



THE

CEYLON GOVERNMENT GAZETTE

No. 8,779 — FRIDAY, AUGUST 8, 1941.

Published by Authority.

PART II.—LEGAL.

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PASSED ORDINANCES.

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

No. 26 of 1941.

L. D.—O 19/41

An Ordinance to enable the preparation and publication of Annual Supplements under the Revised Edition of the Legislative Enactments (Annual Supplements) Ordinance, No. 15 of 1939, to be suspended from time to time.

A. CALDECOTT.

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

Short title and construction

1. This Ordinance may be cited as the Annual Supplements (Suspension of Publication) Ordinance, No. 26 of 1941, and shall be read and construed as one with the Revised Edition of the Legislative Enactments (Annual Supplements) Ordinance, No. 15 of 1939, hereinafter referred to as "the principal Ordinance".

Power to suspend or revive operation of sections 2 to 6 of the principal Ordinance from time to time.

2. The Governor may, by Proclamation published in the *Gazette*, suspend the operation of sections 2, 3, 4, 5, and 6 of the principal Ordinance with effect from such date as may be specified in the Proclamation; and the Governor may, by Proclamation published in like manner, declare that the operation of the provisions of those sections of the principal Ordinance shall be revived with effect from such date as may be specified in the Proclamation.

Passed in Council the Eighth day of July, One thousand Nine hundred and Forty-one.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Twentieth day of July, One thousand Nine hundred and Forty-one.

E. R. SUDBURY,
Secretary to the Governor.

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

No. 27 of 1941.

L. D.—O 57/38

An Ordinance for the regulation of the wages and other emoluments of persons employed in trades, for the establishment and constitution of Wages Boards, and for other purposes connected with or incidental to the matters aforesaid.

A. CALDECOTT.

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SCHEDULE.

An Ordinance for the regulation of the wages and other emoluments of persons employed in trades, for the establishment and constitution of Wages Boards, and for other purposes connected with or incidental to the matters aforesaid.

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 Wages Boards Ordinance, No. 27 of 1941, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

PART I.

PROVISIONS RELATING TO ALL TRADES.

2. Every employer in every trade shall comply with the following provisions of this section regarding the payment of wages to every worker employed by him:—

(a) He shall, subject as hereinafter provided, pay such wages in legal tender directly to the worker, without any

Short title
and date of
operation.

Payment of
wages.

deduction other than an authorised deduction, as hereinafter defined, made with the consent of the worker :

Provided that the aggregate of the deductions so made at any one time shall not exceed one half of the wages due :

Provided, further, that nothing in the preceding provisions of this paragraph shall affect or be deemed to affect—

(Cap. 188)

(i) any deduction authorised to be made from such wages by the Income Tax Ordinance or any other written law, or

(ii) any retention or payment of the whole or any part of such wages made in pursuance of or compliance with any order, process or decree made or issued by any court of law.

In this paragraph, " authorised deduction " means any deduction in respect of—

(i) any advance of money made by the employer to the worker ; or

(ii) any such other matter as may be prescribed.

(b) Where the period of the contract under which any worker is employed does not exceed one week, he shall pay the wages of that worker within three days of the end of each such period ; where the period of such contract exceeds one week but does not exceed two weeks, he shall pay such wages within five days of the end of each such period ; where the period of such contract exceeds two weeks and does not exceed one month, he shall pay such wages within ten days of the end of each such period ; and where the period of such contract exceeds one month, he shall pay such wages within ten days of the end of each month :

Provided, however, that where owing to the absence of any worker or to any other unavoidable cause, it is not possible to pay the wages of any worker within the time limited by this paragraph, he may retain such wages and shall thereafter pay such wages to that worker at the earliest possible opportunity.

Nothing in this paragraph shall in any way affect the period of notice or warning necessary under any provision of written law other than this Ordinance for the termination of any contract.

Record of wages to be kept and produced for inspection when required.

3. Every employer in every trade shall keep a clear and accurate record in writing showing all wages paid by him to workers employed by him, the deductions made by him from such wages, and the dates on which such wages were paid. Every employer shall produce such record for inspection when required to do so by the Controller or any prescribed officer.

Penalty for failure to comply with any provision of Part I.

4. Every employer who fails to comply with any provision of this Part of this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Duration of provisions of sections 2 (b) and 3

5. (1) With effect from the date on which a decision of a Wages Board under section 23 comes into force in respect of any trade, the provisions of paragraph (b) of section 2 shall cease to have effect in respect of that trade, in so far as they are inconsistent or in conflict with any such decision.

(2) The provisions of section 3 shall cease to have effect in respect of any trade with effect from the date on which a form of register under section 36 is prescribed for that trade.

PART II.

PROVISIONS RELATING TO PARTICULAR TRADES.

Application of Part II. of Ordinance to particular trades.

Application of Part II. to particular trades.

6. (1) Subject to the provisions of section 7, the Minister may by order in writing apply the provisions of this Part of this Ordinance to any trade specified in such order.

(2) Every order under sub-section (1) shall be published by Notification in the *Gazette* and shall come into force on the date of such publication or on such later date as may be specified in such Notification.

Notice of intention to apply Part II

7. (1) No order under section 6 shall be made unless Notification of the intention to make such order is published in the *Gazette* and in one Sinhalese, one Tamil and one English newspaper, together with a notice specifying a date on or before which objections to the proposed order will be received by the Minister.

(2) Every objection preferred in consequence of a notice under sub-section (1) shall be made in writing and shall

contain a statement of the grounds upon which objection is taken to the proposed order.

(3) The Minister shall consider all objections made in consequence of a notice under sub-section (1) and may for the purpose of investigating any such objection hold such inquiry as to him may seem necessary.

Wages Boards.

8. (1) The Minister may by order published in the *Gazette*—

Establishment
of Wages
Boards.

- (a) establish a Wages Board for any trade to which the provisions of this Ordinance have been applied under section 6 or for any branch of, or any function or process in, any such trade ;
- (b) declare that the powers, duties and functions under this Ordinance of any Wages Boards so established for any trade shall extend to any other trade which is, in the opinion of the Minister, of the same nature as the trade for which that Board was established or of a similar nature to that trade.

(2) No order under paragraph (b) of sub-section (1) shall be made unless Notification of the intention to make such order is published in the *Gazette* and in at least one Sinhalese, one Tamil and one English newspaper, together with a notice specifying a date on or before which objections to the proposed order will be received by the Minister.

(3) Every objection preferred in consequence of a notice under sub-section (2) shall be made in writing and shall contain a statement of the grounds upon which objection is taken to the proposed order.

(4) The Minister shall consider all objections made in consequence of a notice under sub-section (2) and may for the purpose of investigating any such objection hold such inquiry as to him may seem necessary.

9. (1) Subject to the provisions of sub-section (7), every Wages Board shall consist of the Controller and of members representing employers in the trade for which the Board is established, and members representing workers engaged in such trade.

Constitution
of Wages
Boards.

(2) The number of representative members of a Wages Board shall be determined by the Minister and one-half of such number shall be representatives of the employers and one-half shall be representatives of the workers. All representative members of a Wages Board shall be appointed by the Minister.

(3) Where the powers, duties and functions of any Wages Board are extended under section 8, the Minister may appoint an equal number of additional representative members to represent employers and workers, respectively.

(4) Any person may be appointed a representative member of a Wages Board notwithstanding that he is not an employer or a worker in the trade for which the Board is established :

Provided, however, that every such person shall be approved by the trade union, association or other organization (if any) of the employers or of the workers, as the case may be, whom he is to represent.

(5) Women shall be eligible for appointment as members of Wages Boards as well as men.

(6) Any person may be a member of more than one Wages Board.

(7) The Minister may, at any time and for such period as he may determine, appoint to be nominated members of a Wages Board such number of persons (not exceeding three) as he may deem fit.

No person who is an employer or a worker in any trade shall be appointed to be a nominated member of the Wages Board established for that trade.

10. (1) The Controller shall be the Chairman of every Wages Board and shall preside at all meetings of such Board :

Chairman and
Secretary of
Wages Board.

Provided that in the absence of the Controller from any meeting, a Deputy Controller may, notwithstanding that he is not a member of the Board, attend and preside on behalf of the Controller.

(2) The Controller or a Deputy Controller shall not be entitled to vote on any question brought before a Wages Board at any meeting.

(3) Every Wages Board shall have a Secretary who shall be appointed by the Governor.

11. (1) In order to constitute a meeting of a Wages Board—

Procedure at
meetings of
Wages Boards.

- (a) the Controller or a Deputy Controller and not less than one-half of the total number of representative members, and, where there are any nominated members of the Wages Board, at least one nominated member also, must be present ;

- (b) not less than two members representing employers and not less than two members representing workers must be present; and
- (c) the number of members representing employers and the number of members representing workers shall be equal.

(2) Where in the attendance of members for the purpose of holding any meeting of a Wages Board, the number of members representing employers is greater or less than the number of members representing workers, a sufficient number of members representing either employers or workers, as the case may be, shall not participate in that meeting, in order to ensure that the provisions of paragraph (c) of sub-section (1) are complied with.

The representative member or members who shall not participate in any meeting of a Wages Board in accordance with the foregoing provisions of this sub-section shall be chosen by lot to be drawn in the presence and under the directions of the Chairman of the Board.

(3) Every decision which a Wages Board is empowered or required to make under this Ordinance must be made by a majority of the members present at any meeting of the Board.

(4) The proceedings of a Wages Board shall not be invalidated by any vacancy in the number of the members of that Board or by any defect in the appointment of any member.

(5) Subject to the provisions of this Ordinance and of any regulation, a Wages Board may regulate its own procedure

Term of office of member of Wages Board.

12. (1) Every representative member of a Wages Board shall hold office for a period of three years from the date of his appointment and a nominated member shall hold office for the period specified in his appointment:

Provided, however, that any member of the Board (other than the Controller) may at any time resign from his membership of the Board or be removed therefrom by the Minister:

Provided, further, that any person appointed to fill any vacancy caused by the death, resignation or removal of any member shall hold office during a period equal to the unexpired portion of the term of office of the member in whose place he is appointed, and no longer

(2) Any member of a Wages Board (other than the Controller) who is absent without reasonable cause from three consecutive meetings of the Board shall be deemed to have resigned his membership of the Board, and the resignation of such member shall be deemed to take effect on the date of the last of such meetings.

(3) Any person ceasing to be a member of a Wages Board shall be eligible for re-appointment thereto.

Regulations

13. (1) Regulations not inconsistent with any provision of this Ordinance may be made—

- (a) prescribing the manner in which the representatives of employers and workers may be chosen (whether by election or otherwise);
- (b) prescribing the manner in which meetings of a Wages Board shall be summoned and held and the procedure to be followed at such meetings, including the method of voting;
- (c) prescribing the method of filling vacancies occurring in the membership of a Wages Board;
- (d) generally for or in respect of any matter relating to a Wages Board or the performance or discharge of any power, duty or function of a Wages Board under this Ordinance.

(2) Any regulation under sub-section (1) may, as provided therein, apply to all Wages Boards or to any particular class of Wages Board or to any one or more specified Wages Boards.

Determination of questions as to which is appropriate Wages Board in cases of doubt.

14. If any doubt arises or any question is raised as to which of two or more Wages Boards is entitled or required to exercise and perform in any matter the powers, duties and functions of a Wages Board under this Ordinance, the Controller shall decide such question and his decision thereon shall be final.

Reference of matters to Wages Board by Executive Committee or Controller.

15. A Wages Board established for any trade shall consider and furnish a report upon any matter regarding the conditions of that trade which may be referred to it by the Executive Committee or by the Controller.

Power of Wages Board to hold inquiries.

16. (1) For the purpose of making any decision or furnishing any report on any matter which a Wages Board is empowered or required to make or furnish under this Ordinance, a Wages Board may hold such inquiry as it may deem necessary.

(2) For the purpose of holding any inquiry under sub-section (1), the Chairman of a Wages Board shall have the same powers as a District Court to enforce the attendance of any person and examine him on oath and to enforce the production of any relevant document; and the provisions of the Civil Procedure Code relating to the powers of a civil court in respect of the matters aforesaid shall apply accordingly

(Cap. 86).

(3) Nothing in the preceding provisions of this section shall be deemed to require or permit any person to disclose any information or to produce any document in any case where the disclosure or production by that person of such information or document is prohibited by or under the provisions of any written law other than this Ordinance.

17. (1) Where in any inquiry held by a Wages Board under section 16 or in any other proceedings before a Wages Board under this Ordinance, any information is given or any document produced by any person and a request is made by or on behalf of that person that such information or document or the contents of such document should be treated as confidential, the Chairman of the Board shall order that such information or document be treated as confidential.

Information given in proceedings before Wages Board to be treated as confidential in certain cases.

(2) No member of a Wages Board or other person present at or concerned in any proceedings before a Wages Board shall in any way disclose any information or document in respect of which an order has been made under sub-section (1), or the contents of any such document, except with the written consent of the party at whose request such order was made.

District Wages Committees

18. (1) A Wages Board established for any trade may, with the approval of the Executive Committee and in accordance with regulations, constitute a District Wages Committee for that trade in any area or district in Ceylon.

District Wages Committees.

(2) Every District Wages Committee shall consist of—

- (a) such number of members of such Wages Board as that Board may determine, but so, however, that the number of members representing employers and the number of members representing workers shall be equal;
- (b) such number of members to represent the employers in the area for which the Committee is constituted as such Wages Board may determine, and an equal number of members to represent the workers in such area; and
- (c) the Controller or in his absence, a Deputy Controller, or in the absence of both of them, some other person (not being a member of such Wages Board) generally or specially authorised in writing by the Controller.

(3) The Controller, or in his absence the Deputy Controller, or, in the absence of both of them, any person authorised by the Controller under paragraph (c) of sub-section (2) shall preside at all meetings of a District Wages Committee.

(4) The proceedings of a District Wages Committee shall not be invalidated by any vacancy in the number of members of that Committee or any defect in the appointment of any member.

(5) Regulations may be made with respect to the tenure of office of members of District Wages Committees, the filling of vacancies in the membership of such Committees, the procedure to be followed at meetings of such Committees, and the form and manner in which reports made by such Committees shall be furnished; but subject to the provisions of this Ordinance and of any such regulation, a District Wages Committee may regulate its own proceedings.

19. A Wages Board may refer to any District Wages Committee constituted by that Board any matter regarding which the Board is empowered or required by this Ordinance to make any decision, and that Committee shall consider any matter so referred and shall furnish to the Board its report upon such matter.

Reference of matters by Wages Board to District Wages Committee.

Decisions of Wages Boards.

20. In respect of the trade for which it is established any Wages Board may determine all or any one or more of the following rates of wages.

Minimum rates of wages.

- (a) a minimum rate of wages for time-work (hereinafter referred to as "a general minimum time-rate");
- (b) a minimum rate of wages for piece-work (hereinafter referred to as "a general minimum piece-rate");

- (c) a minimum time-rate to apply in the case of workers employed on piece-work for the purpose of securing to such workers a minimum rate of remuneration on a time-work basis (hereinafter referred to as "a guaranteed time-rate");
- (d) a minimum rate (whether a time-rate or a piece-rate) to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by workers (hereinafter referred to as "an overtime rate")

Liability of employer to pay minimum wages.

21. Where any decision of a Wages Board, whereby a minimum rate of wages for any trade is determined, has come into force, every employer shall pay to every worker to whom such minimum rate is applicable, wages at not less than such minimum rate :

Provided that where any such decision comes into force on any day other than the day on which wages are payable to any worker in terms of the contract under which that worker is employed, the failure of the employer to pay wages to that worker at the rates determined in such decision in respect of work done between the date on which the decision comes into force and the last day of the period in respect of which wages next become payable to that worker, shall not be deemed to be a breach of the provisions of this section.

Wages of worker who works for less than normal working day.

22. Where a Wages Board has been established for any trade, every worker employed in that trade—

- (a) whose wages are payable at a daily rate, and
- (b) who, on any day on which he is so employed, works for a period less than the requisite number of hours to constitute a normal working day,

shall, subject as hereinafter provided, be entitled to receive wages in respect of the work done by him on that day as if he had worked for a full normal working day:

Provided, however, that no such worker shall be entitled to receive the wages payable in respect of a full normal working day—

- (i) in any case where the failure of the worker to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work, and
- (ii) in such other cases and circumstances as the Wages Board may determine.

Intervals at which wages shall be paid.

23. (1) Any Wages Board may, in respect of the trade for which it is established, determine the period of work (not in any case exceeding one month) in respect of which wages shall be paid to workers, and specify the number of days from the end of such period within which wages shall be so paid.

(2) Nothing in sub-section (1) or in any decision thereunder shall in any way affect the period of notice or warning necessary under any provision of written law other than this Ordinance for the termination of any contract.

Hours of work and weekly holiday.

24. Any Wages Board may, in respect of the trade for which it is established—

- (a) fix the number of hours, not exceeding nine in any case, which shall constitute a normal working day, inclusive of a specified interval of not less than one hour for a meal, but exclusive of overtime work ;
- (b) declare that a specified day in each week shall be allowed by every employer as a holiday to all workers or to any specified class of workers, and what remuneration, if any, shall be paid to workers in respect of such holiday ;
- (c) determine the conditions subject to which workers may be employed on any such holiday, but so however, that such conditions shall include the payment of remuneration for such work at a rate not less than the overtime rate, or, if no overtime rate has been determined, at one-and-a-quarter times the rate normally applicable to such work, and the grant of a holiday with or without remuneration on a day within a specified number of days next succeeding such day.

Annual holidays.

25. (1) Any Wages Board may, in respect of the trade for which it is established, determine the conditions subject to which a number of days, not exceeding twenty-one, shall, in addition to the holidays under section 24, be allowed by every employer in each year as a holiday or holidays to all workers or to any specified class of workers, and determine the mode of computing the remuneration which shall be paid to workers in respect of such holiday or holidays.

(2) Where any decision under sub-section (1) has been made—

- (a) every worker to whom such decision applies shall be entitled to take and shall take a holiday or holidays in accordance with the terms of such decision; and
- (b) the employer of every such worker shall allow such holiday or holidays and be liable to pay the remuneration determined in respect of such holiday or holidays in accordance with the terms of such decision.

26. A Wages Board shall, in making any decision under this Ordinance, take into consideration the circumstances obtaining in particular branches of the trade or particular areas or affecting particular classes of workers, and may, in any such decision, determine different rates of wages, hours of work or holidays, or make such other provision for such circumstances as it may consider expedient

Determination of different rates of wages, &c., to suit special circumstances

27. (1) Every decision of a Wages Board under this Ordinance shall—

- (a) be signed and dated by the Chairman, and
- (b) be transmitted to the Minister through the Controller, together with any report which the Wages Board, the District Wages Committee or the Controller may desire to make on any matter to which the decision relates

Procedure for approval of decisions of Wages Boards by Minister

(2) The Minister may refer back to a Wages Board for reconsideration any decision transmitted to him under sub-section (1) and in every such case the Wages Board shall reconsider the decision and, after such amendment thereof as it may consider desirable, return the decision to the Minister

(3) No decision transmitted to the Minister under sub-section (1) or returned to him under sub-section (2) shall have effect unless it has been approved by the Minister. Notification of the approval of every such decision shall be published in the *Gazette*

(4) Any decision which is approved by the Minister shall come into force on the date on which the notification of such approval is published in the *Gazette* or on such later date as may be specified in such notification.

28. Any decision of a Wages Board which has come into force under section 27, may at any time be rescinded or varied by a subsequent decision of the Board, and the provisions of section 27 shall apply to every such subsequent decision.

Rescission or amendment of decisions of Wages Board

29. Every decision of a Wages Board under this Ordinance shall, from the date on which such decision comes into force, have effect notwithstanding anything in any written law (other than this Ordinance), and notwithstanding any act done or decision made by any Board or person under any such written law.

Decisions of Wages Board to have effect notwithstanding any written law other than this Ordinance.

Provisions relating to special cases

30. Where a worker performs two or more classes of work to each of which a minimum rate of wages is applicable, the employer shall pay to that worker in respect of the time occupied in each class of work, wages at not less than the minimum rate in force in respect of that class

Worker performing two or more classes of work.

31. Where a worker is employed on piece-work and a general minimum time-rate but no general minimum piece-rate has been determined under this Ordinance, the employer of that worker shall be deemed to pay wages at less than the minimum rate unless he shows that the piece-rate of wages paid would yield in the circumstances of the case to an ordinary worker at least the same remuneration as the general minimum time-rate

Worker performing piece-work

32. For the purpose of calculating the amount of the wages payable in the case of a worker employed on any work to which a minimum rate of wages is applicable, the worker shall be deemed to have been employed during all the time during which he was present on the premises of the employer, unless the employer proves that he was so present without the employer's consent express or implied, or that he was so present for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform, and in the case of a worker employed on piece-work shall be deemed during any time during which he was so present and was not doing piece-work to have been employed at the general minimum time-rate applicable to workers of the class to which he belongs, or, if no such general minimum time-rate has been determined, at the guaranteed time-rate

Worker waiting for work on employer's premises.

Provided that—

- (a) where a worker resides on the premises of the employer he shall not be deemed to be employed during any time during which he is present on the premises by reason only of the fact that he is so resident; and
- (b) a worker while present during normal meal times in a room or place in which no work is being done shall be deemed to be present for a purpose unconnected with his work.

Work done under an arrangement made by way of trade.

33. (1) Any person who, by way of trade or for any commercial purpose, makes any arrangement express or implied with any worker in pursuance of which the worker performs any work to which a minimum rate of wages is applicable, shall be deemed, for the purposes of this Ordinance, to be the employer of the worker in respect of that work, and the net remuneration obtainable by the worker in respect of the work, after allowing for his necessary expenditure in connexion with the work, shall be deemed to be wages.

(2) In this section "trade" means any commercial undertaking or enterprise

Non-able bodied worker.

34. (1) Where the Controller, or any other officer whom the Controller may authorise in writing for the purposes of this section, is satisfied that any worker employed or desiring to be employed in any work to which a minimum rate of wages is applicable, is affected by any infirmity or physical injury which renders him incapable of earning that minimum rate, the Controller or such officer may, if he thinks fit, grant to that worker, subject to such conditions as may be prescribed, a permit exempting the employment of that worker from the provisions of this Ordinance relating to the payment of wages at less than the minimum rate.

(2) While any permit granted under sub-section (1) is in force, in respect of the employment of any worker, the employer shall not be liable to any legal proceedings for paying wages to that worker at less than the minimum rate so long as the permit is in force and the conditions subject to which the permit was issued are complied with.

(3) Any permit granted under sub-section (1) to any worker may at any time be revoked by the Controller or any officer authorised as aforesaid, after giving notice in the prescribed manner to the employer of that worker.

Premium from apprentice or learner.

35. Where a worker in any trade, being a person to whom a minimum rate of wages is applicable, is employed as an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account any payment by way of premium

Provided that nothing in this section shall apply to any such payment duly made not later than four weeks after the commencement of the employment in pursuance of any agreement in writing entered into at or about the time of such commencement.

Duties of Employers.

Employer's duty to keep register.

36. Every employer in any trade for which a Wages Board is established shall prepare and keep one or more registers in the prescribed form showing—

- (a) the name and sex of each worker employed by him, and, in the case of a worker who is a woman or under the age of twenty-one years the age of the worker,
- (b) the class of work performed by each worker employed by him,
- (c) the wages paid to each such worker,
- (d) the number of hours of work performed by each such worker,
- (e) the number of hours of overtime work performed by each such worker,
- (f) the dates on which wages are paid to each such worker,
- (g) the holidays allowed to each such worker,
- (h) the amount of the maternity benefits paid to each such worker,
- (i) such other particulars as may be prescribed by regulations or required by any decision of the Wages Board.

Exhibition of notice in factories, &c.

37. Every person, engaged in any trade for which a Wages Board is established, who is the occupier of any factory or workshop or of any place used for giving out work to outworkers in any such trade, shall keep exhibited, in such manner as may be prescribed, in such factory, workshop or place, as the case may be, a notice in the prescribed form, containing the prescribed particulars.

38. Every person giving out work to outworkers in any trade for which a Wages Board is established shall keep a register in such form as may be prescribed, containing the prescribed particulars relating to such work and to such workers and the payments made for such work.

Register to be kept by persons giving out work.

Offences.

39. (1) Every employer who fails to pay wages to any worker in accordance with the provisions of section 21, 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 six months or to both such fine and imprisonment, and shall in addition be liable to a fine not exceeding fifty rupees for each day on which the offence is continued after conviction.

Penalty for failure to pay wages, &c.

(2) Every employer who, in any case other than that referred to in sub-section (1), fails to make to any worker any payment in accordance with any provision of this Part of this Ordinance or of any decision of a Wages Board, 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 six months or to both such fine and imprisonment.

(3) On the conviction of an employer under sub-section (1) or sub-section (2), the court may, in addition to any other sentence, order the employer to pay such sum as may be found by the court to represent the difference between the amount which ought properly to have been paid to the worker and the amount actually paid. Any sum ordered to be paid under this sub-section may be recovered in the same manner as a fine.

(4) The power of the court to make an order under sub-section (3) for the payment of any sum of money shall not be in derogation of any right of the worker to recover that sum by any other proceedings.

40. Where the immediate employer of any worker is himself in the employment of some other person, and that worker is employed to do any work in the course of and for the purpose of the trade of that other person, that other person shall, for the purposes of the provisions of section 39, be deemed to be the employer of that worker jointly with the immediate employer.

Immediate employer being himself in the employment of another person

41. (1) Where an employer has been convicted for failing to pay wages in accordance with the provisions of section 21, to any worker, then, if a notice in the prescribed form of intention so to do has been served on the employer together with the summons or warrant, evidence may be given of any failure on the part of the employer to pay wages in accordance with the provisions of section 21 to that worker at any time during the year preceding the date on which complaint under section 148 of the Criminal Procedure Code, was made to court of the offence of which the employer has been so convicted and, on proof of the failure, the court may order the employer to pay such sum as may be found by the court to represent the difference between the amount which ought, at the minimum rate applicable, to have been paid to the worker by way of wages during that year and the amount actually so paid. Any sum ordered to be paid under this sub-section may be recovered in the same manner as a fine.

Recovery of arrears of wages in certain cases.

(Cap 16)

(2) The power of the court to make an order under sub-section (1) shall not be in derogation of any right of the worker to recover wages by any other proceedings.

42. On the prosecution of any employer under sub-section (1) or sub-section (2) of section 39 for the failure to make any payment to any worker, the burden of proving that the payment was made shall lie on the employer.

Burden of proof in prosecutions under section 39

43. Every employer who—

- (a) fails or refuses to allow to any worker any holiday required to be allowed to that worker under any decision of a Wages Board under this Ordinance; or
- (b) commits a breach of any condition of any permit issued in respect of any worker under section 34; or
- (c) fails to comply with any provision of any decision of a Wages Board—

Offences by employer

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

44. (1) Every employer who dismisses any worker from his employment by reason merely of the fact that the worker—

- (a) is or becomes a member of a Wages Board; or
- (b) has given information to any authority with regard to matters under this Ordinance; or

Dismissal of worker for being a member of a Wages Board, &c.

- (c) has, after giving reasonable notice to his employer of his intention, absented himself from work through being engaged in duties as a member of a Wages Board ; or
- (d) is entitled to any benefit under any decision of a Wages Board—

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 six months or to both such fine and imprisonment.

(2) In every prosecution of an employer for an offence under sub-section (1) the burden of proving that the worker was dismissed by reason of some fact other than a fact mentioned in that sub-section shall be upon that employer

Employer receiving premium in breach of section 35.

45. (1) Every employer who receives any premium in contravention of any provision of section 35 shall be guilty of an offence and shall be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

(2) The court may in addition to any sentence imposed under sub-section (1) order the employer to pay the sum found to have been received by him in contravention of the provisions of section 35. Any sum ordered to be paid under this sub-section may be recovered in the same manner as a fine

Disclosure of information in breach of section 17 (2)

46. Every person who discloses any information or does any other act in contravention of any provision of sub-section (2) of section 17 shall be guilty of an offence and shall be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a period not exceeding three months or to both such fine and imprisonment.

PART III.

GENERAL.

Appointment and powers of officers, &c

Appointment of officers

47. (1) The Governor may appoint such number of officers and servants as may from time to time be required for the purpose of carrying out or giving effect to the provisions of this Ordinance.

(2) The appointment of any person under sub-section (1) may be made by name or by office.

Authorisation by Controller of another officer to act on his behalf.

48. The Controller may either generally or specially authorise any Deputy Controller or any person appointed under section 47 to exercise, perform or discharge any power, duty or function of the Controller under this Ordinance

Power of Controller to call for returns, &c

49. (1) The Controller may at any time direct any employer in any trade, or any person giving out work to outworkers in any trade, to furnish to the Controller before a specified date—

- (a) a return containing such particulars as the Controller may require ;
- (b) such information or explanation as the Controller may require in respect of any particulars stated in any return so furnished ;
- (c) a true copy of any register or record of wages, or of any part of a register or record of wages, required to be kept by such employer or person by or under this Ordinance.

(2) Any employer or other person furnishing any return or information under sub-section (1) may transmit together with the return or information a request in writing that such return or information should be treated as confidential and, where such a request is made, the return or information to which the request relates shall not be disclosed without the consent previously obtained of the employer or person who made the request.

(3) No information (whether contained in a return or not) furnished under sub-section (1) shall be so arranged, in any report made or publication issued by or with the authority of the Controller, as to facilitate the identification of the information as being information relating to any individual employer or person.

(4) Nothing in the preceding provisions of this section shall be deemed to require or permit any person to disclose any information or to produce any document in any case where the disclosure or production by that person of such information or document is prohibited by or under the provisions of any written law other than this Ordinance.

50. (1) Subject to such conditions and restrictions as may be prescribed, every prescribed officer shall have power—

Powers of prescribed officers.

- (a) to enter and inspect at all reasonable hours by day or night any premises or place in which workers are employed in any trade or any place in which work is given to outworkers in any trade, for the purpose of examining any register, record of wages, or notice required to be kept or exhibited by or under this Ordinance, or of ascertaining whether the provisions of this Ordinance are being complied with ;
- (b) to examine any person whom he finds in any such premises or place and whom he has reasonable cause to believe is a worker employed therein or a worker to whom work is given out therein ;
- (c) to take copies of any such register, record of wages, or notice or of any part of any such register, record or notice.

(2) Where a Wages Board has been established for any trade in which any labourer as defined by section 3 of the Estate Labour (Indian) Ordinance is employed, any agent appointed under section 8 of the Indian Immigrant Labour Ordinance and any officer authorised by him in writing shall be deemed, as respects that trade, to be officers prescribed under sub-section (1) and shall have and may exercise accordingly all the powers of a prescribed officer under that sub-section.

(Cap. 112)
(Cap. 111).

51. If it appears to the Controller expedient so to do in any case, he may, in the name of any worker to whom any sum of money is due from any employer by or under this Ordinance, institute civil proceedings in a court of competent jurisdiction for the recovery of that sum.

Power of Controller to institute civil proceedings on behalf of worker.

Offences.

52. Every person who—

Offences.

- (a) fails to furnish the means required by an officer as necessary for any entry or inspection or the exercise of his powers under section 50 ; or
- (b) hinders or molests any officer in the exercise of the powers conferred by that section ; or
- (c) refuses to produce any register, record of wages or notice, or give any information which any officer requires him to produce or give under the powers conferred by that section ; or
- (d) makes or causes to be made any register, record of wages or notice which is false in any material particular, or produces or causes or knowingly allows to be produced any such register, record or notice, to any officer acting under the powers conferred by that section, knowing the same to be false , or
- (e) furnishes any information to any officer acting under the powers conferred by that section, knowing the same to be false , or
- (f) makes default in complying with any direction given by the Controller under section 49, or who, when called upon to furnish a return under that section, knowingly makes or furnishes, or causes to be made or furnished, a false return or a return containing any false statement ; or
- (g) in any case for which no penalty is specially provided, commits a breach of any provision of this Ordinance or of any regulation—

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 six months or to both such fine and imprisonment

Miscellaneous.

53. (1) Where an offence for which an employer is liable under this Ordinance has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.

Liability of employer's agent

(2) Where an employer who is charged with an offence under this Ordinance, proves to the satisfaction of the court that he has used due diligence to enforce the execution of this Ordinance and that the offence was in fact committed by his agent or some other person without his knowledge, consent or connivance, he shall be exempt from any penalty in respect of the offence, without prejudice however to the power of the court under section 39 (3) or section 41 (1) to order him to pay any sum which appears to be due to the worker on account of wages.

No prosecution except with Controller's sanction and within one year of offence

54. No prosecution for any offence under this Ordinance shall be instituted in any court except—

- (a) with the written sanction of the Controller, and
- (b) within one year of the commission of the offence.

Court of trial for offences.

55. All offences under this Ordinance shall be triable summarily by a Magistrate.

Contracting out of rights or liabilities under Ordinance.

56. Any contract or agreement, whether made before or after the date on which this Ordinance comes into operation whereby any right of any worker by or under this Ordinance is in any way affected or modified to his detriment or whereby any liability of any employer is in any way removed or reduced, shall be null and void in so far as it purports to affect or modify any such right or to remove or reduce any such liability.

Regulations.

Regulations

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

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

- (a) all matters stated or required in this Ordinance to be prescribed,
- (b) all such forms as may be necessary for the purposes of this Ordinance;
- (c) the notice to be given of any matter under this Ordinance, with a view to bringing that matter as far as practicable to the knowledge of persons affected thereby,
- (d) the payment of remuneration or allowances to members of Wages Boards, and the mode of computing such remuneration or allowances;
- (e) the payment of allowances to officers employed in enforcing the provisions of this Ordinance and the mode of computing such allowances;
- (f) the investigation by or under the directions of the Controller of standards of living and conditions of work in any trade

(3) Every regulation made by the Executive Committee shall be brought before the State Council by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification. No 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*.

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

Interpretation

Interpretation.

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

“Controller” means the person for the time being holding the office of Controller of Labour and includes any person authorised by the Controller under section 48 in respect of any particular power, duty or function of the Controller under this Ordinance.

“Deputy Controller” means any person for the time being holding office as a Deputy Controller of Labour,

“employer” means any person employing one or more workers in any trade, whether on behalf of himself or any other person;

“Executive Committee” means the Executive Committee of Labour, Industry and Commerce;

“Minister” means the Minister for Labour, Industry and Commerce;

“overtime” in relation to any work means work in excess of the number of hours which constitute a normal working day;

“prescribed” means prescribed by regulation;

“regulation” means a regulation made by the Executive Committee under this Ordinance,

“representative members” means the members of a Wages Board appointed to represent the employers or the workers, as the case may be, in any trade;

“trade” includes any industry, business, undertaking, occupation, profession or calling carried out, performed or exercised by an employer or worker, and any branch of, or any function or process in, any trade;

“worker” means any person employed to perform any work in any trade.

Amendments of other written law.

59. The provisions of the Estate Labour (Indian) Ordinance specified in the first column of the Schedule are hereby amended in the manner specified in the second column of that Schedule.

Amendment of Estate Labour (Indian) Ordinance (Cap. 112).

Effect of Ordinance.

60. Save as otherwise expressly provided in this Ordinance, the provisions of this Ordinance shall have effect notwithstanding anything contained in any written law other than this Ordinance; and in any case of conflict or inconsistency between the provisions of this Ordinance and such other law, the provisions of this Ordinance shall prevail.

Ordinance to prevail in cases of conflict with other written law.

SCHEDULE

I.	II
Provision of the Estate Labour (Indian) Ordinance (Chapter 112)	Nature and extent of amendment.
Section 5	For the words “an advance of rice or money” there shall be substituted the words “an advance of money”.
Section 6	In sub-section (4), for all the words from “his employer” to the end of the sub-section, there shall be substituted the words “his employer and with any other deduction authorised to be made from his wages by or under the provisions of any written law other than this Ordinance”.
Section 12	For all the words from “any sum of money” to the end of the section, there shall be substituted the following — <p>“any sum of money advanced to the labourer or labourers as against the wages for which he or they are suing and any deduction authorised to be made from such wages by or under the provisions of any written law other than this Ordinance.</p> <p>Notwithstanding anything contained in the Civil Procedure Code or any written law (other than this Ordinance), such party or his representative or such other person shall not be entitled in such suit to a set-off or counterclaim in respect of any matters other than those specified in the preceding provisions of this section, but shall not be precluded from maintaining a separate action in respect of any matter not so specified.”</p>
Schedule A	In paragraph 3 of the Rules and Orders for the words “apply any payments, whether in money or in food, clothes or other articles proved to have been made in partial discharge of wages,” there shall be substituted the words “take into account any advance of money made against the wages of the plaintiff or each of the plaintiffs and any other deductions authorised to be made from such wages by or under the provisions of any written law (other than this Ordinance) and shall apply the amount of such advances and deductions”.

Passed in Council the Eighth day of July, One thousand Nine hundred and Forty-one

D. C. R. GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Thirty-first day of July, One thousand Nine hundred and Forty-one

E. R. SUDBURY,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 18/38

An Ordinance to amend the Employment of Women (Revised Convention) Ordinance, No. 16 of 1940.

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 *Employment of Women (Revised Convention) (Amendment) Ordinance, No. of 1941*

Amendment of section 2 of Ordinance No. 16 of 1940 2. Section 2 of the *Employment of Women (Revised Convention) Ordinance, No. 16 of 1940*, is hereby amended as follows —

(1) by the renumbering thereof as sub-section (1) of section 2, and

(2) by the insertion, immediately after the renumbered sub-section (1), of the following new sub-section —

“(2) Any person who employs a woman in contravention of the provisions 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 three hundred rupees ”

Objects and Reasons

The object of this Bill is to insert in the *Employment of Women (Revised Convention) Ordinance, No. 16 of 1940*, provision to the effect that a person who employs a woman in contravention of the provisions of section 2 of that Ordinance is guilty of an offence punishable with a fine not exceeding three hundred rupees. It is considered desirable that a specific penal section should be inserted in the Ordinance and that the amount of the fine should be equated to that prescribed for the corresponding offence in the *Hours of Employment (Conventions) Act, 1936*, of the Imperial Parliament

G. C. S. COREA,

Minister for Labour, Industry and Commerce

Colombo, August 4, 1941.

NOTICES OF INSOLVENCY.

In the District Court of Colombo

Insolvency Jurisdiction No 5,492 In the matter of the insolvency of Hewafonsckage Thomas Fonsoka of 65, Moratumulla in Moratuwa

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 9, 1941, for the consideration of the grant of a certificate of conformity to the insolvent above named

By order of court, C EMMANUEL,
Secretary.

July 28, 1941

In the District Court of Colombo

Insol No 5,519 In the matter of the insolvency of John Basil Norbert Mendy of Yakkala, Gampaha

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 September 2, 1941, for the consideration of the grant of a certificate of conformity to the insolvent

By order of court, C EMMANUEL,
Secretary

July 30, 1941

In the District Court of Colombo

Insolvency No 5,548 In the matter of the insolvency of Denzil Clarence Seta, 32, Wasala road, Kotahena, insolvent.

NOTICE is hereby given that a meeting of the creditors of the insolvent above named will take place at the second sitting of this court on September 2, 1941, for the examination of the above-named insolvent

By order of court, C EMMANUEL,
Secretary.

July 28 1941

In the District Court of Colombo

Insol No 5,561 In the matter of the insolvency of Arthur Shelton Gunasekera of Park street, Dehiwala, Colombo

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 26, 1941, for the examination of the above-named insolvent

By order of court, C EMMANUEL,
Secretary

July 19 1941

In the District Court of Colombo

Insol No 5,609 In the matter of the insolvency of P Francis de Livera of Lunawa.

WHEREAS P F de Livera has filed a declaration of insolvency and a petition for the sequestration of his estate has been filed by

D P. Doluweera of Halpita, Kesbewa, under the Ordinance No 7 of 1853. Notice is hereby given that the said court has adjudged the said P F de Livera insolvent accordingly, and that two public sittings of the court, to wit, on September 2, 1941, and on October 3, 1941, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C EMMANUEL,
Secretary

July 31, 1941.

In the District Court of Colombo

Insolvency No 5,610 In the matter of the insolvency of O L A P Suisena of 81, Mayfield road, Kotahena, in Colombo

WHEREAS O L A P Srisena has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by E N. de Silva of 43/11, Kotahena street Kotahena under the Ordinance No 7 of 1853. Notice is hereby given that the said court has adjudged the said O L A P Srisena insolvent accordingly, and that two public sittings of the court, to wit, on September 2, 1941, and on October 3, 1941, will take place for the said insolvent to surrender and conform to agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice

By order of court, C EMMANUEL,
Secretary

July 31, 1941

In the District Court of Kandy

No I 65 In the matter of the insolvency of W N Jayams Wijesing of Bogahalanda, Ampitiya

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 August 29, 1941, for the examination of the above-named insolvent

By order of court, R B RATNAIKE,
Secretary

August 1 1941

In the District Court of Kandy

No I 85 In the matter of the insolvency of Wijenayake Mudalige Albin Appuhamy, alias A Wijenayake of Brownrigg street, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 5, 1941, for the examination of the above-named insolvent

By order of court, R B RATNAIKE,
Secretary

August 1, 1941

In the District Court of Kandy

No I 95 In the matter of the insolvency of Granville Edgar Theodore Jacolyn of 182, Katugastota road, Kandy

WHEREAS Granville Edgar Theodore Jacolyn has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Kotuwagedera Pharamadasa Ekanayaka, under the Ordinance No. 7 of 1935. Notice is hereby given that the said court has adjudged the said Granville Edgar Theodore Jacolyn insolvent accordingly, and that two public sittings of the court, to wit, on August 29, 1941, and on September 26, 1941, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

August 4, 1941. By order of court R B RATNAIKE, Secretary

In the District Court of Kandy

No 1,901. In the matter of the insolvency of Kobbekaduwa Ihala Walauwa Loku Banda Kobbekaduwa of Kobbekaduwa

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 September 5, 1941, to declare a dividend

August 1, 1941. By order of court, R B RATNAIKE, Secretary

In the District Court of Badulla

No 36 In the matter of the insolvency of V K S Seiyadu Abraham

NOTICE is hereby given that a certificate of meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 26, 1941

By order of court, A K ALVAPILLAI, Secretary

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo

The Attorney-General of Ceylon vs No 11,110/M Plaintiff

(1) A C E Udugampola Wangasekera, "Chemist" of the Cosol Laboratory, Gampaha, (2) Dr W L Vitarana of "Wood Stock", Kandy Defendants

NOTICE is hereby given that on Tuesday, September 2, 1941, at 3 30 P.M., will be sold by public auction at the premises the following property specially and primarily mortgaged by Deed No 2291 dated November 25, 1937, and attested by W. E. de Rooy of Colombo, Notary Public, and declared void and inoperative under the decree entered in the above action and ordered to be sold by the order of court dated July 14, 1941, for the recovery of the sum of Rs 7,210, together with further interest on Rs 7,000 at the rate of 3 per cent per annum from November 1, 1939, till April 18, 1941, and thereafter on the aggregate amount at 9 per cent per annum till payment in full and costs of suit taxed at Rs 516 37/12

All that allotment of land called Delgahawatta, together with the buildings, trees, and plantations now standing thereon and the buildings that may hereafter be erected thereon and the plant and machinery that may hereafter be installed in the said buildings which said allotment of land called Delgahawatta is situated in the village Heneratgoda, in the Meda pattu of Siyane korale, in the District of Colombo, Western Province, and bounded on the north by Imbulakumbura, on the east by Delgahawatta of J P Knowler, on the south by Delgahawatta of J P Knowler and a path, on the north west by the high road from Colombo to Kandy, containing in extent 1 acre 2 roods and 1 perch, according to plan No 1,517 dated November 6, 1937, made by P B Weerasinghe, Special Licensed Surveyor.

Prior Registration E 292/83

Fiscal's Office, Colombo, August 6, 1941. H C WIJESINHA, Deputy Fiscal

In the Court of Requests of Colombo

K T S Sellappa Chettiar of 83, Silversmith street, Colombo Plaintiff

No 54,593 vs G A W. Dias of 99, 4th Cross street, Pettah, Colombo Defendant

NOTICE is hereby given that on Saturday, August 30, 1941, at 11 A.M., will be sold by public auction at the premises the following property for the recovery of the sum of Rs 265, with interest on Rs. 200 at 18 per cent per annum from May 1, 1939, till payment in full and damages at Rs 100 per annum from May 1, 1939, till payment in full and costs Rs. 29 25 incurred and Rs 7 50 prospective, viz —

The life interest of the defendant in and to the following property,

All that undivided 1/12 share of the allotment of land with the buildings standing thereon bearing assessment No. 99, situated at 4th Cross street, Pettah, within the Municipality and District of Colombo, Western Province, and bounded on the north by the house of Gabriel Fernando, presently premises bearing assessment No 107, 4th Cross street, on the east by 4th Cross street, on the

south by the house of Andries Perera Mohandiram, presently premises bearing assessment No 95, 4th Cross street, and on the west by the house of Mr Mulhuysen, and containing in extent 4 17 square perches.

Fiscal's Office, Colombo, August 6, 1941.

H C WIJESINHA, Deputy Fiscal.

27 In the Court of Requests of Colombo.

Sayed Mohamed Bhai of 37, Union place, Slave Island, Colombo Plaintiff.

No. 67,648

(1) Don Abraham Weerasekera and (2) Lyanage Dona Ashn (husband and wife) both of 116, Prakrama road, Kalubowila Defendants

NOTICE is hereby given that on Monday, September 1, 1941, at 4 P.M., will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs 120 and Rs 3 being costs of execution, viz —

All that allotment of land called and known as Badullagahawatta marked lot A in plan No 135 dated March 3, 1935, made by I W W. Indatissa, Licensed Surveyor, together with the buildings, trees, and plantations standing thereon bearing assessment Nos 115 and 115A, situated at Kalubowila, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province, now within the Urban Council limits of Dehiwala-Mount Lavinia, and bounded on the north by grass land belonging to T. Weeraratne, east by lot B, south by Prakrama avenue, and west by land belonging to D M. Weerasekera, Mr Don Pabilis, D. E. de Silva and the termination of the road called Edward place, containing in extent 2 roods and 20 perches, and registered in the Colombo District Land Registry Office under title M 366/23 and 412/256

Fiscal's Office, Colombo, August 6, 1941

H C WIJESINHA, Deputy Fiscal.

29 In the Court of Requests of Colombo

Sayed Mohamed Bhai of Union place, Slave Island, Colombo Plaintiff.

No 70,495

Don Abraham Weerasekera of 116A, Prakrama road, Kalubowila Defendant.

NOTICE is hereby given that on Monday, September 1, 1941, at 3 30 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs 164 62, together with interest on Rs 150 at 18 per cent per annum from November 8, 1940, to November 28, 1940, and thereafter legal interest on the aggregate amount till payment in full and costs of suit, to wit, Rs 21 25 being incurred costs, and Rs 14 50 being prospective costs, viz —

All that allotment of land called and known as Badullagahawatta marked lot A in plan No 135 dated March 3, 1935, made by I W W. Indatissa, Licensed Surveyor, together with the buildings, trees, and plantations standing thereon bearing assessment Nos 115 and 115A, situated at Kalubowila in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province, now within the Urban Council limits of Dehiwala-Mount Lavinia; and bounded on the north by grass land belonging to T Weeraratne, east by lot B, south by Prakrama avenue, and west by land belonging to D M Weerasekera, W. Don Pabilis, D E. de Silva, and the termination of the road called Edward place, containing in extent 2 roods and 20 perches, and registered in the Colombo District Land Registry Office under title M 366/23 and 412/256

Fiscal's Office, Colombo, August 6, 1941

H C WIJESINHA, Deputy Fiscal

Southern Province.

In the District Court of Matara

P Ranoris of Wallwela of Weligama Lessee

No. 9,599.

(3) Fathuma Hanoon Ismail and another, both presently of Fort, Galle Defendants

NOTICE is hereby given that on Tuesday, September 2, 1941 commencing at 2 30 in the afternoon, will be sold by public auction at the premises, the right, title, and interest of the said 3rd and 4th defendants in the following property for the recovery of a sum of Rs 73 25 —

All that the land called Gurubewilawatta situated at Midigama in Weligama korale of Matara District, Southern Province, and bounded on the north by Lunumadalagahawatta, Thandakheena, and Gungahena, east by Delgahakoratuwa, Gallindakoratuwa, and Hellawakumbura, south by Agnisagekoratuwa, Weralugahakoratuwa, and Panukerewoyiturukubella, west by Udumullebadupelaruppa, Pahalakoratuwa, and Ambagahawatta, and containing in extent about 18 acres.

Deputy Fiscal's Office, Matara, July 30, 1941

H V F ABEYAKOON, Additional Deputy Fiscal

20 In the District Court of Tangalla

(1) Lucien Joseph Owen Wijesekera of Borella and others Plaintiffs

No. 4,123

(3) Laura Wickramasinghe Obeyesinghe of Tangalla and others Defendants

NOTICE is hereby given that on Monday, September 1, 1941, at 4 o'clock in the afternoon, will be sold by public auction at the

premises the right, title, and interest of the said 3rd defendant in the following property for the recovery of Rs 946 24, viz —

At Tangalla Town

All that undivided 1/32 share of the land called Mahawatta, in extent 3 acres 3 rods and 26 perches, situated at Tangalla town in West Gurusuwa patta of the Hambantota District, and bounded on the north by high road, and the garden of Madakalapuwoge Mathes-hamy, east by Siyambalagahawatta, south by high road and the garden of Gorse Mudahayr, and west by high road, together with all the plantations and buildings situated on the said land

Deputy Fiscal's Office, Tangalla, August 2, 1941
 V. ALLIRAJAH, Additional Deputy Fiscal

In the District Court of Tangalla

Roginald Vincent Bucket de Silva, Clerk in Holy Orders, residing at Dehiwala, Plaintiff
 No 1,296 Vs

(1) Don Hondrick Amarasekera Witasuriya, and (2) Don Dionis Kodituwakku, both of Mahahulla Defendants

NOTICE is hereby given that on Saturday, September 6, 1941, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No 1046 dated October 30, 1933, and attested by H Domingo, Notary Public and ordered to be sold by order of court dated June 5, 1941, for the recovery of Rs 1,264 18 together with further interest on Rs 987 at 9 per cent per annum from August 27, 1940 till payment in full.

At Mahahulla

(1) Undivided planter's half share of the second plantation and the undivided 7/26 and 1/12 shares of the soil and of the remaining plantations of the land called Muhandiramgowatta, together with the entire tiled house of 13 cubits and the entire thatched house of 7 cubits standing thereon, situated at Mahahulla in West Gurusuwa patta of the Hambantota District, and bounded on the north by Runaunnahogedeniya, east by Pansalegodella, south by Sapugahawatta, and west by Bemullewatta, containing in extent about 2 1/2 kurumes of kurakkan sowing

(2) Undivided 1/4 share of the soil and of the plantations of the land called Mahawatta, situated at Mahahulla aforesaid, and bounded on the north by Gamamahagegowatta and Polattogowatta, east by Gulugahakoratuwa, south by Pitawatta, and west by Palledeniya; containing in extent about 5 kurumes of kurakkan sowing.

(3) Undivided 1/4 share of the planter's 1/4 share of the plantations and the undivided 1/4 share of the soil and of the remaining plantations of the land called Divigahahena, situated at Mahahulla aforesaid, and bounded on the north by Ganutahogowatta, east by Kuldeniya alias Kitulgahadeniya, south by Runaunnahogedeniya, and west by Madagoda, containing in extent about 6 kurumes of kurakkan sowing

(4) Undivided 1/4 share of the soil and of the plantations of the land called Polwattogowatta, situated at Mahahulla aforesaid, and bounded on the north by Ganitaramgowatta, east by Galagawawatta, south by Babapadinchiwahitiyawatta, and west by Kuldeniya, containing in extent about 2 kurumes of kurakkan sowing

(5) Undivided 5/72 share of the soil and of the plantations of the land called Sivanagodolla alias Dunumadalagahawatta, situated at Mahahulla aforesaid, and bounded on the north and east by wola, south by the high road and Ganegohona, and west by Sapugahawatta and Muhandiramgowatta, containing in extent about 16 acres

(6) Undivided 1 and 1/27 shares of the soil and of the plantations of the land called Nugagahawatta and Wowagawawatta (exclusive of the planter's share of the third plantation and the tiled house of 9 cubits standing thereon) situated at Mahahulla aforesaid, and bounded on the north by Muhandiramgehena, east by Halpandeniya-ralagowatta, south by Mokliya-arenulana, and west by Jambugahapotawa, containing in extent about 4 kurumes of kurakkan sowing.

Deputy Fiscal's Office, Tangalla, August 2, 1941
 V. ALLIRAJAH, Additional Deputy Fiscal

Northern Province.

In the District Court of Jaffna

Veoragathy Chelliah of Changanai, Plaintiff
 No 15,060 Vs

Muttucumarasoonar Kumarasoonar of Tholpuram, Defendant

NOTICE is hereby given that on Saturday, August 30, 1941, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs 850.25, with interest thereon at the rate of 9 per cent per annum from December 15, 1939, till payment in full and costs Rs 117 17 and poundage and charges, viz —

All that piece of land situated at Chulipuram in Changanai parish, Vajigama West Division of the Jaffna District, Northern Province, called "Ilankayman toddam and other parcels", in extent 11 aachams varagu culture with houses, well and cultivated and spontaneous plantations, and bounded on the east by lane, north by the properties belonging to the heirs of Ambalavanar Kathuravelu and shareholders and others, west by the property of the heirs of Ambalavanar Kathuravelu and shareholders, and south by the property of Arumugam Kandiah and shareholders

This land is said to be under mortgage, half share of this is also seized under writ No 11091, C R M.

Fiscal's Office, Jaffna, August 5, 1941
 A. C. NALLIAH, Deputy Fiscal

Eastern Province.

In the District Court of Trincomalee

G Mondis Silva of Division No 8, Trincomalee, Plaintiff
 No 2,415. Vs

Sivasanpu Sivasegaram of Division No. 1, Trincomalee. Defendant.

NOTICE is hereby given that on Saturday, September 6, 1941, at 10 o'clock in the forenoon, will be sold by public auction at the spot the following property seized under writ of execution issued in the above case for the recovery of the sum of Rs 340 85 with interest on Rs. 300 at 18 per cent per annum from February 7 1941, till March 20, 1941, and thereafter at 9 per cent per annum until payment in full and taxed costs Rs 121.12 (less Rs 35) and Fiscal's fees and charges and poundage, viz —

* Subject to Mortgage Bond No 2627 dated December 20 1940, for Rs 1 100 and interest.—An allotment of land together with a tiled house and well, bearing assessment No 178A, situated at Division No 1, Trincomalee town, Trincomalee District, Eastern Province, bounded on the north by Kachchen road, east and south by land belonging to Kugathas and part of assessment No 178, and on the west by land belonging to Yegampikera, wife of Rajavaratham, assessment Nos 176 and 177, extent 26 perches

Deputy Fiscal's Office, Trincomalee, August 5, 1941
 B VRASILLAI, Additional Deputy Fiscal

NOTICES IN TESTAMENTARY ACTIONS.

In this District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Watu-Jurisdiction tantrige Eugene Scholastica Kathleen Periera No 9,710. *nee de Alwis deceased.*

Harold Alvin Periera Rosendale, Colpetty, Colombo. Petitioner.

Vs

(1) Harold Aubrey Periera (2) Brinsley Kenneth Periera, (3) Hubert (Mrs) Periera, (4) Naimette Marcelle Periera, (5) Dulcey Ann Periera, (6) Dhyani Ivor Periera, (7) Eugeni Cecil Bernard de Alwis of 247, Galle road, Dehiwala Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on July 2, 1941, in the presence of Mr W M J. Fernando, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated June 24, 1941, having been read

It is ordered that the 7th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, 4th, 5th, and 6th respondents to represent them for all the purposes of this action and that the petitioner be and he is hereby declared entitled, as husband of the above-named deceased, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or some other person or persons interested shall, on or before August 21, 1941, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH, District Judge

July 3, 1941

In the District Court of Colombo

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Effect of No 9,731. K. D A. Basnayake of 653, Bloemendhal road, Colombo, deceased.

Kumarasinghe Aratchige Dona Jane Maria Basnayake *nee Pieris* of 43B, Digarolle, Moratuwa, Petitioner

And

(1) Kuruppuatchige Dona Clarice Mildred Janet Basnayake (wife of Charles Wilfred Perera) of Ratmalana, (2) Kuruppuatchige Don Benedict Francis Anthony Basnayake of Moratuwa, presently serving overseas in the R. A. S. C., (3) Kuruppuatchige Marjorie Catherine Lilian Basnayake (wife of Leo William Alexander Perera) of Lunawa, (4) Kuruppuatchige Joseph Vincent de Paul Basnayake, (5) Kuruppuatchige Therese Stella Basnayake, (6) Kuruppuatchige Princy Gertrude Basnayake, (7) Kuruppuatchige Annesley Paschal Basnayake, all of Moratuwa aforesaid, (8) K D M F Basnayake of 157, Mahawatta road, Colombo, guardian *ad litem* for the 4th to 7th minors—respondents above named Respondents

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on July 10, 1941, in the presence of Mr A V. M. Mason, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated July 4, 1941, having been read

It is ordered that the 8th respondent above named be and he is hereby appointed guardian *ad litem* of the minors 4th, 5th 6th and 7th respondents to represent them for all the purposes of this action and that the petitioner be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents or some other person or persons interested shall, on or before August 28, 1941, show sufficient cause to the satisfaction of this court to the contrary

JAMES JOSEPH, District Judge.

July 14, 1941

In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction the late Paul Morris Christoffelsz of Tickell road, No 9,740. Colombo, deceased

THIS matter coming on for final determination before James Joseph, Esq., District Judge of Colombo, on July 17, 1941, in the

presence of Mr G. A. H. Wille, Proctor, on the part of the petitioner, Muriel Rose Christoffelsz of Tickell road, Colombo and the affidavits (1) of the said petitioner dated July 13, 1941, and (2) of the attesting notary dated July 8, 1941, having been read. It is ordered that the last will made by the deceased above named bearing No 448 dated April 24, 1941, and now deposited in this court be declared proved and that probate hereof be issued to the petitioner aforesaid as the executrix therein mentioned on her tendering the usual oath and bond.

JAMES JOSEPH, District Judge

Colombo, July 17, 1941

21 Notice of Application.

In the District Court of Colombo

Testamentary Jurisdiction No 9 752 In the matter of the Last Will and Testament of Rose Graham of Priors Wood Compton near Guildford in the County of Surrey, widow, deceased.

And in the matter of the British Courts Probates (Re-sealing Ordinance (Chapter 84))

NOTICE is hereby given that after the expiry of twenty-one days from the date hereof application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing Ordinance (Chapter 84)) for the Sealing of a Certified copy of probate of the last will and testament of Rose Graham of Priors Wood Compton near Guildford in the County of Surrey, widow, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice at Llandudno on February 3, 1941

JULIUS & CREASY, Proctors for Andrew Gray Fraser, Attorney for Barclays Bank, Limited, the sole Executor of the Last Will and Testament of Rose Graham, deceased

Colombo, July 28, 1941

27 In the District Court of Colombo

Order Nisi declaring Will proved

Testamentary Jurisdiction No 9,754 In the Matter of the Last Will and Testament of Mary Anne Turner, late of Oaknead Biggin Hill Westerham in the County of Kent, formerly of High Warden Hexham in the County of Northumberland, England, widow, deceased

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on July 31, 1941, in the presence of Messrs F J & G de Saram, Proctors, on the part of the petitioner, Matthew Richard Lothian Leishman of Colombo, and (1) the affidavit of the said petitioner dated July 29, 1941, (2) the power of attorney dated April 4 and 7, 1941, and (3) the order of the Supreme Court dated July 24, 1941, having been read. It is ordered that the will and two codicils of the said Mary Anne Turner, deceased, dated August 24, 1933, September 28, 1934, and January 20, 1937, a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said Matthew Richard Lothian Leishman is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will and codicils annexed) issued to him accordingly, unless any person or persons interested shall, on or before August 21, 1941, show sufficient cause to the satisfaction of this court to the contrary

JAMES JOSEPH, District Judge

August 1, 1941.

25 In the District Court of Colombo

Order Nisi declaring Will proved

Testamentary Jurisdiction No 9,761 In the Matter of the Last Will and Testament of William Davidson of the Town of Montclair in the County of Essex and State of New Jersey in the United States of America, deceased

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on August 4, 1941, in the presence of Mr V Gnanaratnam Cooke, Proctor, on the part of the petitioner, Percival Stephen Martensz of Colombo, and (1) the affidavit of the said petitioner dated August 1, 1941, (2) the power of attorney dated April 22, 1941, and (3) the order of the Supreme Court dated July 28, 1941, having been read. It is ordered that the will of the said William Davidson, deceased, dated September 3, 1937, a true copy of which under the hand and Seal of the Surrogate Court of the County of Essex in the State of New Jersey 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 Percival Stephen Martensz is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before August 28, 1941, show sufficient cause to the satisfaction of this court to the contrary

JAMES JOSEPH, District Judge

August 5, 1941.

36 In the District Court of Kalutara

Order Nisi

Testamentary Jurisdiction No 2,894 In the Matter of the Estate of the late Abery-singha-aratchige Don Agius Abeysingha, deceased, of Palannoruwa

(1) Abery-singha-aratchige Don Budmis Abeysingha of Palannoruwa Petitioner.

(1) Abeysingha-aratchige Dona Selonona Abeysingha Hamme of Melagama (2) ditto Dona Sophaya Abeysingha Hamme of Melagama in Horana, (3) ditto Dona Leelawathie Abeysingha of Palannoruwa, (4) ditto Dona Seelawathie Abeysingha of Palannoruwa, (5) ditto Dona Margret Abeysingha of Kalutara North (6) ditto Baby alias Soma-wathie Abeysingha of Galpata, (7) ditto Kusuma Abeysingha of Palannoruwa, (8) Cornelia Wickrama Hamme of Palannoruwa, guardian ad litem over the 7th respondent Respondents.

THIS matter coming on for disposal before L W de Silva, Esq., District Judge, Kalutara, on July 24, 1941, in the presence of Mr H Leo Pereira, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated June 16, 1941, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as son of the deceased above named, to have letters of administration issued to him, unless the respondents or any other person interested in the estate shall, on or before August 28, 1941 show sufficient cause to the satisfaction of this court to the contrary

It is further declared that the said Cornelia Wickrama Hamme of Palannoruwa, the 8th respondent, be and she is hereby appointed guardian ad litem over the 7th respondent; who is a minor, for all the purposes of this action, unless the respondents or others, interested in the estate shall, on or before August 28, 1941, show sufficient cause to the satisfaction of this court to the contrary

I. W DE SILVA, District Judge

July 24, 1941

33 In the District Court of Kalutara

Order Nisi

Testamentary Jurisdiction No 2 990 In the Matter of the Estate of the late Sattamberallage Don Clement Mavar Arsakularatne, deceased, of Maggona

(1) Sattamberallage Dona Maria Justina Arsakularatne of Maggona Petitioner

(1) Sattamberallage Don Julius Boniface Arsakularatne (2) Sattamberallage Dona Cecelia Franceska Arsakularatne, (3) Sattamberallage Don Jerome Damasus Arsakularatne (4) Sattamberallage Don Francis Eusebus Arsakularatne, (5) Sattamberallage Don Andrew of Maggona, 2nd to 4th respondents, minors, by their guardian ad litem, the 5th respondent Respondents

THIS matter coming on for disposal before L W de Silva, Esq., District Judge, Kalutara, on July 8, 1941, in the presence of Messrs de Zoysa and Sumanis, Proctors, on the part of the petitioner, and the affidavit of the above-mentioned petitioner dated July 4, 1941, having been read

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration issued to her, unless the respondents or any other person interested in the estate shall, on or before August 12, 1941, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 5th respondent be and he is hereby appointed guardian ad litem over the said 2nd to 4th respondents, who are minors, for all the purposes of this action, unless the respondents or others interested in the estate shall, on or before August 12, 1941, show sufficient cause to the satisfaction of this court to the contrary

L. W DE SILVA, District Judge

July 8, 1941

In the District Court of Tangalla

Order Nisi declaring Will proved

Testamentary Jurisdiction No. 1,315. In the Matter of the Last Will and Testament of the late Gunasekara Arachchi Patabendige Appusingho of Nakulugamuwa.

Heensingho Appawansa Dharmadasa, presently of Gorakawela Petitioner.

(1) Gunasekara Arachchi Patabendige Gunadasa (minor), (2) Jayasiri Manachandige Poojany, both of Nakulugamuwa Respondents

THIS matter coming on for disposal before J H. V. S. Jayawickrama, Esq., District Judge of Tangalla, on August 25, 1939, in the presence of Mr R. G. W. Nilaweera, Proctor, on the part of the petitioner, and the affidavits of the said petitioner dated August 16, 1939, and of the notary and attesting witnesses dated August 21, 1939, having been read

It is ordered that the will of Gunasekara Arachchi Patabendige Appusingho of Nakulugamuwa, deceased, dated August 31, 1938, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved, unless the respondents above named or any other person or persons interested shall, on or before October 16, 1939, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the petitioner be and he is hereby declared entitled, as the nephew of the said deceased, to have probate to his estate with the copy of the will issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 16, 1939, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the 2nd respondent above named be and she is hereby appointed guardian *ad litem* of the minor, the 1st respondent, unless the respondents above named or any other person or persons interested shall, on or before October 16, 1939, show sufficient cause to the satisfaction of this court to the contrary.

August 21, 1939. V S JAYAWICKRAMA,
District Judge.

Extended to July 24, 1941

W OEGASEGRAM
District Judge

Extended to August 11, 1941

H E WIKRAMANAYAKE,
District Judge

22 In the District Court of Jaffna
Order Nisi

Testamentary In the Matter of the Estate of the late Mankai-
Jurisdiction nayagam, wife of Velupillai Chellappah of
No. 1,046 Chunnakam, deceased

Volupillai Chellappah of Chunnakam

Petitioner

29 Sumathambay Chellappah of Chunnakam

Respondent

THIS matter of the petition of the above-named petitioner praying for letters of administration to the estate of the above-named deceased, Mankai-nayagam, coming on for disposal before C Coomaraswamy, Esq., District Judge, on July 11, 1941, in the presence of Messrs. Aboobucker & Sultan, Proctors, on the part of the petitioner, and the affidavit of the petitioner dated July 9, 1941, having been read. It is declared that the petitioner is the

husband of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before August 20, 1941, show sufficient cause to the satisfaction of this court to the contrary.

July 22, 1941

C COOMARASWAMY,
District Judge

In the District Court of Jaffna
Order Nisi

29 Testamentary In the Matter of the Estate of the late Rasammah
Jurisdiction wife of Somanathar Perampalam of Vaddukoddai,
No 897 Jaffna, who died at Sitawan in the F M S,
deceased

Ponnachchy, widow of Ampalavanar Somanathar of Vaddu-
koddai East Petitioner.

Vs

(1) Perampalam Nagai-nayagam of ditto, (2) Perampalam Mahes-
wary of ditto, (3) Perampalam Saraswathy of ditto, (4) Peram-
palam Sarany of ditto, (5) Perampalam Lachumy of ditto, (6)
Perampalam Ambika of ditto, (7) Perampalam Sumammah
of ditto, (8) Perampalam Jayarajasingam of ditto, (9) Naga-
muttu Kundiah of ditto Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before C Coomaraswamy, Esq., District Judge Jaffna, on July 4, 1940, in the presence of Mr V Nagalingam Proctor, for petitioner, and the affidavit of the petitioner having been read. It is ordered that the said 9th respondent be appointed guardian *ad litem* over the minors, 1st-8th respondents, and that letters of administration be granted to the petitioner to the estate of the said deceased, unless the said respondents shall appear before this court on August 21, 1940, and show cause to the satisfaction of this court to the contrary.

C COOMARASWAMY,
District Judge

Extended to September 10 1941

July 27, 1941.