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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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9 **NOTICES OF INSOLVENCY.**

In the District Court of Colombo.

No. 5,561. In the matter of the insolvency of Arthur Shelton Insolvency. Gunasekera of Park Street, Dehiwala, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at a sitting of this court on February 13, 1942, to consider the grant of a certificate of conformity to the above-named insolvent.

December 22, 1941.

By order of court, C. EMMANUEL,
Secretary.

9 In the District Court of Colombo.

No. 5,572. In the matter of the insolvency of Devasagayam Mark Michael of 60/69, Wall Street, Kotahena, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at a sitting of this court on January 30, 1942, to consider the grant of a certificate of conformity to the above-named insolvent.

January 7, 1942.

By order of court, C. C. LOOS,
for Secretary.**NOTICES OF FISCALS' SALES.****Central Province.**

45 In the District Court of Kandy.

Rajapakse Liyanage Enso Nona Hamme of Polgolla in Pallegampaha of Pata Dumbara Plaintiff.
No. M. B. 369. Vs.

(1) Palle Walauwe Indu Kumaramhamy and (2) Uda Walauwe Seneviratna Banda Amunugama both of Amunugama in Udagampaha of Pata Dumbara Defendants.

NOTICE is hereby given that on Saturday, February 14, 1942, commencing at 2 p.m., will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property mortgaged with the plaintiff by bond No. 6,422 dated October 31, 1933, and attested by Mr. A. D. Amarasinghe, Notary Public, Kandy, and declared bound and executable under the decree in the above case for the recovery of the balance sum of Rs. 301.52 together with interest on Rs. 500 at the rate of 15 cents per Rs. 10 per month from July 28, 1939, to September 13, 1939, and thereafter on the aggregate amount at the rate of 9 per cent. per annum till payment in full and costs of suit and poundage, viz. :—

1. All the remaining high and low lands with the plantations and everything appertaining thereto, from and out of all those contiguous allotments of high and low land comprising the Daranda portion in extent two pelas paddy sowing out of the field called Bootagalekumbura, and the wanata of one pela paddy sowing extent appertaining thereto both adjoining one another, together containing three pelas paddy sowing extent, situate at Amunugama in Udagampaha of Pata Dumbara in the Kandy District, Central Province; and bounded on the east by Poranewatta and the stone fence of the deniya, south by the fence, west by the fence and the limit of Ratwatte Ratemahatnayaya's field, and north by the bank, excluding the portions sold previously, namely, fifteen lahas paddy sowing extent out of the Boetagelekumbura, registered in E 154/75 and eight lahas paddy sowing extent out of the Wanata, registered in E 170/233.

2. All the remaining land with the plantations, buildings, and everything appertaining thereto, from and out of all that land called Udawalauewatta of two pelas paddy sowing in extent, situate at Amunugama aforesaid; and bounded on the east and south by the ditch, and west by the ditch, and the fence, and north by the fence of Pallewalauewatta, excluding the portion previously gifted, namely, 190 feet in length and 75 feet in breadth which portion has been registered in E 243/288.
Valuation : Rs 1,600.Fiscal's Office,
Kandy, January 13, 1942.CHARLES DE SILVA,
Deputy Fiscal.**Southern Province.**

25 In the District Court of Galle.

Arthur Wijesekera of Kapuhenpola in Akmeemana . . . Plaintiff.
No. 33,101. Vs.

Manampenkornalluge Don Adoniz de Silva of Wowala in Hikkaduwa and another Defendant.

NOTICE is hereby given that on Saturday, February 14, 1942, at 2.30 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 for the recovery of the sum of Rs. 75 per year from May 21, 1932, up to date of restoration on March 18, 1936, and costs Rs. 125.97 and writ costs Rs. 41.09, less Rs. 66.81 + Rs. 9.26 recovered, viz. :—

All that undivided $\frac{1}{18}$ part of soil and soil share trees together with the entirety of the white washed tiled house, closet, and well and the undivided planter's share of 19 coconut trees, 3 breadfruit trees about 15 to 20 years, and 2 jak trees of about 30 years of the land called Hettiachewwatta, situated at Wowala in Hikkaduwa in the Wellaboda pattu of Galle District, Southern Province; and bounded on the north by Kankangewatta, east by Kahatagahawatta *alias* Lokuappuge Idama *alias* Malapalawatta *alias* Kaluwagahawatta, south by Malapalawatta and Gandafagewatta and west by Nagahawatta and Atukoralawela *alias* Pathawela; and containing in extent 4 acres and 17.5 perches.Fiscal's Office,
Galle, January 12, 1942.W. P. DALUWATTE,
Deputy Fiscal.

31 In the District Court of Matara.

Grace Marguerite Kulatilake of Matara, administratrix of the estate of the deceased, M. D. T. Kulatilake, Testy. No. 3,977 of the District Court of Matara Plaintiff.
No. 13,080. Vs.

Oduma Lebbe Marikar Notaris Abdul Cuddus Marikkar of Dikwella in his personal capacity and as executor of the last will and testament of Mohammadu Lebbe Marikkar Notaris Omer Saib and his wife, Mohammadu Lebbe Marikkar Notaris Kadija Umar, late of Dikwella Defendant.

NOTICE is hereby given that on Wednesday, February 18, 1942, commencing at 2.30 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of a sum of Rs. 629.47, with legal interest on Rs. 5,200 from August 11, 1941, till payment in full :—

1. All the soil and trees of the divided lot B of the land called Bogahawatta, situated at Dematapitiya in Dikwella in the Wellaboda pattu, Matara District, Southern Province; and bounded on the north by Malapalahena, east by lot A of the same land, south by Bogahawatta, and west by Udawetiyeheha; and containing in extent 2 acres 2 roods and 16 perches.

2. All the soil and trees of the divided lot A of the land called Bogahawatta, situated at Dematapitiya aforesaid; and bounded on the north by road, east by Palawannege Don Lewisgewatta, south by Bogahawatta, and west by lot B of the same land; and containing in extent 2 acres 2 roods and 16 perches.

N.B.—The Notice in the *Government Gazette* of December 12, 1941, fixing this sale for January 14, 1942, is hereby cancelled.Deputy Fiscal's Office,
Matara, January 12, 1942.H. V. F. ABAYAKOON,
Additional Deputy Fiscal.

20 In the District Court of Tangalla.

(1) Lucien Joseph Owen Wijesekera of Borella and others Plaintiffs.
No. 4,123. Vs.

(3) Laura Wickremasinghe Obeyesinghe of Tangalla and others Defendants.

NOTICE is hereby given that on Wednesday, February 11, 1942, 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. 756.79, viz. :—

At Tangalla Town.

All that undivided 1/32 share of the land called Mahawatta, in extent 3 acres 3 roods and 26 perches, situated at Tangalla town in west Giruwa pattu of the Hambantota District; and bounded on the north by high road, and the garden of Madakalapuwege Mathes-hamy, east by Siyambalagahawatta, south by high road and the garden of Gersse Mudalyar, and west by high road, together with all the plantations and buildings standing on the said land.

Deputy Fiscal's Office,
Tangalla, January 6, 1942.V. ALIHAJAH,
Additional Deputy Fiscal.**Northern Province.**

28 In the District Court of Jaffna.

Veeragathy Chelliah of Changanai Plaintiff.
No. 15,060. Vs.

Mutucumarasooriar Kumarasooriar of Tholpuram . . . Defendant.

NOTICE is hereby given that on Thursday, February 12, 1942, at 10.30 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 Chulupuram in Changanai parish, Valigamam west division of the Jaffna District, Northern Province, called "Ilankaiyman thoddam" and other parcels in extent 11 lachams 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 Kathiravelu and shareholders and others, west by the property of the heirs of Ambalavanar Kathiravelu 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. 11,091, C. R., Mallakam.*Fiscal's Office,
Jaffna, January 13, 1942P. THAMBIAH,
Additional Deputy Fiscal.20 **NOTICES IN TESTAMENTARY ACTIONS**

31 In the District Court of Colombo.

Order Absolute in the First Instance.
Testatrix in the Matter of the Last Will and Testament of the late Pinchadewage Livinus Fernando of Polpiti-mukalana in the Ragam pattu of Alutkuru korale, deceased.
No. 9,699

THIS matter coming on for final determination before C. Nagan-ingam, Esq., Additional District Judge of Colombo, on June 20,

1941, in the presence of Mr. S. D. R. Valentine, Proctor, on the part of the petitioner, Banduwadewage Jomanis Fernando of Polpitimukalaya aforesaid; and the affidavit of the said petitioner dated December 4, 1941, (b) of the attesting notary and the witnesses dated December 12, 1939:

It is ordered that the last will made by the deceased above-named bearing No. 634 dated July 11, 1936, and now deposited in this court be declared proved, and probate hereof be issued to the petitioner aforesaid as the executor therein mentioned on his tendering the usual oath and bond

December 15, 1941. T. WEERARATNA,
Additional District Judge.

32 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Karthi-
Jurisdiction. gesu Kandiah of Inuvil, Jaffna, deceased.

No. 9,839. Sivapakkiam, widow of Karthigesu Kandiah of Inuvil,
Jaffna Petitioner.

Testamentary (1) Kandiah Narayanaathan, (2) Pathma-
Jurisdiction. malyadevi, daughters of
District Court Karthigesu Kandiah, (3) Chinnathamby
of Jaffna Respondents.
No. 1,090. Ambihapahan, all of Inuvil,
Jaffna Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on October 10, 1941, in the presence of Mr. V. Venasitambay, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated October 8, 1941, having been read:

It is ordered that the 4th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd and the 3rd 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 above named or some other person or persons interested shall, on or before November 27, 1941, show sufficient cause to the satisfaction of this court to the contrary.

November 3, 1941. C. NAGALINGAM,
District Judge.
Time to show cause extended for January 23, 1942.

C. COOMARASWAMY,
District Judge.

26 In the District Court of Colombo
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Abhaya-
Jurisdiction. seela Gimige of Havelock road, Colombo,
No. 9,908. deceased.

Dora Charlotte Gimige of Situmana, Havelock road,
Colombo Petitioner.

(1) Senagupta Aravinda Gimige, (2) Ranjit Tilak Abhaya-
seela Gimige, (3) Respondents.
Galle Respondents.

THIS matter coming on for disposal before T. Weerarathne, Esq., District Judge of Colombo, on December 17, 1941, in the presence of Mr. S. R. Ameresekere, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated December 10, 1941, having been read:

It is ordered that the 3rd respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd respondents above named, to represent them for all the purposes of this action and that the petitioner above named 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 above named or some other person or persons interested shall, on or before January 22, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 13, 1942. JAMES JOSEPH,
District Judge.

24 In the District Court of Avissawella.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Dassanayake Ranasinghe Mudiyanselage Ed-
No. 306. mundu Ehelhyagoda of Mapiitigama, deceased.

Between
Dassanayake Ranasinghe Mudiyanselage John Peter Alexander
Ehelhyagoda of Mapiitigama Petitioner.

And
Dassanayake Ranasinghe Mudiyanselage William Robert Ehel-
hyagoda of Mapiitigama, presently of Kegalla Respondent.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Avissawella, on January 9, 1942, in the presence of Mr. H. R. Gunawardana, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 8, 1942, having been read:

It is hereby ordered that the petitioner be and he is hereby declared, as elder nephew of the above named deceased, to have letters of administration to his estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before January 22, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 9, 1942. K. D. DE SILVA,
District Judge.

27 In the District Court of Negombo
Order Nisi declaring Will proved.
Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Bentarawadumulage Don Bernadu of Palanga-
No. 3,170. ture, deceased.
Bentarawadumulage Don Manuel of Palangature Petitioner.

(1) Bentarawadumulage Don Pharnapala, (2) Bentarawadu-
mulage Dona Ariyawathie, (3) Bentarawadumulage Don
Nawaratne, (4) Palamanthige Ammie Ansaline Fern-
nando Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., District Judge of Negombo, on December 1, 1941, in the presence of Mr. D. C. E. V. Karunaratne, Proctor, on the part of the petitioner, and the petition and the affidavit of the said petitioner dated November 29, 1941, and November 12, 1941, respectively, and the affidavits dated November 26, 1941, of the attesting notary and the attesting witnesses having been read:

It is ordered that the last will and testament of the said Bentarawadumulage Don Bernadu, deceased, bearing No. 37823 dated June 28, 1939, and attested by Mr. H. de Silva of Negombo, Notary Public, the original of which 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 January 8, 1942, show sufficient cause to the contrary to the satisfaction of this court.

It is further ordered (a) that the 4th respondent above named be and she is hereby appointed guardian *ad litem* of the 1st, 2nd and 3rd respondents above named who are minors, to represent them for all the purposes of this action, and (b) that the said petitioner is the executor named in the said last will and that he is entitled to have probate thereof issued to him accordingly, unless the said respondents or any other person or persons interested shall, on or before January 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

December 1, 1941. V. E. RAJAKARIER,
District Judge.

The date for showing cause against this Order Nisi is extended to January 23, 1942.

January 8, 1942. V. E. RAJAKARIER,
District Judge.

30 In the District Court of Kalutara.
Order Nisi.

Testamentary In the Matter of the Estate of the late Don Sarneris
Jurisdiction. Munasinghe Appuhamy of Pimbura, deceased.
No. 3,010.

Don Porolis Munasinghe of Pimbura Petitioner.

(1) Walakadappuhamilage Dona Sopimona Hamine of Pimbura (widow of) Dona Dummona Munasinghe, (2) Dona Rosline Munasinghe, both of Pimbura, (3) Pimbura Gunaratana Thero of Kekkaladola Pirvana, Agalawatta, (4) Don Arnolis Munasinghe of Pimbura, (5) Dona Seelawathie Munasinghe, all of Pimbura, 5th and 6th are minors, by their guardian *ad litem*, the 1st respondent Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge of Kalutara, on November 10, 1941, in the presence of Mr. D. C. Paranagama, Proctor, on the part of the petitioner; and the affidavit of the said petitioner, dated September 10, 1941, having been read: It is ordered that the petitioner above named be and he is hereby declared entitled to have letters of administration issued to him, unless the respondents or any other person interested in the estate shall, on or before December 8, 1941, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 1st respondent be and he is hereby appointed guardian *ad litem* over the said 5th and 6th respondents who are minors, for all the purposes of this action, unless the respondents or any other person interested in the estate shall, on or before December 8, 1941, show sufficient cause to the satisfaction of this court to the contrary.

November 10, 1941. V. JOSEPH,
District Judge.

Date of showing cause has been extended to January 19, 1942.

V. JOSEPH,
District Judge.

31 In the District Court of Kandy.
Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Gangadagama Achchige Hany Appuhamy,
No. T. 229. deceased, of Paduwita in Matale.

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Kandy, on December 5, 1941, in the presence of Messrs Wijayatilake & Wijayatilake, Proctors, on the part of the petitioner, Gamgodagama Achchige Jane Nona of Kotuwagedera in Matale, and the affidavit of the said petitioner dated December 5, 1941, and of the attesting witnesses dated December 2, 1941, having been read:

It is ordered that the last will of the above-named deceased dated December 11, 1936, and now deposited in this court be and the same is hereby declared proved, unless the respondents—(1) The Viharadhipathi, Kumbiyangoda Vihare in Matale. (2) Gamgodagama Achchige Gunadasa, (3) ditto William Singho of Elwala in Matale. (4) ditto Poduhamine of Ankumbura, (5) ditto Ranasinghe of Kumbiyangoda in Matale, (6) ditto Sugathadasa of Kumbiyangoda aforesaid, (7) ditto Appuhamy of Kotuwagedera in Matale, (8) Kalu Appu

Achcluge Isohamy of Padiwita—or any other person or persons interested shall, on or before January 29, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is entitled, as a Legatee under the last will, to have letters of administration to the estate of the deceased, with the copy of the will annexed issued to him accordingly, unless the said respondents or any other person or persons interested shall, on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

December 5, 1941.

JAMES JOSEPH,
District Judge.

In the District Court of Jaffna
Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Sultan Mohideen Nachchia, daughter of Vappah Sahib of Vannarponnai West, Jaffna, deceased.

Vappah Sahib Kachchi Mohamed of Vannarponnai West, Jaffna Petitioner.

Pathummah Nachchia, wife of Meerza Sahib of Vannarponnai West Respondent.

THIS matter of the petition of the above-named petitioner praying for letters of administration to the estate of the above-named deceased, Sultan Mohideen Nachchia, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on February 28, 1941, in the presence of Messrs. Aboobucker & Sultan, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated February 27, 1941, having been read: It is declared that the petitioner is the brother 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 May 23, 1941, show sufficient cause to the satisfaction of this court to the contrary.

April 25, 1941.

T. QUENTIN FERNANDO,
District Judge.

Time to show cause extended to January 30, 1942.

December 5, 1941.

C. COOMARASWAMY,
District Judge.

In the District Court of Jaffna
Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Puvanesvary, wife of Chelliah Kandiah of Vaddukoddai West, deceased.

Chelliah Kandiah of Vaddukoddai West Petitioner.

(1) Sarojini Devi, daughter of Chelliah Kandiah of ditto, (2) Kanagasabai Thaipoo of Tholpuram Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on August 1, 1941, in the presence of Mr. V. Nagalingam, Proctor, for petitioner; and the affidavit and petition of the said petitioner having been read: It is ordered that the said 2nd respondent be appointed guardian *ad litem* over the minor, the 1st respondent, and that letters of administration be granted to the petitioner to the estate of the deceased, unless the said respondents shall appear before this court on September 10, 1941, and show cause to the satisfaction of this court to the contrary.

August 1, 1941.

C. COOMARASWAMY,
District Judge.

Extended to January 21, 1942.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Arumugam Ponniah of Thavady, Jaffna, deceased.

Rasammah, widow of Arumugam Ponniah of Thavady, Jaffna Petitioner.

(1) Arumugam Supplah, (2) Arumugam Subramaniam, (3) Nadarajah Parameswari, (4) Nadarajah Thangaretnam, (5) Nadarajah Suddarahn, nam, (6) Saraswathy, widow of Arumugam Nadarajah, all of Thavady, Jaffna Respondents.

THIS matter of the petition of the above-named petitioner praying that the above-named 6th respondent be appointed guardian *ad litem* over the minors, the 3rd, 4th and 5th respondents, and that letters of administration to the estate of the above-named deceased be granted to the petitioner, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on November 4, 1941, in the presence of Mr V. Thamocharampillai, Proctor for the petitioner; and the affidavit of the petitioner in support of the facts in the petition, having been read:

It is ordered that the 6th respondent be appointed guardian *ad litem* over the minors, the 3rd, 4th and 5th respondents, and that the petitioner be declared entitled to have letters of administration to the said estate issued to her accordingly, as the lawful widow of the above-named deceased, unless the respondents or any others shall appear on or before December 10, 1941, before this court, and show cause to the satisfaction of this court to the contrary.

November 4, 1941.

C. COOMARASWAMY,
District Judge.

Time extended to January 30, 1942.

In the District Court of Chulaw.

Order Absolute.

Testamentary Jurisdiction. In the Matter of the Joint Last Will and Testament of Warnaculasura Abaran Kurera of Kammala, deceased, and his wife, Warnaculasuria Catherina Fernando.

Warnaculasuria Catherina Fernando of Kammala Petitioner.

THIS matter coming on for disposal before N. Sinnatamby, Esq., District Judge of Chulaw, on December 13, 1941, in the presence of Mr. C. V. M. Pandittesekere and his assistant H. G. Pandittesekere, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated December 12, 1941, the affidavit of M. L. de S. Karunatilake, the attesting notary, and (1) Sellapperumage Joseph Fernando of Palagathurai, and (2) Suse John Kurera Mirando of Fthukale, the attesting witnesses, dated December 9, 1941, having been read:

It is ordered that the joint will and testament of Warnaculasuriya Abaran Kurera and his wife, Warnaculasuriya Catherina Fernando, both of Kammala dated September 8, 1941, now deposited in this court be and the same is hereby declared proved, and it is further declared that the said petitioner is the executrix named in the said will and that she is entitled to have probate of the same issued to her accordingly.

December 13, 1941.

N. SINNATAMBY,
District Judge.

DRAFT ORDINANCES.

MINUTE

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

L. D —CF 22/38

N 111/39

Cap. 258
Vol VI. p. 66

An Ordinance to amend the Defence Force 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 Defence Force (Amendment) Ordinance, No of 1942.

Amendment of section 3 of Chapter 258.

2. Section 3 of the Defence Force Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended, in the definition of "the Officer Commanding the Troops", by the substitution for the words "on active service," of the words "active service within the meaning of the Army Act,"

Amendment of sections 6 and 7 of the principal Ordinance

3. Sections 6 and 7 of the principal Ordinance are hereby amended by the substitution, for the words "on active service," wherever those words occur collectively in either of those sections, of the words called out under section 13,"

4. Section 8 of the principal Ordinance is hereby amended as follows :—
- (a) by the substitution for the words " In the event of the absence from the Island of the Officer Commanding, the Governor may request the Officer Commanding the Troops " of the words " In the event of the absence from the Island of the Officer Commanding the Troops, the Governor may request the officer for the time being commanding the troops in the Island "; and
- (b) by the substitution, for the words " General or other Officer Commanding ", of the words " Officer Commanding the Troops ".
- Amendment of section 8 of the principal Ordinance
5. Section 9 of the principal Ordinance is hereby amended by the substitution, for the words " The General or other Officer Commanding the Troops ", of the words " The Officer Commanding the Troops ".
- Amendment of section 9 of the principal Ordinance.
6. Section 13 of the principal Ordinance is hereby amended as follows :—
- (a) in sub-section (1), by the substitution for the words " portion thereof for active service " of the words " portion thereof ";
- (b) in sub-section (3), by the omission of all the words from " Every such officer " to the words " on active service. "; and
- (c) by the omission of the words " for active service " occurring in the marginal note to that section
- Amendment of section 13 of the principal Ordinance
7. Sections 14 and 16 of the principal Ordinance are hereby amended by the substitution for the words " on active service ", wherever those words occur collectively in either of those sections, of the words " under section 13 ".
- Amendment of sections 14 and 16 of the principal Ordinance
8. Section 15 of the principal Ordinance is hereby amended as follows :—
- (a) by the substitution, for the words " on such active service as aforesaid leave families ", of the words " under section 13 leave families unable to support themselves. "; and
- (b) by the substitution, for the words " on active service ", of the words " on service ".
- Amendment of section 15 of the principal Ordinance
9. Section 17 of the principal Ordinance is hereby amended as follows :—
- (a) by the substitution, for the words " on active service as aforesaid ", of the words " on service when called out under section 13 ", and
- (b) by the substitution, for the words " such active service ", wherever those words occur collectively in that section, of the words " such service ".
- Amendment of section 17 of the principal Ordinance
10. Section 18 of the principal Ordinance is hereby amended by the substitution for the words " on active service, " of the words " on service when called out under section 13, ".
- Amendment of section 18 of the principal Ordinance
11. Section 19 of the principal Ordinance is hereby amended as follows. —
- (a) in sub-section (1), by the substitution, for the words " the following provisions ", of the words " or when they are called out under section 13 but are not on active service within the meaning of the Army Act, the following provisions "; and
- (b) in sub-section (2)—
- (i) by the substitution, for the words " with part of His Majesty's Regular Forces, ", of the words " within the meaning of the Army Act, ";
- (ii) by the substitution, for the words " officers and soldiers " of the words " officers, soldiers, civilian employees and followers "; and
- (iii) by the substitution, for the words " officers and men ", of the words " officers, men, civilian employees and followers ".
- Amendment of section 19 of the principal Ordinance

Objects and Reasons.

The only provision in the Defence Force Ordinance (Chapter 258) under which a Defence Force Corps is called out is contained in section 13 of that Ordinance which provides that, in cases of great national emergency and in the other circumstances specified in that section, the Governor may " call out any Defence Force Corps or portion thereof for active service ". The calling out of a Defence Force Corps under section 13 does not automatically place that Corps on " active service " within the meaning of the Army Act, and the use of

the expression "active service" in that section gives rise to difficulties of interpretation. In other Colonial legislation, local volunteer forces are "called out", and the expression "active service" is used in such legislation only when active service within the meaning of the Army Act is intended.

2. The object of Clause 6 of this Bill is to amend section 13 of the principal Ordinance so as to remove from that section the reference to the calling out of a Defence Force Corps "for active service". Consequential amendments are made in Clauses 3, 6, 7, 8 (b), 9 and 10.

Section 19 of the principal Ordinance, which deals with the discipline of members of a Defence Force Corps, is amended by Clause 11 as to make it clear that sub-section (1) of that section applies when the Corps has been called out under section 13, but is not on active service within the meaning of the Army Act, and that sub-section (2) applies when the Corps is on active service within the meaning of the Army Act. By Clause 11 (2) the Army Act is made to apply to officers, soldiers, civilian employees and followers of a Defence Force Corps when they are on active service, in like manner as it applies to officers, men, civilian employees and followers of His Majesty's Regular Forces.

By Clause 3, the only remaining reference in the principal Ordinance to "active service" is amended to mean active service within the meaning of the Army Act.

3. Clauses 4 and 5 amend sections 8 and 9, respectively, of the principal Ordinance so as to remove the confusion resulting from the use of the expressions "Officer Commanding the Troops" and "General or other Officer Commanding the Troops" in the Revised Edition of the Legislative Enactments.

Clause 8 (b) restores to section 15 of the principal Ordinance certain words which had been omitted from that section in the Revised Edition of the Legislative Enactments.

G. S. WODEMAN,
Chief Secretary.

Colombo, January 13, 1942.