained ; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the court before which he is brought.

(3) The Governor may by notification in the Gazette nominate for any area any number of responsible persons in whose residences any person apparently under the age of sixteen years may be detained for the purposes of sub-section (2).

15 (1) Any court on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a remand home, or in the residence of a fit and proper person named in the commitment, to be there detained for the period for which he is remanded or until he is thence delivered in due course of law :

Remand or committal to custody in remand homes or in charge of fit and proper persons.

Provided that in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed or that he is of so depraved a character that he is not a fit person to be so detained.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by the nearest Magistrate's Court having jurisdiction in the place where the court which made the order sat, and if it is revoked, the young person may be committed to prison.

16 (1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings unless the court is satisfied that it would be unreasonable to require his attendance.

Attendance at court of parent of child or young person charged with an offence, &c.

(2) Where a child or young person is arrested or taken to a place of safety the person by whom he is arrested or the officer in charge of the police station to which he is brought or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the child or young person if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) A court may issue a summons requiring the attendance of a parent or guardian at such time and place as may be specified therein; and any summons so issued shall—

- (a) when issued by a Magistrate's Court or Municipal Court sitting as a Juvenile Court, be deemed to be a summons which the court is empowered to issue under the Criminal Procedure Code and the provisions of Chapter V of that Code shall apply accordingly;
- (b) when issued by a Village Tribunal or Village Committee sitting as a Juvenile Court, be deemed to be a summons which the Tribunal or Committee is empowered to issue under the Village Communities Ordinance and the provisions of that Ordinance and of any rules made thereunder, relating to such a summons, shall apply accordingly.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person:

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was, before the institution of the proceedings, removed from the custody or charge of his parent by an order of a court.

Notice to probation officers of charges against and applications relating to children and young persons.

17 (1) Where a child or young person is to be brought before a Magistrate's Court or before a Juvenile Court in respect of an offence alleged to have been committed by him, or as being in need of care or protection, the officer in charge of the police station to which the child or young person is taken shall forthwith notify the day and hour when and the nature of the charge or other grounds on which, the child or young person is to be brought before the court, to the probation officer, or one of the probation officers, for the area within the jurisdiction of such court.

(2) A probation officer who has received a notification under the last foregoing sub-section shall make such investigations and render available to the court such information as to the home surroundings, school record, health, and character of the child or young person as appear to him to be likely to assist the court.

General Provisions as to Proceedings in Court.

Prohibition against children being present in court during the trial of other persons.

18 No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purpose of justice; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed.

Power to clear court while child or young person is giving evidence in certain cases.

19 (1) Where, in any proceedings in relation to an offence against, or any conduct contrary to decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or proctors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.

Prohibition of publication of certain matter in newspapers.

20 (1) In relation to any proceedings in any court, other than a Juvenile Court, which arise out of any offence against or any conduct contrary to, decency or morality—

- (a) no report of the proceedings in any newspaper, magazine, or other journal shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken, or as being a witness therein; and
- (b) no picture shall be published in any newspaper, magazine or other journal, as being or including a picture of any child or young person so concerned in the proceedings as aforesaid.

(2) Any person who publishes any matter in contravention of sub-section (1) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding five hundred rupees.

*Principles to be observed by all Courts in dealing with
Children and Young Persons.*

21 Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

General considerations.

Young Offenders.

22 No conviction or finding of guilty of a child or young person shall be regarded as a conviction of an offence for the purposes of any disqualification attaching to such conviction.

Removal of disqualifications attaching to any offence.

23 (1) A child shall not be ordered to be imprisoned for any offence, or be committed to prison in default of payment of a fine.

Restrictions on punishment of children and young persons.

(2) A young person shall not be ordered to be imprisoned for any offence, or be committed to prison in default of payment of a fine, unless the court certifies that he is of so unruly a character that he cannot be detained in a remand home or certified school or that he is of so depraved a character that he is not a fit person to be so detained.

(3) The provisions of sub-section (2) shall be in addition to and not in substitution of any other provisions of any written law limiting or restricting the power of a court to order a person to be imprisoned in default of a fine, and such other provisions shall apply in the case of a young person in so far as they are not inconsistent with the provisions of sub-section (2).

24 (1) Where in lieu of sentence of death, a sentence of detention during the Governor's pleasure has, under section 53 of the Penal Code, been passed by any court in respect of a person who, in the opinion of the court is under the age of sixteen years, the court may order that person to be detained in a remand home until the pleasure of the Governor is made known.

Punishment of certain grave crimes.
Chapter 5,
Vol. I., p. 191.

(2) Where a child or young person is convicted on indictment of any scheduled offence other than murder and the court is of opinion that none of the other methods in which the case may legally be dealt with is suitable, the court may sentence the offender to be detained for such period as may be specified in the sentence; and where such a sentence has been passed the child or young person shall, during that period, notwithstanding anything in the other provisions of this Ordinance, be liable to be detained in such place and on such conditions as the Governor may direct.

(3) A person detained pursuant to the directions of the Governor under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Governor on licence. Such a licence may be in such form and may contain such conditions as the Governor may direct, and may at any time be revoked or varied by the Governor.

Where a licence has been revoked the person to whom the licence related shall return to such place as the Governor may direct, and, if he fails to do so, may be apprehended without warrant and taken to that place.

25 (1) Where a child or young person is found guilty by any court of an offence punishable in the case of an adult with imprisonment, whether with or without a fine, the court may order that he be committed to custody in a remand home for such term as may be specified in the order, not exceeding the term for which he might, but for this Ordinance, be ordered to be imprisoned, nor in any case exceeding one month.

Substitution of custody in remand home for imprisonment.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 28 (1) or section 29 (1).

26 (1) Where a child or young person is found guilty by any court of an offence punishable in the case of an adult with imprisonment, whether with or without a fine, the court may order him to be sent to an approved or certified school:

Power to send a child or young offender to an approved or certified school.

Provided, however, that the court shall not order that a child under the age of ten years be sent to an approved or certified school, unless it is satisfied that there is no fit person of the same religious persuasion as the child who is willing to undertake the care of him and that he cannot suitably be dealt with otherwise.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 28 (1) or section 29 (1).

Power to commit child or young offender to care of probation officer or parent, &c.

27 (1) Where a child or young person is found guilty by any court of any offence the court may—

- (a) order him to be delivered to his parent or guardian or nearest adult relative, on such parent, guardian, or relative executing a bond, with or without sureties, that he will be responsible for the good behaviour of the child or young person for any period not exceeding one year; or
- (b) order him to be placed for a period not exceeding three years in charge of a probation officer appointed under Chapter XXVI of the Criminal Procedure Code or in charge of some fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) make any order which the court is competent to make under section 325 of the Criminal Procedure Code discharging the child or young person conditionally on his entering into a recognizance.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 28 (1) or section 29 (1).

(3) Where a court makes an order under paragraph (b) of sub-section (1), it may in such order give such directions with regard to the supervision of the child or young person as it may think fit.

(4) Where a court makes an order under paragraph (c) of sub-section (1), the provisions of Chapter XXVI of the Criminal Procedure Code shall be applicable in the case of the child or young person in respect of whom the order is made.

Power to order parent to pay fine instead of child or young person.

28 (1) Where a child or young person is charged before any court with any offence punishable in the case of an adult with a fine the court, if it is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment, may in any case, and shall if the offender is a child, order that the fine awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not concurred to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) In any case in which an order is made under sub-section (1), the court may in addition make an order under section 29 (1).

(3) An order under sub-section (1) may be made against a parent or guardian who, having been required to attend, has failed to do so, but save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(4) Any sum ordered under sub-section (1) to be paid by a parent or guardian may be recovered from him as if it were a fine and in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person is charged.

(5) A parent or guardian may appeal to the Supreme Court against an order under sub-section (1) if made by any court other than the Supreme Court and the provisions of Chapter XXX of the Criminal Procedure Code shall apply to an appeal so preferred.

Infliction of corporal punishment on a child or young person.

29 (1) Where a child or young person who is a male is found guilty by any court of any offence, the court may, if it is for any reason of opinion that the case is one in which corporal punishment should be inflicted, make order that the child or young person shall receive not more than six strokes with a light cane or rattan, such strokes to be inflicted in the presence of the court and, if the parent of the child or young person desires to be present, in his presence:

Provided that no order under this section shall be made in any case unless the court also makes an order under not more than one of the following sections:—

25 (1), 26 (1), 27 (1) and 28 (1).

(2) Every court which makes an order under sub-section (1), shall record in writing its reasons for making such order.

30 Where a child or young person is found guilty of any offence by any court, the court, in any case in which it is of opinion that it is not necessary or expedient to deal with the child or young person under the provisions of sections 25 to 29, may after due admonition discharge the child or young person.

Discharge of child or young person after admonition.

31 (1) Any court by or before which a child or young person is found guilty of an offence other than murder may, if it thinks fit, remit the case to the Magistrate's Court sitting as a Juvenile Court of the district within which the offence was committed; and where any such case is so remitted, the offender shall be brought before such Juvenile Court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

Power of other courts to remit a child or young offender to Juvenile Courts.

(2) No appeal shall lie against an order of remission made under sub-section (1), but nothing in this sub-section shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the Juvenile Court to which the case was so remitted may appeal to the Supreme Court as if he had been tried and found guilty by the Juvenile Court.

(3) A court by which an order remitting a case to a Juvenile Court is made under sub-section (1) may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the Juvenile Court, and shall cause to be transmitted to the Juvenile Court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof and that the case has been remitted for the purpose of being dealt with under sub-section (1).

32 The Governor may by order direct that—

- (a) a child or young person with respect to whom he is authorised to give directions under section 24 (2); or
- (b) a young person who has been ordered to be imprisoned and has been pardoned by the Governor on condition of his agreeing to undergo training in a school,

Power of Governor to send certain children and young offenders to approved or certified schools.

shall be transferred or sent to and detained in an approved or certified school specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of the Governor attain the age of nineteen years nor later—

- (a) in the case of a person who was sentenced to detention under section 24 (2), than the date on which his detention would have expired;
- (b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run.

33 The words "conviction" and "sentence" shall cease to be used in relation to children and young persons dealt with summarily and any reference in any written law to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be.

Miscellaneous provisions as to summary proceedings against children and young persons.

Children and Young Persons in need of Care or Protection.

34 (1) For the purposes of this Ordinance a child or young person in need of care or protection means a person who is—

- (a) a child or young person who, having no parent or guardian or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or
- (b) a child or young person who—
 - (i) being a person in respect of whom any of the offences mentioned in the First Schedule has been committed; or
 - (ii) being a member of the same household as a child or young person in respect of whom such an offence has been committed; or
 - (iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person;

Definition of "in need of care or protection".

Chapter 95,
Vol. III., p. 122.

(iv) being a female member of a household whereof a member has committed an offence under section 16 of the Marriage Registration Ordinance in respect of another female member of that household ;

requires care or protection ; or

(c) a child in respect of whom an offence has been committed under section 75 (which relates to the punishment of vagrants preventing children from receiving education).

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall, without prejudice to the generality of the provisions of paragraph (a) of sub-section (1), be evidence that he is exposed to moral danger.

Powers of
Juvenile
Courts in
respect of
children and
young persons
in need of care
or protection.

35 (1) If a Magistrate's Court sitting as a Juvenile Court is satisfied that any person brought before the court under this section by any officer of a local authority, or by any police officer or authorised person, is a child or young person in need of care or protection, the court may either—

- (a) order him to be sent to an approved or certified school ;
or
- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him ; or
- (c) order his parent or guardian to enter into a recognizance to exercise proper care and guardianship ; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

(2) Any officer of a local authority, or any police officer or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a Magistrate's Court sitting as a Juvenile Court ; and it shall be the duty of a local authority to cause to be brought before a Magistrate's Court sitting as a Juvenile Court any child or young person residing or found within its administrative limits who appears to it to be in need of care or protection unless it is satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Governor to institute proceedings under this section, and any person who is himself so authorised.

Powers of
other courts
with respect to
last foregoing
section.

36 (1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule or any offence under section 75, may—

- (a) direct that the child or young person be brought before a Magistrate's Court sitting as a Juvenile Court with a view to that court making such order under the last foregoing section as may be proper ; or
- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, make any order which the Juvenile Court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a Magistrate's Court sitting as a Juvenile Court, it shall be the duty of the local authority within the administrative limits of which the child or young person was residing or found to bring him before such a court under section 35 (2).

Supplementary Provisions as to orders of Court.

Supervision by
Probation
Officers or
other persons.

37 (1) Where a court makes an order under any of the provisions of this Ordinance placing a child or young person under the supervision of a probation officer or of some other fit person, that officer or person shall, while the order remains in force—

- (a) visit or receive reports from the child or young person under supervision at such reasonable intervals as may be specified in the order, or subject thereto, as the officer or person shall think fit ;

- (b) see that the conditions of any recognizance entered into by or in respect of the child or young person are observed ;
- (c) make report to the court as to the behaviour of the child or young person ;
- (d) advise, assist, and befriend the child or young person and, when necessary, endeavour to find him suitable employment ; and
- (e) if it appears necessary in the interests of the child or young person so to do, at any time while the order is in force and he is under the age of sixteen years, bring him before the Magistrate's Court sitting as a Juvenile Court, of the division within which he is resident, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to an approved or certified school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where the probation officer or other person named in the order as aforesaid placing a child or young person under supervision has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a Juvenile Court may appoint another probation officer or person to act in his place.

38 (1) A court before making an approved or certified school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

Regard to be had to religious persuasion of person sent to approved or certified school.

(2) A court or the Governor, in determining the approved or certified school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to an approved or certified school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian, or nearest adult relative may apply—

- (a) if the order was made by a court of summary jurisdiction, to that court sitting as a Juvenile Court :
- (b) in any other case, to the Governor,

to remove or send the person to an approved or certified school for persons of his religious persuasion, and the court or the Governor shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved or certified school order, if any, relating to him, comply with the request of the applicant :

Provided that nothing in this sub-section shall empower a court, or impose an obligation upon the Governor, to comply with any request as aforesaid unless the applicant has—

- (a) made his application before, or within thirty days after, the person's arrival at the school ; and
- (b) named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or the Governor that the manager thereof has accommodation available.

39 (1) An approved or certified school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Ordinance :

Coming into force of approved or certified school order.

Provided that the operation of any such order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school or on account of his ill-health.

(2) If an approved or certified school order is not made to take effect immediately, or if, at the time when such an order takes effect, the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next following section may make an order committing him either to custody in any place to which he might be committed on remand or to the custody of a fit person to whose care he might be committed under this Ordinance and, subject as hereinafter provided, that order shall have effect until he is sent to an approved or certified school in pursuance of the order :

Provided that an order made under this sub-section shall not remain in force for more than twenty-eight days, but if at the expiration of that period any such court as aforesaid considers it expedient so to do the court may make a further order under this sub-section.

(3) Any order made under this sub-section may be made in the absence of the child or young person concerned.

Contents of approved or certified school orders.

40 (1) Every approved or certified school order shall contain a declaration—

- (a) as to the age ; and
- (b) as to the religious persuasion ;

of the child or young person with respect to whom it is made.

(2) Every approved or certified school order shall name the local authority within the administrative limits of which the child or young person was resident or, if that is not known, the local authority or one of the local authorities within the administrative limits of which the offence was committed or the circumstances arose (as the case may be) rendering him liable to be sent to an approved or certified school.

(3) Every approved or certified school order which is made to take effect immediately shall—

- (a) specify the approved or certified school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situated within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it, considers to be most suitable to the case ; and
- (b) state the authority or person who is to be responsible for conveying to the school the child or young person with respect to whom the order is made.

(4) Where an approved or certified school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or the young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person, shall be subsequently specified by endorsement thereon.

(5) If for any reason a child or young person with respect to whom an approved or certified school order has been made cannot be received into the approved or certified school specified in or endorsed upon the order, another school may be specified by an endorsement or further endorsement thereon, as the case may be.

(6) An endorsement under the foregoing provisions of this section may be made either—

- (a) by the court which made the approved or certified school order ; or
- (b) if the order was made by a court of summary jurisdiction, by that court, sitting as a Juvenile Court ; or
- (c) if the order was made by any court other than a court of summary jurisdiction—
 - (i) by the Magistrate's Court, sitting as a Juvenile Court, of the division in which the child or young person was committed for trial ; or
 - (ii) if the child or young person was not committed for trial, by the Magistrate's Court, sitting as a Juvenile Court, of the division within which he was resident ;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) An approved or certified school order made by reason of the commission of an offence under section 75 (which relates to the punishment of a vagrant preventing a child from receiving education), shall state that it is so made.

Duration of approved or certified school orders.

41 (1) Where a court orders a child to be sent to an approved or certified school, the order shall be an authority for his detention in an approved or certified school, as the case may be, until the expiration of a period of three years from the date of the order, and, if at the expiration of that period he is under the age of fourteen years, for his further detention until he attains that age.

(2) Where a court orders a young person to be sent to an approved or certified school the order shall be an authority for his detention in such school until the expiration of a period of three years from the date of the order.

Conveyance of children or young persons to approved or certified schools.

42 (1) The court which makes, or makes any endorsement upon, an approved or certified school order shall cause it to be delivered to the person responsible for conveying the child or young person to the school, and the authority or person conveying him to the school shall deliver the order to the head master or person for the time being in charge of the school.

(2) The court by which an approved or certified school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the manager of the school, to be prepared and transmitted to the head master or person for the time being in charge of the school.

(3) The authority or person specified in any approved or certified school order to be responsible for conveying a child or young person to the school shall be responsible for conveying him there and any expenses incurred in doing so shall be deemed to be an expense incurred in the administration of this Ordinance for the purposes of section 84.

(4) Where a child or young person has been ordered to be sent to an approved or certified school, any person who harbours conceals or aids him after the time has come for him to go to the school shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to imprisonment of either description for a term not exceeding two months or to a fine not exceeding two hundred rupees, or to both such imprisonment and fine.

(5) Where the authority or a person authorised to take a child or young person to an approved or certified school, is, when the time has come for the child or young person to go to the school, unable to find him or unable to obtain possession of him a Magistrate may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person, and if he fails to do so without reasonable excuse he shall in addition to any other liability to which he may be subject under the provisions of this Ordinance, be guilty of an offence and shall be liable to a fine not exceeding fifty rupees.

43 If the manager of an approved or certified school is satisfied that a person whose period of detention therein is, under the foregoing provisions of this Ordinance, about to expire, needs further care or training and cannot be placed in suitable employment the manager may, with the approval of the Governor, detain him for a further period not exceeding six months, so, however, that he is not detained beyond the date on which he will attain the age of nineteen years :

Provided that the powers conferred by this section shall not extend to a person who, having been a person sentenced to detention under section 24 (2), is detained in an approved or certified school by order of the Governor.

44 (1) A person sent to an approved or certified school shall, after the expiration of the period of his detention, be under the supervision of the manager of the school, if at the expiration of that period he has not attained the age of fourteen years, until he attains the age of sixteen years.

(2) The manager may, and, if the Governor so directs, shall, by notice in writing, recall to the school any person under his supervision who is at the date of recall under the age of sixteen years :

Provided that a person shall not be so recalled unless in the opinion of the manager, or, as the case may be, of the Governor, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the manager thinks that he can properly be released, and in no case shall he be detained—

(a) after the expiration of a period of three months or such longer period not exceeding six months as the Governor may, after considering the circumstances of his case, direct ; or

(b) after attaining the age of sixteen years.

(4) The manager shall forthwith notify the Governor of the recall of any person and shall state the reasons for his recall, and when the manager releases any person so recalled he shall forthwith notify the Governor that he has done so.

(5) For the purposes of this Ordinance a person who is out under supervision from an approved or certified school shall be deemed to be under the care of the manager of the school.

45 (1) Before making an order under this Ordinance committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed, the court shall, if possible, select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

Extension of period of detention in approved or certified school.

Supervision and recall after expiration of order.

Provisions as to making, duration, and effect, of orders of committal to fit persons.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

- (a) as to the age ; and
(b) as to the religious persuasion ;

of the child or young person with respect to whom it is made.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Ordinance, remain in force until he attains the age of sixteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

Application of
Part II.
[No. 2 of 1883.]

46 The provisions of this Part shall have effect in respect of criminal proceedings notwithstanding anything to the contrary in the Penal Code, the Criminal Procedure Code, the Village Communities Ordinance, or any other written law ; but such provisions of those Codes, of that Ordinance and of such other law as are not inconsistent with the provisions of this Part shall continue to apply in respect of such proceedings.

PART III.

REMAND HOMES, APPROVED SCHOOLS, CERTIFIED SCHOOLS AND PERSONS TO WHOSE CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED.

Remand Homes.

Establishment
of Remand
Homes, and
appointment of
Visitors.

47 (1) The Governor may by Proclamation published in the Gazette establish one or more remand homes for the purposes of this Ordinance.

(2) The Governor may appoint one or more persons by name or by office to be Visitors to any remand home established under sub-section (1).

Provisions as to
custody of
children
and young
persons in a
remand home.

48 (1) Where a child or young person is committed to custody in a remand home, the order shall be delivered with the child or young person to the person in charge of the home and shall be sufficient authority for the detention of that child or young person in the home in accordance with the tenor of the order.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in lawful custody.

(3) A child or young person who escapes from a remand home may be apprehended without warrant and brought back thereto ; and any person who knowingly assists or induces a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from returning, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Approval of
schools.

49 (1) The manager of any boarding school may apply to the Governor to approve the school for the purpose of the education, training and detention of children and young persons to be sent there in pursuance of this Ordinance, and the Governor may, after making such inquiries as he thinks fit, issue a certificate of approval to the manager of that school.

(2) If at any time the Governor is dissatisfied with the condition or management of a school so approved or considers its continuance as an approved school unnecessary, he may, by notice served on the manager, withdraw the approval of the school, as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the approval shall take effect and the school shall cease to be an approved school :

Provided that the Governor, instead of withdrawing the approval, may by a notice served on the manager of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The manager of an approved school may, on giving six months' notice in writing to the Governor of his intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

(4) No person shall in pursuance of this Ordinance be received into the care of the manager of an approved school after the date of the receipt by the manager of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the manager with respect to persons under his care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) Notification of the grant of any certificate of approval of an approved school and of any notice of the withdrawal of, or intention to surrender, such a certificate, shall, within one month from the date thereof, be published in the Gazette.

50 (1) The Governor may by Proclamation published in the Gazette establish one or more certified schools for the purposes of this Ordinance.

Establishment
of certified
schools.

(2) The Governor may appoint to each certified school—

(a) a manager and such other officers as to him may seem necessary;

(b) one or more persons to be Visitors of that school.

51 (1) The Executive Committee may make rules—

Rules regarding
remand homes
and approved
and certified
schools.

(a) for the management, administration, inspection, and control of remand homes, approved schools, and certified schools;

(b) for the treatment, employment and control of children and young persons in remand homes, approved schools and certified schools, and for such children and young persons being visited from time to time by Visitors appointed under this Ordinance;

(c) for the classification of children and young persons in remand homes;

(d) for the grant of temporary leave of absence to children and young persons detained in approved or certified schools, for the grant to such children and young persons of licences permitting them to live outside such schools, and prescribing the persons by whom, and the conditions and restrictions subject to which, such leave or licence may be granted or revoked.

(2) Rules made under sub-section (1) may distinguish between different schools or classes of schools.

52 (1) The Governor may, by Order published in the Gazette, classify approved and certified schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved or certified school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Ordinance.

Classification,
administration,
and
management of
approved and
certified schools.

(2) The manager of an approved or certified school shall be bound to accept any person who, in pursuance of this Ordinance, is sent or transferred to his school or otherwise to his care, unless—

(a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or

(b) the manager of the school satisfies the Governor that there are already as many persons detained in that school, or, as the case may be, otherwise under his care, as is desirable.

53 (1) Any person who has been ordered to be sent to an approved or certified school and who—

Escapes from
approved and
certified
schools, &c.

(a) escapes from the school in which he is detained or from any hospital, home or institution in which he is receiving medical attention; or

(b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave, or upon the revocation of his licence;

may be apprehended without warrant, and may (the provisions of any other written law to the contrary notwithstanding), be brought before the Magistrate's Court, sitting as a

Juvenile Court, of the division in which he is found or his school is situate; and that court may (notwithstanding any limitations contained in this Ordinance upon the period during which he may be so detained in an approved or certified school) order him—

- (a) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased or to be sent for a period of three years to any Training School for youthful offenders established under the provisions of any written law.

(2) Where a person is under sub-section (1) brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Ordinance upon the period during which he may be detained in an approved or certified school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to an approved school shall be borne by the manager of that school.

(4) If any person knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in sub-section (1); or
- (b) harbours or conceals a person who has committed such an offence, or prevents him from returning,

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

(5) If a Magistrate is satisfied by information on oath that an offence under sub-section (1) has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such date as may be specified in the summons, and to produce the offender, and if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Ordinance, be guilty of an offence and shall be liable to a fine not exceeding fifty rupees.

Fit Persons.

General provisions as to children and young persons committed to the care of fit persons.

54 (1) The provisions of this section shall apply in relation to orders under this Ordinance committing a child or young person to the care of a fit person, and in this section the expressions "child" and "young person" mean a person with respect to whom such an order is in force irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

(2) The Governor may, if he thinks fit, make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed.

(3) The Governor may, at any time in his discretion, discharge a child or young person from the care of the person to whose care he has been committed and any such discharge may be granted either absolutely or subject to conditions.

(4) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

- (a) if the order was made by a court of summary jurisdiction, by that court sitting as a Juvenile Court;
- (b) in any case, by the Magistrate's Court, sitting as a Juvenile Court, of the division within which the child or young person is residing.

(5) If, on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid, any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

55 (1) A child or young person who runs away from a person to whose care he has been committed under this Ordinance may be apprehended without warrant and brought back to that person, if he is willing to receive him, and if he is not willing to receive him, may be brought—

- (a) if the order committing him to the care of that person was made by a court of summary jurisdiction, before that court sitting as a Juvenile Court ;
- (b) in any case, before the Magistrate's Court, sitting as a Juvenile Court, of the division in which he was residing immediately before he ran away ;

and that court may make any order with respect to him which the court might have made if that child or young person had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) Any person who knowingly—

- (a) assists or induces a child or young person to run away from a person to whose care he has been committed under this Ordinance ; or
- (b) harbours or conceals a child or young person who has so run away, or prevents him from returning,

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

PART IV.

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

General Provisions as to Employment.

56 (1) Subject to the provisions of this section and of any regulation made thereunder no child shall be employed—

- (a) so long as he is under the age of twelve years ; or
- (b) before the close of school hours on any day on which he is required to attend school ; or
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day ; or
- (d) for more than two hours on any day on which he is required to attend school ; or
- (e) for more than two hours on any Sunday ; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him ; or
- (g) in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(2) The Executive Committee may with the concurrence of the Executive Committee of Labour, Industry and Commerce, make regulations with respect to the employment of children, and any such regulations may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—

(a) authorising—

- (i) the employment of children under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing sub-section) by their parents or guardians in light agricultural or horticultural work ;
- (ii) the employment of children (notwithstanding anything in paragraph (b) of the last foregoing sub-section) for not more than one hour before the commencement of school hours on any day on which they are required to attend school ;

(b) prohibiting absolutely the employment of children in any specified occupation ;

“ prescribing—

- (i) the age below which children are not to be employed ;
- (ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed ;
- (iii) the intervals to be allowed to them for meals and rest ;
- (iv) the holidays or half-holidays to be allowed to them ;
- (v) any other conditions to be observed in relation to their employment ;

so, however, that no such regulations shall modify the restrictions contained in the last foregoing sub-section save

Escapes from care of fit persons.

Restrictions on employment of children.

in so far as is expressly permitted by paragraph (a) of this sub-section, and any restriction contained in any such regulations shall have effect in addition to the said restrictions.

(3) Nothing in paragraph (c) or in paragraph (d) of sub-section (1), or in any regulation made under this section, shall prevent a child from taking part without fee or reward in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

Power of Executive Committee to make regulations with respect to employment of persons under eighteen other than children.

57 (1) Subject to the provisions of this section, the Executive Committee may, with the concurrence of the Executive Committee of Labour, Industry and Commerce, make regulations with respect to the employment of persons under the age of eighteen years other than children, and any such regulation may distinguish between persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing—

- (a) the number of hours in each day or in each week for which, and the times of day at which, they may be employed ;
- (b) the intervals to be allowed to them for meals and rest ;
- (c) the holidays or half-holidays to be allowed them ;
- (d) any other conditions to be observed in relation to their employment.

(2) Nothing in this section shall empower the Executive Committee to make regulations with respect to—

- (a) employment in or about the delivery, collection or transport of goods, except in the capacity of van boy, errand boy, or messenger ;
- (b) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, except in the capacity of van boy, errand boy, or messenger ;
- (c) employment in the building or engineering trades, except in the capacity of van boy, errand boy, or messenger ,
- (d) employment in agriculture ;
- (e) employment in domestic service, except as non-resident daily servant ;
- (f) employment in any ship or boat registered in Ceylon as a British ship.

(3) This section shall not come into operation until such date as may be appointed by the Governor by Proclamation published in the Gazette.

Street trading.

58 No child shall engage or be employed in street trading.

Power of local authority to require suspension of employment of scholars at continuation schools.

59 A local authority may require in the case of any young person resident within its area who is by reason of the provisions of any written law under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority considers necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school :

Provided that if any question arises between a local authority and the employer of a young person whether a requirement made under this section is reasonable for the purposes aforesaid, that question shall be determined by the Executive Committee, and, if the Executive Committee, with the concurrence of the Executive Committee of Labour, Industry and Commerce, determines that the requirement is unreasonable, it may substitute such other requirement as they think reasonable.

Restrictions by local authority on employment of children.

60 (1) A local authority, if satisfied by a report of a registered medical practitioner or otherwise, that any child resident within its area is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as it may think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under any other provision of this Ordinance or under the provisions of any other written law.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local authority or wilfully gives false information as to the employment, he shall be guilty of an offence and shall be liable to a fine not exceeding fifty rupees.

61 No person—

- (a) shall employ a child in such a manner as to prevent the child from attending school in accordance with the provisions of any written law ; or
- (b) having received notice of any prohibition or restriction as to the employment of a child issued under the last foregoing section, shall employ a child in such a manner as to contravene the prohibition or restriction ; or
- (c) shall employ a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under the provisions of any written law ; or
- (d) shall employ a young person at any time when, in pursuance of any requirement issued under this Ordinance in respect of that young person in connection with attendance at a continuation school, the employment of that young person must be suspended.

Restriction on employment of children and young persons attending school.

62 (1) If a person is employed in contravention of any of the foregoing provisions of this Part, or of the provisions of any regulation made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees :

Penalties and legal proceedings in respect of general provisions as to employment.

Provided that, if proceedings are brought against the employer, the employer upon complaint duly made by him in accordance with the provisions of section 148 of the Criminal Procedure Code, and on giving to the prosecution not less than three days' notice of his intention, shall be entitled subject to the provisions of Chapter XV of that Code, to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence ; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

(2) Where an employer seeks to avail himself of the proviso to the last foregoing sub-section,

- (a) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence ; and
- (b) the court may make such order as it thinks fit for the payment of costs not exceeding twenty-five rupees by any party to the proceedings to any other party thereto, and any sum so ordered to be paid shall be recoverable in the same manner as a fine.

Entertainments and Performances.

63 Subject to the provisions of this section a child shall not take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience ; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees :

Restrictions on children taking part in entertainments.

Provided that this section shall have no application to the case of a child who takes part, without fee or reward, in an entertainment the net proceeds of which are devoted to any charitable or educational purpose or to any purpose other than the private profit of the promoters.

64 No person under the age of sixteen years shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or being his parent or guardian allows him, to take part in such a performance, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred rupees or, in the case of a second or subsequent offence, not exceeding five hundred rupees.

Prohibition against persons under sixteen taking part in performances endangering life or limb.

Restrictions on training for performances of a dangerous nature.

65 (1) No person under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no person under the age of sixteen years shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding fifty rupees or, in the case of a second or subsequent offence, not exceeding two hundred rupees.

(2) A Magistrate may grant a licence for a person who has attained the age of twelve years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least fourteen days before making the application, give notice thereof to the superintendent of the police of the province in which the person is, in accordance with the provisions of the licence, to be trained, and such superintendent may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the court, necessary for his protection, but a licence shall not be refused if the court is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(5) A licence under this section may, on cause being shown by any person, be revoked by the court.

Powers of entry.

66 (1) If it is made to appear to a Magistrate by the local authority, or by any police officer, that there is reasonable cause to believe that the provisions of this Part or of a regulation made under the said provisions are being contravened with respect to any person, the Magistrate may by order under his hand addressed to an officer of the local authority, or to a police officer, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the local authority or any police officer may at any time during the currency of a licence granted under section 65 enter any place where the person to whom the licence relates is authorised by the licence to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any such officer in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be guilty of an offence and shall on conviction after summary trial before a Police Magistrate be liable to a fine not exceeding two hundred rupees.

Application of Part IV.

67 (1) The provisions of this Ordinance imposing restrictions on employment or on the taking part by children in entertainments, and the provisions of any regulations made under this Part, shall not affect any provisions with respect to school attendance which may be contained in any written law for the time being in force in Ceylon relating to Education.

(2) The said provisions shall not apply to a person detained in an approved school.

(3) The said provisions shall be in addition to and not in substitution of the provisions of any written law relating to employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

Interpretation of Part IV.

68 For the purposes of this Part and of any regulations made thereunder—

A person who is attending an elementary school and who attains the age of fourteen years during a school term shall not be deemed to cease to be a child until the end of that term;

The expression "performance of a dangerous nature" includes all acrobatic performances and all performances as a contortionist;

The expression "street trading" includes the hawking of articles of food or drink, newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;

A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour;

A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed.

PART V.

PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER.

Offences.

69 (1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding three years, or to both such fine and imprisonment.

Cruelty to children and young persons.

(2) The provisions of sub-section (1) shall be in addition to and not in substitution of the provisions of section 308 of the Penal Code.

(3) For the purposes of this section—

a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if, having sufficient means for the purpose, he has failed to provide adequate food, clothing, medical aid or lodging for him.

(4) A person may be convicted of an offence under this section—

(a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;

(b) notwithstanding the death of the child or young person in question.

(5) Upon the trial of any person who has attained the age of sixteen years for any offence under section 296 or section 297 of the Penal Code, in respect of a child or young person of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

(6) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having lawful control or charge of a child or young person to administer punishment to him.

70 (1) If any person having the custody, charge or care of a young person being a female, causes or encourages the commission in respect of her of any offence under section 345 or section 364 or section 364A of the Penal Code, he shall be guilty of an offence and shall be liable to imprisonment of either description for a term not exceeding two years.

Causing or encouraging seduction or prostitution of girl under sixteen.

(2) Where any offence mentioned in sub-section (1) has been committed in respect of a child or young person being a female, a person shall, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character, be deemed to have caused or encouraged the commission of that offence for the purposes of this section.

Allowing persons under sixteen to be in brothels.

71 If any person having the custody, charge or care of a child who has attained the age of four years or of a young person, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred and fifty rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment.

Causing or procuring persons under sixteen to beg.

72 (1) Any person, other than the father or mother of a child or young person, who causes or procures that child or young person to be in any street, premises or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise), shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees, or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment.

(2) Where any person is arrested for or charged with an offence under sub-section (1) in respect of any child or young person and it is claimed that an offence under that sub-section has not been committed by reason of the fact that the person so arrested or charged is the father or mother of that child or young person, the burden of proving such fact shall be on the person so arrested or charged.

Giving excisable article to children under five.
Chapter 42,
Vol. I., p. 687.

73 If any person gives, or causes to be given, to any child under the age of five years any excisable article within the meaning of the Excise Ordinance, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall be guilty of an offence and liable to a fine not exceeding fifty rupees.

Sale of tobacco, &c., to persons under sixteen.

74 (1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarettes, shall be guilty of an offence and shall be liable, in the case of a first offence to a fine not exceeding twenty rupees, in the case of a second offence to a fine not exceeding fifty rupees, and in the case of a third or subsequent offence to a fine not exceeding one hundred rupees :

Provided that a person shall not be guilty of an offence under this section in respect of any sale to any person on the written order of the parent, guardian or employer of the person to whom the sale is made.

(2) Any police officer may seize any tobacco or cigarettes in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarettes so seized shall be disposed of in such a manner as the Inspector-General of Police may direct.

(3) Nothing in this section shall make it an offence to sell tobacco or cigarettes to, or shall authorise the seizure of tobacco or cigarettes in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business.

(4) For the purposes of this section the expression "tobacco" includes smoking mixtures intended as a substitute for tobacco, and the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

Vagrants preventing children from receiving education.

75 (1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years he shall, unless he proves that the child is totally exempted from school attendance or that the child is not by being so taken with him prevented from receiving efficient elementary education, be guilty of an offence and shall be liable to a fine not exceeding ten rupees.

(2) Any police officer who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of this Ordinance.

76 Any offence under this Part shall, notwithstanding anything to the contrary in the First Schedule to the Criminal Procedure Code, be a cognizable offence within the meaning of that Code.

Offences under this Part to be cognizable offences.

77 For the purposes of this Part—

Interpretation of Part V.

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person ;

Any person to whose charge a child or young person is committed by any person who has the custody of him shall be presumed to have charge of the child or young person ;

Any other person having actual possession or control of a child or young person shall be presumed to have the care of him.

PART VI.

SUPPLEMENTAL.

Supplementary Provisions as to Legal Proceedings.

78 (1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Ordinance, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of sixteen years, that person shall for the purposes of this Ordinance be deemed not to be a child or young person.

Presumption and determination of age.

(2) Where in any charge or indictment for any offence under this Ordinance or any of the offences mentioned in the First Schedule, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Ordinance be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

(3) Where, in any charge or indictment for any offence under this Ordinance or any of the offences mentioned in the First Schedule, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Ordinance in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

79 Notwithstanding anything in the Evidence Ordinance contained, the wife or husband of a person charged with an offence specified in the First Schedule shall be a competent witness for the prosecution.

Evidence of husband or wife of accused person. Chapter 11, Vol. I., p. 115.

80 In any proceedings under this Ordinance a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid.

Evidence of wages.

Bonds and recognizances.

81 Every bond or recognizance required to be executed or entered into under any provisions of this Ordinance by any court or to secure the attendance of any person at any court may be enforced—

- (a) where the court is a Village Tribunal or a Village Committee, in like manner as a bond or a recognizance executed or entered into under the provisions of any rules of criminal procedure for Village Tribunals and Village Committees for the time being in force ;
- (b) in any other case, in like manner as a bond executed under the provisions of the Criminal Procedure Code.

Appeals from orders made under this Ordinance.

82 (1) An appeal shall lie from any order under this Ordinance in the following cases and by the following persons, that is to say—

- (a) in the case of an order committing a child or young person to the care of a fit person, requiring a child or young person to be sent to a remand home or to an approved or certified school, or placing a child or young person under the supervision of a probation officer or other person, by the child or young person or by his parent or guardian on his behalf ;
- (b) in the case of an order requiring a person to enter into a recognizance to be responsible for the good behaviour of a child or young person, by the person required to enter into the recognizance.

(2) Nothing in sub-section (1) shall be construed as affecting any right of appeal conferred by any provision of this Ordinance or of any other written law.

(3) Every appeal from any order made under this Ordinance by any court, other than the Supreme Court or a Village Tribunal or Committee, shall lie to the Supreme Court ; and the provisions of sections 338 to 352 of the Criminal Procedure Code shall apply to every such appeal.

(4) For the purposes of any appeal from an order made by a Village Tribunal or a Village Committee under this Ordinance such order shall be deemed to be an appealable decision of a Village Tribunal or Village Committee in a criminal case, and all the provisions of any written law for the time being in force relating to appeals from decisions of Village Tribunals or Village Committees in criminal cases shall apply accordingly in the case of appeals from such orders.

*Appointments, Expenditure, &c.***Power of Governor to appoint Inspectors.**

83 The Governor may appoint for the purposes of this Ordinance a Chief Inspector, and such number of Inspectors as he may think fit.

Expenses of administration of Ordinance.

84 (1) The expenses incurred in the administration of this Ordinance shall be paid out of the general revenue of Ceylon.

(2) There shall be paid out of the general revenue of Ceylon such sums on such conditions as the Executive Committee may, with the concurrence of the Financial Secretary, decide, towards the expenses of the establishment, maintenance and management of approved schools.

(3) The conditions on which sums are paid under sub-section (2) in connection with provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the manager thereof or in the trusts, if any, to which the property of the school or of the manager is subject, the manager and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

Rules and regulations.

85 (1) Every rule and every regulation made by the Executive Committee under this Ordinance shall be brought before the State Council by a motion that such rule or regulation shall be approved and if so approved, shall be

submitted to the Governor for ratification. No rule or regulation made by the Executive Committee 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.

(2) A rule or regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall upon the notification of such approval and ratification in the Gazette be as valid and effectual as if it were herein enacted.

86 In this Ordinance, unless the context otherwise requires—

Interpretation.

- “appointed date” means the date appointed by Proclamation under section 1 ;
- “approved school” means a school approved by the Governor under section 49, and “manager of an approved school” means the person having the management or control of an approved school, and where there are two or more of such persons, includes those persons ;
- “approved school order” means an order made by a court sending a child or young person to an approved school ;
- “certified school” means a school established under section 50 ;
- “certified school order” means an order made by a court sending a child or young person to a certified school ;
- “child” means a person under the age of fourteen years ;
- “court of summary jurisdiction” means a Court or Municipal Court, and includes a Village Tribunal and a Village Committee when exercising criminal jurisdiction ;
- “Executive Committee” means the Executive Committee of Home Affairs ;
- “guardian” in relation to a child or young person includes any person who, in the opinion of the court having cognizance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge or control over the child or young person ;
- “indictable offence” means any offence which is, according to the First Schedule to the Criminal Procedure Code, 1898, triable by the Supreme Court or a District Court ;
- “in need of care or protection” has the meaning assigned to that expression by section 34 ;
- “local authority” means any Municipal Council or District Council established under the Local Government Ordinance ;
- “Municipal Court” means the court of a Municipal Magistrate ;
- “place of safety” means any remand home or hospital, or the residence of any person nominated by the Governor under section 14 (3) ;
- “prescribed” means prescribed by regulation ;
- “probation officer” means a probation officer appointed under section 326A of the Criminal Procedure Code, 1898 ;
- “regulation” means a regulation made by the Executive Committee under this Ordinance ;
- “scheduled offence” means an offence specified in the Second Schedule ;
- “young person” means a person who has attained the age of fourteen years and is under the age of sixteen years.

Chapter 195,
Vol. V., p. 181.

87 With effect from the appointed date, the Youthful Offenders Ordinance and the Prevention of Juvenile Smoking Ordinance shall be repealed.

Repeals.
Chapter 19.
Chapter 31.

88 (1) With effect from the appointed date—

Transitory provisions.

- (a) every certified industrial school within the meaning of the Youthful Offenders Ordinance shall be deemed to be an approved school ;
- (b) all rules, orders, and by-laws duly made for any school under section 3 of the Youthful Offenders Ordinance shall continue in force until rules for that school are made under this Ordinance ;

- (c) all visitors appointed to any school by the Governor under section 14 of the Youthful Offenders Ordinance shall be deemed to be visitors duly appointed to that school under this Ordinance ;
- (d) every order for the detention of any person in a certified industrial school made under section 17 of the Youthful Offenders Ordinance shall be deemed to be an approved school order : Provided however that no person shall be detained in pursuance of any such order for any period longer than that specified in such order or in any event after that person has attained the age of eighteen years ;
- (e) every order for the delivery of any person to his parent, guardian, or nearest adult relative made under section 17 (1) (b) of the Youthful Offenders Ordinance shall be deemed to be an order made under paragraph (a) of section 27 (1) of this Ordinance and every bond taken under the said section 17 (1) (b) shall have effect and be enforceable accordingly.

(2) Notwithstanding the repeal of the Youthful Offenders Ordinance—

- (a) every licence granted before the appointed date to any person under section 21 of that Ordinance, shall continue in force and the provisions of sections 22 to 25 of that Ordinance shall apply to such licence ;
- (b) every binding of any person as an apprentice or as an agricultural or domestic servant effected, before the appointed date, under section 26 of that Ordinance shall continue to be valid and effectual and the provisions of sections 27 and 28 of that Ordinance shall continue to apply in every case in which a person has been so bound.

Application of Ordinance.

89 Save as is otherwise provided in section 88, the provisions of this Ordinance shall not affect—

- (a) any penalty, forfeiture or punishment incurred in respect of any offence committed before the appointed date ; or
- (b) any investigation, legal proceeding or remedy in respect of any offence committed before the appointed date,

and any such penalty, forfeiture or punishment may be imposed, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, as if this Ordinance had not been enacted.

FIRST SCHEDULE.

(Sections 34, 36, 78 and 79.)

Offences against children and young persons in respect of which special provisions of this Ordinance apply.

- (1) Any offence under section 308 or section 360 of the Penal Code.
- (2) Any offence against a child or young person under any of the following sections of the Penal Code :—
Sections 296, 297, 343, 345, 357, 360A, 364, 364A, 365, 365A.
- (3) Any offence against any of the following sections of this Ordinance :—
Sections 69, 70, 71 and 72.
- (4) Any other offence involving bodily injury to a child or young person.

SECOND SCHEDULE.

List of Scheduled Offences.

Offences under any of the following sections of the Penal Code :—

Section 296,
Section 297,
Section 300,
Section 301, and
Section 383.

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

E. W. KANNANGARA,
Clerk of the Council.

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

No. 49 of 1939.

L. D.—O 51/38

An Ordinance to amend the Criminal Procedure Code.

Chapter 16,
Vol. I., p. 327.

[Assented to by His Majesty the King : See Proclamation dated November 9, 1939, published in Government Gazette No. 8,549, of November 17, 1939.]

M. M. WEDDERBURN.

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

1 This Ordinance may be cited as the Criminal Procedure Code Amendment Ordinance, No. 49 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.

2 Section 315 of the Criminal Procedure Code (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (2) by the substitution for the words "Penal Code," of the words "Penal Code on persons above sixteen years of age,".

Amendment of section 315 of Chapter 16.

3 Section 319 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Replacement of section 319 of the principal Ordinance.

319. Whenever a male offender under sixteen years of age is sentenced by any court to whipping, such whipping shall not exceed six strokes with a light cane or rattan, and shall be inflicted forthwith in the presence of the court, and if the parent of the offender desires to be present, in his presence.

Whipping of juvenile offenders under sixteen years of age.

A medical officer need not be present, but such whipping shall not be inflicted unless it appears to the court that the offender is in a fit state of health to undergo the same.

4 Section 322 of the principal Ordinance is hereby repealed.

Repeal of section 322 of the principal Ordinance.

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

E. W. KANNANGARA,
Clerk of the Council.

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

No. 50 of 1939.

L. D.—O 51/38

An Ordinance to amend the Penal Code.

Chapter 15
Vol. I. p. 191.

[Assented to by His Majesty the King : See Proclamation dated November 9, 1939, published in Government Gazette No. 8,549, of November 17, 1939.]

M. M. WEDDERBURN.

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 Penal Code Amendment Ordinance, No. 50 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.

2 Section 5 of the Penal Code (hereinafter referred to as "the principal Ordinance"), is hereby amended in illustration (a) by the substitution for the words "seven years", wherever they occur collectively therein, of the words "eight years".

Amendment of section 5 of Chapter 15.

3 Section 58 of the principal Ordinance is hereby repealed.

Repeal of section 58 of the principal Ordinance.

4 Sections 75 and 76 of the principal Ordinance are hereby amended by the substitution in each of those sections, for the words "seven years", of the words "eight years".

Amendment of sections 75 and 76 of the principal Ordinance.

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

E. W. KANNANGARA,
Clerk of the Council.

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

No. 51 of 1939.

L. D.—O 51/38

Chapter 17,
Vol. I., p. 573.

An Ordinance to amend the Corporal Punishment
Ordinance.

[Assented to by His Majesty the King : See Proclamation
dated November 9, 1939, published in Government
Gazette No. 8,549, of November 17, 1939.

M. M. WEDDERBURN.

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 Corporal Punishment
Amendment Ordinance, No. 51 of 1939, and shall come into
operation on such date as the Governor may appoint by
Proclamation published in the Gazette.

Amendment of
sections
2 and 3 of
Chapter 17.

2 Sections 2 and 3 of the Corporal Punishment Ordinance,
(hereinafter referred to as "the principal Ordinance"),
are hereby amended by the substitution, in each of those
sections, for the words "six strokes with a rattan in the case
of a boy below the age of twelve, or of twelve strokes with a
rattan in the case of a boy above the age of twelve and below
the age of sixteen", of the following :—

"six strokes with a light cane or rattan in the case of a
boy below the age of sixteen".

Amendment of
section 4 of
the principal
Ordinance.

3 Section 4 of the principal Ordinance is hereby amended
by the substitution for the words "six strokes with a rattan
in the case of a boy below the age of twelve, twelve strokes
with a rattan in the case of a boy above the age of twelve",
of the following :—

"twelve strokes with a rattan cane in the case of a boy
above the age of fourteen".

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

E. W. KANNANGARA,
Clerk of the Council.

DISTRICT AND MINOR COURTS
NOTICES.

L. D.—B 178/39

The Village Communities Ordinance.

THE Village Tribunal established in the Chief Head-
man's Division of West Giruwa pattu having, with the
approval of the Assistant Government Agent of the
Hambantota District set apart the building specified in
the schedule hereto as a Court-house, it is hereby
notified, under Section 127 of the Village Communities
Ordinance (Chapter 198) that the said building is the
Court-house at Walasmulla of the said Village Tribunal.

C. SITTAMPALAM,
Assistant Government Agent.
The Kacheheri,
Hambantota, November 14, 1939.

Schedule.

The building known as the Village Committee Bungalow,
situated at Walasmulla in West Giruwa pattu of the
Hambantota District of the Southern Province.

Court of Requests, Chavakachcheri.

NOTICE is hereby given that, three months hence,
the valueless records of this court will be destroyed, subject
to the provisions of section 6 of Ordinance No. 12 of 1894,
as amended by Ordinance No. 24 of 1930.

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

W. RICHARD D. DE SILVA,
Commissioner of Requests.
Court of Requests,
Chavakachcheri, November 9, 1939.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,362. In the matter of the insolvency of Don
Marthelis Gunasekera *alias* Don Marthelis
Singh *and* Alutgama, Bogamuwa,
Gampaha, insolvent.

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 December 12, 1939, to consider the grant
of a certificate of conformity to the insolvent.

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

In the District Court of Colombo.

No. 5,434. In the matter of the insolvency of Tayoob
Insolvency. K. Raji Hassim of 257, Main street, Colombo,
insolvent.

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 November 28, 1939, for the approval of the
condition of sale.

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

NOTICES OF FISCALS' SALES.

Western Province. 26

In the District Court of Colombo.

- (1) Miss C. L. H. Wijeysekera, (2) C. S. B. Wijeysekera, carrying on business under the name, style, and firm of the Bank of Colombo, at Queen street, Colombo Plaintiffs.

No. 2,842/S.

Vs.

- (1) C. W. de Alwis, (2) Mrs. C. W. de Alwis both of Mount Lavinia Defendants.

NOTICE is hereby given that on Friday, December 8, 1939, at 3 P.M., will be sold by public auction at Gladswill Dairy, Watarappola, Mount Lavinia, the following movable property for the recovery of the sum of Rs. 2,000, together with interest thereon at 9 per cent. per annum from August 1, 1938, till date of decree (September 16, 1938), and thereafter with legal interest on the aggregate amount of the decree till payment in full, less a sum of Rs. 700, and costs Rs. 256.27, viz. :—

7 brown spotted Cape cows, 1 brown Cape cow with white spot on forehead, 1 black spotted Cape cow (brandmarks invisible), 2 white spotted Cape cows, 1 brown-black Cape cow, 1 brown-black and black spotted Cape bull, 1 brown spotted Cape cow with brandmarks S.M., 5 brown spotted calves, 1 black spotted calf, 4 large buckets, 2 buckets.

Fiscal's Office,
Colombo, November 15, 1939.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

In the District Court of Colombo. 37

- Muna Pana Muna Narayana Chettiyar of 234, Sea street, Colombo Plaintiff.

No. 9,533/M.

Vs.

- (1) Ponnambalam Weerasingham, (2) Naesaratnam Weerasingham (husband and wife), both of 33, Gothami road, Cotta road, Borella, Colombo Defendants.

NOTICE is hereby given that on Monday, December 11, 1939, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following properties for the recovery of the sum of Rs. 980, with interest thereon at 9 per cent. per annum from December 17, 1938, till payment in full, less a sum of Rs. 250, viz. :—

1. At 3 p.m.—An allotment of land forming part of T. P. No. 158,879 with the buildings thereon, formerly bearing assessment No. 42 and presently bearing assessment No. 44, situated at Elibank road and Dawson road, Bambalapitiya, within the Municipality and District of Colombo, Western Province; and bounded on the north by the part of the same land, on the south by Dawson road, on the east by Elibank road, and on the west by the part of the same land; and containing in extent 30.65 perches; and registered under title A 247/95.

2. At 3.30 p.m.—All that land called Ambagahawatta described in registration plan No. 2 being allotment No. H 2 with the buildings thereon, and presently bearing assessment No. 21, situated at Frederica road, Wellawatta, within the Municipality and District of Colombo, Western Province; and bounded on the north by lot No. 6, south by reservation 30 ft. wide now by lot 8, east by lots Nos. 39 I and J, and on the west by lot No. 1; and containing in extent 23 20/100 perches, together with the right of way upon strip of land or road indicated in plan.

Fiscal's Office,
Colombo, November 15, 1939.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

In the District Court of Colombo.

- (1) Amerasinghege Medline Silva, wife of (2) Amarasinghege James Silva, both of Kotuwegoda in the Palle pattu of Hewagam korale Plaintiffs.

No. 10,353/M. 46

Vs.

- (1) Appukuttige Isabella Perera and her husband (2) Embuldeniyage Don Thelenis, both of Gotatuwa in Ambatalenpahalala of the Colombo Mudaliyar's Division Defendants.

NOTICE is hereby given that on Tuesday, December 12, 1939, at 3 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiffs by bond No. 2,200 dated November 2, 1934, and attested by F. J. Boteju, 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 September 14/15, 1939, for the recovery of the sum of Rs. 2,112.50, together with interest on Rs. 1,250 at 15 per cent. per annum from June 12, 1939, to August 4, 1939, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, Rs. 143.93, less Rs. 1,000, viz. :—

All that undivided 5/6 part or share from and out of the divided western one half portion of the land called Pelen-gahawatta and of the trees and plantations standing thereon, situated at Gotatuwa in Ambatalenpahalala of Alutkuru korale south, now of the Colombo Mudaliyars' division in the District of Colombo, Western Province; and bounded on the north by the property of P. Don Hendrick and others, on the east by the other portion of the same land, on the south and south-west by a road and the property of Franciscu Perera, and on the west by the property of A. I. Perera and W. I. Perera; containing in extent 9 acres and 25 perches according to survey plan dated July 8, 1889, and made by A. L. Vanheer, Licensed Surveyor, the entire land being bounded on the north by a portion of this land belonging to Pathirage Janis Perera and the land belonging to Pahalage Don Hendrick, on the east by the land belonging to Suse Perera and Welatantrige Philippu Boteju, on the south by the land belonging to Franciscu Perera, and on the west by a portion of this land belonging to Welikadage Carolis Perera, and footpath; containing in extent 18 acres 1 rood and 32 5/100 perches. Prior Registration B 301/99.

Fiscal's Office,
Colombo, November 15, 1939.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

In the Court of Requests of Colombo.

- Frewin & Company Plaintiffs.

No. 52,614.

Vs.

- (1) P. A. Keerthiratne, (2) P. A. P. Keerthiratne, carrying on business under the name, style, and firm of P. A. Keerthiratne & Brothers, 4 and 5, Bristol buildings, Colombo Defendants.

NOTICE is hereby given that on Saturday, December 9, 1939, at 10 A.M., will be sold by public auction at 71, York street, Colombo, the following movable property, for the recovery of the sum of Rs. 55, with legal interest thereon from August 1, 1939, till the defendants are ejected from the premises bearing 40a/1, Baillie street, Colombo, and costs of suit taxed at Rs. 26.25 being incurred costs and Rs. 11 being prospective costs and Rs. 2 being costs of order of court, viz. :—

In No. 1 *almirah*.—8 toy elephants (white), 5 vases ornamented with elephants, 15 large toy elephants (black), 8 ditto (black), 50 toy elephants (black), 6 ditto, 34 ditto (white), 3 coconut shell vases, 4 elephant heads (black), 4 wooden powder boxes, 1 powder box (coconut shell), 1 wooden square box, 1 ditto boat, 3 hats, 38 large elephants, 75 small elephants, 1 stand with toy elephants, 1 elephant bridge, 4 porcupine quill boxes, 1 blue necklace, 5 white gold necklaces set with moonstones, 3 opal pendants set with white stones, 1 crystal necklace, 2 opal necklaces set with white stones, 2 necklaces set with moonstones, 1 fancy necklace, 1 silver necklace set with red stones, 1 bead necklace, 1 white gold fancy necklace, set with white sapphire, 8 gold tie pins, 23 saree pins set with white stones, 7 silver bangles set with moonstones, 22 tie pins, 1 opal pendant, 1 necklace set with red stones, 1 moonstone necklace, 2 bead necklaces.

In No. 2 *almirah*.—9 pairs eardrops, 11 white gold necklaces, 1 white gold pendant set with stones, 2 opal necklaces set with stones, 1 necklace set with blue stones, 1 gold and bead necklace, 1 white gold pendant, 1 ditto saree pin, 1 ditto pair of eardrops, 1 necklace set with moonstones, 1 ditto, 15 pairs of eardrops, 7 boxes (made of date palm leaves), 8 bags ditto, 1 white gold necklace, 1 opal pendant, 1 saree pin, 21 white gold saree pins (assorted), 4 bangles set with stones, 6 pairs of eardrops set with stones, 2 gold necklaces set with moonstones, 3 silver necklaces set with moonstones, 1 white gold necklace, 1 fancy necklace set with stones, 3 white gold eardrops, 1 earring set with white sapphire, 4 white gold buttons 13 shirt studs, 9 pairs shirt links, 3 large brass trays, 14 small ditto, 7 brass ornamental boxes, 10 brass flower vases, 2 toy cobra heads, 2 ditto dagobas, 7 ditto animals, 2 umbrella handles, 1 small copper box, 1 brass incense stand, 3 large ornamental brass trays, 2 brass flower vases, 1 large vase, 6 brass flower vases, 4 ditto ornamental vessels, 1 ditto square box, 2 ditto ornamental round boxes, 7 ditto small trays, 22 ditto articles, 2 ditto chunam holders, 2 ditto small spittoons, 2 ditto elephants, 2 ditto flower vases, 1 brass toy, 1 ditto dagoba, 1 ditto candle stand, 1 ditto toy bird, 1 ditto serpent, 1 ditto elephant, 12 ditto articles.

In No. 3 almirah.—5 brass dagobas (small), 6 ditto boxes (small), 3 ornamental pieces of wood, 3 swords with wooden handles, 7 old knives, 1 old manna knife, 1 long pointed knife, 2 brass acetan nut cutters, 6 gongs, 1 old pistol (damaged), 6 brass boxes, 2 old ola leaf books, 1 iron bell, 1 iron, 1 brass toy, 2 large dishes, 4 teapots, 1 soup dish, 3 half plates, 1 sugar basket, 2 lids, 1 lot sundries, 2 elephant stands with books, 2 small telephones.

In No. 2 show case.—6 imitation necklaces, 33 ditto pendants, 5 round boxes (white), 6 sandalwood elephants, 1 toy lion (white), 1 cigarette case (white), 6 bangles (white), 1 lot toy animals (white), 29 necklaces (white).

In No. 2 show case.—20 gold and silver rings, 50 stones (various colour), 1 lot cigarette cases, 2 tortoise shell combs, 1 lot tortoise shell articles.

In No. 3 show case.—5 pairs earrings (imitation), 4 pendants (imitation), 1 pair of eardrops, 1 ring set with white stones, 1 pin set with white stones, 1 ring set with stones, 1 lot Japanese toys, 1 lot Japanese plates.

In No. 4 show case.—1 lot silver articles (assorted), 1 lot tortoise shell articles, 1 lot Japanese bags.

In No. 5 show case.—1 lot silver rings and spoons, 1 lot bead necklaces.

In No. 6 show case.—1 lot silver and rolled gold assorted articles, 1 lot brass articles.

In No. 7 show case.—1 Camboy ornamented with gold.

In No. 8 show case.—1 lot old coins and brass articles.

In No. 9 show case.—18 fancy bangles, 1 lot silver articles, 1 lot curios (white), 2 elephants set with imitation stones.

In No. 4 almirah.—1 lot coconut shell articles.

In No. 10 show case.—2 brass trays, 1 lot bags.

In No. 5 almirah.—25 stones (various colour), 3 imitation necklaces, 1 pair of eardrops, 1 sarcee pin, 1 lot china-ware.

In No. 11 show case.—40 pendants set with imitation stones, 1 lot bags, 1 lot uncut stones.

11 show cases, 5 glass almirahs, 1 iron safe, 14 bentwood chairs, 4 common-wood tables, 1 lot masks, 5 wall mirrors (small), 1 lot sundries.

Fiscal's Office,
Colombo, November 15, 1939.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Galmangodagamagey Haramanis Silva of 69, Malabar street, Kandy Plaintiff.

No. M.B. 157. Vs.

(1) Richard Dullewe and (2) A. P. Dullewe Kumarihamy, both of Medawalawwe in Moladanda in Gangapalata of Yatinuwara Defendants.

NOTICE is hereby given that on Saturday, December 16, 1939, at 2 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 34,538 dated January 15, 1935, and attested by J. W. Wickremasinghe, 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 September 27, 1939, for the recovery of the sum of Rs. 1,490, being the aggregate amount of the principal and interest, together with further interest on Rs. 1,000 at 20 cents per Rs. 10 per month from July 30, 1938, till September 28, 1938, and thereafter with interest on the aggregate amount of the decree at 9 per cent. per annum from September 28, 1938, till payment in full and costs and poundage, viz. :—

Both those 2 contiguous blocks of land called Meegasangawalawwewatta and Leemagahakotuwa of the extent of about 2 pelas and 5 lahas paddy sowing or by survey about 3 acres in extent, situate at Moladanda in Gangapalata of Yatinuwera in the District of Kandy, Central Province; and bounded on the east by the limit of the field called Uda Migasangekumbura, belonging to Yatiwawela Walawwe Tikiri Kumarihamy, south by above the field called Dawakekumbura, belonging to Kaudupelella Loku Banda Basnayake Nilame, west and north by the ditch of Eluwagodahena belonging to the said Basnayake Nilame, together with the buildings, plantations, and everything thereon and registered in Kandy B 125/129 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 said 1st defendant.

Fiscal's Office,
Kandy, November 14, 1939.

H. C. WIJESINHA,
Deputy Fiscal.

31 In the District Court of Kandy.
Dona Nandawathie Abeygoonawardane nee Ranasinghe of Sinhapitiya in Gampola Plaintiff.

No. M.B. 252. Vs.

Ratnayake Mudiyanselegedara Punchi Menika of Warakawa in Pasbage korale of Uda Bulatgama, as legal representative of the estate of the deceased, Alutgedera G. Etana, deceased Defendant.

NOTICE is hereby given that on Wednesday, December 13, 1939, at 12 noon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 2,392 dated July 12, 1933, and attested by M. W. B. de Silva, 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 September 30, 1939, for the recovery of the sum of Rs. 455 being the principal and interest, with further interest on the sum of Rs. 250 at 24 per cent. per annum from January 20, 1939, till March 15, 1939, and thereafter at 9 per cent. per annum on the aggregate amount from March 15, 1939, till payment in full and costs of this action, and poundage, viz. :—

An allotment of land called Dandubendiruppe and Pussemankada, situate at Warakawa in Pasbage korale of Uda Bulatgama, Kandy District, Central Province; and bounded on the north by water-course of Pussemankada kumbura claimed by G. Thenna, Pussemankada-ela and Dandubendiruppe said to be Crown, east and south by Dandiruppe said to be Crown, and west by Pussemankada-ela and T.P's 340,172 and 219,641; and containing in extent exclusive of the Pussemankada-ela and footpath 1 acre and 39 perches, and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,
Kandy, November 14, 1939.

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province.

29 In the Court of Requests of Tangalla.

Don Adiriyah Wanigasekera Mohotti Appuhamy of Talahagama Plaintiff.

No. 14,895. Vs.

(1) Siriwardane Podihamy and 4 others of Talahaganwaduwa Defendants.

NOTICE is hereby given on Saturday, December 9, 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 substituted plaintiffs in the following property for the recovery of Rs. 417.90, together with legal interest on Rs. 275 from September 16, 1938, till payment and poundage, viz. :—

(1) All those three boutique rooms Nos. 11, 12, and 13 standing thereon of the land called Galabindihena in extent 35 ft. in length and 18 ft. in breadth, situated at Walasmulla in West Giruwa pattu of the Hambantota District; and bounded on the north by the boutique belonging to Noor Mohammadu, east by land belonging to Don Dionis Gunasekera Wellappuli, south by the boutique belonging to Don James Dahanayake, and west by the public market.

(2) All that field called Darandekumbura in extent 3 amunams of paddy sowing, situated at Atuboda in West Giruwa pattu aforesaid; and bounded on the north by ela, east by Godaliyadda and Weddekumbura, south by ela and Mahakumbura, and west by Wekandiya.

Deputy Fiscal's Office,
Tangalla, November 9, 1939.

P. D. WEERAMAN,
Additional Deputy Fiscal.

In the District Court of Galle.

Edinadura Podisingho de Silva of Dadalla Plaintiff.
No. 37,247. Vs.

(1) T. Kirinohamy, (2) T. Charles de Silva, and (3) T. Sirisena, all of Seenigama Defendants.

NOTICE is hereby given that on Monday, December 11, 1939, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

(1) Commencing at 2 p.m.—All that undivided $\frac{1}{2}$ of $\frac{1}{2}$ of the soil and trees of Suriyagahawatta alias Mahawatta,

situated at Seenigama in Wellaboda pattu in Galle District, Southern Province; and bounded on the north by Algewatta and Mahawatta, east by Mahawatta and Rilapaluwatta, south by Gederawatta and Mahawatta, and on the west by Mahawatta and Pansalewatta; in extent 3 roods and 3·5 perches.

(2) Commencing at 3 p.m.—An undivided $\frac{1}{2}$ part of the defined contiguous lots Nos. 1 and 2 of Pitawatta alias Malagewatta, situated at Malawesna in Wellaboda pattu, aforesaid; and bounded on the north by road, east by lot No. 3, south by road, west by Ambagalewatta and Beligahawatta; in extent (lot No. 1—2 roods and 37 perches, and lot No. 2—2 roods and 37 perches) 1 acre 1 rood and 34 perches.

(3) Commencing at 4 p.m.—An undivided $\frac{1}{2}$ part from and out of all those undivided $2/9+2/9+1/7+1/72+1/6+1/6$ parts of the soil and soil share trees, together with an undivided $\frac{1}{2}$ of $\frac{2}{3}$ of the planter's share of the 1st plantation of the land called Seenigama Kerewa, situated at Peraliya in Wellaboda pattu aforesaid; and bounded on the north and west by road, east and south by Crown land, in extent 2 acres 2 roods and 5 perches.

Writ amount Rs. 1,075 with interest on Rs. 1,000, at 30 per cent. per annum from November 8, 1938, till November 30, 1938, and on the aggregate amount at 9 per cent. per annum from date of decree till payment and costs Rs. 72·98, plus writ costs Rs. 29·34.

Deputy Fiscal's Office,
Balapitiya, November 8, 1939.

SAM RANASOORIYA,
Additional Deputy Fiscal.

In the District Court of Galle. 51

V. E. L. S. Letchimanan Chettiar of Galle, presently in India by his attorney Lena Vairavan Chettiar of Galle Plaintiff.

No. 35,582.

Vs.

(1) E. A. Paulis, and (2) D. N. Dewasirinaiyang, both of Kandewatta, Galle Defendants.

NOTICE is hereby given that on Monday, December 11, 1939, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 3,876, together with interest thereon Rs. 2,800 at 9 per cent. from November 25, 1936, till payment, and on Rs. 1,000 at 18 per cent. from January 21, 1937, to February 9, 1937, and on the aggregate at 9 per cent. per annum till payment and Rs. 98·52 for costs, viz:—

1. All that the defined lot A of the land called Kalugahahena alias Maragahahena, and Uraladeniya-addara alias Godakadurehena, situated at Babarenda in the Wellaboda pattu of Matara District, Southern Province; and bounded on the north by Maragahahena, east by lot E or B of the same land, south by land appearing in plan No. 151,696 and land reserved for road, and on the west by Crown jungle; and containing in extent 7 acres 2 roods and 38 perches; and duly registered in B 78/34.

2. All that the field called Nanumure, Mestrigemulana, Walgamayairikonda, and Talgahaliyadda, situated at Babarenda aforesaid; and bounded on the north by Bogahawatta, east by Mahamulana, Punchimulana, Sinhalaralapidinchiwahitiyawatta and Pelawatta, south by Merenchigekumbura, and on the west by Parana-gamagewatta and Handurugamagehena and Palapindeniya; and containing in extent 2 amunams and 3 pelas of paddy sowing; and duly registered in B 91/181.

3. All that undivided 5/6 shares of the soil and trees of the land called Korlagewatta together with the 13 cubits tiled house standing thereon, situated at Pathegama in the Wellaboda pattu aforesaid; and bounded on the north by Koraleruppa alias Alutgedara, east by Tettuwa-geruppa, south by Korlagedeniya, and on the west by dewata; and containing in extent about $\frac{1}{2}$ an acre; and duly registered in B 71/181.

4. All that undivided $\frac{1}{2}$ share of the soil and trees of the land called Alutgederawatta, situated at Pathegama aforesaid; and bounded on the north by Uswatta, east by Nagalmulgedara, south by Pahalakorallagewatta, and on the west by Ihalakorallagewatta; and containing in extent about $\frac{1}{2}$ an acre; and duly registered in B 107/270.

Deputy Fiscal's Office,
Matara, November 9, 1939.

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

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction ment of the late Rev. Wekada Saddha-
No. 8,913. nanda of Wekada, deceased.

Rev. Wekada Dheerananda of Bodhirukkaramaya,
Wekada, in Panadure. Petitioner.

Vs.

(1) Merennage Richard Salgado, (2) Henedige Allen
Peter Soysa, both of Wekada, in Panadure. . Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on July 14, 1939, in the presence of Mr. J. C. Peiris, Proctor, on the part of the petitioner above named and (1) the affidavits of the said petitioner dated July 12, 1939, and (2) of the attesting notary and witnesses dated July 11, 1939, having been read it is ordered that the last will of Rev. Wekada Shaddhananda, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor in the said will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 24, 1939, show sufficient cause to the satisfaction of this court to the contrary.

August 23, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned Order Nisi is hereby extended to September 28, 1939.

August 24, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned Order Nisi is hereby extended to October 5, 1939.

August 25, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned Order Nisi is hereby extended to November 2, 1939.

October 4, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned Order Nisi is hereby extended to November 23, 1939.

October 30, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction of Dhamotherampillai Subramaniam of
No. 9,016. Division No. 1, Green road, Trinco-
malee, in the Island of Ceylon, deceased.

Alagappa Pillai Dharmalingam Nalleyaloo of Slave Island,
Colombo Petitioner.

Vs.

(1) Subramaniam Theivanayagi of Division No. 1, Green road, Trincomalee, (2) Subramaniam Shanmugathas, (3) Subramaniam Sivathas, (4) Subramaniam Paremeswary, (5) Subramaniam Krishnathas, (6) Subramaniam Vallinayagi, (7) Subramaniam Vimalaspari, (8) Subramaniam Vignepary, all of Division No. 1, Green road, Trincomalee; 2nd to 8th respondents are minors, appearing by their guardian ad litem Christopher Emmanuel, the Secretary of the District Court of Colombo Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on September 27, 1939, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 17, 1939, certificate of death of the above-named deceased, power of attorney in favour of the petitioner, and minute of consent from the 1st respondent having been read:

It is ordered (a) that Christopher Emmanuel, the Secretary of the District Court of Colombo, be and he is hereby appointed guardian *ad litem* of the minors, the 2nd to 8th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as attorney of the widow of the said deceased, and that he is entitled to have letters of administration to the intestate estate of the said deceased issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 30, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 6, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

33/ Testamentary In the Matter of the Intestate Estate Jurisdiction of Mutuporutotage Sebastian Perera No. 9,049. of Tudella in Ragam pattu of Alutkuru korale.

Jayasuriya Kuranage Mary Margret Perera of Tudella aforesaid Petitioner.

And

- (1) Mutuporutotage Mary Pearl Patricia Perera, (2) Mutuporutotage Maria Margret Wimala Perera, (3) Mutuporutotage Monie Peter Sebastian Perera, all of Tudella; 1st to 3rd respondents are minors appearing by their guardian *ad litem* (4) Mutuporutotage Walter Perera of Tudella Respondents.

THIS matter coming for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 24, 1939, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 9, 1939, having been read :

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, 1st to 3rd 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 November 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

October 27, 1939.

C. NAGALINGAM,
District Judge.

45/ In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction Srisudha Singharatne Bandara Don No. 9,051. Anthonisz Jayawardane of Batagama North in the Ragam pattu of Alutkuru korale.

Mellawa Aratchige Dona Mathina Amarasinghe of Batagama North aforesaid Petitioner.

- (1) Srisudha Singharatne Bandara Dona Baby Catherine Jayawardane, wife of Don Siyadoris Jayamanna, (2) Srisudha Singharatne Bandara Don Lawrence Jayawardane, (3) Srisudha Singharatne Bandara Don Edward Jayawardane, (4) Srisudha Singharatne Bandara Don Gunaratne Jayawardane, (5) Srisudha Singharatne Bandara Dona Alice Nandawathie Jayawardane, (6) Srisudha Singharatne Bandara Don Jayasekera Jayawardane, (7) Weerakkodi Mohottige Dona Karunawathie Ranasinghe, wife of S. D. R. Jayawardane, deceased, (8) Srisudha Singharatne Bandara Dona Premawathie Jayawardane, (9) Srisudha Singharatne Bandara Dona Somawathie Jayawardane all of Batagama North aforesaid; 8th and 9th respondents are minors, appearing by their guardian *ad litem* the 1st respondent above named Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 25, 1939, in the presence of Mr. D. L. Gunasekera, Proctor,

on the part of the petitioner above named; and the affidavit of the said petitioner dated October 20, 1939, having been read.

It is ordered (a) that the 1st respondent be and she is hereby appointed guardian *ad litem* of the minors, 8th and 9th 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 November 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

October 27, 1939.

C. NAGALINGAM,
District Judge.

25/ In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction Ranwelle Liyanage Peter Silva of No. 9,052. Waragoda, Kelaniya, deceased.

Gorakanage Elizabeth Laurine Silva of Waragoda, Kelaniya Petitioner.

Vs.

- (1) Adeline Pierette wife of (2) Tudor Donald Wijeratne, both of Waragoda, Kelaniya Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 26, 1939, in the presence of Mr. U. L. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 19, 1939, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before November 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

October 30, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

34/ Testamentary In the Matter of the Intestate Estate of Jurisdiction Munesinghe Dewage Emanis Fernando No. 9,053. of Alutgama Bogamuwa in Meda pattu of Siyane korale, deceased.

Talkoladewage Pesona Fernando of Alutgama Bogamuwa aforesaid Petitioner.

Vs.

- (1) Munesinghe Dewage Patrick Fernando, (2) Munesinghe Dewage Subin Fernando, (3) Munesinghe Dewage Maya Fernando, (4) Munesinghe Dewage Justin Fernando, all of Alutgama Bogamuwa aforesaid; 3rd and 4th respondents are minors appearing by their guardian *ad litem* the 1st respondent above named Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 26, 1939, in the presence of Mr. U. L. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 18, 1939, having been read :

It is ordered (a) that the 1st respondent be and he is hereby appointed guardian *ad litem* of the minors, 3rd and 4th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and 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 November 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

October 30, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi. 34

Testamentary In the Matter of the Intestate Estate of
No. 9,057. the late Amaratun Achchige Nanhamy,
late of Kirivathuduwa, deceased.

Amaratun Achchige Podihamy of Homagama. Petitioner.

(1) Amaratun Achchige Podinona Amaratuwa of Kirivathuduwa, (2) Amaratun Achchige Don John Amaratuwa of Weragolla, (3) Amaratun Achchige Don Emis Kirivathuduwa, (4) Matarage Don Piyadasa, (5) Matarage Don Wimalawathie, (6) Matarage Don Sirisena, all of Pitipana; the 4th to 6th respondents are minors, appearing by their guardian *ad litem* (7) Matarage Don Emanis of Pitipana. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 31, 1939, in the presence of Mr. S. W. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 26, 1939, having been read:

It is ordered (a) that the 7th respondent be and he is hereby appointed guardian *ad litem* of the minors, 4th to 6th 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 daughter 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 December 14, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 10, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi. 30

Testamentary In the matter of the Last Will and Testa-
Jurisdiction. ment of Edward John Briggs of 8,
No. 9,058. Kensington Gardens Square, in the
Court of London formerly of Culver
Lodge, 23, The Vale Acton, London,
W. 3, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on November 2, 1939, in the presence of Don John Boniface Gomes of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo, and the affidavit of the said petitioner dated November 1, 1939, a certified copy of probate, a certified copy of the last will and testament of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated October 27, 1939, having been read: It is ordered that the will of the said deceased dated June 17, 1932, of which a certified copy has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is one of the attorneys of the executors named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before November 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 2, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi. 28

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Helen Michie Blair of The
No. 9,065. Gwythers, Lee Ilfracombe in the
County of Devon, widow, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on November 8, 1939, in the presence of Don John Boniface Gomes of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo, and the affidavit of the said petitioner dated November 4, 1939, a certified copy of probate, a certified copy of the last will and testament of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated November 2, 1939, having been read: It is ordered that the will of the said deceased dated November 3, 1938, of which a certified

copy has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is one of the attorneys of the executors named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall on or before November 30, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 8, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Avissawella.

Order Nisi. 30

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Kasturi Araccillage Sediris Appu-
No. 280. hama of Mapote.

Kasturi Araccillage Sirisena of Mapote. Petitioner.
Against

(1) Kasturi Araccillage Sedihama, (2) ditto Aracci Appu, (3) ditto Sumaradasa, (4) ditto Gunadasa, 3rd and 4th respondents in this matter by their guardian *ad litem* (5) Gamaladdalage Punchinona, all of Mapote. Respondents.

THIS matter coming on for disposal before S. S. J. Goonesekara, Esq., District Judge of Avissawella, on November 1, 1939, in the presence of Mr. D. L. Welikala, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 1, 1939, having been read:

It is ordered (a) that the 5th respondent above named be and she is hereby appointed guardian *ad litem* over the 3rd and 4th respondents above named, who are minors, and (b) that the petitioner be and he is hereby declared entitled, as son of the above named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 21, 1939, show sufficient cause to the satisfaction to this court to the contrary.

November 1, 1939.

S. S. J. GOONESEKARA,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved. 38

Testamentary In the Matter of the Estate of the late
Jurisdiction. J. Charles Perera, deceased, of Wekada.
No. 2,877.

THIS matter coming on for disposal before Waldo Sansoni, Esq., District Judge of Kalutara, on August 25, 1939, in the presence of Mr. T. J. C. Peiris, Proctor, on the part of the petitioner, Mutyantrige Agnes Eusera Cooray of Wekada, and the affidavit of the said petitioner dated August 7, 1939, having been read: It is ordered that the will of the late J. Charles Perera deceased No. 436 dated April 22, 1939, and now deposited in this court, be and the same is hereby declared proved unless the respondents or any other persons shall, on or before September 28, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said M. Agnes Eusera Cooray 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 persons shall, on or before September 28, 1939, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the 1st respondent Jayawardane-patabendige Simon Perera of Wekada be and he is hereby appointed guardian *ad litem* over the 2nd, 3rd, and 4th respondents, who are minors, for all the purposes of this action, unless sufficient cause be shown to the contrary on or before September 28, 1939.

August 28, 1939.

W. SANSONI,
District Judge.

The date for showing cause against the withinmentioned Order Nisi is hereby extended to October 26, 1939.

September 28, 1939.

W. SANSONI,
District Judge.

The date for showing cause against the withinmentioned Order Nisi is hereby extended to November 23, 1939.

October 26, 1939.

W. SANSONI,
District Judge.

In the District Court of Kandy.

Order Nisi.

36/ Testamentary In the Matter of the Estate of the late Jurisdiction. Paingama Muhandiramalage Omeru No. 121. Lebbe Mohamed Thamby *alias* T. U. M. Thamby, deceased, of Nawalapitiya.

Between

Mohamed Thamby Mohamed Jauber of Nawalapitiya Petitioner.

And

(1) Emeena Nadeffi of Nawalapitiya, (2) Laila Umma of Gampola, (3) Sithie Sakhya of Nawalapitiya, (4) Sithie Rayhan of Gampola, (5) Mohamed Sanordeen of Nawalapitiya, (6) Mohamed Thahir of Nawalapitiya, (7) Sithie Haneera of Nawalapitiya, (8) Sithie Zahira of Nawalapitiya, (9) Mohamed Azhar of Nawalapitiya, (10) Mohamed Sarook of Nawalapitiya, (11) Mohamed Fawzy, of Colombo (the 4th to 11th respondents are minors by their guardian *ad litem* the 1st respondent) Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Kandy, on October 3, 1939, in the presence of Mr. T. A. Shahabdeen, Proctor, on the part of the petitioner, Mohamed Thamby Mohamed Jauber, and the affidavit of the said petitioner dated September 30, 1939, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as the son of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents or any other person or persons interested shall, on or before November 20, 1939, show sufficient cause to the satisfaction of this court to the contrary.

October 3, 1939.

JAMES JOSEPH,
District Judge.

26/ In the District Court of Kandy.

Order Nisi.

Testamentary In the matter of the estate of the late Jurisdiction. Wasalamudiyansele Weladarandegedera No. T. 123. Tikiri Banda, deceased, of Poddalgoda in Udasiya pattu of Udumbara.

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Kandy, on October 23, 1939, in the presence of Mr. V. R. Wickramatilleke, Proctor, on the part of the petitioner, Ekansyala Mudiyansele Pallegedera Tikiri Kumaramy; and the affidavit of the petitioner dated October 16, 1939, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents (1) Wasala Mudiyansele Weerakoon Banda, (2) Wasala Mudiyansele Wijewardene Banda, (3) Wasala Mudiyansele Kuda Banda, (4) Wasala Mudiyansele Prema Kumarihamy, (5) Wasala Mudiyansele Wimala Kumarihamy, and (6) Wasala Mudiyansele Bandaranaike or any other person or persons interested shall, on or before November 27, 1939, show sufficient cause to the satisfaction of this court to the contrary.

October 23, 1939.

JAMES JOSEPH,
District Judge.

35/ In the District Court of Matara.

Order Nisi.

Testy. In the Matter of the Intestate Estate of the deceased, Gamage Don Carolis, late of Ellawela, Police Officer. Case No. 4,053.

Don Andrayas Weeratinga Wakista of Ellawela. Petitioner.

vs.

(1) Lucy Amarawati Weeratinga Wakista, (2) Gamage Leclawati, (3) ditto Edward Amarasena, (4) ditto Pemawardana, (5) ditto Jinadasa, (6) ditto Sumana-watee, all of Ellawela (2nd to 6th respondents are minors) Respondents.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge, of Matara, on September 22, 1939, in the presence of Mr. G. E. Dantanarayana, Proctor, on the part of the petitioner, Don Andrayas Weeratinga, and the affidavit of the said petitioner, dated August 25, 1939, having been read :

It is ordered that the said petitioner be and he is hereby declared entitled, as father-in-law, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before November 6, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 1st respondent be and she is hereby appointed guardian *ad litem* over the 2nd to 6th minor respondents for all the purposes of this action, unless the said respondents or any other person or persons interested shall, on or before November 6, 1939, show sufficient cause to the satisfaction of this court to the contrary.

September 22, 1939.

L. H. DE ALWIS,
District Judge.

Extend Order Nisi, December 18, 1939.

November 6, 1939.

L. H. DE ALWIS,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Richard Oscar Meurling, deceased, of No. 4,058/r. Angoda Colombo.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge of Matara, on October 5, 1939, in the presence of Messrs. Gratiaen & de Rooy, Proctors, on the part of the petitioner, Charlotte Evelyn Meurling of Matara, and the affidavit of the said petitioner dated July 14, 1939, having been read :

It is ordered that the said petitioner be and she is hereby declared entitled, as sister, to have letters of administration to his estate issued to her, unless the respondents—(1) Eugene Julius Meurling of Matara, (2) Mrs. Edna Marvis Toussaint of Fife road, Colombo, (3) Mrs. Harriet Lucilla Bartholomeusz of Survey camp, Diyatalawa, respondents— or any other persons interested shall, on or before December 4, 1939, show sufficient cause to the satisfaction of this court to the contrary.

October 5, 1939.

L. H. de ALWIS,
District Judge.

30/ In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Kandiah Elankainayagam of Tellippalai No. 775. East, deceased.

Kandiah Elankainayagam Thamby of Tellippalai East Petitioner.

(1) Elankainayagam Maneswari, (2) Elankainayagam Subramaniam, (3) Elankainayagam Kathirgama-lingam, (4) Kandiah Thirunavukkarasu *alias* Nadarajah, all of Tellippalai Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on September 4, 1939, in the presence of Mr. K. S. Kanagarayer, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read :

It is ordered that the 4th respondent be appointed guardian *ad litem* over the minors, the second and third respondents for the purpose of this action and that the petitioner be declared entitled to have letters of administration to the estate of the above-named deceased, as his heir, unless the respondents or any other persons interested shall appear before this court on October 18, 1939, and state objections or show sufficient cause to the contrary.

September 29, 1939.

C. COOMARASWAMY,
District Judge.

The above Order Nisi is extended for November 24, 1939.

October 18, 1939.

C. COOMARASWAMY,
District Judge.

In the District Court of Jaffna.

Order Nisi. 33

Testamentary In the Matter of the Estate of the late Jurisdiction. Nagamuttu Rasiah of Udavil, deceased. No. 777.

Selvasigamany, widow of Nagamuttu Rasiah of Udavil. Petitioner.

Vs.

(1) Rasaladchumy, daughter of N. Rasiah of Udavil, (2) Selvaladchumy, daughter of N. Rasiah of ditto, (3) Malardevy, daughter of N. Rasiah of ditto, (4) Kamalawathy, daughter of N. Rasiah of ditto, (5) Panchadevy, daughter of N. Rasiah of ditto, (6) Rasiah Rajeswara of ditto, (7) Rasiah Kanageswara of ditto, (8) Nagamuttu Chelliah of Kandana Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on September 7, 1939, in the presence of Mr. S. V. Chinniah, Proctor, on the part of the petitioner and the affidavit of the petitioner, dated September 4, 1939, having been read :

It is ordered that the above-named 8th respondent be appointed guardian *ad litem* over the minors the 1st to 7th respondents for the purpose of representing them and acting on their behalf in this case and that the petitioner, as the widow of the said deceased, is declared entitled to take out letters of administration to the estate of the said deceased, unless the respondents shall, on or before October 18, 1939, appear before this court and show sufficient cause to the contrary.

C. COOMARASWAMY,

District Judge,

September 19, 1939.

The Order Nisi is extended to November 24, 1939.

In the District Court of Kurunegala.

49 Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Halpe Chandrasakera Ekanayaka Wijesundera Wasala Mudiyansele Ramanika Moonamale Kumarihamy of Piduma, deceased.

L. B. Moonamale of Piduma Petitioner.

(1) Leelawathie Bandaranayaka Kumarihamy of Malwana, (2) I. L. Moonamale of Piduma, (3) E. B. Moonamale of ditto, (4) L. G. Moonamale of ditto, (5) Q. B. Moonamale of ditto, (6) Venetia Swarnakanthi Moonamale Kumarihamy of ditto Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge of Kurunegala, on April 4, 1939, in the presence of Mr. H. B. Ekanayake, Proctor, for the petitioner above named ; and the affidavit of the said petitioner, dated February 27, 1939, having been read :

It is ordered that the 2nd respondent be and he is hereby appointed guardian *ad litem* over 3rd to 6th minor respondents for the purpose of these proceedings, unless the respondents shall, on or before May 24, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is ordered that the said petitioner be and he is hereby declared entitled, as widower of the above-named deceased, to have letters of administration to the estate issued to him, unless the respondents, or any other person or persons interested shall, on or before May 24, 1939, show sufficient cause to the satisfaction of this court to the contrary.

V. JOSEPH,
District Judge.

April 4, 1939.

The date for showing cause extended to June 13, 1939.

V. JOSEPH,
District Judge.

May 12, 1939.

The date for showing cause extended to August 15, 1939.

V. JOSEPH,
District Judge.

June 13, 1939.

The date for showing cause extended to September 28, 1939.

V. JOSEPH,
District Judge.

August 15, 1939.

The date for showing cause extended to November 2, 1939.

V. JOSEPH,
District Judge.

September 28, 1939.

The date for showing cause extended to November 22, 1939.

V. JOSEPH,
District Judge.

November 2, 1939.

39 In the District Court of Kurunegala.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sena Rawanna Muna Mohammado Abdul Careem Rauther of Ammapatnam No. 4,370.

Mohammado Mohideen Hadjiyar's daughter Pat-humma of Ammapatnam by her Attorney Sena Kawanna Muna Mohammado Haniffa of Put-talam Petitioner.

(1) Rahumathi Amma, (2) Hawwa Amma, (3) Segu Mohammado Rauther, (4) Mohammado Ibrahim, (5) Kadija Amma, all children of the deceased, Sena Rawanna Muna Mohammado Abdul Careem Rauther, and all of whom are resident at South street in Ammapatnam aforesaid by their guardian *ad litem*, (6) Kawanna Chena Muna Mohammado Haniffa of 79, Bazaar street, Kurunegala. Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge of Kurunegala, on October 31, 1939, in the presence of Mr. A. B. C. de Soysa, Proctor, for the petitioner above named ; and the affidavit of the said petitioner dated October 31, 1939, having been read :

It is ordered that the 6th respondent be and he is hereby appointed G. A. L. over the 1-5 minor respondents for the purpose of these proceedings, unless the respondents shall, on or before November 20, 1939, show sufficient cause to the satisfaction of this court to the contrary. It is ordered that the said petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents or any other person or persons interested shall, on or before November 20, 1939, show sufficient cause to the satisfaction of this court to the contrary.

V. JOSEPH,
District Judge.

October 31, 1939.

26 In the District Court of Anuradhapura.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Ekanayake Ukku Banda No. 483. Korale of Minneriya, in Sinhala pattu of Tamankaduwa division, in Anuradhapura District, deceased.

THIS matter coming on for disposal before W. Olagasekeram, Esq., District Judge, on October 18, 1939, in the presence of Mr. W. A. Udugama, Proctor, on behalf of the petitioner, Ekanayake Ukku Banda of Minneriya aforesaid ; and the affidavit of the said petitioner dated August 8, 1939, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as an heir of the deceased, to have letters of administration issued to him, unless the respondent, Herath Mudiyansele Ukku Amma of Minneriya aforesaid, or any other person or persons interested shall, on or before November 3, 1939, show sufficient cause to the satisfaction of this court to the contrary.

W. OLAGASEKERAM,
District Judge.

October 18, 1939.

Time for showing cause is extended until November 25, 1939.

W. OLAGASEKERAM,
District Judge.

November 3, 1939.

22 In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of Ranaweera Aratchi Tennenne- No. 1,547. helage Appuhamy, Vel Vidane, of Rabbidigala, deceased.

Ranaweera Aratchi Tennennehelage Punchi Nilame Vedarala of Rabbidigala Executor. Punchi Nilame Ranaweera of Rabbidigala Petitioner.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge, Kegalla, on May 17, 1939, in the presence of Mr. A. T. de S. Abeyewickreme, Proctor, on the part of the petitioner above named ; and the affidavit and petition of the petitioner dated February 27, 1939, and March 1, 1939, having been read :

It is ordered that the petitioner be and he is hereby declared entitled to have letters of administration to his estate issued to him, unless any person or persons interested shall, on or before November 29, 1939, show sufficient cause to the satisfaction of this court to the contrary.

H. A. DE SILVA,
District Judge.

May 17, 1939.