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

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PASSED ORDINANCES.

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

No. 7 of 1946.

An Ordinance to make better provision for the issue of Ceylon Savings Certificates and to revise and consolidate the law relating thereto.

HENRY MOORE.

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L. D.—O. 28/44

An Ordinance to make better provision for the issue of Ceylon Savings Certificates and to revise and consolidate the law relating thereto.

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 Savings Certificates Ordinance, No. 7 of 1946. Short title.

2. Each of the following sections of this Ordinance, namely sections 3 to 23, shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*, and a different date may be appointed in respect of each of the sections aforesaid. Dates of operation.

Authority to borrow money by the issue of savings certificates.

3. (1) The State Council may by resolution authorise sums of money, not exceeding such amount as may be specified in the resolution, to be borrowed within Ceylon by the issue of Ceylon savings certificates under this Ordinance.

(2) No resolution under this section shall have effect until it is approved by the Governor and sanctioned by the Secretary of State. Notification of such approval and sanction shall be published in the *Gazette*.

Authority to issue savings certificates.

4. (1) After the publication in the *Gazette* of a notification under section 3 (2), the Governor may, from time to time, direct the Postmaster-General to borrow sums of money not exceeding in the aggregate the amount specified in the resolution to which the notification relates, by the issue of savings certificates under this Ordinance.

(2) The Postmaster-General may also, when so directed by the Governor, borrow by the issue of savings certificates under this Ordinance such sums of money as may from time to time be required for the purpose of meeting current demands for the surrender values of savings certificates issued or deemed to have been issued under this Ordinance.

Notification of purchase price, surrender value, &c.

5. Where the Governor has directed the Postmaster-General to borrow any sum of money by the issue of savings certificates under this Ordinance, the Financial Secretary shall, subject to the approval of the Governor, by notification published in the *Gazette* specify—

- (a) the denomination or denominations of the savings certificates which are to be issued; and
- (b) the purchase price and the surrender value of a certificate of each such denomination.

Persons to whom savings certificates may be issued.

6. (1) Savings certificates may be issued, in accordance with such regulations as may be made in that behalf, to—

- (a) an individual;
- (b) a co-operative society;
- (c) a central co-operative bank;
- (d) a society or association which, in the opinion of the Postmaster-General, is a thrift, benefit, benevolent or provident society or association;
- (e) an approved savings group; or
- (f) any other prescribed body of persons.

(2) The decision of the Postmaster-General as to whether any society or association is a thrift, benefit, benevolent or provident society or association, as the case may be, shall be final and conclusive.

Special provisions relating to the issue of savings certificates to individuals.

7. No savings certificate shall be issued to any individual unless he is resident in Ceylon on the date of the issue of such certificate:

Provided that a savings certificate may, in accordance with such regulations as may be made in that behalf, be issued—

- (a) to a minor who is resident outside Ceylon if the parent, guardian, curator or trustee of that minor is resident in Ceylon on the date of the issue of such certificate; or
- (b) to a person who is not a minor and is resident outside Ceylon, in such circumstances and subject to such conditions as may be prescribed by the aforesaid regulations.

Limit of holdings.

8. (1) The aggregate of the denominational value of all savings certificates held at any time by any person or body of persons shall not exceed such limit as may be prescribed; and no savings certificate shall at any time be issued so as to increase the holding of any such person or body of persons beyond the limit so prescribed.

(2) The power to make regulations prescribing the limits referred to in sub-section (1) shall be deemed to include power to prescribe different limits for different classes of persons or for different classes of savings certificates.

Transfer, hypothecation, &c. of savings certificates to be null and void.

9. The right, title and interest of the purchaser of a savings certificate shall not be assigned, donated, hypothecated, sold, transferred or otherwise disposed of by the purchaser in any manner whatsoever; and any such assignment, donation, hypothecation, sale, transfer or disposition shall not be recognised by the Postmaster-General or by the Government and shall for all purposes be null and void:

Provided that the preceding provisions of this section shall not affect or be deemed to affect—

- (a) the right of the Postmaster-General, in accordance with such regulations as may be made in that behalf, to issue a new savings certificate in any case where the purchaser of a savings certificate desires to gift his rights thereunder; or

- (b) the right of the purchaser of a savings certificate of such class or description as may be declared by regulation to be assignable, to assign any certificate of such class or description in the prescribed manner to any person.

10. (1) Regulations may be made providing, in the event of the death of the purchaser of a savings certificate—

- (a) for the issue of a new savings certificate to any person proved to the satisfaction of the Postmaster-General to be an heir or legatee of the deceased purchaser, or
- (b) for the payment, to the executor of the last will of the deceased purchaser or to the administrator of his estate or to any heir, of a sum equivalent to the surrender value of that savings certificate.

Issue of new savings certificate or payment of surrender value on death of purchaser.

(2) Any new savings certificate issued and any payment made under this section by the Postmaster-General shall be and shall operate for all purposes as a complete discharge of the obligations of the Government and of the Postmaster-General in respect of any savings certificate issued to the deceased purchaser or of any money payable on the surrender of that certificate.

(3) Nothing in this Ordinance or in any regulation made thereunder shall affect or be deemed to affect the right of the Commissioner of Estate Duty, under any law for the time being in force, to receive from the Postmaster-General the surrender value, at the time of the death of any deceased purchaser, of any savings certificate forming part of the estate of such purchaser.

11. (1) Where any savings certificate is seized or sequestered in execution of a decree or order of any court, the Fiscal effecting the seizure or sequestration shall forward the savings certificate to the Postmaster-General who shall cancel such certificate and pay the surrender value thereof as on the date of seizure or sequestration to the credit of the action in which that decree was entered or order made.

Seizure or sequestration of savings certificate.

(2) Where the Fiscal, in the execution of a decree or order entered or made against any person who is the purchaser of a savings certificate or in sequestering the property of any such person under a mandate of sequestration issued by any court, is unable for any reason to obtain possession of the savings certificate, the amount of the surrender value of that certificate shall be deemed to be a debt not secured by a negotiable instrument due from the Postmaster-General as debtor to the purchaser as creditor; and the provisions of section 229 of the Civil Procedure Code, shall apply accordingly:

Cap. 86.

Provided that the Postmaster-General or the Government shall not incur any liability or be subject to any penalty by reason only of the fact that the surrender value of any savings certificate is paid to the purchaser thereof after the service of a prohibitory notice under section 229 of the Civil Procedure Code, if such payment was *bona fide* made by any person on behalf of the Postmaster-General by error or by accident or in ignorance of the fact of the service of such prohibitory notice.

Cap. 86.

12. (1) On the surrender of a savings certificate (other than a savings certificate in respect of which a prohibitory notice has been served on the Postmaster-General under section 229 of the Civil Procedure Code) in the prescribed manner and at a prescribed place, the purchaser shall be entitled to receive the surrender value of that certificate at the time of such surrender:

Surrender of savings certificates.

Cap. 86.

Provided that where a savings certificate is issued on the condition, to be set out on the face of that certificate, that it is not to be surrendered before such period as may be specified thereon, the purchaser of that certificate shall not be entitled to surrender that certificate or to receive the surrender value of that certificate before the expiry of that period.

(2) Where, for the purposes of this section, any place outside Ceylon is prescribed as a place at which savings certificates may be surrendered, the Postmaster-General may make and he is hereby authorised to make such arrangements as may be necessary to enable savings certificates to be surrendered at that place.

13. The surrender values of savings certificates lawfully issued or deemed to be issued under this Ordinance are hereby charged upon, and shall be payable out of, the general revenue and assets of Ceylon.

Surrender values of savings certificates to be a charge on the general revenue.

14. Any receipt given in respect of the payment of the surrender value of a savings certificate, any power of attorney or other document which relates solely to the payment or receipt of such surrender value, and any document or instrument whatsoever made or executed under the provisions of

Exemption from stamp duty.

this Ordinance or of any regulation shall be free from stamp duty, anything in any other written law to the contrary notwithstanding.

Government not affected by notice of trust.

15. No notice of any trust in respect of a savings certificate shall be receivable by the Postmaster-General or by the Government of Ceylon.

Offences.

16. (1) Every purchaser who knowingly obtains or attempts to obtain the surrender value of any savings certificate in respect of which a prohibitory notice has been served on him under section 229 of the Civil Procedure Code, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and where any court convicts any person of the offence of having knowingly obtained the surrender value of any savings certificate under this sub-section, the court shall, in addition to any other punishment which it may impose for that offence, order a sum equal to the amount of the surrender value so obtained to be recovered from that person as though it were a fine imposed by the court; and any such sum may be recovered notwithstanding that it may exceed the amount of the fine which the court may in the exercise of its ordinary jurisdiction impose. Every such sum when recovered by the court, shall be remitted to the Postmaster-General and shall be paid by him into the Savings Certificates Fund established by section 17.

Cap. 86.

(2) Any person who is dissatisfied with any order made under sub-section (1) may, if he appeals against the conviction in consequence of which the order was made, appeal against the order to the Supreme Court and the provisions of sections 338 to 352 of the Criminal Procedure Code shall apply to such appeal.

Cap. 16.

The Savings Certificates Fund.

17. (1) A Fund to be called the Savings Certificates Fund is hereby established for the purposes of this Ordinance.

(2) All moneys received by the Postmaster-General on the issue of savings certificates shall be paid by him from time to time into the Fund:

Provided that, out of moneys received by him as aforesaid, the Postmaster-General may, subject to such directions as may be given to him in that behalf by the Trustees, retain in his custody such sums as may be immediately required for the purpose of meeting current demands for the surrender values of savings certificates already issued, and make all such payments as may be necessary to meet such demands.

(3) All moneys standing, on the day immediately preceding the date on which section 23 of this Ordinance is brought into operation, to the credit of the Savings Certificates Fund established under section 24 of the Ordinance repealed by this Ordinance shall, on that date, be paid into the Fund established by sub-section (1) of this section.

Trustees of the Fund.

18. The Financial Secretary and the Deputy Chief Secretary shall be the Trustees of the Fund and shall have the control and charge thereof.

Application of the Fund.

19. (1) The Trustees shall retain in their name, either with the Deputy Financial Secretary or in such bank or banks as they may think fit, such portion of the Fund as may in their opinion be required for the purpose of meeting current demands for the surrender values of savings certificates already issued, and shall from time to time issue to the Postmaster-General at his request such sums as may be necessary for that purpose.

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

(3) Out of such part of the balance of the Fund as may not be immediately required for the purposes of sub-section (2), the Trustees may from time to time grant loans of such amounts as may be approved by the Governor to the Local Loans and Development Commissioners for the purposes of the Local Loans and Development Ordinance.

Cap. 281.

(4) The terms as to repayment and interest and the other conditions on which any loan is granted under sub-section (2) or sub-section (3) shall be such as may be approved by the Governor either generally or in the special circumstances of any particular case.

(5) Such part of the Fund as may not be immediately required for the purposes of sub-sections (1), (2) and (3) may—

(a) be invested by the Trustees—

(i.) in stock, bonds or debentures issued by the Ceylon State Mortgage Bank or by any Land or Mortgage Bank over which the Governor exercises control, or by any central bank established under the Co-operative Societies Ordinance; or

Cap. 107.

(ii.) on any security, other than a mortgage of immovable property, on which a trustee is authorised by section 20 of the Trusts Ordinance, to invest trust moneys; or

Cap. 72.

(b) be deposited for fixed periods not exceeding one year in any bank in Ceylon approved by the Governor.

(6) Every loan granted under this section to the Local Loans and Development Commissioners shall be deemed to be a sum appropriated to the Local Loans and Development Fund by Ordinance, and shall, together with the interest due thereon, be repaid out of that fund.

(7) During the continuance of any war in which His Majesty may be engaged, such part of the Fund as may not be immediately required for the purposes of sub-section (1) may, notwithstanding anything in the preceding provisions of this section, be invested by the Trustees in any loan raised by the Government of Ceylon for the purposes of that war.

20. (1) As soon as possible after the thirtieth day of September in each year, the Trustees shall furnish to the Auditor-General a statement of accounts showing—

Annual statement of accounts.

(a) all sums paid into the Fund under section 17 or issued therefrom to the Postmaster-General under section 19 (1) during the period of twelve months immediately preceding that date;

(b) the income of the Fund derived from interest earned on loans, investments or deposits made under section 19 during that period;

(c) the liabilities and assets of the Fund on that date; and

(d) such other information as may be necessary to set forth the financial results of that period.

(2) Every statement furnished under sub-section (1) shall be published in the *Gazette* with a certificate by the Auditor-General as to its accuracy and completeness.

21. (1) The Executive Committee may make all such regulations as may be necessary for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Regulations.

(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 by this Ordinance to be prescribed, and all matters for which regulations are authorised by this Ordinance to be made;

(b) the terms, conditions and restrictions subject to which savings certificates may be issued;

(c) the issue and surrender of savings certificates, the persons by whom such certificates may be issued, the places at which such certificates may be issued and surrendered, and the procedure to be adopted in connexion with such issue and surrender;

(d) the circumstances in which, and the terms, conditions and restrictions subject to which substitute certificates or new certificates may be issued, the fees to be charged for the issue of such certificates, and the procedure to be adopted in connexion with the issue and surrender of such certificates;

(e) the cancellation of savings certificates which have been issued in error or in place of which substitute certificates or new certificates have been issued, the repayment of the purchase price or the surrender value of certificates issued in error, and the circumstances in which the purchase price of certificates issued in error may be forfeited;

(f) the circumstances in which a savings certificate issued to an approved savings group may be surrendered before such certificate is acquired by a member of that group, and the steps to be taken and the procedure to be followed when a member of an approved savings group acquires a savings certificate issued to that group;

- (g) the denominational value of savings certificates which may be assigned by the purchaser thereof, the persons to whom such certificates may be assigned by the purchaser, and the steps to be taken and the procedure to be followed upon the issue, assignment or surrender of any such certificate ;
- (h) the procedure to be followed where the loss, theft or destruction of a savings certificate takes place or is discovered after the death of the purchaser thereof ; the persons to whom and the circumstances in which a new certificate will be issued in such a case ; and the mode of payment of the surrender value of any certificate so lost, stolen or destroyed ;
- (i) the payment of the surrender value of a savings certificate where the purchaser thereof is of unsound mind ;
- (j) the settlement in a summary manner of disputes between the Postmaster-General and the purchaser of a savings certificate or a person claiming to be entitled to a savings certificate ;
- (k) all other matters connected with or incidental to the matters hereinbefore enumerated.

(3) Every regulation made by the Executive Committee under this Ordinance shall be published in the *Gazette* and shall come into operation on such date as may be specified in the regulation or, if no such date is so specified, on the date of such publication.

(4) Every regulation made by the Executive Committee shall be brought before the State Council as soon as may be after the publication thereof by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification.

(5) Any regulation which the State Council refuses to approve or which the Governor refuses to ratify shall be deemed to be rescinded, but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be deemed to be so rescinded shall be the date on which the State Council refuses to approve, or the date on which the Governor refuses to ratify the regulation, as the case may be.

(6) Notification of the date on which any regulation made by the Executive Committee is deemed to be so rescinded shall be published in the *Gazette*.

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

Interpretation.

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

“approved savings group” means any body of persons declared in writing by the Financial Secretary or by an officer authorised in that behalf by the Financial Secretary to be an approved savings group for the purposes of this Ordinance and any regulations made thereunder ;

“certificate” or “savings certificate” means a certificate which is issued or deemed to be issued under this Ordinance by the Postmaster-General on behalf of the Government to any person on payment of the purchase price on the condition that such person, by virtue of the said payment, becomes entitled, on surrender of that certificate, to receive its surrender value at the time of such surrender ;

“Executive Committee” means the Executive Committee of Communications and Works ;

“Fund” means the Savings Certificates Fund established by section 17 ;

“Local Loans and Development Commissioners” means the Board of Commissioners appointed under section 2 of the Local Loans and Development Ordinance ;

“prescribed” means prescribed by this Ordinance or by any regulation made thereunder ;

“purchase price”, when used with reference to a savings certificate, means the sum of money paid or to be paid for that savings certificate at the time of the issue thereof ;

“purchaser”—

(a) in the case of a savings certificate which is issued to an approved savings group and which has not been acquired by a member of that group, means the approved savings group to which that certificate is issued,

- (b) in the case of a savings certificate which is issued to an approved savings group and which has been acquired by a member of that group, means the member who acquires that certificate from that group,
- (c) in any other case, means the person or body of persons to whom a savings certificate is issued under this Ordinance;

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

“surrender value”, when used with reference to a savings certificate, means the sum of money which at any given time the purchaser of that certificate is entitled to receive on the surrender thereof;

“Trustees” means the Trustees of the Fund.

23. The Savings Certificates Ordinance (Chapter 292) is hereby repealed:

Repeal and savings.

Provided that—

- (a) every resolution passed under section 2, every direction given under section 3, and every notification published under section 4, of that Ordinance shall continue in force and shall be deemed to be a resolution, direction or notification passed, given or published under section 3, section 4 or section 5, as the case may be, of this Ordinance;
- (b) every savings certificate issued under that Ordinance and not surrendered at the appointed date shall be deemed to be a savings certificate issued under this Ordinance;
- (c) every loan, investment or deposit made under section 25 of that Ordinance and outstanding or existing at the appointed date shall be deemed to be a loan, investment or deposit made under this Ordinance;
- (d) all moneys in the possession of the Trustees or the Postmaster-General by virtue of the provisions of that Ordinance on the day immediately preceding the appointed date, shall, on and after that date, vest in and be held and applied by the Trustees or the Postmaster-General, as the case may be, in accordance with the provisions of this Ordinance;
- (e) every body of persons which, on the day immediately preceding the appointed date, is an approved savings group for the purposes of that Ordinance shall be deemed to be an approved savings group for the purposes of this Ordinance and any regulations made thereunder.

In this section “appointed date” means the date on which this section is brought into operation.

Passed in Council the Twelfth day of March, One thousand Nine hundred and Forty-six.

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

Assented to by His Excellency the Governor the Twenty-seventh day of March, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,
Acting Secretary to the Governor.

DRAFT ORDINANCES. MINUTE.

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

L.D.—O.43/44.—M.L.A.—E.B. 117 (2).

An Ordinance to amend the Motor Car Ordinance, No. 45 of 1938.

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 Motor Car Amendment Ordinance, No. of 1946.

Short title.

2. Section 32 of the Motor Car Ordinance, No. 45 of 1938, (hereinafter referred to as “the principal Ordinance”) is hereby amended in sub-section (4) thereof, by the substitution for the words “His Majesty”, of the words “His Majesty, or belonging to the Government of the United States of America or such other foreign State as the Governor may from time to time specify by notification published in the Gazette.”.

Amendment of section 32 of Ordinance No. 45 of 1938.

Amendment of section 162 of the principal Ordinance.

3. Section 162 of the principal Ordinance is hereby amended in the proviso to sub-section (1), by the substitution in paragraph (a) of that proviso, for the words "His Majesty ; or", of the words "His Majesty, or belonging to the Government of the United States of America or such other foreign State as the Governor may from time to time specify by notification published in the *Gazette* ; or".

Objects and Reasons.

The object of Clause 2 of this Bill is to amend section 32 of the Motor Car Ordinance, No. 45 of 1938, so as to exempt from licence duty motor cars belonging to the Government of the United States of America, or of any other foreign State which the Governor may specify by notification published in the *Gazette*. By the amendment set out in Clause 3 of the Bill provision is also made for the exemption of such motor cars from registration fees under that Ordinance.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, April 5, 1946.

MINUTE.

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

L. S.—D. 3/44. M./L.A.—T. P. 105

An Ordinance to enable the compulsory acquisition and re-development of areas in Colombo consisting wholly or partly of lands on which demolition operations have been carried out under emergency powers ; to establish and incorporate a Board with power to carry out or to supervise and regulate the redevelopment of such areas ; and to provide for matters connected with or incidental to the matters aforesaid.

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FIRST SCHEDULE.

SECOND SCHEDULE.

L. D.—O. 19/45

An Ordinance to enable the compulsory acquisition and re-development of areas in Colombo consisting wholly or partly of lands on which demolition operations have been carried out under emergency powers; to establish and incorporate a Board with power to carry out or to supervise and regulate the redevelopment of such areas; and to provide for matters 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 Special Areas (Colombo) Development Ordinance, No. of 1946, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

Short title
and date of
operation.

PART I.

COMPULSORY ACQUISITION OF SPECIAL AREAS.

2. (1) Where the Governor is satisfied that any area within the town of Colombo, consisting of one or more lands on which demolition operations have been carried out under emergency powers or of one or more such lands and any other land or lands contiguous thereto, should, in the interests of the public health or safety or of the amenities of the neighbourhood, be laid out and developed afresh, he may, by order published in the *Gazette*, declare the area to be a special area for the purposes of this Ordinance.

Declaration of
special areas.

(2) An Order declaring a special area under this section may define the area by setting out the assessment number or the metes and bounds of the land or each of the lands comprised in the area.

3. (1) Where any area within the town of Colombo is declared to be a special area by Order published in the *Gazette* under section 2, the land or every land comprised in that area shall be deemed to be land needed for a public purpose and be liable to compulsory acquisition; and accordingly the Government Agent shall—

Government
Agent to take
order for the
acquisition of
land in
special areas.

(a) forthwith take order for the acquisition of the land or each of the lands in that special area on which demolition operations have been carried out under emergency powers; and

(b) save as otherwise expressly provided by section 6, upon the expiry of a period of three months after the date of the publication of such Order, take order for the acquisition of any other land in that special area.

(2) Nothing in the preceding provisions of this section shall apply to any land which forms a road or a portion of a road vested in the Council.

Powers of the Government Agent.

4. (1) Where the Government Agent considers that it is necessary for the purposes of section 3 that an inspection, examination or survey should be made of any land situated within the limits of any special area, it shall be lawful for the Government Agent or any person acting under the written authority of the Government Agent, together with such servants and workmen as may be necessary, to enter upon and to survey and take levels of that land or of any land in the same locality, to mark the levels and boundaries of that land, and to do all such other acts as may be necessary for the purposes of such inspection, examination or survey.

Provided, however, that no person shall enter or do any act upon any land in pursuance of the powers conferred by the preceding provisions of this section except with the consent of the owner or occupier of that land, or after giving to such owner or occupier, not less than seven days' notice of his intention to enter that land or to do such act thereon.

(2) The Government Agent may, for the purposes of section 3, cause a notice to be served on any person requiring that person to furnish before a specified date such returns or information relating to the title of that person to any land situated within the limits of any special area or to such other matters affecting such land as may be within the knowledge of that person.

Land Acquisition Ordinance to apply subject to certain exceptions, etc.
Cap. 203.

5. Where the Government Agent is required by this Ordinance to take order for the acquisition of any land, the provisions of the Land Acquisition Ordinance, subject to the exceptions, modifications, and amendments set out in the First Schedule to this Ordinance, shall apply for the purposes of such acquisition; and any sum of money which may, under such provisions, be required to be paid or deposited by the Government Agent or by the Government by way of compensation, costs or otherwise, shall be paid out of funds provided for the purpose by the State Council.

POSTPONEMENT OF AND EXEMPTION FROM COMPULSORY ACQUISITION.

Postponement of compulsory acquisition.

6. The owner of any land referred to in paragraph (b) of section 3 (1) may, before the expiry of the period of three months specified in that paragraph, serve a notice on the Government Agent requiring him to postpone the compulsory acquisition of such land until the coming into operation of a development scheme prepared under this Ordinance for the special area in which the land is situated; and in such case, the Government Agent shall, unless the Minister by order made under section 8 exempts such land from compulsory acquisition, take order for the acquisition of such land on the coming into operation of such scheme.

Exclusion of claims for compensation for improvements.

7. In the event of any land the compulsory acquisition of which has been postponed by reason of the operation of the provisions of section 6 being ultimately acquired under this Ordinance, then, notwithstanding anything in any written or other law, no person shall be entitled to claim or receive any compensation from the Government Agent or the Government or the authority in whom such land is vested as hereinafter provided in respect of any improvements made in or upon such land or any structure thereon after the expiry of the period of three months referred to in that section.

Exemptions from compulsory acquisition.

8. (1) The owner of any land in any special area, being land the compulsory acquisition of which has, by reason of the operation of the provisions of section 6, been postponed until the coming into operation of a development scheme for that area, may, before the expiry of a period of twenty-one days after the date of the publication in the *Gazette* of a notice under section 13 of the completion of the preparation of the scheme, apply in writing to the Minister for the exemption of that land from compulsory acquisition.

(2) Upon the receipt of an application for the exemption from compulsory acquisition of any land, the Minister may make order exempting or refusing to exempt such land from such acquisition.

(3) No order exempting from compulsory acquisition any land in any special area shall be made by the Minister under this section if the draft development scheme prepared under this Ordinance for that area provides—

- (a) for the use of such land or any portion thereof for the construction of a new road or for the widening, alteration, extension or diversion of an existing road or as a public open space; or
- (b) for the adjustment or re-constitution of the boundaries of such land.

(4) No order refusing to exempt from compulsory acquisition any land in any special area shall be made by the Minister under this section unless the draft development scheme prepared under this Ordinance for that area provides—

- (a) for the use of such land or any portion thereof for the construction of a new road or for the widening, alteration, extension or diversion of an existing road or as a public open space; or
- (b) for the adjustment or re-constitution of the boundaries of such land.

(5) Before making an order under this section refusing to exempt from compulsory acquisition any land in respect of which an application for such exemption has been made; the Minister shall give the applicant an opportunity of being heard, either in person or by a representative duly authorised by such applicant in that behalf.

(6) Every order made by the Minister under this section on any application for exemption from compulsory acquisition of any land shall be final and conclusive. The Minister shall cause a copy of such order to be served on the applicant and the Government Agent.

(7) (a) The Minister may, for the purposes of this section, cause a notice to be served on any person requiring that person to furnish before a specified date such returns or information relating to the title of that person to any land in respect of which an application for exemption from compulsory acquisition has been made or to such other matters affecting such land as may be within the knowledge of that person.

(b) Where the Minister considers that it is necessary for the purposes of this section that an inspection or examination should be made of any land in respect of which an application for exemption from compulsory acquisition has been made, it shall be lawful for the Minister or any person acting under the written authority of the Minister to enter upon such land and to do all such acts as may be necessary for the purposes of such inspection or examination:

Provided, however, that no person shall enter or do any act upon any land in pursuance of the powers conferred by the preceding provisions of this paragraph except with the consent of the owner or occupier of that land, or after giving to such owner or occupier, not less than seven days' notice of his intention to enter that land or to do such act thereon.

9. (1) It shall be a condition of every exemption from compulsory acquisition granted in respect of any land in any special area under section 8 that the owner of such land shall, in lieu of the executive authority specified in the draft development scheme prepared for that area, carry out the provisions of that scheme in so far as they relate to such land at his own expense, and for that purpose, do all such work and take all such measures in, upon or in relation to such land or any structure thereon as may be necessary.

(2) For the purposes of this section, "owner" in relation to any land in respect of which an exemption from compulsory acquisition has been granted under section 8, means the owner of the land at the time of the granting of such exemption or any other person who may subsequently become the owner thereof.

Condition of exemption from compulsory acquisition.

PART II.

PREPARATION AND EXECUTION OF DEVELOPMENT SCHEMES.

10. (1) Upon the publication of an Order declaring a special area under section 2, it shall be the duty of the Board hereinafter constituted and incorporated by this Ordinance, acting in consultation with the Government Town Planner and the Government Valuer, to prepare a draft development scheme for that area.

Preparation of development schemes.

(2) Where the Minister is satisfied that the Board has failed to prepare or unreasonably delayed the preparation of a draft development scheme for any special area, the Minister may direct the Government Town Planner to prepare the draft scheme for that area.

Contents of development schemes.

11. (1) A development scheme prepared under this Ordinance for any special area shall have as its sole object the re-development of the area as a whole and shall not provide for any matter other than the following or such other matters as may be necessary for the purpose of achieving that object :—

- (a) The construction of new roads or the widening, alteration, extension, diversion, stopping up or improvement of existing roads, and the reservation of land for the construction of new roads or for the widening, extension, alteration or diversion of existing roads.
- (b) The construction of works (including the erection of structures) for the provision of public services including—
 - (i) surface water drainage, sewerage and the disposal of sewage ;
 - (ii) lighting and the position and design of lamps and standards ; and
 - (iii) water supply.
- (c) The reservation of land for public open spaces and the regulation or prohibition of the erection of structures thereon.
- (d) Slum clearance including the demolition or alteration of insanitary, over-crowded, unhealthy or dangerous dwelling houses or other structures.
- (e) The demolition of structures which are inconsistent with the scheme and the alteration of structures so as to bring them into conformity with the scheme.
- (f) The construction of all such new structures in or upon any land as may be necessary for the purpose of ensuring the re-development of the area as provided in the scheme.
- (g) The adjustment or re-constitution of the boundaries of any plots of land which, by reason of their inconvenient shape or size, are likely to hinder the re-development of the area as provided in the scheme.
- (h) The prohibition or restriction of the use of land for any specified purpose.
- (i) The restriction, regulation and control of the erection, re-erection, alteration, demolition and use of structures, and in particular for the matters specified in the Second Schedule to this Ordinance.

(2) In addition to the matters specified in sub-section (1), a development scheme prepared under this Ordinance for any special area shall specify the executive authority who is to be responsible for the carrying out of any provision contained in that scheme. The authority so specified may be the Board, the Council, the Director of Public Works or the Director of Electrical Undertakings.

(3) In addition to the matters specified in sub-sections (1) and (2), a development scheme may provide that any road or portion of a road which is vested in the Council shall be vested in the Board for the purposes of the scheme.

(4) A development scheme prepared under this Ordinance for any special area shall be accompanied by a plan showing in detail the proposed new lay out of the area as contemplated in that scheme.

Modification or suspension of other written laws

12. (1) In addition to the matters specified in section 11, a development scheme prepared under this Ordinance for any special area may, where it is necessary for the purpose of giving effect to the scheme, provide for the modification or the suspension of the operation of any provision of any other written law in so far as that provision is similar to or inconsistent with any provision contained in that scheme.

(2) Where any provision of any other written law is modified by any development scheme for the time being in operation, that provision shall, in its application to the special area to which the scheme relates, apply subject to such modifications as may be specified in that scheme.

(3) Where any provision of any other written law is suspended by any development scheme for the time being in operation, that provision shall not apply in the special area to which the scheme relates.

Notice of completion of preparation of draft development scheme and inspection of scheme.

13. (1) Upon the completion of the preparation of any draft development scheme under section 10, it shall be the duty of the Board forthwith—

- (a) to cause copies of such draft scheme and of the plan accompanying such draft scheme to be prepared ;
- (b) to transmit to the Minister a copy of such draft scheme and of the plan accompanying such draft scheme ; and

(c) to cause a notice to be published in the *Gazette* and in such other manner as may be best calculated to give publicity thereto, to the effect that the preparation of such draft scheme has been completed and that copies of such draft scheme and of the plan accompanying such draft scheme will be open for public inspection at such place or places as may be specified in such notice.

(2) Copies of every draft development scheme which has been completed under section 10 and of the plan accompanying such scheme shall be open for public inspection, free of charge, for a period of twenty-one days after the date of the publication in the *Gazette* of notice of the completion of the preparation of such scheme.

14. Upon the transmission of a draft development scheme to the Minister under section 13 and after the disposal under section 8 of the applications, if any, for exemption from compulsory acquisition made in respect of lands in the special area to which the scheme relates, the Minister may sanction the scheme subject to such modifications or alterations as he may deem necessary.

Sanction of development scheme by Minister.

15. (1) Every draft development scheme which is sanctioned by the Minister shall be submitted to the Governor for ratification :

Ratification of development scheme by Governor.

Provided, however, that where any such scheme modifies or suspends or purports to modify or suspend, the operation of any provision of any Ordinance for the time being in force, such scheme shall not be submitted to the Governor for ratification unless it has first been placed before and approved by the State Council.

(2) Where the Governor refuses to ratify any draft development scheme on the ground that one or more of the provisions contained therein ought not to be included in the scheme, the Minister may, after consultation with the Government Town Planner, the Government Valuer and the Board, vary or modify the scheme in such manner as may be necessary ; and the scheme as so varied or modified shall again be submitted to the Governor for ratification.

16. Every development scheme which has been sanctioned by the Minister and ratified by the Governor shall come into operation upon the expiry of a period of fifteen days after the date on which a notification is published in the *Gazette* by the Minister to the effect that the scheme has been so sanctioned and ratified, or upon such later date as may be specified in such notification by the Minister.

Coming into operation of development schemes.

17. (1) Upon the coming into operation of any development scheme for any special area, it shall be the duty of the executive authority specified in the scheme as the authority responsible for the carrying out of any provision contained in the scheme, save as otherwise expressly provided by section 18 or section 23, to carry out that provision, and for that purpose, to do all such work and to take all such measures in, upon or in relation to any land in that area or any structure thereon as may be necessary.

Execution of development schemes by executive authorities.

(2) Where the Minister is satisfied that the executive authority responsible for the carrying out of any provision contained in any development scheme for the time being in operation for any special area has unreasonably delayed to carry out that provision, the Minister may, by order, direct that authority to do all such work and to take all such measures in, upon or in relation to any land in that area or any structure thereon as may be necessary for the purpose, within such time as may be specified in such order, and it shall be the duty of that authority to comply with such order.

(3) For the purpose of doing any work or taking any measures in, upon or in relation to any land or structure thereon under the preceding provisions of this section, it shall be lawful for the executive authority responsible for the carrying out of any provision contained in any development scheme for the time being in operation or any person acting under the written authority of that executive authority to enter into or upon such land or structure, together with all such workmen, implements and materials as may be necessary for the purpose.

18. (1) Upon the coming into operation of any development scheme for any special area, it shall be the duty of the owner of any land in that area, being land which has been exempted from acquisition by order made by the Minister under section 8, to carry out the provisions of that scheme in so far as they relate to such land at his own expense, and

Execution of development schemes by owners of lands

for that purpose, to do all such work and to take all such measures in, upon or in relation to such land or any structure thereon as may be necessary.

(2) Where the Board is satisfied that the owner of any land referred to in sub-section (1) has unreasonably delayed to carry out the provisions of any development scheme for the time being in operation in so far as they relate to such land, it shall be lawful for the Board or any person acting under the written authority of the Board to enter into or upon such land or any structure thereon together with all the necessary workmen, implements and materials, and to do all such work and to take all such measures in, upon or in relation to such land or structure as may be necessary for the purpose of carrying out those provisions.

(3) All expenses incurred by the Board in the doing of any work or the taking of any measures under sub-section (1) in, upon or in relation to any land or any structure thereon shall be a first charge on such land, and may be recovered from the owner thereof in such manner as may be provided by regulation.

Conditions relating to the exercise of the powers conferred by sections 17 and 18.

19. (1) No work or measures shall be done or taken by the Board or by any other executive authority in pursuance of the powers conferred by section 17 or section 18 (2) in, upon or in relation to any land which is not vested in the Board or any structure thereon, unless—

- (a) the doing of such work or the taking of such measures is necessary for the purpose of carrying out any provision contained in the development scheme for the time being in operation for the special area in which such land is situated; and
- (b) the Board or such other executive authority, as the case may be, has served on the owner and the occupier of such land a notice specifying the work which is to be done or the measures which are to be taken, and a period of at least one month has elapsed after the date of the service of the notice.

(2) Any person on whom a notice is served under sub-section (1) may, subject to regulations, appeal to the Minister against the proposal of the Board or any other executive authority to do any work or to take any measures to which the notice relates, and the decision of the Minister on such appeal shall be final and conclusive. In any case where any appeal is preferred to the Minister under this section, the period referred to in paragraph (b) of sub-section (1) shall be deemed to be extended to the date on which the decision of the Minister is communicated to the person by whom the appeal is preferred.

PART III.

VESTING AND DISPOSAL OF LANDS.

Land acquired under this Ordinance to be vested in Board.

20. (1) Where any land is acquired under this Ordinance, such land shall forthwith upon such acquisition, without any formal transfer thereof, vest in the Board for the purposes of a development scheme prepared under this Ordinance for the special area in which such land is situated.

(2) Where, by reason of the operation of the provisions of sub-section (1), any land is vested in the Board for the purposes of a development scheme, the Board may, pending the execution of such scheme, let such land or any structure thereon.

Vesting of roads in the Board.

21. (1) Where any development scheme under this Ordinance provides that any road or a portion of any road which is vested in the Council shall be vested in the Board for the purposes of such scheme, such road or portion of a road, as the case may be, together with the lands used for the purposes thereof and all lamps, lamp-irons, lamp-posts, pipes and other similar erections and things in, about or belonging thereto, shall forthwith upon the coming into operation of such scheme, without any formal transfer thereof, vest in the Board for the purposes of such scheme.

(2) No compensation shall be payable by the Board in respect of any property which vests in the Board by reason of the operation of the provisions of sub-section (1).

Sale or lease of lands by the Board.

22. The Board may, at any time after the coming into operation of any development scheme, sell or lease any land which is vested in the Board under this Ordinance and is not required, under the scheme, as a reservation for the construction of a new road or for the widening, extension, alteration or diversion of an existing road or for a public open space.

Conditions of sale or lease of lands by the Board.

23. (1) It shall be a condition of every sale of land in any special area under section 22—

- (a) that, in lieu of the executive authority specified in the development scheme for the time being in operation for that area, the owner of the land shall at his own

expense carry out the provisions of the scheme in so far as they relate to the land, and do all the necessary work and take all the necessary measures in, upon or in relation to such land or any structure thereon within such time as the Board may, after consultation with the Minister, specify in writing at the time of the sale; and

- (b) that in the event of the owner failing to do so within the time so specified, the land shall forthwith re-vest in the Board.

Where any land re-vests in the Board by reason of the operation of the preceding provisions of this sub-section, the Board shall pay, to the person who was the owner of the land, the price at which the land was sold by the Board or the market value of the land at the time of such re-vesting, whichever is less, together with compensation in respect of any work actually done or measures actually taken by that person for the purpose of carrying out the provisions of the development scheme.

(2) It shall be a condition of every lease of land in any special area under section 22—

- (a) that, in lieu of the executive authority specified in the development scheme for the time being in operation for that area, the lessee of the land shall at his own expense carry out the provisions of the scheme in so far as they relate to the land, and do all the necessary work and take all the necessary measures in, upon or in relation to the land or any structure thereon, within such time as the Board may, after consultation with the Minister, specify in writing at the time of the grant of the lease; and
- (b) that in the event of the lessee failing to do so within the time so specified, the lease shall terminate forthwith.

Where any lease of land terminates by reason of the operation of the preceding provisions of this sub-section, the Board shall pay, to the person who was the lessee of the land, compensation in respect of any work actually done or measures actually taken by that person for the purpose of carrying out the provisions of the development scheme.

(3) No compensation under either of the preceding sub-sections shall be payable by the Board unless the work has been done or the measures have been taken in conformity with the provisions of the development scheme then in operation in relation to the land.

(4) For the purposes of this section, "owner" in relation to any land which is sold by the Board under section 22, means the person to whom the land is sold or any other person who may subsequently become the owner of the land.

24. It shall be lawful for the Board or any person acting under the written authority of the Board to enter into or upon any land which is sold or leased under section 22 for the purpose of ascertaining whether the provisions of any development scheme for the time being in operation in relation to the land are being or have been carried out on the land and to inspect the land or any structure thereon for that purpose:

Provided, however, that no person shall enter or inspect any land in pursuance of the powers conferred by the preceding provisions of this section except with the consent of the owner, lessee or occupier of the land, or after giving to such owner, lessee or occupier, not less than seven days' notice of the intention to do so.

25. (1) Upon the completion of the construction, under any development scheme for the time being in operation, of any new road or any new portion of an existing road, such new road or new portion of an existing road, as the case may be, together with the lands used for the purposes thereof and all lamps, lamp-irons, lamp-posts, pipes and other similar erections and things in, about or belonging thereto, shall forthwith, without any formal transfer thereof, vest in the Council.

(2) No compensation shall be payable by the Council in respect of any property which vests in the Council by reason of the operation of the provisions of sub-section (1).

Power of Board to enter, etc. land sold or leased.

Roads to vest in Council.

PART IV.

BETTERMENT CONTRIBUTIONS.

26. (1) Where the value of any property is increased by the coming into operation of any development scheme or by the execution of any work under the provisions of a development scheme, the Board may, subject to the provisions of sub-section (3), recover from the owner of the property an amount (hereinafter referred to as "betterment contribution") not exceeding sixty per centum of the amount by which the value of the property is so increased.

Power to recover betterment contributions.

(2) A betterment contribution may be recovered from the owner of any property the value of which is increased by the coming into operation of any development scheme or by the execution of any work under any provision in that scheme, notwithstanding that such property is situated outside the limits of the special area to which the scheme relates.

(3) (a) No betterment contribution shall be recovered in respect of any property which is sold or leased by the Board under section 22.

(b) No betterment contribution shall be recoverable in respect of any property unless the Board has, before the expiry of a period of ten years after the date on which the development scheme in respect of which the betterment contribution is recoverable came into operation, served a notice in the prescribed form on the owner of that property specifying the amount claimed as betterment contribution.

Appeal against
levy of
betterment
contribution.

27. (1) In any case where the owner of any property is aggrieved by the decision of the Board to recover a betterment contribution in respect of that property, he may, subject to regulations, appeal to the District Court, or, where the amount sought to be recovered as a betterment contribution is less than three hundred rupees, to the Court of Requests, and such Court may on any such appeal—

(a) determine that no contribution shall be recovered, if satisfied that the recovery of the contribution in such case is not authorised by the provisions of section 26; or

(b) reduce the amount of the contribution sought to be recovered, if satisfied that that amount is excessive having regard to the provisions of sub-section (1) of that section.

(2) The determination of the District Court or the Court of Requests on any appeal referred to in sub-section (1) shall be final.

Payment of
betterment
contribution.

28. (1) The amount due as a betterment contribution in respect of any property shall be payable in such instalments and at such intervals as the Board may determine.

(2) Any instalment due in respect of any property under this section shall be a first charge on that property and may be recovered from the person who is the owner of that property for the time being in such manner as may be provided by regulation.

PART V.

ESTABLISHMENT OF THE COLOMBO SPECIAL AREAS DEVELOPMENT BOARD.

The Board.

Establishment
of Colombo
Special Areas
Development
Board.

29. (1) A Board to be called the Colombo Special Areas Development Board (in this Ordinance referred to as "the Board") is hereby established for the purposes of this Ordinance.

(2) The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. It shall, subject to the provisions of this Ordinance, be capable of acquiring, holding and alienating property, movable and immovable, and of doing and performing all such acts and things as bodies corporate may do and perform.

Objects of
the Board.

30. The general objects for which the Board is constituted are hereby declared to be—

(1) the preparation and execution, under this Ordinance, of development schemes for special areas; and

(2) the custody, management and control, pending the coming into operation of development schemes, of land which is vested in the Board under this Ordinance for the purposes of such schemes.

Common seal
of the Board.

31. The common seal of the Board shall be officially and judicially noticed and shall be kept by such person and in such manner as the Board may from time to time determine and shall not be used except by the authority of the Board and in the presence of at least two members thereof who shall sign the document to which the seal is affixed.

Constitution
of the Board.

32. (1) The Board shall consist of the following members:—

(a) *Ex officio* members:—

(i) The Financial Secretary.

(ii) The Director of Public Works.

(iii) The Commissioner of Local Government.

(b) Nominated members :—

- (i) Two whole-time salaried officers of the Government, nominated by the Governor.
- (ii) Four persons, each of whom shall be either a whole-time salaried officer of the Council or a member of the Council, nominated by the Governor.

33. (1) The Governor may appoint one of the members of the Board to be the Chairman of the Board.

Chairman and Deputy Chairman of Board.

(2) The members of the Board may, if they think necessary, elect from amongst their number a Deputy Chairman.

(3) The Chairman of the Board shall preside at every meeting of the Board at which he is present.

(4) In the absence of the Chairman, the Deputy Chairman shall preside at meetings of the Board ; and, in the absence of both the Chairman and the Deputy Chairman, a member chosen by the majority of the members present, shall preside at any meeting of the Board.

34. (1) The quorum for any meeting of the Board shall be not less than two-thirds of the number of members of the Board in office on the date of such meeting.

Quorum.

(2) Any question which arises at any meeting of the Board shall be decided by a majority of votes of the members present, the members present being not less in number than the quorum prescribed by this Ordinance.

(3) Where the votes of the members present at any meeting are equally divided in regard to any question, the Chairman, Deputy Chairman or other member presiding at the meeting shall, in addition to his own vote as a member, have a casting vote.

35. Subject to the provisions of this Ordinance, the Board shall regulate its own procedure.

Board to regulate its own procedure.
Minutes of meetings.

36. (1) The Board shall cause minutes to be made, in books provided for the purpose, of the proceedings of every meeting of the Board.

(2) The minutes of the proceedings of each meeting shall be submitted at the next succeeding meeting, and if they are passed as correct they shall be confirmed by the signature of the person presiding at that meeting, and shall thereafter be *prima facie* evidence of the proceedings of which they are a record.

37. A nominated member of the Board shall be deemed to vacate his seat if he—

Vacation of office of nominated member.

- (a) accepts or holds any office or place of profit under the Board ; or
- (b) ceases to possess the qualification of being a whole-time salaried officer in the service of the Government or of the Council or of being a member of the Council, as the case may be ; or
- (c) is absent from more than three consecutive meetings of the Board without the leave of the Board ; or
- (d) by letter addressed to the Governor resigns his office ; or
- (e) is removed from office by the Governor.

38. If at any time a nominated member dies or vacates his office, the Governor may nominate another person in place of the member so dying or vacating his office.

Casual vacancies among nominated members.

39. If it appears to the Governor that a nominated member is unlikely to be able to discharge the duties of his office for a period of three months or more by reason of absence from Ceylon, illness, incapacity or any other cause whatsoever, he may appoint another person to act in the place of such member for such period as he may think fit.

Acting appointment in case of nominated member unable to discharge his duties owing to illness, etc.

40. Every member of the Board, other than a member who is an officer in the service of the Government, shall be remunerated by the Board for work done by him in his capacity as a member, according to such scale as the Governor may, with the advice of the Executive Committee, determine.

Remuneration of members.

Staff of the Board.

41. (1) The staff of the Board shall consist of the following :—

Staff of the Board.

- (a) an executive staff consisting of the following officers, namely, a Secretary, a Town Planner and a Valuer ; and
- (b) a subordinate staff consisting of such number of officers and servants as the Board may deem necessary.

(2) All appointments to the staff of the Board shall be made by the Board, subject, however, to the previous approval of the Governor in every case of an appointment to the executive staff of the Board.

(3) The Board may dismiss or remove from office any officer or servant of the Board :

Provided, however, that no officer who is on the executive staff of the Board shall be dismissed or removed from office except on a resolution of the Board passed by a majority of the members for the time being and approved by the Governor.

(4) The Board may assign to each officer or servant or each class of officers and servants of the Board such salaries, allowances or remuneration as to the Board may seem fit.

(5) The provisions of sub-sections (3) and (4) shall not apply in any case where an officer in the service of the Government is appointed to the executive staff of the Board, and in such case, the salary, allowances and conditions of service of such officer shall be determined by the Governor after consultation with the Board.

Delegation
by Board of
powers, etc.
to its officers.

42. The Board may in writing authorise the Secretary or any other officer of the Board to exercise, discharge or perform any power, function or duty vested in, assigned to or imposed on the Board by or under this Ordinance.

Fund of the Board.

Establishment
of fund.

43. (1) The Board shall establish a fund in such bank as may be approved by the Executive Committee.

(2) There shall be payable into the fund of the Board—

- (a) all grants made to the Board by the State Council ;
- (b) all sums realised by sales, leases or other transactions of the Board ; and
- (c) all sums declared to be so payable by this Ordinance or any regulation made thereunder.

(3) There shall be paid out of the fund of the Board—

- (a) all sums payable as remuneration to members ;
- (b) all sums payable by the Board as salaries, allowances or remuneration to its officers and servants ;
- (c) all expenses incurred by the Board in the exercise, discharge and performance of the powers, functions and duties vested in, assigned to or imposed on the Board by this Ordinance or any regulation made thereunder ; and
- (d) all sums which the Board is authorised or required to pay by this Ordinance or any regulation made thereunder.

Accounts and audit.

Accounts of
the Board.

44. (1) The Board shall cause its accounts to be kept in such form and in such manner as may be prescribed.

(2) The books of account of the Board shall be kept at the office of the Board.

Profit and
loss account
and balance
sheet for
each year.

45. (1) The Board shall cause its books to be balanced on the thirtieth day of September in each year and shall, as soon as may be thereafter, cause to be prepared a profit and loss account and a balance sheet containing a summary of the assets and liabilities of the Board made up to the date aforesaid.

(2) The profit and loss account and the balance sheet shall be signed by a majority of the members for the time being in office and by the officer responsible for the preparation of such account and balance sheet.

Report of
the members.

46. Every profit and loss account and balance sheet shall be accompanied by a report, signed by a majority of the members, as to the state and condition of the affairs of the Board.

Audit of
accounts.

47. The accounts of the Board shall be audited each year by the Auditor-General or an officer authorised by him in that behalf. The person performing the duty under this section is hereinafter referred to as "the auditor".

Auditor's
report.

48. (1) The auditor shall examine the accounts of the Board, ascertain the correctness of the balance sheet and furnish a report stating—

- (a) whether or not he has obtained all information and explanations required by him ; and
- (b) whether, in his opinion, the accounts referred to in the report are properly drawn up so as to exhibit a true and correct view of the Board's affairs.

(2) The report of the auditor shall be transmitted by him to the Board.

Powers of
auditor.

49. (1) For the purpose of performing his duties under this Ordinance, the auditor may, by notice in writing, require the production before him of any books, deeds, contracts,

accounts, vouchers, and any other documents and papers which he may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to appear before him at any such audit and examination or adjournment thereof, and to make and sign a declaration in respect of the same.

(2) If any person neglects or refuses to produce any book, deed, contract, account, voucher, document or papers, or to make or sign any declaration when required to do so under sub-section (1), he shall be guilty of an offence.

50. The Board shall, on receipt of the auditor's report in each year, transmit such report together with the profit and loss account and the balance sheet to which such report relates, and the report of the members under section 46, to the Governor.

Annual accounts with reports of members and auditor to be transmitted to Governor.

51. The profit and loss account and the balance sheet shall be published in the *Gazette* together with the whole or with portions of the reports transmitted under section 50, as the Governor may determine.

Publication of accounts.

PART VI.

SUPPLEMENTARY PROVISIONS, REGULATIONS, ETC.

52. The Board may, for the purposes of the preparation or execution of any development scheme, by notice require any person to furnish such returns or information relating to the title of that person to any land or structure to which the scheme applies or is to apply, or to the rent, if any, paid to or by that person for any such land or structure, or to such other matters affecting any such land or structure as may be within the knowledge of the person to whom the notice is sent.

Returns, information, etc.

53. (1) Any notice, order, claim, instrument or other document required by or under this Ordinance to be served on any person may be served—

Service of notices, etc.

- (a) by delivering it to that person ; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in the case of a company, by leaving it at the registered office of the company ; or
- (c) by sending it by post addressed to that person at his usual or last known place of abode, or, in the case of a company, to the registered office of the company.

(2) Any document which is served in accordance with any of the provisions of sub-section (1) shall be deemed to have been duly served on the person to whom it is addressed.

(3) Any notice, claim, instrument or other document required by or under this Ordinance to be served on or sent or transmitted to the Board shall be deemed to be duly served, sent or transmitted if it is delivered at, or sent by post to, the office of the Board or to the Chairman of the Board.

54. Any notice or other document required or authorised by or under this Ordinance to be served or issued by the Board shall be deemed to be sufficiently authenticated if it is signed by the Chairman of the Board or by some other officer of the Board authorised in that behalf by the Chairman.

Authentication of documents served or issued by Board.

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

Regulations.

(2) 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 or in respect of which regulations are authorised or required by this Ordinance to be made ;
- (b) the particulars and estimates which should be prepared by the Board in connection with draft development schemes ;
- (c) appeals under this Ordinance, including the time within which such appeals shall be preferred and the fees payable upon such appeals ;
- (d) the time and mode of recovery, whether summary or otherwise, of any instalment due in respect of any property under section 28 or of any expenses referred to it in section 18 (3) or section 61 (2) ;
- (e) all matters connected with or incidental to the matters specifically referred to in this sub-section.

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

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

Dissolution of Board.

56. (1) The Governor may, by Order published in the *Gazette*, dissolve the Board established by this Ordinance.

(2) With effect from the date on which the Order dissolving the Board is published in the *Gazette* under sub-section (1)—

- (a) the Council shall be the successor of the Board for the purposes of this Ordinance ;
- (b) all the property of the Board, whether movable or immovable, shall be deemed to be transferred to the Council ;
- (c) all the property, movable or immovable, which at any time after that date would have vested or re-vested in the Board under this Ordinance if the Board had not been dissolved, shall vest or re-vest, as the case may be, in the Council ;
- (d) all moneys declared by or under this Ordinance to be payable into or out of the fund of the Board shall, be deemed, as the case may be, to be payable into or out of the fund of the Council ;
- (e) all the rights, debts, liabilities and obligations of the Board shall be deemed to be transferred to the Council ; and
- (f) all the powers, functions and duties vested in, assigned to or imposed on the Board by or under this Ordinance shall be deemed to be vested in, assigned to or imposed on the Council.

Offences.

57. (1) Every person who, on or after the date on which any development scheme comes into operation for any special area—

- (a) executes any work or does any act, or causes or permits any work or act to be executed or done in or upon or in relation to any land or structure in that area ; or
- (b) uses any land or structure in that area, or causes or permits such land or structure to be used,

in contravention of any provision of that scheme shall be guilty of an offence.

(2) Every person who—

- (a) knowingly makes any false or incorrect statement in any application, return or other document made or furnished under or for the purposes of this Ordinance or of any development scheme ; or
- (b) fails or refuses to furnish any information or return required by or under this Ordinance to be furnished by him ; or
- (c) fails or refuses to produce to the Board for the purpose of inspection any document required by the Board in connection with the preparation or execution of any development scheme ; or
- (d) resists or obstructs any person in the exercise, discharge or performance of any power, function or duty conferred or imposed upon that person by or under this Ordinance,

shall be guilty of an offence.

Offences by officers, etc., of Board.

58. (1) Every officer or servant of the Board who, except with written permission given by or on behalf of the Board—

- (a) at any time prior to the publication in the *Gazette* of a notice under section 13 (1) in respect of any draft development scheme prepared by the Board, communicates any information to any person relating to the contents of the scheme ; or
- (b) at any time before any development scheme comes into operation, enters into or interests himself in any transaction for the purchase, lease, or disposal of any land or structure situated in the special area for which the scheme is prepared,

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

59. Save as otherwise provided in section 58, any person who commits an offence under this Ordinance shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, and in the case of a continuing offence to a further fine not exceeding fifty rupees for every day during which the offence continues.

Penalty for offences.

60. No prosecution for an offence under this Ordinance shall be instituted in any court except with the written sanction of the Board.

No proceedings except with written sanction of the Board.

61. (1) Where any person is convicted of an offence under this Ordinance by reason of his executing any work or causing or permitting the execution of any work in or upon or in relation to any land or structure in contravention of any provision contained in any development scheme for the time being in operation and applying to that land the Magistrate by whom such person is convicted may, on the application of the Board, make an order directing such person to alter, remove or demolish that work within such period as may be specified in the order.

Order by court for demolition of any work, etc.

(2) Where any person who is required to alter, remove or demolish any work by an order made by a Magistrate under sub-section (1) fails to do so within the period specified in the order, the Board may cause such work to be altered, removed or demolished. All the expenses incurred by the Board in the alteration, removal or demolition of that work shall be a first charge on the property of that person, and may be recovered from that person in such manner as may be provided by regulation.

62. Any fine imposed by any court under this Ordinance shall, when recovered, be paid by the court into the fund of the Board.

Disposal of fines.

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

Interpretation.

“Council” means the Colombo Municipal Council;

“development scheme” means any development scheme prepared under this Ordinance for any special area;

“emergency powers” means any power conferred by or under any defence regulation made under the Emergency Powers (Defence) Acts, 1939 and 1940, of the Imperial Parliament, as adapted, modified and extended to Ceylon by the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940;

“Executive Committee” means the Executive Committee of Local Administration;

“Government Agent” means the Government Agent of the Western Province or the Assistant Government Agent of the revenue district of Colombo;

“land” includes land covered with water and any right in or over land;

“Minister” means the Minister for Local Administration;

“owner” in relation to any land, includes the person for the time being receiving the rent of the land, whether on his own account or as agent or trustee for any other person, or who would receive the rent if the land were let to a tenant;

“prescribed” means prescribed by regulation;

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

“road” means any public or private highway, street, carriage-way, cartway, lane or pathway, and includes—

(a) any bridge, footway, pavement, kerb, grass margin, roundabout, square, drain, embankment or ditch belonging or appertaining to any road;

(b) any land adjoining a road which has been reserved for the protection or benefit of the road, and

(c) any land which has been marked off or reserved for the construction, widening, alteration or diversion of any road;

“special area” means any area declared to be a special area by Order made under section 2;

“structure” includes any building, wall, fence, excavation or other erection or thing constructed or erected in or upon any land;

“town of Colombo” means the area within the administrative limits of the Council.

FIRST SCHEDULE.

(SECTION 5.)

Provisions of Land Acquisition Ordinance (Chapter 203)	Exceptions, modifications or amendments.
Section 2.	<p>For the definition of "Government Agent", there shall be substituted the following new definition:—</p> <p>"Government Agent" means the Government Agent of the Western Province or the Assistant Government Agent of the revenue district of Colombo;.</p> <p>Shall not apply.</p>
Sections 3, 4, 5, 12 (3) and 44. Section 6.	<p>For the words "The Government Agent shall thereupon cause", there shall be substituted the words "Where the Government Agent is required by section 3 of the Special Areas (Colombo) Development Ordinance to take order for the acquisition of any land, he shall cause".</p>
Section 13.	<p>In paragraph (c), the words "the amount awarded for damages under section 4," shall be omitted.</p>
Section 22.	<p>(1) In paragraph (f), for the words "will be put; or", there shall be substituted the words "will be put;".</p> <p>(2) In paragraph (g), for the words "under this Ordinance.", there shall be substituted the words "under this Ordinance;".</p> <p>(3) Immediately after paragraph (g), there shall be inserted the following new paragraphs:—</p> <p>"(h) the income derived from any structure which has been certified by the Medical Officer of Health of the Colombo Municipal Council to be unfit for human habitation;</p> <p>(i) any improvements made at the cost of the Government in, upon or in the proximity of the land which is to be acquired;</p> <p>(j) any improvements made in or upon such land, being improvements in respect of which a person is not entitled, under section 7 of the Special Areas (Colombo) Development Ordinance, to claim or receive compensation; or</p> <p>(k) any temporary increase in the value of the land due to the expectation of a rise of prices consequent upon the declaration of a special area under section 2 of the Special Areas (Colombo) Development Ordinance or the preparation or coming into operation of a development scheme under that Ordinance."</p>
Section 38.	<p>(1) For all the words from the commencement of the section to "When the amount of such compensation", there shall be substituted the words "When the amount of the compensation".</p> <p>(2) The words "and the said percentage" shall be omitted.</p> <p>(3) The words "and percentage" wherever those words occur collectively, shall be omitted.</p> <p>(4) For the words "six per centum", there shall be substituted the words "five per centum".</p> <p>(5) The words "or the percentage" shall be omitted.</p> <p>(6) The words "Percentage on market value to be allowed." in the marginal note shall be omitted.</p>
Section 42.	<p>(1) For the words "If the surveyor or any of his assistants or any person acting under his or their orders", there shall be substituted the words "If the Government Agent or any person acting under his authority".</p> <p>(2) In the marginal note, for the words "Surveyor or any person acting under his orders", there shall be substituted the words "Government Agent or any person acting under his authority".</p>
Schedule.	<p>In the Form A, for the words "the Land Acquisition Ordinance _____ of _____, entitled _____", there shall be substituted the words "the Land Acquisition Ordinance and the Special Areas (Colombo) Development Ordinance,".</p>

SECOND SCHEDULE.

(SECTION 11.)

1. The character, height and frontage line of structures and the spacing of structures.
2. The regulation and control of the design and colour of structures, and of the materials of which structures may be built.
3. The access, egress and approach to or from structures, and the regulation of the arrangement of structures on any plot of land.
4. The regulation and control of the erection of temporary structures.
5. The splaying or setting back or rounding off of angles of the boundaries of land or structures in the interests of the public safety or the amenities of the neighbourhood.
6. The regulation of the objects which may be affixed to structures, and the authorisation of projections in front of building lines or of set-backs.
7. The area and extent of any curtilage, including the size, shape, width and depth thereof.
8. The percentage of the area of any curtilage which may be covered by structures and the extent of open spaces to be provided within any curtilage.
9. The limitation of the number of structures of any specified description which may be constructed or erected in any specified area or on any specified extent of land.
10. The regulation and control of the use and occupation of buildings or of the letting out of dwelling-houses in separate parts.
11. The demolition or alteration of structures which are inconsistent with any provision of any scheme or which are insanitary, unhealthy, dangerous, or otherwise unfit for human habitation.
12. The prescribing of standards of fitness for dwelling-houses.

Objects and Reasons.

Before the war conditions of bad lay-out and obsolete development existed in certain areas situated within the limits of the town of Colombo. No scheme, however, for the laying out afresh and re-development of such areas could be carried out in view of the large scale displacement of population and dislocation of industry which would have resulted.

When, however, during the war it became imperative in the interests of public safety that measures should be taken for the purpose of preventing any serious outbreak of fire as a result of enemy action in some of those areas which were particularly vulnerable to damage by fire, considerations such as the large scale displacement of population and the dislocation of industry were not allowed to stand in the way of the creation of fire gaps in such areas. This was accomplished by requisitioning such areas under the defence regulations and demolishing all buildings in such areas. Such areas therefore now consist of bare land.

As the areas in which fire gaps have been created are due to be de-requisitioned, it is felt that the time is now opportune for the carrying out of a scheme for the laying out afresh and re-development of such areas. It is therefore proposed that such areas together with land contiguous or adjacent thereto should be acquired by Government and vested in a Board specially established for the purpose of preparing and executing such a scheme. The object of this Bill is to enact the legislation necessary to give effect to that proposal.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, April 3, 1946.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Matara will be holden at the court-house at Galle, on Thursday, April 25, 1946, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Deputy Fiscal's Office,
Matara, April 2, 1946.

M. RAJENDRA,
Deputy Fiscal.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Tangalla will be holden at the court-house at Galle, on Thursday, April 25, 1946, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Deputy Fiscal's Office,
Hambantota, April 6, 1946.

C. J. OORLOFF,
Deputy Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,699.
Insolvency.

In the matter of the insolvency of R. K. Gurunathan of 127, Green street, Kotahena, Colombo, insolvent.

WHEREAS the above-named R. K. Gurunathan has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by V. P. Pasungilrajah of Chekku street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said R. K. Gurunathan insolvent accordingly; and that two public sittings of the court, to wit, on May 17, 1946, and on May 31, 1946, 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.

March 20, 1946.

By order of court, M. N. PIERIS,
Secretary.

In the District Court of Colombo.

No. 5,700.
Insolvency.

In the matter of the insolvency of Maginage Edgar Miranda of 48, Pannipitiya, insolvent.

WHEREAS the above-named Maginage Edgar Miranda has filed a declaration of insolvency, and a petition for the seques-

tration of his estate has also been filed by H. John Arthur de Silva of Pannipitiya under the Ordinance No. 7 of 1853. Notice is hereby given that the said court has adjudged the said Maginage Edgar Miranda insolvent accordingly; and that two public sittings of the court, to wit, on May 17, 1946, and on May 31, 1946, 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.

March 20, 1946.

By order of court, M. N. PIERIS,
Secretary.

In the District Court of Colombo.

No. 5,701. In the matter of the insolvency of Francis Gregory
Insolvency. Jansz of 27/3, Muhandiram place, Nugegoda,
insolvent.

WHEREAS the above-named Francis Gregory Jansz has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Claude Helms of 93, Mayfield road, Kotahena, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Francis Gregory Jansz insolvent accordingly; and that two public sittings of the court, to wit, on May 17, 1946, and on May 31, 1946, 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.

March 29, 1946.

By order of court, M. N. PIERIS,
Secretary.

In the District Court of Panadura.

No. 1. In the matter of the insolvency of Kumarawattage
Insolvency. Achillus Daniel Fernando of Sarikkalmulla in
Panadura.

WHEREAS Kumarawattage Achillus Daniel Fernando of Sarikkalmulla in Panadura has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Yalagalage Thelens Silva of Gorakana under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Kumarawattage Achillus Daniel Fernando insolvent accordingly; and that two public sittings of the court, to wit, on May 6, 1946, and on June 3, 1946, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

April 4, 1946.

By order of court, L. F. ROSA,
Secretary.

NOTICES OF FISCALS' SALES.

North-Western Province.

In the District Court of Colombo.

E. L. Ebrahim Lebbe Marikkar of Norris road, Colombo.. Plaintiff.

No. 12,356 Money. Vs.

Austin & Mel Ltd., Lloyd's Buildings, Fort, Colombo.. Defendant.

NOTICE is hereby given that on Thursday, May 23, 1946, at 11 o'clock in the morning, will be sold by public auction at the premises commencing from the 1st land the right, title, and interest of the said plaintiff in the following property, viz:—

1. All that allotment of land called Ambagahalanda, Ambalamawahana, Etawetuwawakawatta &c., situated in Henegedara, Medigamundunduwa and Detilianga villages in Ihalavisideke korale of Hiriyala hatpattu in the District of Kurunegala, North-Western Province; bounded as follows:—north by Batalagoda wewa, land claimed by natives and road; Crown land lot 6876 in P. P. 1,308, Naranwatta-ela and lot 15221 in P. P. 3,508, east by Naranwatta-ela and reservation along the Deduru-oya, south by land claimed by natives, lots K 1271 and I 1271 in P. P. 3,508, a bund road, Paragahakotuwa wewa, a path and Batalagoda wewa, and west by land claimed by natives, Batalagoda wewa roads and lot W 1270 in P. P. 3,508; containing in extent exclusive of the roads, paths and a water-course passing through the land a tank and lot N 1271 in P. P. 3,509, 28 1/2 acres 1 rood and 2 perches according to the survey and description thereof No. 249801 dated February 27, 1930, and authenticated by P. W. Warren, Esq., Surveyor-General, held and possessed under and by virtue of deed No. 298 dated January 6, 1913, and attested by E. F. de Saram of Colombo, Notary Public. Registered in B 92/68.

2. All that allotment of land called Batalagoda estate, situated in Sinhala Detilianga village, Ihalavisideke korale west of Hiriyala hatpattu aforesaid; and bounded on the north by T. P. 249,801, and south by lots 12 and 15; containing in extent 27 perches according to survey and description thereof No. 404775 dated March 2, 1930, and authenticated by A. H. G. Dawson, Surveyor-General, held and possessed under and by virtue of Crown Grant dated July 20, 1930, under the hand of Sir B. H. Bourdillon, Officer Administering the Government of Ceylon. Registered in B 188/188.

3. All that allotment of land called Batalagoda Estate in Sinhala Detilianga village aforesaid; bounded on the north and east by T. P. 249,801, on the south by lots 19, 21 and 22, and on the west by Detilianga Madige village boundary; containing in extent 1 acre 1 rood and 22 perches according to the survey and description thereof No. 404776 dated March 22, 1930, and authenticated by

A. H. G. Dawson, Esq., Surveyor-General. Held and possessed under and by virtue of Crown Grant dated July 11, 1930, under the hand of Sir B. H. Bourdillon, Officer Administering the Government of Ceylon. Registered in B 188/189.

4. All that allotment of land called Batalagoda estate in Henegedara village, Ihalavisideke korale west aforesaid; bounded on the north by lots 30 and 88, on the east by a road reservation, on the south by T. P. 249,801, and on the west by lots 96 and 90; containing in extent 1 acre 1 rood and 14 perches according to the survey and description thereof No. 408787 dated September 4, 1930, and authenticated by A. H. G. Dawson, Surveyor-General. Held and possessed under and by virtue of Crown Grant dated October 23, 1930, under the hand of His Excellency Sir Herbert Stanley, Governor of Ceylon. Registered in B 189/114.

5. (a) All that allotment of land called Batalagoda estate, situate in Henegedara village aforesaid; bounded on the west and north by lot 15, and on the east and south by T. P. 249,801; containing in extent 8 perches according to the survey and description thereof No. 408864 dated September 8, 1930, authenticated by A. H. G. Dawson, Surveyor-General.

(b) All that allotment of land called Batalagoda estate in Henegedara village aforesaid; bounded on the north by Naranwatta-ela and on all other sides by T. P. 249,801; containing in extent 30 perches according to the survey and description thereof No. 408865 dated September 8, 1930, authenticated by A. H. G. Dawson, Surveyor-General, which said foregoing premises 5 (a) and (b) are held and possessed under and by virtue of Crown Grant dated November 2, 1930, under the hand of His Excellency Sir Herbert Stanley, Governor of Ceylon. Registered in B 189/251, 252.

6. (a) All that allotment of land called Batalagoda estate, situate in Henegedara village aforesaid; bounded on the west and north by lot 50, on east by lot 49, and on the south by T. P. 249,801; containing in extent 11 perches according to the survey and description thereof No. 40884 dated September 9, 1930, authenticated by A. H. G. Dawson, Surveyor-General.

(b) All that allotment of land called Batalagoda estate, situate in Henegedara village aforesaid; bounded on the north by lots 49 and 48, on the east by lot 48, on the south by T. P. 249,801, and on the west by lot 49; containing in extent 17 perches according to the survey and description thereof No. 408885 dated September 9, 1930, authenticated by A. H. G. Dawson, Surveyor-General, which said foregoing premises 6 (a) and (b) are held and possessed under and by virtue of Crown Grant dated November 9, 1930, under the hand of His Excellency Sir Herbert Stanley, Governor of Ceylon. Registered in B 189/255, 256.

7. (a) All that allotment of land called Batalagoda estate, situate in Henegedara village aforesaid, bounded on the north by a road reservation, on the east by a road reservation and lot 109, on the south by lot 109, and on the west by T. P. 249,801; containing in extent 2 roods and 20 perches according to the survey and description thereof No. 409036 dated September 13, 1939, authenticated by A. H. G. Dawson, Surveyor-General.

(b) All that allotment of land called Batalagoda estate, situate in Henegedara village aforesaid; bounded on the north by lot 96, on the east by T. P. 249,801, on the south by a road reservation, and on the west by T. P. 249,801; containing in extent 15 perches according to the survey and description thereof No. 409037 dated September 13, 1930, authenticated by A. H. G. Dawson, Surveyor-General, which said foregoing premises 7 (a) and (b) are held and possessed under and by virtue of Crown Grant dated November 9, 1930, under the hand of His Excellency Sir Herbert Stanley, Governor of Ceylon. Registered B 189/257, 258.

8. (a) All that allotment of land called Batalagoda estate, situate in Henegedara village aforesaid; bounded on the north by lots 72, 74 and 75, and on the south by T. P. 249,801; containing in extent 12 perches according to the survey and description thereof No. 408867 dated September 8, 1930, authenticated by A. H. G. Dawson, Surveyor-General.

(b) All that allotment of land called Batalagoda Estate, situate in Henegedara village aforesaid; bounded on the north by lots 75 and 92, on the east by lots 94, 95 and 96, and on the south and west by T. P. 249,801; containing in extent 1 acre 3 roods and 35 perches according to the survey and description thereof No. 408868 dated September 8, 1930, authenticated by A. H. G. Dawson, Surveyor-General, which said foregoing premises 8 (a) and (b) are held and possessed under and by virtue of Crown Grant dated November 2, 1930, under the hand of His Excellency Sir Herbert Stanley, Governor of Ceylon. Registered B 189/253, 254.

9. (a) All that allotment of land called Batalagoda estate, situate at Detilianga Madige village in Ihalavisideke korale aforesaid; bounded on the north by T. P. 249,801, on the east by Sinhala Detilianga village boundary, and on the south by T. P. 426,185; containing in extent 31 perches according to the survey and description thereof No. 426489 dated June 28, 1933, authenticated by G. K. Thornhill, Surveyor-General.

(b) All that allotment of land called Batalagoda estate, situate in Detilianga village aforesaid; bounded on the south by T. P.'s 426,274 and 426,275 and lot 11 and on all other sides by T. P. 249,801; containing in extent 15 perches according to the survey and description thereof No. 426490 dated June 28, 1933, authenticated by G. K. Thornhill, Surveyor-General, which said foregoing premises 9 (a), (b) are held and possessed under and by virtue of Crown Grant dated July 13, 1933, under the hand of His Excellency Sir Graeme Thomson, Governor of Ceylon. Registered B 199/121 and 122.

The value of all the above lands which form one property is Rs. 287,500.

Amount to be recovered Rs. 107,055 81 with legal interest thereon from June 27, 1940, to January 15, 1943, and thereafter in the aggregate amount of the decree till payment in full and costs of suit of the Privy Council amounting to Rs. 6,055 and further costs incurred in the District Court and Supreme Court.

Fiscal's Office,
Kurunegala, March 30, 1946.

W. D. M. PERERA,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi. 32

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Sapugahawattage Banda Nanayakkara of 12,
No. 11,796. Albert Crescent, deceased.

Cecelia Seelawathie Nanayakkara of 12, Albert Crescent,
Colombo Petitioner.

And

(1) Sapugahawattage Lionel Chandradasa Nanayakkara, (2)
ditto Cecelia Chandrawathie Nanayakkara, (3) ditto Prema-
dasa Nanayakkara, (4) ditto Ariyadasa Nanayakkara, (5)
ditto Cyril Amaradasa Nanayakkara, (6) ditto Dharmadasa
Nanayakkara, (7) ditto Henry Piyadasa Nanayakkara, (8)
ditto Andrew Wickremadasa Nanayakkara, (9) ditto Felix
Ratnasiri Nanayakkara, (10) ditto Premalatha Seelawathie
Nanayakkara, all of Albert Crescent, Colombo. . . . Respondents.

THIS matter coming on for disposal before V. E. Rajakarier,
Esq., Additional District Judge of Colombo, on March 29, 1946,
in the presence of Messrs. Jayasekera & Jayasekera, Proctors,
on the part of the petitioner above named; and the affidavit of the
said petitioner dated January 23, 1946, having been read:

It is ordered that the 1st respondent above named be and he is
hereby declared appointed guardian *ad litem* over the minors, the
7th, 8th, 9th, and 10th respondents above named; and the petitioner
above named be and she is hereby declared entitled, as widow of the
above named deceased, to have letters of administration to the estate
of the said deceased issued to her accordingly, unless the respondents
above named or any other person or persons interested shall, on or
before May 30, 1946, show sufficient cause to the satisfaction of
this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

March 30, 1946.

In the District Court of Colombo.

Order Nisi. 22

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. G. G. Peris of Mutwal, deceased.
No. 11,805.

G. Margaret Peris of Mattakkuliyia Petitioner.

Vs.

(1) G. Mildred Peris, (2) Gertrude Peris, (3) Gerrard Peris,
(4) Edward Peris, (5) Ruta Peris, all of Mattakkuliyia. . . . Respondents.

THIS matter coming on for disposal before V. E. Rajakarier,
Esq., Additional District Judge of Colombo, on March 4, 1946, in
the presence of Mr. N. A. B. Stave, Proctor, on the part of the peti-
tioner above named; and the affidavit of the said petitioner dated
February 28, 1946, having been read:

It is ordered that the petitioner above named be and she is hereby
declared entitled to letters of administration, as the widow of the
deceased, issued to her accordingly, unless the respondents above
named or any person or persons interested shall, on or before May 30,
1946, show sufficient cause to the satisfaction of this court to the
contrary.

V. E. RAJAKARIER,
Additional District Judge.

March 27, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Lama Hewage Carols Appu *alias* Lama Hewage
No. 11,812. Carols Jayasuriya of Gampaha, deceased.

Lama Hewage Missie Nona of Liyanagoda, Habara-
duwa Petitioner.

Vs.

(1) Piyadigamage Piyadasa, (2) ditto Alice Nona, (3) ditto
Lily Nona, (4) ditto Baby Nona, (5) ditto Ariyadasa, (6)
ditto Karunawathie, all minors, of Katukurunda, by their
guardian *ad litem* the 7th respondent, (7) Piyadigamage
Mendis Appu of Katukurunda in the District of
Galle Respondents.

THIS matter coming on for disposal before V. E. Rajakarier,
Esq., Additional District Judge of Colombo, on March 6, 1946, in
the presence of Mr. Ernest A. de Silva, Proctor, on the part of the
petitioner above named; and the affidavit of the said petitioner
dated March 6, 1946, having been read:

It is ordered that the 7th respondent above named be and he is
hereby declared appointed guardian *ad litem* over the minors, the
1st, 2nd, 3rd, 4th, 5th and 6th respondents above named and the
petitioner above named be and she is hereby declared entitled, as the
surviving sister of the deceased, to have letters of administration to
the estate of the said deceased issued to her accordingly, unless the
respondents above named or any person or persons interested shall,
on or before June 6, 1946, show sufficient cause to the satisfaction
of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

March 18, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament or
Jurisdiction. trust disposition and settlement of Colonel
No. 11,823. Alexander John Stewart, D.S.O., J.P., of 5,
Roxburgh Terrace, Dundee, Scotland, deceased.

And

In the Matter of the British Courts Probates (Re-
sealing) Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of fourteen days
from the date hereof application will be made to the District Court

of Colombo, under the British Courts Probates (Re-sealing) Ordi-
nance (Chapter 84) for the sealing of the confirmation of the last
will and testament or trust disposition and settlement of Colonel
Alexander John Stewart, D.S.O., J.P., of 5 Roxburgh Terrace,
Dundee, Scotland, deceased, granted by the Commissariat of Angus
at Dundee in Scotland on September 12, 1945.

V. GNANARATNAM COOKE,
Proctor for Mrs. Doris Oldfield or Stewart, Charles Sloan
McCrick, Malcolm Warwick Nicoll and Alan Lindsay
Brown, the executors of the last will and testament
or trust disposition and settlement.

Colombo, April 12, 1946.

In the District Court of Colombo.

Order Nisi. 30

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Waragoda Kankanamalage Don Abraham de
No. 11,825. Alwis of Hendala, deceased.

Piyaseely Kusumawathie de Alwis *nee* Senanayaka of Hen-
dala Petitioner.

Vs.

(1) Lewisa Wilhelmina de Alwis *nee* Senanayaka of Hendala,
(2) Catherina de Alwis, wife of C. P. Amarasingha of Kirindhi-
wala in Gampaha, (3) Seelawathie de Alwis, wife of H. E.
Gunasekera of Udugampola, Gampaha, (4) James de Alwis
of Thuhariya, (5) Walter de Alwis of Imbulanwala in Mari-
gama, (6) Julian de Alwis, minor, appearing by his guardian
ad litem the 1st respondent. . . . Respondents.

THIS matter coming on for disposal before V. E. Rajakarier,
Esq., Additional District Judge of Colombo, on March 12, 1946, in
the presence of Mr. D. L. Gunasekera, Proctor, on the part of the
petitioner above named; and the affidavit of the said petitioner
dated March 5, 1946, having been read:

It is ordered that the 1st respondent above named be and he is
hereby declared appointed guardian *ad litem* over the minor, the 6th
respondent above named; and the petitioner above named be and she
is hereby declared entitled, as the widow of the deceased, to have
letters of administration to the estate of the said deceased issued to
her accordingly, unless the respondents above named or any person
or persons interested shall, on or before June 20, 1946, show sufficient
cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

March 26, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. J. W. Mortier of Colombo, deceased.
No. 11,831.

Ruby Mary Riestra Mortier of 304, Waidiya road, Dehi-
wala Petitioner.

And

(1) Antoinette St. Clair Thelma Mortier, and (2) Alexander
Joseph Baradet Mortier, both of 304, Waidiya road, Dehi-
wala, (3) Leon Douglas Carol Mortier of Perera lane, Wella-
watta, (4) Iroma Phyllis Josephine Mortier, and (5) Zaido
Florence Clotilda Mortier, both of 304, Waidiya road, Dehi-
wala. . . . Respondents.

THIS matter coming on for disposal before V. E. Rajakarier,
Esq., Additional District Judge of Colombo, on March 16, 1946,
in the presence of Mr. John Wilson, Proctor, on the part of the
petitioner above named; and the affidavit of the said petitioner
dated March 12, 1946, having been read:

It is ordered that the petitioner above named be and she is hereby
declared entitled, as the widow of the deceased, to have letters of
administration to the estate of the said deceased issued to her
accordingly, unless the respondents above named or any person or
persons interested shall, on or before June 20, 1946, show sufficient
cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

March 28, 1946

In the District Court of Colombo.

Order Nisi. 22

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Marikar Abdul Lateef of 297, Dematagoda road,
No. 11,833. Colombo, deceased.

Idroos Lebbe Marikar Deen Noor Umma of 297, Dematagoda
road, Colombo Petitioner.

Vs.

Marikar Salha Umma of Floors lane, Dematagoda. . . . Respondent.

THIS matter coming on for disposal before V. E. Rajakarier,
Esq., Additional District Judge of Colombo, on March 19, 1946,
in the presence of Mr. C. M. M. Mahroof, Proctor, on the part of
the petitioner above named; and the affidavit of the said petitioner
dated March 4, 1946, having been read:

It is ordered that the petitioner above named be and she is hereby
declared entitled, as the widow of the deceased, to have letters of
administration to the estate of the said deceased issued to her
accordingly, unless the respondent above named or any person or
persons interested shall, on or before June 27, 1946, show sufficient
cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

March 22, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament
Jurisdiction. of Archibald Leslie Gibson late of Gilgil in
No. 11,837. the Colony of Kenya, South Africa, 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 the grant of letters of administration with substance of the will annexed of Archibald Leslie Gibson late of Gilgil in the Colony of Kenya, South Africa, deceased, granted by His Majesty's Supreme Court at Nairobi on January 9, 1946.

F. C. ROWAN,
Attorney for Alan Keith Gibson, the
Administrator of the Last Will and
Testament of Archibald Leslie Gibson,
deceased.

Colombo, March 22, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Hilda Lena Milbcent Hunter, deceased, of
No. 11,841. Bambalapitiya, in Colombo.

Percival Neville Bartholomeusz of Nuwara Eliya... Petitioner.

Vs.

Neil Esmond Hunter presently of Darlington Gardens, Nuwara Eliya... Respondent.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on March 27, 1946, in the presence of Mr. P. S. de Kretser, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated March 15, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the brother of the said deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondent above named or any person or persons interested shall, on or before June 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

April 2, 1946.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Don Yothan Nissanga of Gampaha, deceased.
No. 3,364.

Dhammawathie Nissanaga of Gampaha... Petitioner.

Vs.

(1) Bermulan Prematilake Nissanaga, (2) Jayalatha Padmaseeli Nissanaga, (3) Dhammajeewa Somatilake Nissanaga, (4) Wimalanandi Swarnaseeli Nissanaga, all of Gampaha, (5) Nissanga Ananthi Appuhamillage Don Thegis Appuhamy of Koskandawala... Respondents.

THIS matter coming on for disposal before H. S. Roberts, Esq., Judge of Negombo, on March 25, 1946, in the presence of Mr. S. D. C. W. Senaratne, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated March 23, 1946, having been read:

It is ordered that the 5th respondent above named be appointed guardian *ad litem* over the 1st to 4th respondents above named, minors, 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 any other person or persons interested shall, on or before April 16, 1946, show sufficient cause to the satisfaction of this court to the contrary.

HERBERT S. ROBERTS,
District Judge.

March 25, 1946.

In the District Court of Panadura.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Vidanelage Johana Josine de Silva, late of
No. 16. Carlton House, Moratuwa, deceased.

(1) Clarence Emmanuel Llewellyn de Silva of de Soysa road, Moratuwa, (2) Eric George Osmund de Silva, (3) Felix Oliver Maynard de Silva, both of "Eastlyne", Lunawa, Moratuwa, (4) Llewellyn Solomon Fernando of "Sagala" in Panadura... Petitioners.

THIS matter coming on for final determination before N. Sinnathamby, Esq., District Judge of Panadura, on February 7, 1946, in the presence of Mr. H. N. H. Soysa, Proctor, on the part of the petitioners, Clarence Emmanuel Llewellyn de Silva, Eric George Osmund de Silva, Felix Oliver Maynard de Silva and Llewellyn Solomon Fernando; and the affidavits of the petitioners dated February 1 and 7, 1946, and the attesting witnesses and the notary dated February 5 and 6, 1946, and the last will dated August 8, 1945, having been read:

It is ordered that the said last will be declared proved that the petitioners be appointed executors on their taking the oaths of office and probate issued to them as executors named in the said last will.

N. SINNATHAMBY,
District Judge.

In the District Court of Panadura.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. George Cyril Wickremasinghe of Wasala Walauwa,
No. 18. Gorakana and lately of Lunawa in Moratuwa,
deceased.

Alexandra Virginia Wickremasinghe of Lunawa and presently of Wasala Walauwa, Gorakana in Panadura badde of Panadura totamuna... Petitioner.

And

(1) Celia Lalini Virginia Wickremasinghe, (2) James Cyril Alex. Ranjit Wickremasinghe, minors, appearing by their guardian *ad litem* the 3rd respondent, (3) Norman Wickremasinghe of Wasala Walauwa, Gorakana, aforesaid... Respondents.

THIS matter coming on for disposal before N. Sinnathamby, Esq., District Judge of Panadura, on March 22, 1946, in the presence of Messrs. Perera & Fernando, Proctors, on the part of the petitioner above named; and the affidavit of the petitioner dated February 14, 1946, and the affidavit of the attesting notary dated February 21, 1946, and of one of the attesting witnesses dated March 20, 1946, having been read:

It is ordered that the last will and testament of George Cyril Wickremasinghe, the deceased above named the original of which has been produced and is now deposited in this court be and the same is hereby declared proved, and the petitioner is the executrix named in the said will and the said petitioner be and she is hereby declared entitled to have probate of the said will issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before May 3, 1946, show sufficient cause to the satisfaction of this court to the contrary.

N. SINNATHAMBY,
District Judge.

March 22, 1946.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late A. D. Aron
Jurisdiction. Gunawardena, deceased, of Duwapansala road,
No. 3,264. Kalutara.

Mrs. Constance Gunawardena of Kalutara... Petitioner.

Vs.

(1) Lakshman Gunawardena, (2) Tissa Gamini Gunawardena, (3) Lionel Sriyananda Gunawardena, (4) Lakshme Constance Gunawardena, (5) Kamala Gunawardena, (6) Khemi Swarna Gunawardena, all of Kalutara, by their guardian *ad litem* (7) Thomas Caldera Dissanayake of Nugegoda... Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on March 11, 1946, in the presence of Messrs. Jayasundera & Gunetilleke, Proctors, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated March 11, 1946, having been read:

It is ordered that the petitioner be appointed administrator, as widow of the deceased, and that letters of administration be issued to her, unless the respondents or person or persons interested in the estate shall, on or before May 10, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 7th respondent be appointed guardian *ad litem* over the 1st to 6th minor respondents and that the said petitioner is entitled to have letters of administration issued to her accordingly, unless the respondents or others interested in the estate shall, on or before May 10, 1946, show sufficient cause to the satisfaction of this court to the contrary.

V. S. JAYAWICKRAMA,
District Judge.

March 11, 1946.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Weliwituge Don Arnolis Rodrigo, deceased, of
No. 3,265. Kotagedara.

Weliwituge Don Endoris Rodrigo of Kotagedara... Petitioner.

Vs.

(1) Gamaetige Dona Babanona, (2) Weliwituge Puchi Nona alias Julia Lillian Rodrigo of Inguruwa, (3) ditto Cecilia Rodrigo of Balapitiya, (4) ditto Lily Rodrigo of Elpitiya, (5) ditto Ahee Rodrigo of Moragala... Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on March 11, 1946, in the presence of Messrs. Wijemanna & Cooray, Proctors, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated March 8, 1946, having been read:

It is ordered that the petitioner be declared entitled to claim letters of administration, as son of the deceased, and that the same be issued to him, unless the respondents or any persons interested in the estate shall, on or before May 10, 1946, show sufficient cause to the satisfaction of this court to the contrary.

J. H. V. S. JAYAWICKRAMA,
District Judge.

March 11, 1946.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate and effects of the late
Jurisdiction. Henry Herbert Dulling, deceased, of Kandy.
No. T 588.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on March 16, 1946, in the presence of Messrs. Liesching & Lee, Proctors, on the part of the petitioner, Noel Herbert Wykeham Dulling of Kandy; and the affidavit of the said petitioner dated March 12, 1946, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the attorney of the executrix named in the last will of the deceased, to have letters of administration with copy of the last will annexed issued to him, unless any other person or persons interested shall, on or before May 23, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 16, 1946.

H. A. DE SILVA,
District Judge.

In the District Court of Balapitiya.

Order Nisi.

No. T. 14. In the Matter of the Intestate Estate of Dewenimuni
Aron Seneviratna of Omatta, deceased.

Mily Margarette Seneviratne (nee) Senaratna of
Kalutara Petitioner.
Vs.

(1) Edwim Ethelbert de Silva Seneviratna of Bentota, as guardian *ad litem* of (2) Padmini Hemalatha Seneviratna, (3) Chandraseelie Seneviratna, (4) Swarnalatha Seneviratna, (5) Sujatha Thamarasa Seneviratna, (6) Gammu Seneviratna, (7) Kithsiri Mewan Seneviratna, minors, residing at Kalutara. Respondents.

THIS matter coming on for disposal before Walter Talgoda-pitiya, Esq., District Judge of Balapitiya, on March 15, 1946, in the presence of Messrs. De Alwis & Bodnagoda, Proctors, on the part of the above-named petitioner; and the affidavit of the petitioner, dated February 26, 1946, having been read:

It is ordered that the 1st respondent be and he is hereby appointed guardian *ad litem* over the 2nd-7th minor respondents.

And it is further ordered that the petitioner, as widow of the said deceased, be declared entitled to have letters of administration to the estate of the above-named deceased and that letters be issued to her accordingly, unless the above-named respondents or any other person or persons shall, on or before April 26, 1946, show sufficient cause to the satisfaction of this Court to the contrary.

March 15, 1946.

W. TALGODAPITIYA,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Edmund
Jurisdiction. Kuruneru, deceased, of Blantyre District of the
No. 8,175. Nayasland Protectorate.

Juwan Badaturuge Anulawathie of Magalle Petitioner.
THIS matter coming on for disposal before S. J. C. Schokman, Esq., District Judge of Galle, on March 18, 1946, after reading the petition and affidavit of the petitioner above named dated March 7, 1946, and the motion of Messrs. Wijekulasuriya & Nimal Kulasooriya, Proctors, on the part of the petitioner:

It is ordered that the petitioner above named be and she is hereby declared entitled to have letters of administration to the estate of the deceased issued to her, as the widow and sole heir of the said deceased, unless any person or persons interested, shall, on or before May 10, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 18, 1946.

S. J. C. SCHOKMAN,
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Hewa Marambage Piyasena of Denuwala, de-
No. 4,296. ceased.

Hewawasan Gurukandage Dayawathie of Denuwala Petitioner
and

(1) Hewa Marambage Beatrice, (2) ditto Cyril, (3) ditto Santa,
(4) ditto Dayananda, all of Denuwala, 1-4 respondents are
minors, by their guardian *ad litem* (5) Hewawasan Guru-
kandage Saranapala of Dalawella Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Matara, on February 11, 1946, in the presence of Mr. S. Samarasinghe, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated January 30, 1946, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents or any other person or persons interested in the estate shall, on or before April 15, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 5th respondent be appointed guardian *ad litem* over the 1st to 4th minor respondents, unless the respondents or others interested in the estate shall, on or before April 15, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 11, 1946.

K. D. DE SILVA,
District Judge.

In the District Court of Jaffna (sitting at Point Pedro).

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Arumugam Nagamany of Puloly East, Point
No. 305 P.T. Pedro.

Sellamuttu, widow of Nagamany of Puloly East. Petitioner.

(1) Nagamany Subramaniam, (2) Nagamany Ponniah, (3)
Nagamany Karagasabai, (4) Sinnathambiy Tharmalingam, and (5)
wife, Rasamurthiam, all of Puloly East Respondents.

THIS matter coming on for disposal before Eardley Wijeyawadene, Esq., Additional District Judge, on March 27, 1946, in the presence of Mr. M. Esurapadham, Proctor, for the petitioner; and on reading the petition and affidavit of the petitioner dated March 26, 1946.

It is ordered that the petitioner be declared entitled to obtain letters of administration to the estate of the deceased, Arumugam Nagamany, as widow of the said deceased, and that letters of administration be accordingly issued to the petitioner, unless the respondents appear before this court, on or before May 9, 1946, and show cause to the satisfaction of this court to the contrary.

March 27, 1946.

E. W. WIJEYAWARDENE,
Additional District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Victoria-
Jurisdiction. pillai, widow of Bernardpillai Joachimpillai of
No. 537. Cathedral street in Jaffna, deceased.

Joachimpillai Arulnayakam Dominic of Cathedral street in
Jaffna Petitioner.

Vs.
(1) Joachimpillai Francis Benedict, (2) Joachimpillai Simon
Joseph and (3) Joachimpillai Benjamin Victor all of
Cathedral street in Jaffna Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on March 15, 1946, in the presence of Mr. Vital A. Moses, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated March 12, 1946, having been read:

It is ordered that the petitioner be and he is hereby appointed administrator to the estate of the deceased above named as the eldest son and as one of the heirs of the said deceased, and that letters of administration to the said estate be issued to him accordingly, unless the respondents or any other person or persons interested in this matter shall appear before this court on or before April 26, 1946, and show sufficient cause to the satisfaction of this court to the contrary.

March 15, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Andypillai Nagalingam of Tirunelvely West,
No. 538. deceased.

Sinnammah, widow of Andypillai Nagalingam of Tirunelvely
West Petitioner.

Vs.
(1) Nagalingam Vythialingam of Kajang in the State of Selan-
gore, Malay Peninsula, minor, (2) Peranatham, (daughter of
Nagalingam of Tirunelvely West, (3) Gunapoopathy
(minor), daughter of Nagalingam of ditto, (4) Veeragaththy
Sockalingam of Tirunelvely West Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on March 20, 1946, in the presence of Mr. R. Sivagurunather, Proctor, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named 4th respondent be appointed guardian *ad litem* over the minors, the above-named 2nd and 3rd respondents, and that letters of administration to the estate of the above-named, deceased, be issued to the petitioner, as the legal widow of the said deceased, unless the respondents or any other person shall, on or before May 15, 1946, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

March 20, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Vairamuttu
Jurisdiction. Sundaram of Achchevely, deceased.
No. 376.

Vairamuttu Saravanamuttu of ditto Petitioner.

Vs.
(1) Ponnammah, wife of Ponniah and her husband (2) V. K.
Ponmah of ditto Respondents.

THIS matter of the petition praying that letters of administration to the estate of the above-named deceased be granted to the petitioner coming on for disposal before S. S. J. Gunasekera, Esq., District Judge of Jaffna, on August 24, 1945, in the presence of Mr. V. Navaratna Rajah, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is declared that the petitioner be entitled to have letters of administration to the estate of the said intestate unless the respondents or any other shall, on or before January 23, 1946, at 10 A.M. show sufficient cause to the satisfaction of this court to the contrary.

December 18, 1945.

Extended to April 16, 1946.

R. R. SELVADURAI,
District Judge.R. R. SELVADURAI,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Warnakulasuriya Ichchampullige Agnes Fernando of No. 2,355. Kolinjadiya, deceased.

Kuranage Edward Joseph Perera of Wennappuwa. Petitioner.
Vs.

(1) Kuranage Antony Benedict Porora of Wennappuwa (minor), (2) Warnakulasuriya Elaris Fernando, Village Headman of Katumeriya Respondents.

THIS matter coming on for disposal before V. H. Wijeyaratne, Esq., District Judge of Chilaw, on March 1, 1946, in the presence of Mr. H. H. A. Jayawardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 1, 1946, having been read and the respondents above named being present in court:

It is ordered that the above-named 2nd respondent be and he is hereby appointed guardian *ad litem* over the 1st respondent above named, who is a minor, for the purpose of these proceedings and that the said petitioner be and he is hereby declared entitled, as husband of the said deceased, Warnakulasuriya Ichchampullige Agnes Fernando, to have letters of administration to her estate issued to him accordingly, unless the said respondents or any other person or persons interested shall, on or before March 29, 1946, show sufficient cause to the contrary.

March 1, 1946.

V. H. WIJEYARATNE,
District Judge.

Time for showing cause is extended to May 3, 1946.

April 1, 1946.

V. H. WIJEYARATNE,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Bastian Fredrick Paulinus of Colombo, No. 547. deceased.

Nesam Paulinus of Koddamunai in Batticaloa Petitioner.

THIS matter coming on for disposal before L. B. de Silva, Esq., District Judge of Batticaloa, on March 21, 1946, in the presence of Mr. J. L. Tisseverasinghe, Proctor, on the part of the petitioner above named; and the affidavit and petition of the petitioner dated March 20 and March 21, 1946, respectively, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow and sole heir of the deceased above named, to have letters of administration to the estate of the deceased issued to her accordingly, unless any person or persons interested shall, on or before April 2, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 21, 1946.

L. B. DE SILVA,
District Judge.The above *Order Nisi* is extended to April 25, 1946.

April 2, 1946.

L. B. DE SILVA,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Ramanathan Hardy Elalasingham of No. 549. Batticaloa, deceased.

E. F. P. Elalasingham of Pulantivu in Batticaloa Petitioner.
Vs.

(1) Ellen Mary Sothmalay Elalasingham, (2) Harold Amrthanayagam Elalasingham, (3) Torrington Thillanayagam Elalasingham, (4) Victoria Magdalene Parmalam Elalasingham, (5) Basil Chelliah Ramanathan, all of Pulantivu in Batticaloa Respondents.

THIS matter coming on for disposal before L. B. de Silva, Esq., District Judge of Batticaloa, on February 25, 1946, in the presence of Mr. J. L. Tisseverasinghe, Proctor, on the part of the petitioner above named; and the affidavit and petition of the petitioner dated February 22 and February 25, 1946, respectively, having been read:

It is ordered that the 5th respondent above named be and he is hereby appointed guardian *ad litem* over the minors, the 2nd, 3rd and 4th respondents above named, for the purpose of this action, unless the respondents above named or any other person or persons interested shall, on or before April 4, 1946, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before April 4, 1946, show sufficient cause to the satisfaction of this court to the contrary.

February 25, 1946.

L. B. DE SILVA,
District Judge.The above *Order Nisi* is extended to April 30, 1946.

April 4, 1946.

L. B. DE SILVA,
District Judge.**MISCELLANEOUS NOTICES.****Estate of the late A. C. Fernando, Beruwala.**

ESTATE of the late Ahangama Widanelage Cameris Fernando. The Public Trustee of Ceylon hereby gives notice that he is administering from February 23, 1946, the estate of Ahangama Vidanelage Cameris Fernando, late of Old road, Beruwala, under and by virtue of probate granted in D. C., Colombo, testamentary case No. 11,801, and that all persons having claims against the said estate as creditors, next-of-kin, legatees or in any other manner whatsoever and all persons owing monies to the said estate should send notifications of their claims or debts to reach the said Public Trustee at his office in Bambalapitiya, on or before May 10, 1946, after which date, he will proceed to make distribution of the assets of the said estate and will recognise in such distribution only such claims as shall have previously been established to his satisfaction.