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PART II.—LEGAL.

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PASSED ORDINANCES.

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

No. 53 of 1946.

L. D.—O. 37/45/M. L. A.—BA. 657

An Ordinance to amend and consolidate the law relating to the election of members of local authorities.

J. C. HOWARD.

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 Local Authorities Elections Ordinance, No. 53 of 1946, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette* (hereinafter referred to as "the appointed date").

Short title.

2. (1) The provisions of this Ordinance shall, with effect from the appointed date, apply to every Municipal Council, Urban Council and Town Council constituted or to be constituted under the provisions of any written law applicable in that behalf.

Application of Ordinance.

(2) The provisions of this Ordinance shall apply, to each Village Committee constituted or to be constituted under the provisions of any written law applicable in that behalf, with effect from such date as the Governor may specify, by Order published in the *Gazette*, in relation to such Committee.

3. Every municipality, every town, and the village area administered or to be administered by each Village Committee to which this Ordinance has been applied by Order published under section 2, shall be an electoral area for the purposes of this Ordinance.

Electoral areas.

Part I.

SUPERVISING STAFF.

4. (1) The Governor may, for the purposes of this Ordinance, appoint, whether by name or by office—

Officers and staff

(a) a fit and proper person to be or to act as the Commissioner of Elections (Local Bodies) and any other such person or each of two or more such persons to be or to act as an Assistant Commissioner of Elections (Local Bodies) and

(b) for each district of the Island a fit and proper person to be or to act as the Elections Officer and any other such person or each of two or more such persons to be or to act as an Assistant Elections Officer.

(2) The Governor may also appoint or authorise the appointment of such clerical and minor staff as may be necessary to assist the aforesaid officers in the performance of their duties under this Ordinance.

(3) Every person appointed under the preceding provisions of this section shall be deemed for all purposes to be a public servant and shall be paid such salary and allowances out of the general revenue as may be determined or approved by the Governor.

Powers and duties of officers.

5. (1) In the exercise or performance of the powers or duties conferred or imposed by this Ordinance—

- (a) the Commissioner shall be subject to the general or special directions of the Minister for Local Administration ; and
- (b) each Elections Officer shall be subject to the general supervision and control of the Commissioner.

(2) Subject to any directions issued by the Minister, and subject to the general supervision and control of the Commissioner—

- (a) each Assistant Commissioner may exercise or perform the powers or duties conferred or imposed by this Ordinance upon the Commissioner ; and
- (b) each Assistant Elections Officer may exercise or perform the powers or duties conferred or imposed by this Ordinance upon an Elections Officer.

Part II.

QUALIFICATIONS OF VOTERS AND MEMBERS, AND VACATION OF OFFICE BY MEMBERS.

Qualifications of voters.

Disqualifications of voters

6. (1) No person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a local authority if such person at that time—

- (a) is not a British subject ; or
- (b) is less than twenty-one years of age ; or
- (c) is a person who stands adjudged by a competent court to be of unsound mind ; or
- (d) is serving, or has during the period of five years immediately preceding completed the serving of, a sentence of not less than three months imposed on him upon conviction by any court in Ceylon of any offence made punishable with imprisonment of either description for a period of not less than one year by the Penal Code (not being an offence under Chapter VI thereof or an offence of abetting or conspiring to commit any offence under that Chapter) or upon conviction of a like offence by any court in any other part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction ; or is under sentence of death imposed by any such court or is serving, or has during the period of five years immediately preceding completed the serving of, any term of imprisonment for a period of not less than three months awarded in lieu of execution of such sentence of death ; or
- (e) is a person to whom section 81 of this Ordinance applies ; or
- (f) is a person to whom the provisions of section 5 of the Public Bodies (Prevention of Corruption) Ordinance apply.

(2) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time after the appointed date—

- (a) is removed from the office of Chairman or member of any Urban Council or Town Council by Order published under section 196 of the Urban Councils Ordinance or section 197 of the Town Councils Ordinance, as the case may be ; or
- (b) is removed from the office of Chairman of any Village Committee by Order published under section 61 of the Village Communities Ordinance ; or
- (c) is convicted of the offence of bribery or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held for the purposes of the Village Communities Ordinance, such conviction not being set aside in appeal ; or
- (d) is convicted of an offence under sub-section (5) or sub-section (6) of section 19 of the Village Communities Ordinance, such conviction not being set aside in appeal,

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shall be qualified, for a period of five years reckoned from the date of such removal from office or such conviction, as the case may be, to vote at any election under this Ordinance of a member of a local authority.

(3) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a Municipal Council if such person—

- (a) has, during the period of five years immediately preceding that time (whether before or after the appointed date), been convicted of an offence under any of the following provisions of the Colombo Municipal Council (Constitution) Ordinance, namely, sections 19, 53 and 55 (1), such conviction not having been set aside in appeal; or
- (b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with an election held under that Ordinance, such conviction not having been set aside in appeal.

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(4) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of an Urban Council if such person—

- (a) has, during the period of five years immediately preceding that time (whether before or after the appointed date), been convicted of an offence under any of the following provisions of the Urban Councils Ordinance, namely, sections 23, 27 and 28, such conviction not having been set aside in appeal; or
- (b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(5) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a Town Council if such person—

- (a) has, during the period of five years immediately preceding that time (whether before or after the appointed date), been convicted of an offence under any of the following provisions of the Town Councils Ordinance, namely, sections 23, 27 and 28, such conviction not having been set aside in appeal; or
- (b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(6) (a) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to vote at any election under this Ordinance of a member of a Village Committee if such person at that time—

- (i) is a labourer, or kangany in charge of labourers, employed on any plantation and in occupation of any building on the plantation provided by the employer for the accommodation of any such labourer or kangany, or is the spouse or a child or a dependent of any such labourer or kangany and is living with him in any such building on any such plantation; or
- (ii) is a person to whom the provisions of section 5 (1) (a) or section 5 (2) (a) of the Village Communities Ordinance apply.

(b) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time before the appointed date—

- (i) has been removed from the office of Chairman of a Village Committee by Order published under section 61 of the Village Communities Ordinance; or
- (ii) has been convicted of the offence of bribery or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held for the purposes of that Ordinance, such conviction not having been set aside in appeal; or

- (iii) has been convicted of an offence under sub-section (5) or sub-section (6) of section 19 of that Ordinance, such conviction not having been set aside in appeal,

shall be qualified, for a period of four years reckoned from the date of such removal from office or such conviction, as the case may be, to vote at any election under this Ordinance of a member of a Village Committee.

Insertion of names in electoral lists of electoral areas which are not village areas.

7. (1) Every person who, on the date of the commencement of the preparation or revision of the electoral list of any ward of an electoral area (not being a village area), is not disqualified by reason of the operation of any of the provisions of section 6, from voting at any election of a member of the local authority of such area, shall be entitled to have his name entered in the list if such person on that date—

- (a) is resident within the limits of the ward to which the list relates and has been resident within the limits of that or any other ward of the area for a continuous period of at least six months in the period of eighteen months immediately preceding that date, being either—
- (i) the tenant of any qualifying property situated within the limits of the ward to which the list relates, in respect of which property he pays a monthly rental of not less than one rupee, or
 - (ii) the owner of any qualifying property which is situated within the limits of the area and is assessed at an annual value of not less than ten rupees; or
 - (iii) a person in possession of an income of not less than sixty rupees a year; or
- (b) not being or having been so resident, is the owner of any qualifying property which is situated within the limits of the ward to which the list relates and is assessed at an annual value of not less than six hundred rupees.

(2) The wife or husband, as the case may be, of every person who is entitled, under sub-section (1), to have his or her name entered in the electoral list prepared or revised for any ward of an electoral area (not being a village area) and whose name is so entered therein, shall also be entitled to have her or his name entered in the list if such wife or husband on the date of the commencement of the preparation or revision of the list is not disqualified, by reason of the operation of any of the provisions of section 6, from voting at any election of a member of the local authority of such area.

(3) A company which, on the date of the commencement of the preparation or revision of the electoral list of any ward of an electoral area (not being a village area), is either the tenant of any qualifying property situated within the limits of that ward, in respect of which such company pays a monthly rental of not less than one rupee or the owner of any qualifying property which is so situated and is assessed at an annual value of not less than ten rupees, shall be deemed to be a person entitled to be included in the list, and the registered name of that company may accordingly be entered in the list.

Any person authorised in that behalf by a company whose name has been so entered in the list, either by a general power of attorney or by a special resolution of the directors of the company, shall be entitled to vote on behalf of the company at any election of a member for that ward:

Provided that nothing in this sub-section shall be construed or deemed, for the purposes of this Ordinance, to confer on any company or any person authorised to vote on behalf of a company any qualification or right to be a candidate for election or to be elected as a member of the local authority of such area.

(4) Where two or more persons are the tenants of any qualifying property, the monthly rental payable under the contract of letting or hiring relating to such property shall, for the purposes of this section, be divided in the proportion of the amounts respectively payable as monthly rental by each tenant under such contract; and if, upon such division, the amount of the monthly rental payable by any tenant is equal to or exceeds one rupee, that tenant shall, for the purposes of paragraphs (a) (i) of sub-section (1) or of sub-section (3), be deemed to be a tenant of such property, notwithstanding that he is not the sole tenant of such property.

(5) Where two or more persons are the owners of any qualifying property, the annual value at which such property is assessed, shall, for the purposes of this section, be divided

in the proportion of their several shares in such property ; and if, upon such division, the amount of the annual value which corresponds to the share of any owner—

- (a) is equal to or exceeds ten rupees, such owner shall, for the purposes of paragraph (a) (ii) of sub-section (1) or of sub-section (3), be deemed to be an owner of such property, notwithstanding that he owns only a share in such property and that such share does not bear a separate assessment number ; or
- (b) is equal to or exceeds six hundred rupees, such owner shall, for the purpose of paragraph (b) of sub-section (1), be deemed to be an owner of qualifying property, notwithstanding that he owns only a share in such property and that such share does not bear a separate assessment number.

(6) For the purposes of this section—

“ company ” means any company which is incorporated or registered in Ceylon or in any other part of the British Empire under any law for the time being in force therein in that behalf ;

“ owner ” includes a fiduciary and a person entitled to a usufruct for life, but does not include a usufructuary mortgagee ;

“ qualifying property ”—

- (a) in relation to a tenant, means any land, house, building or tenement, or any part thereof, whether or not it bears a separate assessment number ;
- (b) in relation to an owner, means any land, house, building or tenement, or any part thereof, which bears a separate assessment number ;

“ tenant ” means the person in possession or occupation, whether as lessee, sub-lessee, tenant, or sub-tenant, of any property under any contract of letting or hiring.

8. Every person who, on the date of the commencement of the preparation of the electoral list of any ward of an electoral area which is a village area, is not disqualified, by reason of the operation of any of the provisions of section 6, from voting at any election of a member of the Village Committee of such area, shall be entitled to have his name entered in the list if such person, on that date, is resident within the limits of that ward and has been resident within the limits of that or any other ward of the area for a continuous period of at least six months in the period of eighteen months immediately preceding that date.

Insertion of names in electoral lists of electoral areas which are village areas.

Qualifications of members.

9. Every person, who is not disqualified as provided by section 10, and whose name appears in the electoral list, for the time being in force, of any ward of an electoral area shall—

General qualification for membership

- (a) where such area is a municipality or a town, be qualified for election under this Ordinance to the local authority of the area as a member for that or any other ward of the area ; and
- (b) where such area is a village area, be qualified for election under this Ordinance to the local authority of the area as a member for that or any other ward of the area if such person is possessed of immovable property the value of which, exclusive of any mortgage debts thereon, is not less than two hundred rupees, or of an income of not less than sixty rupees per annum.

10. (1) No person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any local authority, if such person at that time—

Disqualifications for membership.

- (a) is not a British subject ; or
- (b) is less than twenty-one years of age ; or
- (c) is unable to read and write English or Sinhalese or Tamil ; or
- (d) is the holder of any public office under the Crown in Ceylon ; or
- (e) is an officer or servant of such authority in actual employment by and in receipt of a salary from such authority ; or

- (f) directly or indirectly, himself or by any other person whatsoever in trust for him or for his use or benefit or on his account, holds or enjoys, in the whole or in part, any contract or agreement or commission made or entered into with or accepted from any person for or on account of such authority : provided that nothing therein contained shall extend to any pension or gratuity granted by such authority in respect of past service, nor to any contract, agreement or commission entered into or accepted in its corporate capacity by any incorporated trading company in which such person may be a member or a shareholder ; or
- (g) is a person who stands adjudged by a competent court to be of unsound mind ; or
- (h) is an uncertificated or undischarged bankrupt or insolvent ; or
- (i) is serving, or has during the period of five years immediately preceding completed the serving of, a sentence of not less than three months imposed on him upon conviction by any Court in Ceylon of any offence made punishable with imprisonment of either description for a period of not less than one year by the Penal Code not being an offence under Chapter VI. thereof or an offence of abetting or conspiring to commit any offence under that Chapter) or upon conviction of a like offence by any court in any other part of His Majesty's dominions or in any territory under His Majesty's protection or in any territory in which His Majesty has from time to time jurisdiction ; or is under sentence of death imposed by any such court or is serving, or has during the period of five years immediately preceding completed the serving of, any term of imprisonment for a period of not less than three months awarded in lieu of execution of such sentence of death ; or
- (j) is a person to whom the provisions of section 81 of this Ordinance apply ; or
- (k) is a person to whom the provisions of section 5 of the Public Bodies (Prevention of Corruption) Ordinance apply ; or
- (l) is serving, or has during the period of five years immediately preceding completed the serving of, the whole or a part of a sentence of imprisonment of either description for a term of three months or any longer term on conviction of any crime within the meaning of the Prevention of Crimes Ordinance.

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(2) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time after the appointed date—

- (a) is removed from the office of Chairman or member of any Urban Council or Town Council by Order published under section 196 of the Urban Councils Ordinance or section 197 of the Town Councils Ordinance, as the case may be ; or
- (b) is removed from the office of Chairman of a Village Committee by Order published under section 61 of the Village Communities Ordinance ; or
- (c) is convicted of the offence of bribery or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held for the purposes of the Village Communities Ordinance, such conviction not being set aside in appeal ; or
- (d) is convicted of an offence under sub-section (5) or sub-section (6) of section 19 of the Village Communities Ordinance, such conviction not being set aside in appeal,

shall be qualified, for a period of five years reckoned from the date of such removal from office or conviction, as the case may be, to be elected under this Ordinance, or to sit or to vote, as a member of any local authority.

(3) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Municipal Council if such person—

- (a) has, during the period of five years immediately preceding that time (whether before or after the appointed date), been convicted of an offence under any of the following provisions of the Colombo Municipal Council (Constitution) Ordinance, namely, sections 19, 53 and 55 (1), such conviction not having been set aside in appeal ; or

(b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with an election held under that Ordinance, such conviction not having been set aside in appeal.

(4) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Urban Council if such person—

(a) has, during the period of five years immediately preceding that time (whether before or after the appointed date), been convicted of an offence under any of the following provisions of the Urban Councils Ordinance, namely, sections 23, 27 and 28, such conviction not having been set aside in appeal; or

(b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(5) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Town Council if such person—

(a) has, during the period of five years immediately preceding that time (whether before or after the appointed date), been convicted of an offence under any of the following provisions of the Town Councils Ordinance, namely, sections 23, 27 and 28, such conviction not having been set aside in appeal; or

(b) has, during the period aforesaid, been convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election held under that Ordinance, such conviction not having been set aside in appeal.

(6) (a) Without prejudice to the generality of the provisions of sub-section (1), no person shall, at any time, be qualified to be elected under this Ordinance, or to sit or to vote, as a member of any Village Committee if such person at that time—

(i) is a labourer, or kangany in charge of labourers, employed on any plantation and in occupation of any building on the plantation provided by the employer for the accommodation of any such labourer or kangany, or is the spouse or a child or a dependant of any such labourer, or kangany, and is living with him in any such building on any such plantation; or

(ii) is a person to whom the provisions of section 5 (1) (a) or section 5 (2) (a) of the Village Communities Ordinance apply.

(b) Without prejudice to the generality of the provisions of sub-section (1), no person who, at any time before the appointed date—

(i) has been removed from the office of Chairman of any Village Committee by Order published under section 61 of the Village Communities Ordinance; or

(ii) has been convicted of the offence of bribery or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with an election held for the purposes of that Ordinance, such conviction not having been set aside in appeal; or

(iii) has been convicted of an offence under sub-section (5) or sub-section (6) of section 19 of that Ordinance, such conviction not having been set aside in appeal,

shall be qualified, for a period of four years reckoned from the date of such removal from office or conviction, as the case may be, to be elected under this Ordinance, or to sit or to vote, as a member of any Village Committee.

(7) For the purposes of this section, the expression “the holder of any public office under the Crown” does not include—

(a) a Justice of the Peace;

(b) a Justice of the Peace and Unofficial Magistrate;

(c) a Commissioner for Oaths;

(d) an Inquirer appointed under section 120 of the Criminal Procedure Code; or

(e) the holder of any other public office declared by the Governor by Order published in the *Gazette* to be an office not included in that expression.

Vacation of office.

Vacation of
membership.

11. (1) Where any member of a local authority is, by reason of the operation of any of the provisions of section 10, disqualified from sitting or voting as a member of such authority, his seat or office shall *ipso facto* become vacant.

(2) Where the seat or office of a member of a local authority becomes vacant by reason of the operation of the provisions of sub-section (1), the provisions of the Ordinance by or under which such authority is constituted shall apply for the purpose of filling up the vacant seat or office in like manner as they would have applied if such member had resigned his seat or office.

Penalty for
acting as
member after
office is vacated.

12. Every person who knowingly acts in the office of a member of any local authority, after his seat or office becomes vacant under the provisions of section 11, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one hundred rupees in respect of each day on which he so acts as a member.

Part III.**PREPARATION AND REVISION OF ELECTORAL LISTS.***Notice of preparation of lists.*

Preparation of
electoral lists.

13. (1) For the purposes of each general election of the members of the local authority for any electoral area, the Elections Officer of the district in which that area is situated shall, unless the Governor by Order published under section 14 otherwise directs, prepare, in English, and according to the requirements of the area, in Sinhalese or in Tamil or both in Sinhalese and in Tamil, an electoral list for each ward of the area.

(2) The preparation of the electoral lists for the purposes of a general election shall—

(a) where the electoral area is a municipality or a town, commence on the first day of May of the year preceding the year in which the term of office of the members to be elected at the general election is due to commence; and

(b) where the electoral area is a village area, commence on the first day of September of the year preceding the year in which the term of office of the members to be elected at the general election, is due to commence.

(3) The Elections Officer shall, not later than ten days before the date of the commencement of the preparation of the electoral lists, publish a notice of his intention to prepare the lists. The date aforesaid shall be specified in the notice.

Governor's
power to direct
that electoral
lists should
not be prepared.

14. The Governor may, as respects any general election of the members of a local authority, by Order published in the *Gazette*, direct that, notwithstanding anything in this Ordinance, no electoral lists shall be prepared for the purposes of such election. The Governor may, by the same or any subsequent Order, further direct that the electoral lists to be used for the purposes of such election shall be such lists as may be specified in the Order; and every such order shall, upon such publication, be as valid and effectual as if it were herein enacted.

Revision of
electoral lists
for the time
being in force.

15. (1) The electoral lists prepared in any year for the purposes of a general election of any local authority (other than a Village Committee), shall be revised in each of the two succeeding years.

(2) The revision of the electoral lists shall commence on the first day of May of each year in which the lists are required to be so revised by sub-section (1).

(3) The Elections Officer shall, not less than ten days before the date of the commencement of the revision of the electoral lists, publish a notice of his intention to revise the lists. The date aforesaid shall be specified in the notice.

Duties of Elections Officer in preparation and revision of lists.

Duties of
Elections
Officer in
preparation
and revision
of electoral
lists.

16. (1) In the preparation of electoral lists, an Elections Officer shall enter in the lists the name of every person who is entitled, under this Ordinance, to have his name so entered.

(2) In the revision of electoral lists an Elections Officer shall—

(a) erase from the lists the name of every person who has died, or who is not or has ceased to be entitled under this Ordinance to have his name entered therein;

- (b) enter in the lists the name of any person who, not being a person whose name appears in the lists, is entitled as aforesaid to have his name so entered;
- (c) rectify any error or supply any omission in the particulars relating to any person;
- (d) make such other alterations in the lists as may appear to the Elections Officer to be necessary, not being an alteration referred to in any of the preceding paragraphs.

(3) For the purposes of the preparation or revision of electoral lists under this Ordinance, an Elections Officer may make such house-to-house or other inquiry as he may deem necessary, either by himself or through any fit and proper person authorised by him in that behalf.

(4) All officers in the service of the Government other than officers in the Income Tax Department, and all local authorities are hereby authorised and required to furnish to an Elections Officer all such information as he may require to enable him to prepare or revise electoral lists under this Ordinance.

Notice of completion of preparation or revision of lists.

17. An Elections Officer shall, on the completion of the preparation or revision of the electoral lists of the wards of any electoral area, publish a notice stating that such preparation or revision has been completed. The lists or copies thereof shall be open for inspection, free of charge, during office hours at the office of the local authority of such area and the notice aforesaid shall contain a statement to the effect that the lists are so open for inspection.

Notice of completion of preparation of electoral lists.

Claims and objections.

18. (1) Upon the publication of a notice under section 17 in respect of the electoral lists of the wards of any electoral area—

Claims and objections.

- (a) any person who claims to be entitled, under this Ordinance, to have his name entered in any such list and whose name is not so entered, may apply to have his name entered therein;
- (b) any person who claims that his name has been entered in the wrong electoral list, may apply to have his name transferred to any other list;
- (c) any person whose name is entered in any such list and who objects to the name of any other person appearing therein, may apply to have the name of such other person erased therefrom.

Every application under paragraph (a) or paragraph (b) (hereinafter referred to as a "claim") and every application under paragraph (c) (hereinafter referred to as an "objection") shall be made in writing to the Elections Officer of the district in which the area is situated not later than fourteen days from the date of the publication of the notice.

(2) No claim or objection shall be entertained by the Elections Officer unless it is made within the time specified by sub-section (1).

19. (1) Upon the expiry of a period of fourteen days from the date of the publication of the notice under section 17 in respect of the electoral lists of the wards of any electoral area, the Elections Officer of the district in which the area is situated shall, if any claim or objection has been duly made in respect of the lists, publish a notice—

Publication and hearing of claims and objections.

- (a) setting out each claim or objection so made;
- (b) indicating that at a time and date specified in such notice he will attend at the office of the local authority of the area or at such other place as he may specify in such notice for the purpose of hearing each such claim or objection; and
- (c) calling upon every claimant and every person who desires to oppose any claimant, every objector and every person in regard to whom an objection has been made, to appear before him at the date and at the time and place so indicated.

(2) (a) The Elections Officer shall attend on the date, and at the time and place, indicated in the notice and shall decide each claim or objection set out in the notice after such summary inquiry as he may deem necessary, either on that date or within the period of ten days next succeeding that date.

(b) Before deciding any claim or objection under this section, the Elections Officer shall give the claimant and every person who desires to oppose the claim or the objector and the person in regard to whom the objection is made, as the case may be, an opportunity of being heard.

(c) The Elections Officer shall keep a record in writing of all proceedings taken by him under this section for the purpose of deciding any claim or objection.

(3) For the purpose of deciding any claim or objection, the Elections Officer may administer an oath or affirmation, and any person knowingly making any false statement upon such oath or affirmation shall be guilty of an offence and shall be liable to the penalties prescribed by the Penal Code for the offence of giving false evidence in a judicial proceeding.

(4) The decision of the Elections Officer under this section on every claim or objection shall, subject to the provisions of sections 21 and 22, be final and conclusive.

(5) The Elections Officer shall, after deciding all the claims and objections made in respect of the electoral lists, make such amendments in the lists as he may deem necessary to give effect to any such decision.

No person's name to appear in the electoral list of more than one ward.

20. No person shall be entitled to have his name entered in the electoral list of more than one ward of any electoral area, and in the event of any person's name being entered in the electoral list of more than one such ward, the Elections Officer of the district in which the area is situated may, at any time, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, the electoral list in which he desires his name to be retained, and in default of such declaration being made, the Elections Officer may himself determine the electoral list in which the name of such person shall be retained, and may erase the name from the other electoral lists accordingly.

Appeals.

Appeals from decision of Elections Officer.

21. (1) If any claimant or objector or person in regard to whom an objection has been made is dissatisfied with the decision of any Elections Officer on any claim or objection, relating to the electoral lists of the wards of any electoral area, he may, not later than ten days from the date of such decision appeal therefrom to the Supreme Court on any question of law involved in such decision, but not on any other grounds.

(2) Every appeal under this section shall be preferred by means of a petition bearing a stamp or stamps to the value of five rupees. The petition of appeal shall be filed with the Elections Officer, who shall forward it forthwith to the Registrar of the Supreme Court together with the record of the proceedings to which the appeal relates.

(3) The appellant in his petition shall name a respondent to the appeal, and such respondent shall—

- (a) if the appellant is a claimant, be the Elections Officer ;
- (b) if the appellant is an objector, be the person in regard to whom the objection is made ;
- (c) if the appellant is a person in regard to whom an objection is made, be the objector.

(4) The appellant shall, within three days of the filing of the petition with the Elections Officer, serve a copy of the petition on the respondent either personally or by leaving the copy at the last known place of abode of the respondent and shall, within five days of the service of the copy, file with the Registrar of the Supreme Court an affidavit stating the time, place, and circumstances of such service.

(5) Every appeal under this section shall be heard and determined by a single Judge of the Supreme Court. No appeal shall lie from an order made by such Judge on any such appeal.

Order of the Supreme Court.

22. At the hearing of any appeal duly preferred in respect of any claim or objection under this Ordinance, the Supreme Court shall, after giving the appellant and the respondent or their respective advocates an opportunity of being heard, make such order as to the claim or objection, and as to the payment of the costs of the inquiry, as it thinks just ; and such order if it directs the insertion, transfer or erasure of any name in the electoral lists shall forthwith be complied with by the Elections Officer by whom the lists were prepared or revised.

Certification of lists.

23. (1) In the case of each electoral area other than a village area, the electoral lists prepared or revised in any year and amended, where necessary, in accordance with the provisions of section 19 or section 20 or section 22, shall be certified by the Elections Officer of the district in which the area is situated on or before the seventh day of October of that year.

Certification
of electoral
lists.

(2) In the case of each electoral area which is a village area, the electoral lists prepared for the purposes of any general election and amended as aforesaid, shall be certified by the Elections Officer of the district in which the area is situated on or before the seventh day of March of the year in which the general election is due to be held.

(3) The Elections Officer may certify the electoral lists under this section during the pendency of any appeal preferred under section 21 in respect of the lists, and shall thereafter, if the order made by the Supreme Court on such appeal so directs, insert, transfer or erase any name in the lists.

(4) Upon the certification as hereinbefore provided of the electoral lists, the lists or copies thereof shall forthwith be open for inspection, free of charge, during office hours at the office of the local authority of the electoral area to which the lists relate. A notice to the effect that the lists are so open for inspection shall be published by the Elections Officer, and if any appeals are pending before the Supreme Court in respect of the lists, the notice aforesaid shall include a statement setting out particulars of every such appeal.

24. The electoral lists of the wards of any electoral area, prepared or revised and certified in any year, shall come into force on the date of such certification and, subject to such alterations as may subsequently be made therein in accordance with section 23 (3), such lists shall continue in force until the date on which the lists next prepared or revised are certified as hereinbefore provided.

Date on which
electoral lists
come into
force.

Part IV.*Elections.*

25. Every general election of the members of a local authority and every by-election of any such member shall be held in the manner hereinafter provided, by this Ordinance.

Elections to
be held under
this Ordinance.

26. (1) Every general election of the members of a local authority shall—

Date of holding
elections.

(a) where such authority is a Municipal Council or an Urban Council or a Town Council, be held in the month of November or December of the year preceding the year in which the term of office of the members who are to be elected is due to commence ;

or

(b) where such authority is a Village Committee, be held in the month of April, May or June of the year in which the term of the office of the members who are to be elected is due to commence.

(2) Every by-election of a member of a local authority shall be held on a date not later than six months from the date of the occurrence of the vacancy for the purpose of filling which the by-election is to be held.

Notice of Nominations.

27. (1) (a) Whenever a general election of the members of a local authority is due to be held in any year, the Elections Officer of the district in which the electoral area of such authority is situated shall publish a notice of his intention to hold such election. The notice shall state, as respects each ward of the area, the date (not being a date earlier than fourteen days or later than twenty-one days from the date of the publication of the notice) on which, and the place at which, candidates for election must be nominated.

Notice of
nominations.

(b) The date of the publication of the notice under paragraph (a) shall—

(i) where the local authority is a Municipal Council or an Urban Council or a Town Council, be a date not earlier than the eighth day or later than the twenty-first day of October of the year in which the general election is due to be held ; or

(ii) where the local authority is a Village Committee, be a date not earlier than the eighth day or later than the twenty-first day of March of the year in which the general election is due to be held.

(2) (a) Whenever a by-election of a member of a local authority is due to be held, the Elections Officer of the district in which the electoral area of such authority is situated shall publish a notice of his intention to hold such election. The notice shall state the ward in which the election is to be held and the date (being a date not earlier than fourteen days or later than twenty-one days from the date of the publication of the notice) on which, and the place at which, candidates for election must be nominated.

(b) The date of the publication of the notice under paragraph (a) shall be such date as may be determined by the Elections Officer.

(3) The date specified in any notice published under this section as the date on which candidates for election must be nominated is hereinafter referred to as the "nomination day" and the place so specified as the place at which such candidates must be nominated is hereinafter referred to as the "place of nomination".

Appointment of returning officers.

Appointment
of returning
officers.

28. (1) For the purposes of every general election of the members of a local authority, the Elections Officer of the district in which the electoral area of such authority is situated shall appoint a person, by name or by office, to be or to act as the returning officer of each ward of the area for the purposes of the election.

(2) For the purposes of every by-election of a member of a local authority, the Elections Officer of the district in which the electoral area of such authority is situated shall appoint a person, by name or by office, to be or to act as the returning officer of the ward in which the election is to be held.

(3) The Elections Officer may, under this section, appoint the same person to be or to act as the returning officer of more than one ward of the same electoral area.

(4) Where any returning officer is, by reason of sickness or other cause, unable to exercise, discharge and perform the powers, functions and duties vested in, assigned to or imposed on him by or under this Ordinance, such returning officer may appoint any other person to act in his place. Every such acting appointment shall, as soon as possible, be reported to the Elections Officer and may be confirmed or disallowed by the Elections Officer, but without prejudice to the validity of anything already done by the person so appointed.

(5) Any Elections Officer may exercise, discharge and perform, in any ward of any electoral area in his district, the powers, functions and duties vested in, assigned to or imposed on returning officers by or under this Ordinance.

Nomination papers and deposits by candidates.

Nomination
papers.

29. (1) Any person who is qualified, under this Ordinance, for election as a member of a local authority may be nominated as a candidate for election for any ward of the electoral area of such authority.

(2) (a) Each candidate for election for any ward shall be nominated by means of a nomination paper or two but not more than two nomination papers, each signed by two persons whose names appear in the electoral list for the time being in force for such ward, as proposer and seconder, respectively.

(b) No person whose name appears in the electoral list for the time being in force for any ward shall sign as proposer or seconder more than one nomination paper for that ward, and if he does so, his signature shall be operative only in the case of the nomination paper which is first delivered.

(c) The written consent of the candidate who is nominated by each nomination paper shall be annexed to, or endorsed on, the nomination paper.

(3) The signatures of the proposer and of the seconder shall be attested by a Justice of the Peace or by a Commissioner for Oaths or by a notary public.

(4) Every nomination paper shall be substantially in the form set out in the First Schedule.

(5) The returning officer of a ward shall, on application made at any date after the publication of the notice under section 27 and before 1 P.M. on the nomination day appointed for that ward, supply free of charge a nomination paper in the prescribed form to any person whose name appears in the electoral list for the time being in force for that ward; but nothing in this Ordinance shall be deemed to preclude the use of any form of nomination paper not supplied by the returning officer, so long as such form does not differ substantially from the form set out in the First Schedule.

Deposits by
candidates.

30. (1) (a) Each candidate for election for any ward of an electoral area or someone on his behalf shall, between the publication of the notice under section 27 in respect of the

election and 1 P.M. on the day immediately preceding the nomination day appointed for that ward, make a deposit with the returning officer of that ward.

(b) The deposit required by paragraph (a) shall—

- (i) where the electoral area is a municipality, be a sum of two hundred and fifty rupees;
- (ii) where such area is a town, be a sum of one hundred rupees;
- (iii) where such area is a village area, be a sum of ten rupees.

(2) No deposit made by or on behalf of a candidate under this section shall be accepted by the returning officer unless it is made within the time limit prescribed by sub-section (1).

(3) Where a deposit under this section is accepted by the returning officer, such officer shall forthwith issue to the person by whom the deposit is made a receipt in writing, signed by such officer, acknowledging his acceptance of such deposit. The receipt shall state—

- (a) the name of the candidate by or on whose behalf the deposit was made; and where the deposit is made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making such deposit, the name of such other person;
- (b) the amount of the deposit; and
- (c) the time and date of the deposit.

31. (1) Every deposit made with a returning officer under section 30 shall forthwith be credited by such officer to a deposit account and shall be disposed of according to the provisions of the sub-sections next following.

Disposal of deposits.

(2) Where the person, in respect of whose candidature a deposit has been made, is not nominated as a candidate for election or withdraws or is deemed to have withdrawn from his candidature under section 35, the deposit shall—

- (a) if it was made by him, be returned to him; or
- (b) if it was made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making the deposit, be returned to such other person.

(3) Where the person, in respect of whose candidature a deposit has been made, dies before the polling commences, the deposit shall—

- (a) if it was made by him, be returned to his legal personal representative; or
- (b) if it was made on his behalf by any other person acting otherwise than as an agent or servant for the purpose of making the deposit, be returned to such other person.

(4) Where the person, in respect of whose candidature a deposit has been made, is not elected, in every case where the number of votes polled by him does not exceed one-eighth of the total number of votes polled at that election, the deposit shall be declared forfeit and shall be transferred by the returning officer with whom it was made from the deposit account to the general revenue of the Island, and in every other case the deposit shall be returned to such person as soon as may be after the result of the election is declared.

(5) Where the person, in respect of whose candidature a deposit has been made, is elected, the deposit shall be returned to him as soon as may be after he assumes office as a member.

(6) For the purposes of this section, the number of votes polled at any election shall be deemed to be the number of votes actually counted and shall not include any votes rejected as void.

Proceedings on nomination day.

32. (1) On the nomination day appointed for any ward, the returning officer of that ward shall attend at the place of nomination from 12 noon to 1 P.M. to receive the nomination papers of the candidates for election for that ward.

Delivery of nomination papers.

(2) Every nomination paper of a candidate must be delivered to the returning officer together with a true copy thereof on nomination day at the place of nomination between 12 noon and 1 P.M., by the candidate or by his proposer or seconder. The receipt referred to in section 30 (3) shall be attached to the first nomination paper so delivered, and if such receipt is not so attached, such candidate shall be deemed to have withdrawn from his candidature under section 35. Every nomination paper delivered otherwise than in accordance with this sub-section shall be rejected by the returning officer.

(3) The returning officer shall forthwith, upon accepting a nomination paper, cause a copy thereof to be posted outside the place of nomination.

(4) The returning officer shall permit each candidate and his proposers and seconders and if the candidate so desires, one other person appointed by the candidate in writing, to be present on nomination day at the place of nomination between 12 noon and 1.30 P.M. and to examine there and between those hours the nomination papers delivered by or on behalf of the other candidates.

Objections
to nomination
papers.

33. (1) Objection may be lodged against a nomination paper of a candidate for election for any ward of an electoral area on all or any of the following grounds but on no other ground—

- (a) that the description of the candidate is insufficient to identify the candidate ;
- (b) that the nomination paper does not comply with or was not delivered in accordance with the provisions of this Ordinance ;
- (c) that it is apparent from the contents of the nomination paper that the candidate is not qualified to be elected ;
- (d) that the provisions of section 30 relating to deposits have not been duly observed.

(2) No objection to a nomination paper of a candidate shall be entertained by the returning officer unless it is lodged between 12 noon and 1.30 P.M. on nomination day.

(3) Every objection to a nomination paper of a candidate shall be in writing signed by the objector and shall specify the ground of the objection.

(4) The returning officer may make a record of and deal with any objection which he may himself find it necessary to take against a nomination paper of a candidate.

(5) The returning officer shall, with the least possible delay, decide on the validity of every objection to a nomination paper of a candidate and inform the candidate of his decision, and, where the objection is upheld, of the grounds of his decision. The decision of the returning officer shall be final and conclusive.

Who may be
present at
nominations.

34. Except for the purpose of assisting the returning officer of any ward, no persons other than the person specified in sub-section (4) of section 32 shall be permitted by the returning officer or be entitled to be present at the proceedings specified in sections 32 and 33.

Withdrawal of
candidates.

35. (1) Before 1 P.M. on the nomination day appointed for any ward, but not afterwards, a candidate for election for that ward, who has delivered or has caused to be delivered any nomination paper or papers, may withdraw his candidature by giving notice to that effect signed by him to the returning officer of that ward.

(2) The returning officer shall forthwith cause notice of such withdrawal to be posted up in a conspicuous position outside the place of nomination.

Procedure
where no
candidate is
nominated on
nomination day.

36. (1) Where in the case of any ward of an electoral area the returning officer finds that no candidate stands duly nominated for election, by reason—

- (a) that at 1 P.M. on the nomination day appointed for that ward, no nomination paper has been duly delivered by or on behalf of any candidate or that the candidate or each of the candidates by or on whose behalf any nomination paper has been duly delivered has withdrawn or is deemed to have withdrawn his candidature as hereinbefore provided ; or
- (b) that the objection or any of the objections taken against the nomination paper or each nomination paper that has been duly delivered has been upheld by the returning officer,

the returning officer shall forthwith report to the Elections Officer of the district in which the area is situated the fact that no candidate has been duly nominated for that ward, and the Elections Officer shall, not later than seven days after the receipt of such report, publish a notice prescribing a date, not being a date less than fourteen days or more than twenty-one days from the date of the publication of the notice, as the second nomination day on which a further opportunity will be afforded for the nomination of candidates for election for that ward, and the place at which such nomination must be made ; and all the provisions of this Ordinance, except the provisions of paragraph (b) of section 27 (1), shall thereupon apply as though such second nomination day were the nomination day referred to in section 27

(3) and as though the place prescribed in the notice published under this sub-section was the place of nomination referred to in section 27 (3).

(2) If for any reason set out in sub-section (1), on the second nomination day appointed for any ward of an electoral area no candidate stands duly nominated for election, the returning officer shall forthwith report the fact through the Elections Officer to the Commissioner, and upon the receipt of such report, the Commissioner shall cause a notice to be published in the *Gazette*, and in such other manner as may appear to him to be best calculated to give publicity thereto, to the effect that no candidate stands duly nominated for such ward on the second nomination day.

(3) From the date of the publication of a notice under sub-section (2) in respect of any ward of an electoral area, no further steps shall be taken under this Ordinance, for the nomination of a candidate or for the election of a member for that ward and the vacant seat or office shall therefore remain unfilled until the next general election of members of the local authority concerned :

Provided, however, that it shall be lawful for the Executive Committee of Local Administration to nominate any person, who is eligible under this Ordinance for election as a member of that authority, to fill up the vacant seat or office ; and the person so nominated shall be deemed, for all purposes, to be a member under the provisions of this Ordinance.

Uncontested elections.

37. Where in the case of any ward of an electoral area not more than one candidate has been duly nominated for election, or after the withdrawal of any other candidate or candidates or after the disposal of any objection or objections taken against any other candidate or candidates, not more than one candidate stands duly nominated for election, the returning officer of that ward shall forthwith declare such candidate to be elected and shall report the result of the election through the Elections Officer of the district in which the area is situated to the Commissioner; and upon the receipt of the report, the Commissioner shall forthwith cause a notice of the result to be published in the *Gazette* and in such other manner as may appear to him to be best calculated to give publicity thereto.

Uncontested elections.

Contested elections.

38. (1) If at 1 P.M. on the nomination day appointed for any ward of an electoral area and after the decision of all objections which have been or may be lodged, more than one candidate stands duly nominated for that ward, the returning officer of that ward shall forthwith allot to each candidate a distinctive symbol which will be set out against his name in the ballot papers to be used at the poll. The distinctive symbol of each candidate shall, in the absence of agreement among the candidates at the time of nomination, be determined by lot, cast or drawn in such manner as the returning officer may in his discretion decide. No symbol whether determined by agreement or by lot, shall be allotted to any candidate unless it appears in a list of symbols approved by the Minister for Local Administration and published in the *Gazette*.

Contested elections.

(2) After the allocation of symbols to the candidates the returning officer shall forthwith—

- (a) adjourn such election to enable a poll to be taken in accordance with the provisions hereinafter set out ;
- (b) report to the Elections Officer of the district in which the electoral area is situated that the election is contested ; and
- (c) send to such Elections Officer copies of the nomination papers of the candidates who stand duly nominated and a statement of the distinctive symbols allotted to such candidates.

39. Upon the receipt of a report under section 38 in respect of any ward of an electoral area, the Elections Officer of the district in which the area is situated shall forthwith publish a notice specifying—

Notice of poll.

- (a) the ward in which the election is contested ;
- (b) the names of the candidates as set out in their respective nomination papers and the names of their proposers and seconders ;
- (c) the distinctive symbols allotted to such candidates ;
- (d) the date on which a poll will be taken, such date being not less than fourteen days nor more than twenty-eight days from the date of the publication of the notice ;

- (e) (i.) the situation of each of the polling stations that will be provided for the purposes of the election ;
- (ii.) the groups of voters for whom each such polling station will be set apart, such group being specified either by reference to the area in which such voters reside or to the numbers assigned to them in the electoral lists ; and
- (iii.) the particular polling stations, if any, set apart for female voters or any specified class or group of female voters.

Death of candidate after nomination.

40. In the event of the death of a candidate for election for any ward of an electoral area between the adjournment of the election for the purposes of the poll and the commencement of the poll, the Elections Officer of the district in which the area is situated shall, upon being satisfied of the fact of such death, publish a notice countermanding the poll, and shall publish a fresh notice under section 27 for the purposes of the election. In such case, all proceedings with reference to the election shall be commenced afresh under this Ordinance, provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermand of the poll.

Appointment of presiding officers.

41. (1) For the purposes of each election for any ward, the returning officer of that ward shall appoint one or more persons (hereinafter referred to as "presiding officers") to preside at each polling station in his ward. Where more than one presiding officer is appointed to any one polling station, the returning officer shall declare which one of them is to be the senior presiding officer, and the senior presiding officer shall exercise general supervision over other presiding officers, and over all arrangements for the conduct of the poll in that election.

(2) Where any presiding officer is, by sickness or other cause, prevented from performing any of his duties under this Ordinance at any election, and there is no time for another person to be appointed by the returning officer, the presiding officer may appoint a deputy to act for him. Every such appointment shall, as soon as possible, be reported to the returning officer and may be confirmed or disallowed by the returning officer, but without prejudice to the validity of anything already done by such deputy.

(3) The returning officer may, if he thinks fit, preside at any polling station in his ward, and the provisions of this Ordinance relating to a presiding officer shall apply to such returning officer with the necessary modifications as to the things to be done by the returning officer in regard to the presiding officer or by the presiding officer in regard to the returning officer.

General conduct of poll.

42. The poll at every election for any ward of an electoral area shall be conducted in the manner hereinafter provided, and shall—

- (a) where such area is a municipality, or a town, open at 8 A.M., on the day appointed for the purpose by notice under section 39 and shall close at 5.30 P.M., on that day ; and
- (b) where such area is a village area, open and close at such times on the day aforesaid as the Elections Officer of the district in which the area is situated may appoint for the purpose by notice published in the area.

Votes to be given by ballot

43. The votes at every election for any ward shall be given by ballot. The ballot of each voter shall consist of a ballot paper in the form and containing the particulars hereinafter prescribed.

Electoral list to be conclusive evidence of right to vote.

44. The electoral list for the time being in force for any ward shall be conclusive evidence for the purpose of determining whether or not a person is entitled to vote at any election for that ward, and the right of voting of any person whose name is contained in such list shall not be prejudiced by any appeal pending before the Supreme Court under this Ordinance in respect of the inclusion of such person's name in the list, and any vote given by any such person during the pendency of any such appeal shall be as valid as though no such appeal were pending and shall not be affected by the subsequent decision of the appeal :

Provided, however, that where any person whose name appears in the list, is by reason of the operation of any of the following provisions of section 6 of this Ordinance, namely paragraphs (d) to (f) of sub-section (1) and sub-sections (2) to (6) disqualified from voting at an election, he shall not vote

at the election; and if he votes thereat, he 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 any term not exceeding six months:

And Provided further that nothing in this section shall affect the liability of any person to any penalty for a contravention of any of the provisions of section 80 relating to plural voting.

45. For the purposes of each election for any ward, the returning officer of that ward shall—

Supply of ballot boxes, etc.

- (a) appoint such officers and servants as may be necessary for taking the poll and counting the votes;
- (b) furnish each polling station in that ward with such number of compartments as may be necessary to accommodate a reasonable number of voters at any one time and to ensure that the voters are screened from observation when they mark their ballot papers;
- (c) furnish each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer may be necessary for the number of voters assigned to that polling station;
- (d) provide each polling station with materials to enable voters to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the electoral list, for the time being in force for that ward or that part of the list which contains the names of voters who are assigned to that polling station;
- (e) do such other acts and things as may be necessary for effectually conducting the election in the manner provided by this Ordinance.

46. (1) During the taking of the poll, the presiding officer of every polling station shall cause to be exhibited—

Notice to be exhibited at polling stations.

- (a) outside the polling station and in every compartment thereof, a notice, substantially in the form set out in the Second Schedule, giving directions for the guidance of voters; and
- (b) outside the polling station, a notice, specifying the names and the distinctive symbols of the several candidates.

(2) Every notice under this section shall be in English Sinhalese and Tamil.

47. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

Ballot boxes.

48. Every ballot paper shall be substantially in the form set out in the Third Schedule, and—

Ballot papers.

- (a) shall set out the full names of the several candidates in the alphabetical order of their surnames, or, in the case of candidates having no surname, in the alphabetical order of the names by which they are ordinarily known, the order in which the names of any two or more candidates having the same surname or ordinarily known by the same name are to be arranged in relation to each other being determined by the alphabetical order of their first names, and the alphabetical order for any of the purposes of this paragraph being the alphabetical order of names as written in English;
- (b) shall set out in addition, against the name of each candidate, the distinctive symbol allotted to him;
- (c) shall be capable of being folded up;
- (d) shall have a number printed on the back; and
- (e) shall have attached a counterfoil with the same number printed on the face.

49. (1) The official mark shall be kept secret.

Official mark.

(2) The official mark used at any election under this Ordinance shall not be used at any other election for the same electoral area until an interval of seven years has elapsed.

50. (1) Each candidate for election for any ward may appoint not more than two agents (hereinafter referred to as "polling agents") to represent him at each polling station during the taking of the poll. Notice in writing of every such appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer of that ward at least two days before the opening of the poll.

Appointment of polling agents.

(2) If a polling agent appointed by a candidate dies, or becomes incapable of acting, the candidate may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(3) (a) No person who—

- (i) holds office for the time being as a member of any local authority; or
- (ii) is an officer or servant of such authority,

shall be eligible to be appointed or to act as the polling agent of any candidate for election for any ward of the electoral area of such authority:

Provided, however, that any person holding office for the time being as a member of such authority may act as his own polling agent at any election at which he is a candidate.

(b) No male person shall be eligible to be appointed or to act as the polling agent of a candidate at any polling station which is set apart for female voters.

(4) Any polling agent who has been duly appointed, and in respect of whom the notice required by this section has been given, may, during the hours of the poll, attend at the polling station to which he has been appointed.

Admission to polling station.

51. (1) No person shall be admitted to vote at any polling station other than the polling station set apart for the group of voters to which he belongs:

Provided, however, that where a voter for any ward is employed as a presiding officer or as a police officer, or in any other official capacity at a polling station, and it is inconvenient to him to vote at the polling station set apart for the group of voters to which he belongs, the returning officer of that ward may, by a certificate under sub-section (2), authorise the voter to vote at any other polling station in such ward, and that polling station shall, for the purposes of this section, be deemed to be the polling station at which he is entitled to vote.

(2) The certificate shall be given under the hand of the returning officer, and shall state the name of the voter, his number, and description on the electoral list, and the fact that he is employed as aforesaid.

(3) The presiding officer shall keep order in his station, and shall regulate the number of voters to be admitted at a time, and shall exclude all other persons, except the candidates, the polling agent or agents of each candidate, the police officers on duty, and other persons officially employed at the polling station.

(4) If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, the presiding officer may cause him to be removed forthwith from the polling station by any police officer or by any other person authorised in writing by the presiding officer or by the returning officer.

(5) Any person removed from a polling station under sub-section (4)—

- (a) shall not, except with the permission of the presiding officer, be allowed to enter the polling station again during the hours of the poll; and
- (b) may, if he is charged with the commission of any offence in that station, be kept in custody until he can be brought before a Magistrate:

Provided that the powers conferred by this sub-section shall not be exercised so as to prevent any voter who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station.

Sealing of ballot boxes.

52. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons as may be present at the polling station so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent its being opened except by breaking the seal, shall place it in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Power to require voter to make declarations.

53. (1) The presiding officer at any polling station may, and if requested so to do by a candidate or his polling agent, shall, require any voter, at the time he applies for a ballot

paper but not afterwards, to make and subscribe all or any of the following declarations (which shall be exempt from stamp duty), namely:—

First.—“I (*name in full*) of (*address*), hereby declare that I am the same person whose name appears as A.B. on the electoral list now in force for this ward.”

(Signature or mark of voter).

Declared before me this _____ day of _____, 19—.

(Signature of Presiding Officer).

Second.—“I (*name in full*) of (*address*), hereby declare that I have not voted either here or elsewhere at this election for the election of a member for this ward.”

(Signature or mark of voter).

Declared before me this _____ day of _____, 19—.

(Signature of Presiding Officer).

and,

Third.—When the election is a general election “I (*name in full*) of (*address*), hereby declare that I have not already voted at this general election in any other ward.”

(Signature or mark of voter).

Declared before me this _____ day of _____, 19—.

(Signature of Presiding Officer).

(2) (a) If any person refuses to make any such declaration, the presiding officer may refuse to give him a ballot paper.

(b) If any person wilfully makes a false statement in any such declaration, he shall be guilty of an offence and shall be liable upon conviction after summary trial by a Magistrate to a fine not exceeding five hundred rupees or to imprisonment of either description for any term not exceeding six months.

(3) Where a ballot paper is to be issued to any voter—

(a) the ballot paper shall be either embossed or perforated with the official mark;

(b) the number, name, and description of the voter as stated in the copy of the electoral list shall be called out;

(c) the number of the voter shall be marked on the counter-foil, and the ballot-paper detached therefrom; and

(d) a mark shall be placed in the list against the number of the voter to denote that he has received a ballot paper, but without showing the particular ballot paper he has received.

54. The voter, on receiving the ballot paper, shall forthwith proceed into the compartment to which he is directed by the presiding officer or any person acting under that officer's authority and there secretly mark the ballot paper as near as may be in accordance with the directions given for the guidance of voters under this Ordinance and fold up the ballot paper so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up into the ballot box in the presence of the presiding officer.

Manner of voting.

55. (1) The presiding officer, or any person authorised by the presiding officer, may, if he thinks fit on the application of any voter, explain to the voter, within sight and hearing of the candidates or the polling agents of the candidates, if present, the method of voting specified in the directions under section 46, but in so doing he shall carefully abstain from any action which might be construed by the voter as advice or a direction to vote for any particular candidate.

Assistance to voters to enable them to vote.

(2) The presiding officer, on the application of any voter who is incapacitated by blindness or other physical cause from voting in accordance with the directions under section 46, shall mark the ballot paper of such voter in the manner directed by the voter and shall cause such ballot paper to be placed in the ballot box.

56. No voter shall be entitled to vote by proxy at any election for any ward.

Voting by proxy forbidden.

57. If a person, representing himself to be a particular voter named on the electoral list, applies for a ballot paper after another person has voted as such voter, the applicant shall, on making and subscribing the first declaration set out in section 53 (1), be entitled to receive and to mark a ballot paper in the same manner as any other voter, but the

Tendered ballot papers.

ballot paper (hereinafter referred to as "a tendered ballot paper") shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the voter and his number in the electoral list. The name of the voter and his number on the list shall be entered in a list to be known as "the tendered votes list". The tendered ballot papers shall be set aside in a separate packet and shall not be counted by the returning officer.

Spoilt ballot papers.

58. A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (hereinafter referred to as "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Closure of poll.

Closure of poll.

59. No ballot paper shall be delivered to a voter after the hour fixed for the closing of the poll. But if at the hour aforesaid there is in any polling station any voter to whom a ballot paper has been delivered, such voter shall be allowed to record his vote.

Procedure on closure of poll.

60. (1) As soon as practicable after the close of the poll, the presiding officer of each polling station shall, in the presence of the polling agents of the candidates, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box used at that station together with the key of the box, each such box remaining locked as it was at the time of the opening of the poll and being sealed after the closure of the poll so as to prevent the introduction of any ballot papers thereafter;
- (b) the unused and spoilt ballot papers, placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the electoral list and the counter-foils of the ballot papers;
- (e) the tendered votes list,

and shall deliver the packets to the returning officer of the ward in which the poll was held.

(2) The packets shall be accompanied by a statement (hereinafter referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

- (a) ballot papers in the ballot box;
- (b) unused and spoilt ballot papers;
- (c) tendered ballot papers.

Appointment of counting agents.

61. (1) Each candidate at any election for any ward may appoint one agent (hereinafter referred to as a "counting agent") to attend at the counting of the votes at such election. Notice in writing of such appointment, stating the name and address of the person appointed, shall be given by such candidate to the returning officer two clear days at least before the opening of the poll at such election. The returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be sent by post to, or delivered at, the address stated in the notice.

(2) If a counting agent dies, or becomes incapable of acting, the candidate may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

Notice of the counting of the votes.

62. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as possible after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The count.

63. (1) Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the candidates and their counting agents may be present at the counting of the votes.

(2) Before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

(3) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

64. (1) Any ballot paper—

Void ballot papers.

- (a) which does not bear the official mark ; or
- (b) on which votes are given for more than one candidate ;
or
- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back ; or
- (d) which is unmarked or void for uncertainty,

shall be rejected by the returning officer. The returning officer shall endorse the word "rejected" on any such ballot paper.

(2) Where the returning officer is satisfied that any mark made on a ballot paper clearly indicates the intention of the voter to give his vote and the candidate for whom he gives his vote, the returning officer shall not reject the ballot paper under sub-section (1) on the ground solely that it has not been marked in all respects in accordance with the directions given for the guidance of voters under the provisions of this Ordinance.

(3) The returning officer shall not count any ballot paper which is rejected by him under sub-section (1).

(4) The returning officer shall draw up a statement showing the number of ballot papers rejected, under the several heads of—

- (a) rejected for want of official mark ;
- (b) rejected for voting for more than one candidate ;
- (c) rejected for bearing writing or mark by which the voter could be identified ;
- (d) rejected as unmarked or wholly void for uncertainty ;

and shall, on request, allow any counting agent to copy the statement.

(5) The decision of the returning officer as to any question arising in respect of any ballot paper shall be final and conclusive.

65. Where an equality of votes is found to exist between any candidates for election for any ward, and the addition of a vote would entitle any of the candidates to be elected, the determination of the candidate to whom such one additional vote shall be deemed to have been given shall be made by lot in the presence of the returning officer in such manner as he shall determine.

Equality of votes.

66. When the result of the poll has been ascertained, the returning officer of the ward in which the poll was taken shall forthwith declare to be elected the candidate to whom the greatest number of votes has been given; provided that upon the application of any candidate or his agent a recount shall be made before the returning officer makes the declaration.

Declaration of result.

67. (1) Upon the declaration of the result of any election for any ward of an electoral area, the returning officer of that ward shall—

Publication of result.

- (a) publish a notice specifying the name of the candidate elected ; and
- (b) report the result through the Elections Officer of the district in which the area is situated to the Commissioner.

(2) The Commissioner shall forthwith, upon the receipt of the report of the result, cause the name of the candidate elected to be published in the *Gazette*.

68. (1) Upon the completion of the counting at any election for any ward of an electoral area, the returning officer of that ward shall seal up in separate packets the counted and rejected ballot papers. He shall not open the sealed packets containing the marked copies of the electoral list and counterfoils but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under section 63 (2), and the unused and spoilt ballot papers in his possession and the tendered votes list, and where he has opened any such packet shall reseal such packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to take copies of the statement.

Disposal of ballot papers, etc., after poll.

(2) The returning officer shall forward to the Elections Officer of the district in which the electoral area is situated, all the packets of ballot papers in his possession, together with the said statements, the ballot paper accounts, tendered votes lists, packets of counterfoils, and the marked copies of electoral lists, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the ward in which the election was held.

(3) The Elections Officer shall retain the packets of ballot papers and all documents forwarded to him for a period of six months reckoned from the date of the receipt thereof and shall thereafter cause the said packets and documents to be destroyed.

(4) No person shall be entitled or be permitted by the Elections Officer to inspect any packet of ballot papers or documents referred to in sub-section (3) while it is in the custody of such officer :

Provided, however, that nothing in the preceding provisions of this sub-section shall be construed or deemed to debar any competent court from ordering the production of, or from inspecting, or from authorising the inspection of, any such packet or document at any time within the period of six months specified in that sub-section.

General provisions as to elections.

Non-compliance with provisions of this Part.

69. No election shall be invalid by reason of any failure to comply with the provisions of this Part of this Ordinance relating to elections if it appears that the election was conducted in accordance with the principles laid down in such provisions, and that such failure did not affect the result of the election.

Use of schools as polling stations.

69A. (1) A returning officer may use, free of charge, as a polling station any school or any portion of a school in receipt of a grant, or in respect of which a grant is made out of moneys provided by the State Council.

(2) A returning officer shall make good any damage done to and defray any expenses incurred by the persons having control over, any such school or portion thereof as aforesaid by reason of its being used as a polling station.

Presiding officer may act through officers appointed to assist him.

70. The presiding officer of a polling station may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Ordinance to do at that polling station except ordering the arrest, exclusion, or removal of any person from the station.

Candidate may act as his own agent or assist his agent.

71. A candidate for election at any election under this Ordinance may himself do any act or thing which an agent of his, if appointed, would have been required or authorised to do, or may assist his agent in doing any such act or thing, but before acting under this section the candidate shall make the declaration hereinafter required to be made by an agent.

Non-attendance of the agents of candidates.

72. Where in this Part of this Ordinance any act or thing is required or authorised to be done in the presence of the agents of the candidates at any election under this Ordinance, the non-attendance of any agent or agents at the time and the place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Prohibition of disclosure of vote.

73. No person who has voted at any election under this Ordinance shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Maintenance of secrecy at elections.

74. (1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes at any election under this Ordinance, shall, before the opening of the poll at such election, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy substantially in the form set out in the Fourth Schedule. In the case of a returning officer the declaration shall be made in the presence of a Justice of the Peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a Justice of the Peace or of the returning officer.

(2) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes at any election under this Ordinance shall maintain and aid in maintaining the secrecy of the voting.

(3) No person, being an officer or agent referred to in sub-section (1), shall—

- (a) except for some purpose authorised by law, communicate, before the poll at any election under this Ordinance is closed, to any person any information as to—
 - (i) the name or number on the electoral list of any voter who has or has not applied for a ballot paper or voted at a polling station; or
 - (ii) the official mark; or
- (b) ascertain or attempt to ascertain at the counting of the votes at such election, the number on the back of any ballot paper; or
- (c) communicate any information obtained at such counting, as to the candidate for whom any vote is given on any particular ballot paper.

(4) No person, whether or not such person is an officer or agent referred to in sub-section (1), shall—

- (a) interfere with or attempt to interfere with a voter when recording his vote at any election under this Ordinance; or
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted at such election; or
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted at such election, or as to the number on the back of the ballot paper given to a voter at that station; or
- (d) directly or indirectly induce a voter at such election to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(3) No person, except a presiding officer of a polling station acting for a purpose authorised by this Ordinance, or a person authorised by the presiding officer and acting for such purpose as aforesaid, shall communicate with any voter at any election under this Ordinance after such voter shall have received the ballot paper and before he shall have placed the same in a ballot box.

Offences relating to elections.

75. Every person who contravenes any of the provisions of section 74 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 any term not exceeding six months, or to both such fine and such imprisonment.

Contravention of provisions regarding secrecy.

76. (1) Every person who—

- (a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to a returning officer any nomination paper knowing the same to be forged; or
- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (c) without due authority supplies any ballot paper to any person; or
- (d) sells or offers to sell any ballot paper to, any person or purchases or offers to purchase any ballot paper from any person; or
- (e) not being a person entitled under this Ordinance to be in possession of any ballot paper which has been marked with the official mark in accordance with the provisions of section 53, has any such ballot paper in his possession; or
- (f) puts into any ballot box anything other than the ballot paper which he is authorised to put into that ballot box under this Ordinance; or
- (g) without due authority takes out of a polling station any ballot paper; or
- (h) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of any election under this Ordinance; or
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at such election; or

Offences in respect of nomination papers, ballot papers, etc.

(j) manufactures, constructs, imports into the Island, has in his possession, supplies or uses for the purposes of such election, or causes to be manufactured, constructed, imported into the Island, supplied or used for the purposes of such election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box,

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 any term not exceeding six months or to both such fine and such imprisonment.

(2) Every person who aids or abets or attempts to commit an offence specified in this section shall be liable to the punishment provided for the offence.

(3) In any prosecution for an offence in relation to the nomination papers, ballot papers, ballot boxes, and marking instruments at any election under this Ordinance, the property in such papers, boxes and instruments may be stated to be in the returning officer at such election as well as the property in the counterfoils.

Giving or receiving gratification.

77. (1) Whoever being qualified to vote, or claiming to be qualified to vote at any election under this Ordinance, accepts or obtains, or agrees to accept or attempts to obtain for himself or for any other person any gratification whatsoever as an inducement or reward for giving or forbearing to give his vote at such election, 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 any term not exceeding six months or to both such fine and imprisonment.

(2) Whoever gives or offers to give any gratification whatsoever to any person as an inducement or reward for giving or forbearing to give his vote in favour of any person at any election under this Ordinance, 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 any term not exceeding six months or to both such fine and such imprisonment.

Personation.

78. (1) Any person who, at any election under this Ordinance applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person, or, who having voted once at such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation, which shall be a cognizable offence within the meaning of the Criminal Procedure Code and shall, on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not exceeding one year or to a fine of not less than two hundred and fifty rupees and not more than one thousand rupees or to both such imprisonment and such fine.

(Cap. 16.)

(2) In the case of any election under this Ordinance, every person who is convicted by a competent Court of the offence of personation within the meaning of Chapter IXA of the Penal Code shall, notwithstanding anything in that Chapter, be liable to rigorous imprisonment for a term not exceeding one year or to a fine of not less than two hundred and fifty rupees and not more than one thousand rupees or to both such imprisonment and such fine.

Undue influence.

79. Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting at any election under this Ordinance or on account of such person having voted or refrained from voting at such election, or who by abduction, duress, or any fraudulent device or contrivance impedes or prevents the free exercise of the franchise of any voter, or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at such election, shall be guilty of the offence of undue influence 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 six months or to both such fine and imprisonment.

Plural voting.

80. If any person at any general election under this Ordinance votes in more than one ward of any electoral area or asks for a ballot paper for the purposes of so voting, such

person 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.

81. (1) Any person who—

- (a) is convicted of an offence under the provisions of any of the following sections of this Ordinance, namely, sections 75 to 80 (both inclusive); or
- (b) is convicted of the offence of bribery (including bribery by treating) or undue influence or personation within the meaning of Chapter IXA of the Penal Code at or in connexion with any election under this Ordinance,

Incapacities
for offences at
elections.

shall, in addition to any other penalty to which he may be liable for that offence, be disqualified for a period of five years reckoned from the date of such conviction, from voting at any election under this Ordinance, or from being elected or from sitting or voting, as a member of any local authority.

(2) Where any person who is convicted of any offence referred to in sub-section (1) appeals against such conviction, the following provisions shall have effect:—

- (a) nothing in that sub-section shall apply unless such conviction is affirmed in appeal; and
- (b) where such conviction is so affirmed, the provisions of that sub-section shall apply as though the reference therein to the date of his conviction were a reference to the date of the affirmation of his conviction in appeal.

Part V.

Miscellaneous.

82. All matters connected with the preparation or revision of the electoral lists of the wards of any electoral area under this Ordinance or connected with any general election or by-election of any local authority for which no provision is made by this Ordinance or in respect of which the provisions of this Ordinance require to be supplemented or modified so as to meet unforeseen or special circumstances, may be provided for by Order of the Governor published in the *Gazette*; and every such Order shall upon such publication, be as valid and effectual as if it were herein enacted.

Power to
modify or
supplement
Ordinance.

83. Save as otherwise expressly provided, every notice required to be published by this Ordinance shall—

- (a) be in English, and according to the requirements of the area to which the notice relates, in Sinhalese or in Tamil or both in Sinhalese and in Tamil; and
- (b) be exhibited at the office of the local authority of such area, and otherwise published in such manner as the Officer responsible for the publication thereof may consider best calculated to give publicity thereto.

Publication
of notices.

84. All expenses incurred under this Ordinance in the preparation or revision of the electoral lists of the wards of any electoral area, in connexion with the nomination of candidates for the purpose of any general election or by-election of any local authority, and in the conduct of any general election or by-election, shall be defrayed out of the general revenue of the Island.

Expenses of
elections.

85. All fines imposed by any court under this Ordinance shall, when recovered, be paid by the court into the general revenue of the Island.

Fines to be
credited to the
general revenue.

86. For the purpose of determining whether or not a person who holds office on the appointed date as a member of any local authority (other than a Village Committee) is entitled to continue to sit or to vote as such member, and no further, the provisions of section 10 shall—

Modification of
Ordinance in its
application to
local authorities
other than Village
Committees.

- (a) where such authority is a Municipal Council, have effect subject to the modifications set out in Part I. of the Fifth Schedule; and
- (b) where such authority is an Urban Council, or a Town Council, have effect subject to the modifications set out in Part II. of that Schedule.

Ordinance not to apply in certain matters relating to Village Committees.

87. Nothing in this Ordinance shall apply for the purposes of any by-election held in any village area between the date on which the provisions of this Ordinance are applied to the Village Committee of such area by Order published under section 2 and the date on which the first general election of the members of such Committee is held under this Ordinance or for the purpose of determining whether or not any person is entitled to vote or to stand as a candidate at such by-election, or for the purpose of determining whether or not any person who is elected at any such by-election or who holds office on the first-mentioned date as a member of the Committee is entitled to sit or to vote as such member; and, accordingly, the provisions of the Village Communities Ordinance shall, for the purposes aforesaid, apply in like manner and to the same extent as they would have applied if that Ordinance had not been modified by this Ordinance in its application to such Committee.

Interpretation

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

“Commissioner” means the Commissioner of Elections (Local Bodies) appointed under this Ordinance;

“district” means a revenue district;

“Elections Officer” means the Elections Officer of a district appointed under this Ordinance;

“local authority” means any Municipal Council, Urban Council, Town Council or Village Committee;

“municipality” means the area within the administrative limits of every Municipal Council in existence at the appointed date or any area which is a municipality within the meaning of any written law for the time being in force relating to the constitution of Municipal Councils;

“Public Bodies (Prevention of Corruption) Ordinance” means the Public Bodies (Prevention of Corruption) Ordinance, No. 49 of 1943;

“Schedule” means a Schedule to this Ordinance;

“town” means any town within the meaning of the Urban Councils Ordinance or the Town Councils Ordinance;

“Town Councils Ordinance” means the Town Councils Ordinance, No. 3 of 1946;

“Urban Councils Ordinance” means the Urban Councils Ordinance, No. 61 of 1939;

“Village area” means any village area within the meaning of the village Communities Ordinance;

“ward” means any of the wards into which any electoral area is for the time being divided by or under the provisions of written law applicable in that behalf.

Amendments of Ordinances and savings.

89. (1) The Urban Councils Ordinance, the Town Councils Ordinance, the Colombo Municipal Council (Constitution) Ordinance and the Public Bodies (Prevention of Corruption) Ordinance, respectively, are hereby amended in the manner and to the extent specified in the Sixth Schedule.

(2) Notwithstanding the amendment of the Urban Councils Ordinance and the Town Councils Ordinance, the electoral divisions into which each town was divided on the day immediately preceding the appointed date, shall, for the purposes of this Ordinance or any other written law applicable to such town, be deemed to be the wards of such town.

(3) Notwithstanding the amendment of the Municipal Council (Constitution) Ordinance, the Urban Councils Ordinance and the Town Councils Ordinance, the electoral registers of each municipality or town, in force on the day immediately preceding the appointed date, shall be deemed to be electoral lists prepared under this Ordinance and may accordingly be revised under this Ordinance and shall continue in force until the date of the first certification of electoral lists for such municipality or town under this Ordinance:

Provided, however, that the fact that the name of any voter is or is not marked on any such register with a double qualification mark shall be of no effect whatsoever for the purpose of determining whether or not such person is qualified to be a candidate at any election under this Ordinance or to sit or to vote as a member of the local authority constituted for such municipality or town.

(4) For the purposes of this section, “electoral registers”—

(a) in relation to any municipality, means the lists of persons possessing the qualifications of voters and of members, prepared or revised under any of the provisions of the Colombo Municipal Council (Constitution) Ordinance repealed by this Ordinance, and

(b) in relation to any town, means the lists of persons possessing the qualifications aforesaid, prepared under any of the provisions of the Urban Councils Ordinance or the Town Councils Ordinance, as the case may be, repealed by this Ordinance.

90. Upon the publication in the *Gazette* of an Order under section 2 applying the provisions of this Ordinance to any Village Committee, the provisions of the Village Communities Ordinance, in their application to such Committee, shall, without prejudice to the operation of the provisions of section 87, have effect subject to the exceptions, modifications and amendments set out in the Seventh Schedule.

Modification of
Village
Communities
Ordinance.

91. The Municipal Councils (Conduct of Polls) Ordinance No. 27 of 1946, is hereby repealed.

Repeal of
Municipal
Councils
(Conduct
of Polls)
Ordinance.

FIRST SCHEDULE.

(Section 29 (4)).

Nomination Paper for the _____ ward of the electoral area of the _____/Municipal Council/Urban Council/Town Council/Village Committee.

1. Name of candidate in full : _____.
2. Address : _____.
3. Occupation : _____.
4. Name of proposer in full : _____.
5. Name of seconder in full : _____.

Signature of proposer : _____.

Signed by the above-named _____ (proposer) this _____ day of _____, 19____.

A.B. (A Justice of the Peace or a Commissioner for Oaths or a Notary Public).
Signature of Seconder : _____.

Signed by the above-named _____ (seconder) this _____ day of _____, 19____.

A.B. (A Justice of the Peace or a Commissioner for Oaths or a Notary Public).

SECOND SCHEDULE.

(Section 46).

Form of directions for the guidance of a voter in voting,
which shall be exhibited outside every polling station
and in every compartment of every polling station.

The voter may vote for only one candidate.

The voter will go into one of the compartments and mark a cross in the same space provided for the purpose on the right-hand side of the ballot paper, opposite the name of the candidate for whom he votes thus ×.

The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the voter inadvertently spoils a ballot paper, he can return it to the presiding officer, who will, if satisfied of such inadvertence, give him another paper.

If the voter votes for more than one candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.


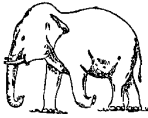


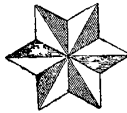
If the voter takes a ballot paper out of the polling station, or puts into a ballot box anything other than a ballot paper which he is authorised to put into that box, he will be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

THIRD SCHEDULE.

(Section 48).

Form of ballot paper.

Front of ballot paper.

Counterfoil No.	Name of Candidate (also in Sinhalese and Tamil)	Distinctive symbol (also in Sinhalese and Tamil)	Mark of voter (also in Sinhalese and Tamil)
<p>Note. The Counterfoil is to have a number to correspond with that on the back of the ballot paper.</p>	<p>1. Cassie Lebbe ABDUL RAHIMAN (also in Sinhalese and Tamil)</p>		
	<p>2. Mohamed ABDUL RAHIMAN (also in Sinhalese and Tamil)</p>		
	<p>3. Mudryanselage DON ELARIS (also in Sinhalese and Tamil)</p>		
	<p>4. Edwin FOENANDER (also in Sinhalese and Tamil)</p>		
	<p>5. Canagasabai PONNIAH (also in Sinhalese and Tamil)</p>		

Back of ballot paper.

No. :

Election for the _____ ward of the town of _____.

Directions as to printing ballot paper.

(Not to be reproduced in the ballot paper).

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The full name of each candidate shall be printed in English and Sinhalese and Tamil.

The distinctive symbol allotted to each candidate shall be printed against his name in the column provided for that purpose.

The number on the back of the ballot paper shall be printed in small characters, and shall be the same as the number on the face, for the counterfoil.

FOURTH SCHEDULE.

(Section 74 (1)).

Form of Declaration of Secrecy.

I solemnly promise and declare that I will not at this election for the _____ ward of the electoral area of the _____

Municipal Council/Urban Council/Town Council/Village Committee, do anything forbidden by section 74 of the Local Authorities Elections Ordinance, which has been read to me.

Signature of person taking
the declaration.

Signature of declarant.

Note.—This section must be read to the declarant by the person taking the declaration.

FIFTH SCHEDULE.

(Section 86).

Modification of section 10.

Part I.

1. As if in paragraph (c) of sub-section (1), there were substituted, for the words "read and write", the words "read or write".

2. As if for paragraph (i) of sub-section (1), there were substituted the following paragraph:—

"(i) is serving a sentence of penal servitude or imprisonment imposed by any court in any part of the British Empire, for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months; or is under sentence of death imposed by any such court or is serving any terms of imprisonment awarded in lieu of execution of that sentence; or".

Part II.

1. As if in paragraph (c) of sub-section (1), there were substituted for the words "read and write", the words "read or write".

2. As if for paragraph (d) of sub-section (1), there were substituted the following new paragraph:—

"(iv) is the holder of any pensionable office under the Crown in Ceylon;".

3. As if for paragraph (i) of sub-section (1), there were substituted the following new paragraph:—

"(i) is serving a sentence of penal servitude or imprisonment imposed by any court in any part of the British Empire, for an offence punishable with hard labour or rigorous imprisonment for a term exceeding twelve months; or is under sentence of death imposed by any such court or is serving any term of imprisonment awarded in lieu of execution of that sentence; or".

SIXTH SCHEDULE.

(Section 89).

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
A. Colombo Municipal Council (Constitution) Ordinance.	1. 5.	(1) For the words "in accordance with the provisions of this Ordinance come into office—", substitute the words "after the date of the commencement of this Ordinance come into office—". (2) In paragraph (3), for the words "by or under the provisions of this Ordinance.", substitute the words "by or under the provisions of written law for the time being applicable in that behalf".
	2. 6.	In sub-section (1), for the words "in accordance with the provisions of this Ordinance", substitute the words "in accordance with the provisions of written law for the time being applicable in that behalf".
	3. 14.	Section 14 shall be repealed and the heading immediately above that section shall be omitted.
	4. 15.	Section 15 shall be repealed.
	5. 16.	For this section, substitute the following new section:— Election for more than one ward.
		16. No person shall be entitled to be elected as a Councillor for more than one ward of the Municipality, and in the event of any person being elected as a Councillor for more than one ward, the Elections Officer of the district in which the Municipality is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a Councillor, and in default of such declaration being made, the Elections Officer shall himself determine for which ward he is to be a Councillor; and upon such declaration or determination, as the case may

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
		bo, being made, such person shall <i>ipso facto</i> vacate his seat as a Councillor for any other ward of the Municipality, and the provisions of section 63 (3) shall thereupon apply.
6.	17, 18, 19 and 20	Sections 17 to 20 (inclusive) shall be repealed.
7.	21. ..	Section 21 shall be repealed and the heading immediately above that section omitted.
8.	22, 23, 24, 25 and 26	Sections 22 to 26 (inclusive) shall be repealed.
9.	27. ..	Section 27 shall be repealed and the heading immediately above that section shall be omitted.
10.	28 to 55	Sections 28 to 55 (inclusive) shall be repealed.
11.	56. ..	For this section, substitute the following new section :— Term of office of Councillors. shall— 56. The term of office of each Councillor elected at a general election shall— (a) commence on the first day of January next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i> ; and (b) expire on the thirty-first day of December of the third year thereafter or on the last day of such other month whether in that year or in the year immediately preceding or following that year as the Governor may appoint by Order published in the <i>Gazette</i> .
12.	62. ..	For this section, substitute the following new section :— General elections. 62. Where the term of office of the Councillors elected at a general election is due to expire under section 56, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing new Councillors in place of such Councillors.
13.	63. ..	For this section, substitute the following new section :— Refusal, resignation or vacation of office. 63. (1) Where any person who is elected as a Councillor decides for any reason not to serve as a Councillor, he may relinquish the office— (a) by a written communication of his refusal of office to the Elections Officer of the district in which the Municipality is situated, at any time before the date fixed for the first meeting of the Council after his election; or (b) by a written communication of his resignation of office to such Elections Officer, either direct or through the Mayor, at any time after such first meeting. (2) Any Councillor who is absent without leave of the Council from more than three consecutive general meetings of the Council shall <i>ipso facto</i> vacate his office. (3) If any person elected as a Councillor refuses or resigns his office, or dies, or vacates his office under sub-section (2) of this section, or if a casual vacancy occurs in any other manner in such office, a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs, be held for the purpose of filling up such vacancy, and the person thereupon elected shall serve as a Councillor until the expiry of the term of office of the Councillors elected at the next preceding general election.
14.	64. ..	Section 64 shall be repealed.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
	15. 66. . .	(1) In sub-section (1), for all the words from "their office," to the end of that sub-section, substitute the words "their office, and a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in each such ward for the purpose of filling up such vacancy." (2) In sub-section (2), for all the words from "an election" to the end of that sub-section, substitute the words "a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in each such ward for the purpose of electing a Councillor for that ward." (3) Sub-section (3) shall be repealed. (4) In sub-section (4), for the word "divisions", substitute the words "wards".
	15A. 88. . .	In sub-section (2), substitute for paragraph (b), the following new paragraph :— " (b) direct that a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing another Council."
	16. 98. . .	Sub-section (2) shall be repealed.
	17. 101. . .	Section 101 shall be repealed.
	18. 102. . .	In sub-section (1), for the words "so elected" substitute the words "elected at the first general election held after the commencement of this Ordinance".
	19. 106. . .	Section 106 shall be repealed.
	20. 108. . .	Immediately after the definition "Councillor", insert the following new definitions :— " "district" means a revenue district ; " Elections Officer " means the Elections Officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any Assistant Elections Officer so appointed ; "
	21. Second Schedule.	The Second Schedule shall be repealed.
	22. Third Schedule.	The Third Schedule shall be repealed.
B. Urban Councils Ordinance.	1. 6. . .	(1) For the heading immediately above this section, substitute the following new heading : " Wards " (2) For the words "electoral divisions", substitute the word "wards". (3) For the words "electoral division", substitute the word "ward". (4) For the marginal note, substitute the following new marginal note :— " Wards. "
	2. 7, 8, 9, 10 11 and 12.	Sections 7, 8, 9, 10, 11 and 12 (inclusive) shall be repealed.
	3. 13. . .	For this section, substitute the following new section :— 13. Where an Urban Council is to be constituted for any town under this Ordinance, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first members of the Council.
	4. 14. . .	For all the words from "under this Ordinance" to "any such Council," substitute the words "under this Ordinance,".
	5. 15. . .	(1) For all the words from "Upon the completion" to "in the Order," substitute the words "The term of office of an Urban Council to be constituted for any town under this Ordinance shall commence on such date as the Governor may appoint by Order published in the <i>Gazette</i> ." (2) For the marginal note, substitute the following new marginal note :— " Commencement of term of office of Urban Councils and date of constitution of such Councils "
	6. 16. . .	For this section, substitute the following new section :— Term of office of members elected at the first and each subsequent general election.
		16. The term of office of each member elected at a general election shall commence— (a) in the case of the first general election, on the date appointed by the Governor under section 15 ; and (b) in the case of any general election subsequent to the

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
		<p>first general election, on the first day of January next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i>,</p> <p>and shall expire on the thirty-first day of December of the third year thereafter or on the last day of such other month whether in that year or in the year immediately preceding or following that year as the Governor may appoint by Order published as aforesaid.</p>
7.	17.	<p>For this section, substitute the following new section :—</p> <p>Subsequent 17. Where the term of office of the general members elected at the first or any subsequent general election of the members of an Urban Council is due to expire under section 16, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall, be held for the purposes of electing new members in place of such members.</p>
8.	18.	<p>(1) In sub-section (1)—</p> <p>(a) in paragraph (a), for the words “ the Government Agent,” substitute the words “ the Elections Officer of the district in which the town for which the Council is constituted is situated,”; and</p> <p>(b) in paragraph (b), for the words “ the Government Agent,” substitute the words “ such Elections Officer,”.</p> <p>(2) For sub-section (2), substitute the following new sub-section :—</p> <p>“ (2) Any member of an Urban Council who is absent without leave of the Council from more than three consecutive ordinary meetings of the Council shall <i>ipso facto</i> vacate his office.”.</p> <p>(3) In sub-section (3), for all the words from “ the Government Agent ” to “ such vacancy,” substitute the words “ a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs be held for the purpose of filling up such vacancy,”.</p>
9.	19.	<p>(1) The heading immediately above this section shall be omitted.</p> <p>(2) For this section, substitute the following new section :—</p> <p>Election for 19. No person shall be entitled to be more than one ward. elected as a member for more than one ward of a town, and in the event of any person being so elected, the Elections Officer of the district in which the town is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a member, and in default of such declaration being made, the Elections Officer may himself determine for which ward he is to be a member; and upon such declaration or determination, as the case may be, being made, such person shall <i>ipso facto</i> vacate his seat as a member for any other ward of the town, and the provisions of section 18 (3) shall thereupon apply.</p>
10.	20.	Section 20 shall be repealed.
11.	21.	Section 21 shall be repealed and the heading immediately above that section shall be omitted.
12.	22.	Section 22 shall be repealed.
13.	23.	Section 23 shall be repealed and the heading immediately above that section shall be omitted.
14.	24, 25, 26, 27, 28, and 29	Sections 24, 25, 26, 27, 28 and 29 (inclusive) shall be repealed.
15.	30.	(1) In the heading immediately above this section, for the words “ electoral divisions”, substitute the word “ wards”.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
6.	16.	<p>For this section, substitute the following new section :—</p> <p>Term of office of members elected at the first and each subsequent general election.</p> <p>16. The term of office of each member elected at a general election shall commence—</p> <p>(a) in the case of the first general election, on the date appointed by the Governor under section 15; and</p> <p>(b) in the case of any general election subsequent to the first general election, on the first day of January next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i>,</p> <p>and shall expire on the thirty-first day of December of the third year thereafter or on the last day of such other month whether in that year or in the year immediately preceding or following that year as the Governor may appoint by Order published as aforesaid.</p>
7.	17.	<p>For this section, substitute the following new section :—</p> <p>Subsequent general elections.</p> <p>17. Where the term of office of the members elected at the first or any subsequent general election of the members of a Town Council is due to expire under section 16, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing new members in place of such members.</p>
8.	18.	<p>(1) In sub-section (1)—</p> <p>(a) in paragraph (a), for the words "the Government Agent," substitute the words "the Elections Officer of the district in which the town for which the Council is constituted is situated,"; and</p> <p>(b) in paragraph (b), for the words "the Government Agent," substitute the words "such Elections Officer,".</p> <p>(2) For sub-section (2), substitute the following new sub-section :—</p> <p>"(2) Any member of a Town Council who is absent without leave of the Council from more than three consecutive ordinary meetings of the Council shall <i>ipso facto</i> vacate his office."</p> <p>(3) In sub-section (3), for all the words from "the Government Agent" to "such vacancy," substitute the words "a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs, be held for the purpose of filling up such vacancy,".</p>
9.	19.	<p>(1) The heading immediately above this section shall be omitted.</p> <p>(2) For this section, substitute the following new section :—</p> <p>Election for more than one ward.</p> <p>19. No person shall be entitled to be elected as a member for more than one ward of a town, and in the event of any person being so elected, the Elections Officer of the district in which the town is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a member, and in default of such declaration being made, the Elections Officer may himself determine for which ward he is to be a member; and upon such declaration or determination, as the case may be, being made, such person shall <i>ipso facto</i> vacate his seat as a member for any other ward of the town, and the provisions of section 18 (3) shall thereupon apply.</p>
10.	20.	Section 20 shall be repealed.
11.	21.	Section 21 shall be repealed and the heading immediately above that section shall be omitted.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
	12. 22. ..	Section 22 shall be repealed.
	13. 23. ..	Section 23 shall be repealed and the heading immediately above that section shall be omitted.
	14. 24, 25, 26 27, 28 and 29	Sections 24, 25, 26, 27, 28 and 29 (inclusive) shall be repealed.
	15. 30. ..	(1) In the heading immediately above this section, for the words "electoral divisions", substitute the word "wards". (2) For the words "electoral divisions", substitute the word "wards". (3) In the marginal note, for the words "electoral division", substitute the word "ward".
	16. 31. ..	(1) For the words "electoral divisions" wherever they occur collectively in this section, substitute the word "wards". (2) In sub-section (1)— (a) for all the words from "that division" to "Ordinance:", substitute the words "that ward shall thereupon vacate his office and a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held in that ward for the purpose of filling up such vacancy:"; and (b) in the proviso, for the words "electoral list of the division", substitute the word "ward". (3) In sub-section (2A)— (a) for the words "electoral division", substitute the word "ward"; and (b) for the word "division", substitute the word "ward". (4) Sub-section (3) shall be repealed. (5) In sub-section (4), substitute for the words "under sub-section (1) or sub-section (2)," the words "referred to in sub-section (1) or sub-section (2)"; and
	17. 197. ..	In paragraph (e) (ii) of sub-section (1), for all the words from "the Government Agent" to "so removed;", substitute the words "that a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing a member in place of each member so removed;".
	18. 206. ..	In sub-section (2), paragraph (a) shall be omitted.
	18A. 241. ..	Section 241 shall be repealed.
	19. 259. ..	(1) The following new definition shall be inserted immediately after the definition "Commissioner":— " "district" means a revenue district;". (2) The following new definition shall be inserted immediately after the definition "Executive Committee":— " "Elections Officer" means the Elections Officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any Assistant Elections Officer so appointed;". (3) The following new definition shall be inserted immediately after the definition "Elections Officer":— " "first general election" means a general election held for the purpose of electing the first members of a Town Council to be constituted for a town under this Ordinance;".
	20. First Schedule.	The First Schedule shall be repealed.
D. The Public Bodies (Prevention of Corruption) Ordinance.	1. 5. ..	In sub-section (2), for the words "be incapable" to the end of that sub-section, substitute the words "be disqualified from being registered as a voter or from voting at any election of members of any public body or from being elected, nominated or appointed, or from sitting or voting, as a member of any public body."
	2. 6. ..	In the definition "public body", for the words "Urban Council," substitute the words "Urban Council, Town Council,".

EIGHTH SCHEDULE.

(Section 90).

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
Village Com- munities Ordinance.	1. 5. ..	(1) For paragraph (a) of the proviso to subsection (1), substitute the following new paragraph:— " (a) no inhabitant of any such urban area shall

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
		be qualified to vote at any election of a member of the Village Committee of that village area, or to be elected or to sit or to vote as a member of such Committee ;”.
		(2) For paragraph (a) of sub-section (2), substitute the following new paragraph :—
		“ (a) no inhabitant of such town or village shall be qualified to vote at any election of a member of the Village Committee of any village area, or to be elected or to sit or to vote as a member of such Committee ;”.
2.	8.	For this section, substitute the following new section :— Village Committee shall be constituted for each village area. 8. A Village Committee in accordance with the provisions of this Ordinance shall be constituted for each village area.
3.	9 and 10	Sections 9 and 10 shall be repealed.
4.	12.	For this section, substitute the following new section :— First general election of members. 12. Where a Village Committee is to be constituted for any village area under this Ordinance, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing the first members of the Committee.
5.	13.	For this section, substitute the following new section :— Commencement of office of Village Committee. 13. The term of office of a Village Committee to be constituted for any village area under this Ordinance shall commence on such date as the Governor may appoint by Order published in the <i>Gazette</i> . Such date shall be deemed to be the date of the constitution of the Committee for all the purposes of this Ordinance, and the Committee shall be deemed to be duly constituted on that date notwithstanding that a member has not been elected for any ward of that area.
6.	14, 15, and 16.	Sections 14, 15 and 16 (inclusive) shall be repealed.
7.	17.	For this section, substitute the following new section :— Term of office of members elected at the first and each subsequent general election. 17. (1) The term of office of each member of a Village Committee elected at a general election shall commence— (a) in the case of the first general election, on the date specified by the Governor by Order under section 13; and (b) in the case of any general election subsequent to the first general election, on the first day of July next succeeding the date of the election or on such other date as the Governor may appoint by Order published in the <i>Gazette</i> . (2) (a) The term of office of each member of a Village Committee elected at the first or any subsequent general election shall expire on the last day of June of the third year after such election. (b) Notwithstanding the provisions of paragraph (a), the Governor may, as respects any Village Committee, by Order published in the <i>Gazette</i> , substitute for the date specified in that paragraph the last day of any other month, whether in the year so specified or in the year immediately preceding or following that year, but so that the period by which the term of office of the Committee is extended or curtailed by the Order shall not exceed eighteen months.

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
8.	18.	For this section, substitute the following new section :— Subsequent general elections.
		18. Where the term of office of the members elected at the first or any subsequent general election is due to expire under section 17, a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing new members in place of such members.
9.	19.	For this section, substitute the following new section :— Vacation of office by operation of law.
		19. Any member of a Village Committee who is absent without leave of the Committee from more than three consecutive meetings of the Committee shall <i>ipso facto</i> vacate his office.
10.	20.	For this section, substitute the following new section :— Refusal or resignation of office.
		20. Where any person who is elected as a member of a Village Committee decides for any reason not to serve as a member thereof, he may relinquish the office— (a) by a written communication of his refusal of office to the Elections Officer of the district in which the village area for which the Committee is constituted is situated, at any time before the date fixed for the first meeting of the Committee to be held after his election; or (b) by a written communication of his resignation of office to such Elections Officer, either direct or through the Chairman, at any time after such first meeting.
11.	21.	(1) For all the words from "Village Committee dying," to "section 62 (a)," substitute the words "Village Committee dying, or vacating his office by virtue of the provisions of section 19,". (2) For all the words and figures from "the Government Agent" to "sections 14, 15 and 16 ;", substitute the words "a by-election in accordance with the provisions of written law for the time being applicable in that behalf shall, unless the Governor by Order published in the <i>Gazette</i> otherwise directs, be held for the purpose of filling up such vacancy ;".
12.	22.	For this section, substitute the following new section :— Election for one ward.
		22. No person shall be entitled to be elected as a member for more than one ward of a village area, and in the event of any person being so elected, the the Elections Officer of the district in which the area is situated shall forthwith, by notice in writing served upon such person, call upon him to declare, within seven days from the date of service, for which ward he desires to be a member, and in default of such declaration being made, the Elections Officer may himself determine for which ward he is to be a member; and upon such declaration or determination, as the case may be, being made, such person shall <i>ipso facto</i> vacate his seat as a member for any other ward, and the provisions of section 21 shall thereupon apply.
13.	23 and 24.	Sections 23 and 24 shall be repealed.
14.	41A.	In sub-section (1), for all the words from "it becomes necessary" to the end of that sub-section, substitute the following :— "it becomes necessary to elect the first members of the Village Committee to be constituted for that area, a general election in accordance with the provisions of written law for the time being applicable in that behalf may be held before the specified date for the purpose of electing such members, and for the purposes of such election—

Column I. Ordinance.	Column II. Section of Ordinance.	Column III. Amendments.
		(a) every village headman's division in that town or village shall, subject to any subdivision or amalgamation made by notification under section 11, be deemed to be a ward of the village area ;
		(b) electoral lists in accordance with the provisions of written law aforesaid may be prepared for the wards of such village area ;
		(c) every person who is qualified under the provisions of written law aforesaid shall be entitled to vote at such election ; and
		(d) every person who is qualified under the provisions of written law aforesaid shall be entitled to stand for election and to be elected as a member of the Village Committee.
15.	57.	.. Section 57 shall be repealed.
16.	59.	.. In sub-section (1), paragraphs (a) and (b) shall be omitted.
17.	61.	.. In paragraph (d) (ii), for all the words from " the Government Agent " to the end of that paragraph, substitute the words " that a general election in accordance with the provisions of written law for the time being applicable in that behalf shall be held for the purpose of electing a fresh Committee or direct the Government Agent to administer the affairs of that area for such period as may be specified in the Order."
18.	62.	.. In paragraph (a), for all the words from " the office of Chairman," to the end of that paragraph, substitute the words " the office of Chairman ; "
19.	129.	.. (1) The following new definition shall be inserted immediately after the definition " co-operative society " :— " district " means a revenue district ; " Elections Officer " means the Elections Officer of a district appointed under the provisions of written law for the time being applicable in that behalf and includes any Assistant Elections Officer so appointed ; (2) The following new definition shall be inserted immediately after the definition " Executive Committee " :— " first general election " means a general election held for the purposes of electing the first members of a Village Committee to be constituted for a village area under this Ordinance.

Passed in Council the Twenty-ninth day of October, One thousand Nine hundred and Forty-six.

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

Assented to by His Excellency the Officer Administering the Government, the Twenty-third day of November, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,
Secretary to the Governor.

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

No. 54 of 1946.

An Ordinance to amend the Companies Ordinance,
No. 51 of 1938.

1941
Supplement
(Vol. II.,
p. 221.)

J. C. HOWARD.

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

Short title.

1. This Ordinance may be cited as the Companies (Amendment) Ordinance, No. 54 of 1946.

Amendment
of section 106
of Ordinance
No. 51 of 1938.

2. Section 106 (3) of the Companies Ordinance, No. 51 of 1938, (hereinafter referred to as " the principal Ordinance "), is hereby amended as follows :—

(1) in paragraph (o) thereof, by the substitution, for the words " under this Ordinance. ", of the words " under this Ordinance ; " ; and

(2) by the insertion, immediately after paragraph (o), of the following new paragraph :—

“(p) the name and address of the auditor, or the names and addresses of the auditors, of the company at the date of the return.”.

3. Section 132 of the principal Ordinance is hereby amended by the insertion immediately after sub-section (3), of the following new sub-section :—

Amendment of section 132 of the principal Ordinance.

“(4) If any person other than a registered auditor makes the report referred to in the preceding provisions of this section, or exercises any power conferred on an auditor by those provisions, he shall be guilty of an offence, and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding one year, or to both such fine and imprisonment.”.

4. Section 133 of the principal Ordinance is hereby amended as follows :—

Amendment of section 133 of the principal Ordinance.

(1) in sub-sections (3) and (4), by the substitution, for the words “officers and agents of the company” wherever those words occur in those sub-sections, of the words “officers and agents of the company, past and present,” ; and

(2) in sub-section (5)—

(a) by the substitution, for the words “any officer or agent of the company”, of the words “any officer or agent of the company, past or present,” ; and

(b) by the addition at the end of that sub-section, of the following :—

“An appeal from any order made by the Court under the preceding provisions of this sub-section shall lie to the Supreme Court, and such appeal shall be regarded as an appeal from an order made by a District Court in the exercise of its ordinary criminal jurisdiction.”.

5. Section 135 of the principal Ordinance is hereby amended in sub-section (3) by the substitution, for the words “officer or agent of the company” of the words “officer or agent of the company, past or present,”.

Amendment of section 135 of the principal Ordinance.

6. Section 321 (1) of the principal Ordinance is hereby amended as follows :—

Amendment of section 321 of the principal Ordinance.

(1) in paragraph (a) thereof, by the substitution, for the words “a copy of such balance sheet” of the words “a certified copy of such balance sheet” ; and

(2) in paragraph (b) thereof, by the substitution, for the words “a copy of that balance sheet” of the words “a certified copy of that balance sheet”.

7. Part XIV of the principal Ordinance is hereby amended by the insertion immediately after the heading “Miscellaneous”, of the following new sub-heading and new sections which sections shall have effect as sections 342B and 342C of the principal Ordinance :—

Insertion of new sections 342B and 342C.

Appointments of Officers, &c.

342B. (1) The Governor may appoint—

Appointment of officers, &c.

(a) any person, by name or by office, to be or to act as the registrar of companies ;

(b) any person, by name or by office, to be or to act as an assistant registrar of companies ; and

(c) such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) Any person appointed under sub-section (1) to be or to act as an assistant registrar of companies, may subject to the general directions of the registrar, exercise all the powers, perform all the duties and discharge all the functions of the registrar under the Ordinance.

342C. If any document filed with, or in the custody of, the registrar of companies is damaged or is in danger of becoming illegible, the registrar may, if he thinks fit, direct a copy thereof to be made, verified, and certified in any such manner as he may determine, and thereupon such copy shall be substituted for, and shall for all purposes of this Ordinance be deemed to be, the document so damaged or in danger of becoming illegible.

Copies of damaged or illegible document.

8. Any person appointed to be or to act as registrar of companies before the commencement of this Ordinance shall be deemed to have been appointed under the amended provisions set out in section 7 of this Ordinance.

Passed in Council the Twenty-ninth day of October, One thousand Nine hundred and Forty-six.

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

Assented to by His Excellency the Officer Administering the Government, the Twenty-sixth day of November, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,
Secretary to the Governor.

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

No. 55 of 1946.

L. D.—O. 3/46.

An Ordinance to amend the Explosives Ordinance.

Chapter 140
(Vol. III,
p. 954).

J. C. HOWARD.

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

Short title.

1. This Ordinance may be cited as the Explosives (Amendment) Ordinance, No. 55 of 1946.

Amendment of
section 12 of
Chapter 140.

2. Section 12 of the Explosives Ordinance is hereby amended as follows :—

- (1) by the re-numbering thereof as sub-section (1) of section 12 ;
- (2) in the re-numbered sub-section (1) of that section, by the substitution, for the words " This Ordinance shall not apply ", of the words " Nothing in any other section of this Ordinance shall apply " ;
- (3) by the insertion, immediately after the re-numbered sub-section (1) of that section, of the following new sub-section :—

" (2) (a) The Governor may make regulations as to the loading, unloading, handling, storing and conveyance of explosives imported or exported for the use of any of the forces or departments or for any service referred to in sub-section (1). Such regulations may be made applicable—

- (i) to any specified port or airport or generally to all ports or airports at which such explosives are loaded or unloaded ; or
- (ii) to any specified premises, place or vehicle or generally to all premises, places or vehicles in which such explosives are stored during transit between a port or airport and their destination.

(b) No regulation made under paragraph (a) shall have effect until it has been approved by the Secretary of State and notification of such approval has been published in the *Gazette*.

(c) Every person who contravenes any regulation made under paragraph (a) shall be guilty of an offence punishable on conviction after summary trial by a Magistrate with a fine not exceeding one thousand rupees." ;

- (4) by the substitution, for the marginal note to that section, of the following new marginal note :—

" Special provision as to explosives imported or exported for the use of the Crown."

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

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

Assented to by His Excellency the Officer Administering the Government, the Twenty-eighth day of November, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend the Interpretation Ordinance.

Chapter 2.
(Vol. I, p. 11).

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 Interpretation (Amendment) Ordinance, No. of 1946. Short title.
2. Section 2 of the Interpretation Ordinance (hereinafter referred to as the "principal Ordinance"), is hereby amended in paragraph (v), by the substitution, for the words "or any part thereof," of the words "or any part thereof, and the Minutes on Pensions,". Amendment of section 2 of Chapter 2.
3. The amendment made in the principal Ordinance by this Ordinance shall be deemed for all purposes to have had effect on the date on which the principal Ordinance came into operation. Retrospective effect.

Objects and Reasons.

In order to resolve doubts that have arisen and to facilitate the application of certain sections of the Ceylon (Constitution) Order in Council, 1946, it is necessary to amend the definition of "written law" in the Interpretation Ordinance so as to include in that definition the Minutes on Pensions issued by the Governor from time to time. This Bill, accordingly, provides for such amendment.

ALAN ROSE,
Legal Secretary.

Colombo, 21st November, 1946.

DISTRICT AND MINOR COURTS NOTICES.

Rural Courts Ordinance, No. 12 of 1945.

IN terms of section 19 (2) of the Rural Courts Ordinance, No. 12 of 1945, which came into operation with effect from October 1, 1946, it is hereby notified for general information that the Rural Court buildings standing at places mentioned in column 2 have been set apart for use as such Court-houses in the korales and Mudaliyar's divisions falling within my appellate jurisdiction mentioned in column 1 of the Schedule.

Schedule referred to.

Column 1	Column 2
1. Hewagam korale and Colombo Mudaliyar's Division	Kaduvela Aturagiriya Wellampitiya Hanwella
2. Siyane korale east and Hapitagam korale, additional Siyane korale west, Adikari and Meda pattu	Heneratgoda Urapola, Pugoda Mugurugampola
3. Siyane korale west (Adikari pattu), Siyane korale west (Meda pattu) and Salpiti korale and additional Alutkuru korale south and Colombo Mudaliyar's Division	Gangodawila Mahara Wattala Hoanantara

W. SANSONI,
District Judge.

District Court,
Colombo, November 29, 1946.

is hereby given that the said court has adjudged the said N. M. M. Cassim insolvent accordingly; and that two public sittings of the court, to wit, on January 17, 1947, and on January 31, 1947, 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.

November 29, 1946. By order of court, M. N. PIERIS
Secretary.

In the District Court of Kandy.

No. I 130. In the matter of the insolvency of Weliwitigoda Sirisena Wimaladharmā of Colombo street, Kandy.

WHEREAS W. S. Wimaladharmā has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by S. Jaganathan under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said W. S. Wimaladharmā insolvent accordingly; and that two public sittings of the court, to wit, on January 21, 1947, and on February 18, 1947, 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.

November 29, 1946. By order of court, T. J. M. FERNANDO,
Secretary.

In the District Court of Nuwara Eliya, holden at Hatten.

Insolvency In the matter of the insolvency of Sandanam Jurisdiction Muthu K. P. of Rockwood-estate, Norwood. No. 47.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at a sitting of this court on December 10, 1946, to consider the grant of a certificate of conformity to the above-named insolvent.

November 30, 1946. By order of court, V. SIVAGNANASUNDRAM,
Secretary.

In the District Court of Galle.

Insolvency In the matter of the insolvency of Ahamado Ismail No. 729. Hadjar Abdul Wahab of Talapitiya, Galle, and also of Fort, Galle.

WHEREAS Ahamado Ismail Hadjar Abdul Wahab of Talapitiya, Galle, and also of Fort, Galle, has filed a declaration of insolvency, and a petition for the sequestration of the estate of him, the said insolvent, has been filed by Samarasmghe Kankanangamage Jayasinghe of Byzaar, Galle, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Ahamado Ismail Hadjar Abdul Wahab insolvent accordingly; and that two public sittings of the court, to wit, on January 15, 1947, and on February 19, 1947, 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.

November 30, 1946. By order of court, A. K. D. JAYASENA,
Secretary.

Rural Courts.

UNDER section 19 (2) of Rural Courts Ordinance, No. 12 of 1945, I do hereby notify that the Court-house of the Rural Court of the area comprising Alutkuru korale north (A), Alutkuru korale north (B) and Alutkuru korale south is at Minuwangoda.

District Court, LEONARD B. DE SILVA,
District Judge.
Negombo, November 1, 1946.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

Insolvency In the matter of the insolvency of Alex Francis No. 5,713. Arnolda of Nugegoda, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 13, 1946, for the examination of the above-named insolvent.

November 2, 1946. By order of court, M. N. PIERIS,
Secretary.

In the District Court of Colombo.

Insolvency. In the matter of the insolvency of N. M. M. Cassim No. 5,722 of 334, Wolfendhal street, Colombo, insolvent.

WHEREAS N. M. M. Cassim of 334, Wolfendhal street, Colombo, has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by O. Abdul Cader of New Moor street, Colombo, under the Ordinance No. 7 of 1853: Notice

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo

E. S. Tudugala of Angoda Plaintiff.
No. 2,581. Vs.

Marcus de Alwis of 266, Hulftsdorp, Colombo Defendant.

NOTICE is hereby given that on Saturday, January 11, 1947, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 2,021.75 with interest at 5 per cent. per annum from September 25, 1942, to September 18, 1944, and thereafter on the aggregate amount and costs taxed at Rs. 1,255.79 incurred and Rs. 116.08 prospective. (2) Also to recover a sum Rs. 240.50 plus Rs. 15 upon another writ in the above case against the above defendant in favour of the above plaintiff, viz. :—

All that allotment of land called Appukuttiyawatta together with the buildings, trees and plantations standing thereon, situated at Muruddeniya in Munwattabage pattu of Raagam korale in the District of Kalutara, Western Province; and bounded on the north by T. P. 237,053, on the east by lots 283, R 42, and S 42 in P. P. 4,580, on the south by a stream and lot R 42 (now S 42) in P. P. 4,580, and on the west by a stream and lots O 42 and F 42 in P. P. 4,580; containing in extent 15 acres 1 rood and 35 perches according to title plan thereof No. 237,054 dated August 27, 1908, authenticated by P. D. Warren, Esq., Surveyor-General, registered under title H 154/271.

Fiscal's Office,
Panadure, November 29, 1946.

B. D. FERNANDO,
Deputy Fiscal.

In the District Court of Kalutara.

Edward R. Fernando of Katukurunda Plaintiff.
No. 25,461. Vs.

(1) Illekuttige Peter Leo Fernando of Maha Payagala, and another, Administrators of the Estate of Patatabidige Peter Cooray Defendant.

NOTICE is hereby given that on Saturday, December 14, 1946, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 15,000 together with legal interest at 9 per cent. from May 30, 1946, and costs Rs. 667.20, less Rs. 1,150 recovered by sale of land No. 1, viz. :—

Schedule of Lands.

Appraised value Rs. 7,500.—(2) Entirety of soil and trees, and of tiled house and other buildings of the land called Diganewatta alias Gederawatta, situated at Payagala aforesaid; and bounded on the north by Annottuwawatta, east by Kamarangagahawatta, south by Gederawatta, and west by Hakurugewatta alias Arambewatta alias Wagurewatta; and containing in extent inclusive of road 9 feet in width leading to the Church and footpath 3 feet in width A. O. R. 3 P. O.

Deputy Fiscal's Office,
Kalutara, November 19, 1946.

T. V. KRISHNAPILLAI,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

(1) S. M. Sinniah Pillai, (2) M. S. Thangammal now Mrs. T. Canagasabay, (3) M. S. Rajaratnam, (4) M. S. Veerasingham, (5) M. S. Ratnasabapathy, (6) M. S. Amarawathy, (7) M. S. Navaratnam, (8) M. S. Nagaratnam, (9) M. S. Dhana-paknam, all of Panwila; 4th to 9th by their next friend the 1st Plaintiffs.

No. M. B. 1,029.

Vs.

(1) S. Kanniah personally and as legal representative of S. Samy Malay of Galphilla estate, Panwila, (2) S. Pathmawathee now Mrs. P. Coomaraswamy of Eppallawa, Kegalla Defendants.

NOTICE is hereby given that on Wednesday, January 8, 1947, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property mortgaged upon bond No. 1,393 dated January 31, 1935, and attested by Victor de Vos, Notary Public, and assigned by bonds Nos. 1,552 of April 16, 1938, and 418 of August 8, 1942, for the recovery of the sum of Rs. 6,010.29, with further interest on Rs. 4,074.78 from October 9, 1945, till December 17, 1945; at 15 per cent. per annum and thereafter legal interest on the aggregate amount till payment in full and costs Rs. 319.32 and poundage, viz. :—

1. All those contiguous allotments of land called Mulhlagewatta of 1 amunam in paddy sowing extent, Kotulotamulahena of 1 amunam in paddy sowing extent, Udallukpitiyawatta of 12 lahas in paddy sowing extent and Milalagahamulahena of about 3 roods and 20½ perches in extent, situate at Bowwagama in Pasbage korale of Uda Bulathgama in the District of Kandy, Central Province; and are together bounded on the east by the road leading to Puhulpole, on the north by the same road and by the Mahaweli-ganga, on the south by the limit of the land sold by Selohamy to a Chetty, and on the west by Mahaweli-ganga; containing in extent 8 acres.

2. All that allotment of land called Nugagahamulahena situate at Bowwagama aforesaid; bounded on the north by the lands described in plans Nos. 13,772 and 139,159, on the east by a road, and on the south and west by land described in plan No. 137,772; containing in extent 1 acre 3 roods and 17 perches.

3. All that allotment of land called Polatuwchena of 2 pelas in paddy sowing extent, situate at Bowwagama aforesaid; bounded on the east and south by road leading to Makulanehena, on the west by the road leading to Kitulotota, and on the north by land belonging to Alugolgedera Rammal Appuhamy, containing in extent 3 acres 2 roods and 8 perches.

4. All that field called Koralegederakumbura exclusive of the eastern ½ share, situate at Bowwagama aforesaid; bounded on the east by Elawella of the field of Kudarala Aratchila, on the south by Gederawatta Ivura of Punchi Etana, on the west by Karandeniya, and on the north by Gederawatta, containing in extent about 3 pelas paddy sowing.

5. All that allotment of land called Habaragamuwawatta, situate at Bowwagama aforesaid; and bounded on the north-east by land described in plan No. 139,159, on the east by lands described in plans Nos. 139,159 and 137,771, on the south-west by land described in plan No. 139,345, and on the north-west by Mahaweli-ganga; containing in extent 1 acre 3 roods and 1 perch.

6. All that allotment of land called Patingewatta, situate at Bowwagama aforesaid; and bounded on the north-east by land described in plan No. 139,344, on the south-east by land described in plan No. 137,771, on the south-west by land described in plan No. 66,605, and on the north-west by Mahaweli-ganga; containing in extent 1 acre and 19 perches, and registered in L. 49/240.48/188, 43/132, 49/241, 49/242 and 49/119 (with the buildings thereon). The above properties will be sold in one block as they are adjoining each other and forming one property.

Valuation : Rs. 30,000.

Fiscal's Office,
Kandy, December 3, 1946.

H. F. RATWATTE,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Welhinda Badalge Thegris Hamy of Elliott road, Galle. Plaintiff.
No. M. B. 190. Vs.

Mestri Waduge Sirisena, Native Doctor, Puwakdandawa, Beliatta, and another Defendants.

NOTICE is hereby given that on Wednesday, January 8, 1947, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following mortgaged property, for the recovery of Rs. 1,680 with interest thereon, at the rate of five per cent. per annum from the date of decree (September 16, 1946), till payment in full and costs of action as taxed by the officer of court, viz. :—

All the soil and trees together with all the buildings thereon, of the land called Ratmehera Watukoratuwa at Tittagalla in the Talpe pattu of the District of Galle, Southern Province, and bounded on the north by galweta of Arachgewatta, east by gala and dola, south by Kajjugaha Kumbura alias Owita, and west by Kongahawatta; and containing in extent 1 acre.

Fiscal's Office,
Galle, November 28, 1946.

W. P. DALUWATTE,
Deputy Fiscal.

In the District Court of Galle.

D. K. Weerapperuma of Kotigala estate, Ahangama Plaintiff.
No. X-209. Vs.

T. U. de S. Gunatillake of Ratgama Defendant.

NOTICE is hereby given that on Monday, January 6, 1947, commencing at 3 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties for the recovery of Rs. 661.97 plus Rs. 16.22 writ costs together with legal interest on Rs. 393.56 at 5 per cent. per annum from March 11, 1944, till payment in full, viz. :—

1. All that undivided ½ part of the land called Naiduwewatta marked lot No. 4 in P.P. 12,129, situated at Mawadawila in the Wellaboda pattu of the Galle District, Southern Province; and bounded on the north by land in T. P. 272,962, lot 3 in P. P. 12,129, Pita Ela and Unagasdeniyewela claimed by M. Udaris and others, east by Unagasdeniyewela claimed by M. Udaris and others, lot 5 in P. P. 12,129 and lands in T. P. Nos. 331,297 and 156,571, south by Saiappukankanagedeniyewela claimed by T. Owms Silva and land in T. P. 364,662, and west by reservation for a road; containing in extent 13 acres 2 roods and 7 perches as per title plan No. 365,388.

2. All the soil and trees of the land called Medagodawatta together with everything else on or within the said land, situated at Ratgama Bopagoda in the Wellaboda pattu aforesaid; and bounded on the north by Higannapadnchwatta and Athogewatta, east by Sattambigewatta, Memedaregewatta, Kovis Padmchi Idama, Gorakagahawatta and Kottemuttawatta, south by Bogahawatta and Wela, and west by Uralanis Padmchi Idama, Pina Upasaka Amma Padmchi Idama or Aba Heeraluwage Bogahakoratuwa and Mudiyansegewatta, containing in extent 4 acres 2 roods and 3 perches as per plan No. 1,270 dated June 26, 1920, made by Mr. E. J. Wright, Licensed Surveyor.

Note.—The above properties will be sold subject to Mortgage Bond No. 905 dated October 22, 1946, for Rs. 5,000 attested by Mr. F. W. E. de Vos, Notary Public.

Fiscal's Office,
Galle, November 28, 1946.

W. P. DALUWATTE,
Deputy Fiscal.

North-Western Province.

In the District Court of Colombo.

Testy. In the Matter of the Estate of Sir Christoffel Obeyesekera, deceased.
No. 3,866.

And

In the Matter of an Application under section 729 of the Civil Procedure Code Ordinance, No. 2 of 1889.

The Public Trustee of Ceylon, Administrator (with copies of the last will and codicil annexed) of the estate of the late Sir S. C. Obeyesekera Petitioner.

Vs.

(1) Lady Dias Bandaranaike of Colombo, (2) Lihlan Augusta Illangakoon, (3) Forester Augustus Obeyesekere of Colombo, (4) Iranganie Pieris of Colombo, (5) W. Ian Pieris of Colombo, and (6) Rajah Pieris of Colombo Respondents.

Hon. Mr. S. W. R. Dias Bandaranaike, Executor of the last will and testament of Lady Dias Bandaranaike, deceased, of 20, Guildford Crescent, Colombo, . . . Substituted 1st Respondent.

NOTICE is hereby given that on Thursday, January 16, 1947, commencing from 1st land at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st substituted-respondent in the following property, for the recovery of the sum of Rs. 61,022 with interest thereon at 4 per cent. per annum from February 29, 1936, till payment in full, less the sum of Rs. 36,230-90 and poundage, viz. —

1. An undivided just half part or share into and out of all that land called Embalamaditta Bogahamulahena and everything thereon, situated at Pahala Butgomuwa village in Katugampola (now Dambadeni) Udukaha korale east of Dambadeni hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by the hena of Dingiri Menika, on the east by Maha-oya, on the south by the hena of Appuhamy, and on the west by the bank of the Aswedduma Kumbura; containing in extent 3 labas of kurakkan sowing, and registered under F. 34/369 at Kurunegala Land Registry.

2. An undivided just half part or share from and out of all that land called Meegahamulahena and everything thereon, situated at Pahala Butgomuwa aforesaid; and bounded on the north by the limit of Meegahamulahena of Mudalihamy, on the east by the stone limit of Wahumpuranne Bogahamulahena and hena of others, on the south by the stone limit of Ukkuwagehena, and on the west by the stone limit of the hena of Panchappuhamy; containing in extent 1 timba of kurakkan sowing, and registered under F. 34/370.

3. An allotment of land called Wakotuwehena, situated at Pahala Butgomuwa aforesaid; and bounded on the north and east by lot 49 in P. P. 474, on the south and west by the village limits of Kandehena; containing in extent 3 roods according to Crown title plan No. 312588 dated March 25, 1915, authenticated by R. S. Templeton, Esq., Surveyor-General, held and possessed under Crown Grant No. 17502 dated April 13, 1915, issued under the hand of His Excellency Robert Chalmers, the then Governor of Ceylon.

4. An allotment of land called Mirshenawatta, situated at Kandehena in Dambadeni Udukaha korale south of Dambadeni hatpattu aforesaid; and bounded on the north by lot 20B in P. P. 475 and the village limits of Pahala Butgomuwa, on the east by the village limit of Pahala Butgomuwa and lot 20 in P. P. 475, on the south by lot 20 in P. P. 475, and on west by lot 20B in P. P. 475; containing in extent 2 acres 3 roods and 6 perches according to the Crown title plan No. 312840 dated April 9, 1915, authenticated by R. S. Templeton, Esq., Surveyor-General, held and possessed under Crown Grant No. 17524 dated May 4, 1915, issued under the hand of His Excellency Robert Chalmers, the then Governor of Ceylon.

Fiscal's Office, WALTER D. M. PERERA,
Kurunegala, November 28, 1946. Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Galpottage William de Harmanis Perera of No. 10,003. Imbulgoda, deceased.

Amaratunge Selma Perera nee Dias of 347, Makola road, Kadawatta Original Petitioner.

Henadirakankanamalage Moses Abaysekera of Dompe in the Gangaboda Pattu of Siyane Korale New Petitioner.

Vs.

(1) Amaratunga Aratchuge Selma Perera nee Dias of Imbulgoda aforesaid, (2) Galpottage Dorith Perera, (3) Irene Amel Perera Ranasingha, (4) Emily Perera Ranasingha, all of Udugampola in the Medapattu of Alutkuru korale, (5) Manuel Perera Ranasingha of Parakandeniya in Medapattu of Siyane korale, (6) Galpottage Abraham Perera of Imbulgoda aforesaid, (7) Henadirakankanamalage Charles Abaysekera of Dompe aforesaid, (8) Henadirakankanamalage Sumana Wettasinghe of Puwakpitaya, in the Udugaha pattu of Hewagam korale, (9) Henadirakankanamalage Cecilia Abaysekera of Dompe aforesaid, (10) Henadirakankanamalage Lily Abaysekera of Dompe, (11) Galpottage Bernard Harmanis Perera of Elie House road, Mutwal, (12) Galpottage Violet Irene Ranasingha Weerasekera of Kadawatta, (13) Galpottage Ronald Jayatissa Perera of Elie House road, Mutwal, (14) Galpottage Sumana Margaret Perera, (15) Galpottage Sam Siri Perera, (16) Galpottage Sylvia Pearl Perera, all of Elie House road, Mutwal; the 14th, 15th, and 16th respondents, minors, by their guardian *ad litem* (17) Don Edward de Alwis of Elie House road, Mutwal Respondents.

THIS matter coming on for disposal before N. Sinnatamby, Esq., Additional District Judge of Colombo, on October 17, 1946, in the

presence of Mr. H. A. Abeyewardene, Proctor, on the part of the new petitioner above named; and the affidavit of the said petitioner dated October 15, 1946, having been read:

It is ordered that the new petitioner above named be and he is hereby declared entitled, as an heir of the deceased, to have letters of administration *de bonis non* to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before November 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

S. C. SWAN,

Additional District Judge.

November 12, 1946.

The date of showing cause against the foregoing *Order Nisi* is extended to December 19, 1946.

V. SINNETAMBY,

Additional District Judge.

November 21, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Palanappa Chettiar also known as Ravanna Mana Pana Lana Palanappa Chettiar son of No. 12,155. Raman Chettiar of Kulpirai, Pudukottah State in South India, deceased.

Pana Lana Raman Chettiar of Haldummulla in the District of Badulla Petitioner.

And

(1) Meenatchi Achi of Kulpirai, Pudukottah State in South India, (2) Suppiah Chettiar of Mahatma Gandhi College in Kandy, (3) Periacaruppen Chettiar of Saratha School in Pudukottah State in South India, (4) Meenatchi, (5) Rukmani, (6) Kamalam, (7) Vallamma Achi, (wife) of S. P. Ramanathan Chettiar, (8) Ekamma Achi, (wife) of P. L. Adaikalam Chettiar, (9) Adaikamm Achi, wife of K. M. Muthuraman Chettiar, all of Kulpirai, Pudukottah State in South India, (10) Ravanna Mana Soona Pana Subramaniam Chettiar of 46, Main street in Ratnapura Respondents.

THIS matter coming on for disposal before N. Sinnatamby, Esq., Additional District Judge of Colombo, on October 8, 1946, in the presence of Mr. S. Somasundaram, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 21, 1946, the affidavit of the attesting witnesses dated September 12 and 13, 1946, and the Supreme Court Order dated September 26, 1946, having been read

It is ordered that the last will and testament of Palanappa Chettiar also known as Ravanna Mana Pana Lana Palanappa Chettiar son of Raman Chettiar, 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 sole executor and trustee named in the said will and the said petitioner be and he is hereby declared entitled to have probate of the said will issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before January 16, 1947, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 10th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 2nd, 3rd, 4th, 5th, and 6th respondents above named, unless sufficient cause be shown to the contrary on or before January 16, 1947.

October 29, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Kumarage Salomon Simeon Perera of Dalugama, No. 12,187. Kelaniya, deceased.

Colombage Dona Violet Perera of Dalugama, Kelaniya Petitioner.

THIS matter coming on for final determination before S. C. Swan, Esq., Additional District Judge of Colombo, on October 28, 1946, in the presence of Messrs. de Silva & Mendis, Proctors, on the part of the petitioner above named; and the affidavit of (1) the petitioner dated September 25, 1946, (2) the attesting Notary Public dated October 17, 1946, and (3) the attesting witnesses dated September 25, 1946, and October 16, 1946, having been read:

It is ordered that the last will and testament No. 549 made by Kumarage Salomon, Simeon Perera, the deceased above named and attested by N. S. O. Mendis, Notary Public, on August 5, 1943, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved.

It is further ordered that the petitioner above named is the executrix named in the last will and she is hereby declared entitled to have probate thereof issued to her accordingly on her taking the usual oath and tendering the security.

November 18, 1946

N. SINNETAMBY,
Additional District Judge

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Claude West Thompson of Colombo in the Island of Ceylon, deceased. No. 12,189.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on October 29, 1946, in the presence of Messrs. Julius & Creasy, Proctors, on the part of

the petitioner, Edith Maud Thompson of Colombo; and the affidavit of the said petitioner dated September 19, 1946, and affidavit as to the due execution of the will, original will, and certificate of death of the above-named deceased having been read: It is ordered that the will of the said deceased dated September 30, 1914, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the sole executrix named in the said will and that she is entitled to have probate of the said will issued to her accordingly, unless any person or persons interested shall, on or before December 12, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 21, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Dr. D. B. Perera of Nugegoda, deceased.
No. 12,201.

Dona Carolina Perera nee Attygalla of Nugegoda Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on November 6, 1946, in the presence of Mr. S. W. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 24, 1946, the affidavits of the attesting notary and the witnesses, dated October 30, 1946, having been read:

It is ordered that the last will and testament of Dr. D. B. Perera, 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 any person or persons interested shall, on or before January 16, 1947, show sufficient cause to the satisfaction of this court to the contrary.

November 13, 1946.

V. L. ST. CLAIR SWAN,
Additional District Judge.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament and Codicil of Richard Twining Sidgwick of the Victoria Nursing Home, Weymouth, Dorset, formerly of "Dickoya" Churt near Farnham, Surrey, England, deceased.
No. 12,207.

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

NOTICE is hereby given that after the expiry of twenty-one days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of a certified copy of probate of the last will and testament and codicil of Richard Twining Sidgwick of the Victoria Nursing Home, Weymouth, Dorset, formerly of "Dickoya" Churt near Farnham, Surrey, England, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice on June 18, 1946.

F. C. ROWAN,
Attorney for Charles Twining Sidgwick and John Benson Sidgwick, the Executors of the last will and testament and codicil of Richard Twining Sidgwick, deceased.

Colombo, November 7, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Catherine Elizabeth Monnington of 5A, Ashburn place, Kensington in the County of London, formerly of 502, Raleigh House, Dolphin Square, in the County of London, widow, deceased.
No. 12,208.

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

NOTICE is hereby given that after the expiry of twenty-one days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of a certified copy of probate of the last will and testament of Catherine Elizabeth Monnington of 5A, Ashburn place, Kensington, in the County of London, formerly of 502, Raleigh House, Dolphin Square, in the County of London, widow, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice at Llandudno on August 27, 1943.

F. C. ROWAN,
Attorney for the Governor and Company of the Bank of Scotland, the sole Executor of the last will and testament of Catherine Elizabeth Monnington, deceased.

Colombo, November 7, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Robert Cuthbert Thorn of Cottage Rectory, Tewin Welwyn Garden City, Hertfordshire, a Flight Lieutenant in His Majesty's Air Force, deceased.
No. 12,209.

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

NOTICE is hereby given that after the expiry of twenty-one days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of a certified copy of probate of the last will and testament of Robert Cuthbert Thorn of Cottage Rectory, Tewin Welwyn Garden City, Hertfordshire, a Flight Lieutenant in His Majesty's Air Force, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice on July 17, 1946.

F. C. ROWAN,
Attorney for Monnica Blanche Thorn, one of the Executors of the last will and testament of Robert Cuthbert Thorn, deceased.
Colombo, November 6, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Paulina Smyth of Beaumont, 4, Albany Terrace, St. Ives, Cornwall, England, widow, deceased.
No. 12,218.

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

NOTICE is hereby given that after the expiry of twenty-one days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of a certified copy of probate of the last will and testament of Paulina Smyth of Beaumont, 4, Albany Terrace, St. Ives, Cornwall, England, widow, deceased, granted by the District Probate Registry of His Majesty's High Court of Justice at Bodmin on February 27, 1946.

JULIUS & CREASY,
Proctors for Edgar Winney, Attorney for Stuart Walkeden Smyth and Geoffrey Thomas Smyth, the Executors of the last will and testament of Paulina Smyth, deceased.
Colombo, November 12, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of William Fraser of Hazelwood Hotel, Christchurch road, Bournemouth, Hampshire, formerly of 18, Westbourne Terrace, Hyde Park, London, W. 2, England, deceased.
No. 12,223.

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 probate of the last will and testament of William Fraser of Hazelwood Hotel, Christchurch road, Bournemouth, Hampshire, formerly of 18, Westbourne Terrace, Hyde Park, London, W. 2, England, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice on September 17, 1946.

F. C. ROWAN,
Attorney for Lily Elizabeth Frazer and Charles Hill Culross, the Executors of the last will and testament of William Fraser, deceased.
Colombo, November 18, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Robert Brown (Private No. 7745, Federated Malay States Volunteer Force) late of Strone House, Bridge of Cally, Perthshire, Scotland, and sometime of Braemore Tea Estate, Camerons Highlands, Malaya, Tea Planter, deceased.
No. 12,231.

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) Ordinance (Chapter 84) for the sealing of the extract confirmation dative of the executrix of Robert Brown (Private No. 7745, Federated Malay States Volunteer Force) late of Strone House, Bridge of Cally, Perthshire, Scotland, and sometime of Braemore Tea Estate, Camerons Highlands, Malaya, tea planter, deceased, granted by the Sheriff of the Lothians and Peebles at Edinburgh on May 31, 1946.

F. J. & G. DE SARAM,
Proctors for Mrs. Patricia Mary Lacey or Brown, the Executrix *Dative qua* relict of Robert Brown, deceased.

Colombo, December 6, 1946.

In the District Court of Avissawella.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Yapa No. 368. Pathrennehelage Samarasekara of Deraniyagala, deceased.

Dona Amalina Ranasinghe of Deraniyagala Petitioner.
Vs.

(1) Mahipala Samarasekara, (2) Dayawathie Yapa, (3) Ariyawathie Yapa, (4) Somawathie Yapa, all of Deraniyagala, being minors by their duly appointed guardian *ad litem* (5) Yapa Pathrennehelage Punci-appuhamy of Deraniyagala Respondents.

THIS matter coming on for disposal before C. X. Martyn, Esq.; District Judge of Avissawella, on July 31, 1946, in the presence of Mr. C. V. Welikala, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner dated July 30, 1946, and April 2, 1946, having been read:

It is ordered and decreed that the petitioner above named be and she is hereby declared entitled, as widow of the deceased, Yapa Pathrennehelage Samarasekara, to have letters of administration to the estate of the deceased issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 13, 1946, show sufficient cause to the satisfaction of this court to the contrary.

July 31, 1946. C. X. MARTYN,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Bodiabaduge Jurisdiction. Joseph Perera, deceased, of Kalutara. No. 3,288

Kevityagalalyanarallage Dona Sarah of Kalutara Petitioner.
Vs.

(1) Patabendige Eugine Cecilia de Silva wife of Mannamarakkallage Andrew Coorey of Wadduwa, (2) Samaraweera Jayasuriya Patabendige Augustinu Silva, Civil Hospital, Kandy, (3) Samaraweera Jayasuriya Patabendige Antony Francis Silva, c/o S. J. P. Augustine Silva, Civil Hospital, Kandy, (4) ditto Beatrice Silva ditto, (5) ditto Matilda Silva ditto, (6) Weerasuriya Jayawardena Sembukuttipatabendige Theressa Justina de Silva (wife of Helawatage Cyprian Perera of Welwriya), (7) ditto Francis de Silva, Registrar of Alutgama, (8) Palamandadige Antonette Marian Gladys Fernando of Richeland, Wadduwa, (9) ditto Peter Martinian Fernando, Wadduwa, (10) ditto Stanley Richard Emanuel Fernando, Wadduwa, (11) Liyanarallage Mary Agnes Silva, The Mount, Kadalana, Moratuwa, (12) Mrs. A. M. Perera of 17, Uyana road, Moratuwa, (13) Mrs. J. M. P. Jayasuriya of 17, Uyana road, Moratuwa, (14) Mrs. B. Matilda Costa of 2, Mahahunupitiya, Colombo, (15) B. Robert P. Perera of Chartered Bank, Colombo, (16) Clarence Fernando, c/o J. P. A. Fernando, P. W. D., Ambawela, Nuwara Eliya, (17) K. M. Walter Fernando of Padiyapelella, (18) Gertrude Catherine Fernando of 403, Moratuwella, Moratuwa, (19) K. M. Mabel Fernando, c/o Mrs. O. P. Perera, Maggona, (20) B. Anthonis Perera of Padiyapelella, (21) Mrs. B. John Perera of Sea Beach road, Kalutara North, (22) Mrs. M. E. Coorey Charleston, Kalamulla, Kalutara, (23) B. Benedict Perera, Sea Beach road, Kalutara North, (24) Agnes Matilda Perera ditto, (25) Lucy Bridget Perera ditto, (26) Cecil Jenita Perera, all of Sea Beach road, Kalutara North, (27) B. Alice Perera (wife of T. L. Juse Perera, Diyagaloda, Maggona), (28) B. Carlina Perera (wife of Mahabaduge Boniface Fernando of Josalymon, Diyagaloda, Maggona), (29) B. Catherine Perera, Diyagaloda, Maggona, (30) B. Angelina Perera, (wife of W. B. Joseph Fernando, 103, Colombo street, Kandy), (31) B. William Perera, Sea Beach road, Kalutara North Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on November 14, 1946, in the presence of Messrs. Wijemanne & Coorey, Proctors, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated October 8, 1946, having been read:

It is ordered that letters of administration of the estate of the above-named deceased be issued to the petitioner above named, unless the respondents or any other person interested in the above estate shall, on or before December 13, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 14, 1946. V. S. JAYAWICKRAMA,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Vana Nana Awanna Subramaniam Pillai of Sirupathur village of Lalgudi Taluk in the District of Trichinopoly, South India, deceased. No. T 629.

Mariyayi Ammal by her attorney V. N. Mariya Pillai of Ambalawa estate, Gampola Petitioner.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge, Kandy, on October 25, 1946, in the presence of

Messrs. Liesching & Lee, Proctors, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated October 18, 1946, having been read:

It is ordered that the will of Vana Nana Awanna Subramaniam Pillai, deceased, dated May 29, 1945, be and the same is hereby declared proved, unless any person or persons interested shall, on or before December 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 25, 1946. H. A. DE SILVA,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Last Will of the late Karthigesu Jurisdiction. Iyer Paramasamy Iyer of Tellippallai West, No. 383.

Paramasamy Iyer Panchadchara Kurukkal of Tellippallai West Petitioner.

(1) Paramasamy Iyer Sathasiva Iyer, (2) Paramasamy Iyer Retna Iyer, (3) Paramasamy Iyer Kumarasamy Iyer, (4) Paramasamy Iyer Arulananda Iyer, (5) Paramasamy Iyer Sivananda, all of ditto, (6) Ehampara Iyer Subramania Iyer and wife (7) Pavani Retnammah of Thumpalai, Point Pedro, (8) Kukananda Iyer Retneswara Iyer, (9) Kukananda Sarma Rajeswariammah, (10) Kukananda Sarma Sethinatha Iyer, (11) Kukananda Sarma Sakunthaladeviammah, (12) Sellamma, widow of Kukananda Sarma, all of Punnalakkadduvan Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 5, 1946, in the presence of Mr. K. Kanapathipillai, Proctor, on the part of the petitioner; and the affidavits of the above-named petitioner dated February 28, 1945, and August 31, 1946, having been read, and the 1st respondent as co-executor having refused to co-operate to prove the said will, it is ordered that the will of Karthigesu Iyer Paramasamy Iyer, deceased, dated July 4, 1942, and numbered 16 be and the same is hereby declared proved, unless the respondents or others shall, on or before October 29, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Sellamma, widow of Kukananda Sarma, 12th respondent, be appointed guardian *ad litem* over the minors, the 8th, 9th, 10th and 11th respondents, and that the said Paramasamy Iyer Panchadchara Kurukkal, petitioner, is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondents or others shall, on or before October 29, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 5, 1946. R. R. SELVADURAI,
District Judge.

Extended and reissued for December 10, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Arumugam Kanapathipillai of Moolai, No. 445, deceased.

Thangamuttu, widow of S. Nadarajah of Moolai Petitioner.
Vs.

(1) Kanapathipillai Saravanamuttu of Vaddukodai, (2) Kanapathipillai Sabapathipillai of Malayan Treasury, Kuala Lumpur, F. M. S., (3) Dr. Kanapathipillai Ramalingam of Johore, (4) Kanapathipillai Eliathamby of Vaddukodai, (5) Murugasu Nadarajah and wife (6) Nageswari, both of Vaddukodai, (7) Subramaniam Ratnasabapathy, clerk, Engineer's Office, Municipality, Singapore, (8) Subramaniam Kumarasamy of Wellawatta, (9) Subramaniam Nadarajah (minor) of Government hospital, Hingurakoda; the 9th respondent is a minor appearing by his guardian *ad litem* the 4th Respondent Respondents.

THIS matter coming on for disposal before S. S. J. Goonesekera, Esq., District Judge, Jaffna, on August 21, 1945, in the presence of Mr. M. Kathiravelu, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner and that of the witnesses to the said last will having been read:

It is ordered that the above-named 4th respondent be appointed guardian *ad litem* over the minor, the 9th respondent, for the purpose of representing him and watching his interest in the matter of this testamentary proceedings and that the petitioner is entitled to have probate of the last will and testament of the above-named deceased and the same be issued to her accordingly, unless the respondents or any others shall, on or before November 9, 1945, at 10 o'clock in the forenoon show sufficient cause to the satisfaction of this court to the contrary.

August 21, 1945. S. S. J. GOONESEKERA,
District Judge.

Time to show cause is extended to December 17, 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. Subramaniam Sithanparapillai of Vaddukoddai No. 477. East, Jaffna, deceased.

Rasamma, widow of Subramaniam Sithanparapillai of Vaddukoddai East, Jaffna Petitioner.

Vs.

Sithanparapillai Ganesaratnam of Vaddukoddai East, Jaffna, presently of Tampin, F. M. S. Respondent.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 23, 1946, in the presence of Mr. M. Kathiravelu, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated October 5, 1946, having been read:

It is ordered that the said petitioner is hereby declared entitled to have letters of administration in this case and the same issued to her accordingly, unless the respondent or others shall, on or before December 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,
District Judge.

September 23, 1946.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of the Jurisdiction. late Vairavanathar Murugesu of Mallakam, No. 610. deceased.

(1) Thambippillai Arumugam and wife (2) Mankaiyatharasu, both of Mallakam Petitioners.

Vs.

(1) Murugesu Vairavanathar of ditto, presently of Marina Office, Dingo, (2) Murugesu Arumugam of ditto, (3) Murugesu Sockalingam of Mallakam, presently of General Hospital, Kwicking, Sarawak, (4) Murugesu Keralingam of ditto, presently of 68, Contonment road, Singapore Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 20, 1946, in the presence of Mr. T. Kumaraswamy, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated August 25, 1946, having been read:

It is ordered that the last will of Vairavanathar Murugesu of Mallakam, deceased dated September 27, 1942, and attested by S. T. Rajaratnam, Notary Public, under No. 1043, be and the same is hereby declared proved and that the said petitioners are the executors named in the said will and that they are entitled to have probate of the same issued to them accordingly, unless the said respondents or others shall, on or before November 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,
District Judge.

September 20, 1946.

Order Nisi extended to December 17, 1946.

R. R. SELVADURAI,
District Judge.

November 19, 1946.

In the District Court of Jaffna.

Testamentary In the Matter of the Intestate Estate of Sinnathurai Jurisdiction. Thuraiayah of Vasavilan, deceased. No. 616.

Sinnathurai Thuraiayah of Vasavilan Petitioner.

Vs.

(1) Mary Muthammah, widow of Sinnathurai, (2) Sinnathurai Thuraiyah, (3) Sinnathurai Gunaratnam, (4) Sinnathurai Agnes, (5) Sinnathurai Lillyratnam, (6) Sinnathurai Sebaratnam, (7) Sinnathurai Samnathar, (8) Sinnathurai Nadchethuram and (9) Sinnathurai Thangaratnam, all of Vasavilan Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 27, 1946, in the presence of Mr. M. Sithambaranathan, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the minors, the 4th to 9th respondents, for the purpose of safeguarding and watching the interests of the said minors in these testamentary proceedings and that letters of administration to the estate of the deceased be granted to the petitioner, as brother of the said deceased, unless the said respondents or any other person interested shall appear before this court on November 7, 1946, and state objections and show cause to the contrary.

R. R. SELVADURAI,
District Judge.

October 28, 1946.

Date to show cause extended till December 12, 1946.

R. R. SELVADURAI,
District Judge.

November 7, 1946.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Chivappaikiam, wife of Chinnathurai of Chulipuram, late of Colombo, deceased. No. 625.

Ambalavanar Vaithilingam of Chulipuram Petitioner.

Vs.

(1) Theivanappillai, wife of Vaithilingam of Chulipuram, and (2) Thamothersampillai Chinnathurai of Moolai Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on October 25, 1946, in the presence of Mr. T. Sangarapillai, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated July 21, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the father of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before December 10, 1946, show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,
District Judge.

November 12, 1946.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Vaithilingam Gunaratnam of Navaly South, deceased. Jurisdiction. No. 629.

John Somanather Vaithilingam of Navaly South Petitioner.

Vs.

Sellammah, wife of Vaithilingam of Navaly South ... Respondent.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on October 31, 1946, in the presence of Mr. S. Trinavukkarasu, Proctor, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the petitioner be declared entitled to have letters of administration of the estate of the deceased, as father and one of the heirs of the deceased, and that letters of administration be issued to him accordingly, unless the respondent or any other person or persons interested shall, on or before December 13, 1946, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,
District Judge.

October 31, 1946.

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

Order Nisi.

Testamentary In the Matter of the Last Will, and Testament of Jurisdiction. the late Kanapathippillai Vadivelu of Thunnalai No. 316/PT. South, deceased.

Packiam, widow of Vadivelu of Thunnalai South....Petitioner.

Vs.

(1) Rukkumanidevi, daughter of Kanapathippillai Vadivelu, (2) Vadivelu Kanapathippillai, (3) Vallar Veluppillai, all of Thunnalai South; the 2nd and 3rd respondents are minors by their guardian *ad litem*, the 3rd respondent..... Respondents.

THIS matter coming on for disposal before M. M. I. Kariapper, Esq., Additional District Judge, Jaffna, on July 6, 1946, in the presence of Mr. C. Kulaveerasingham, Proctor, on the part of the petitioner; and on reading the petition and affidavit of the petitioner, and the affidavit of Daniel Subramaniam Arumugam, Kanapathippillai Sittambalam, Sinnathambiar Veluppillai, Chelappah Ratnasabapathy and Nagamany Ponnusamy, the five attesting witnesses to the last will having been read:

It is ordered that the last will of Kanapathippillai Vadivelu of Thunnalai South, deceased, dated September 23, 1945, attested by the above said witnesses and now deposited in court be and the same is hereby declared proved, unless the respondents or any other person shall, on or before October 18, 1946, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the petitioner, as the executrix named in the said last will, be and she is hereby declared entitled to have probate of the said last will issued to her, unless the respondents or any other persons interested shall, on or before October 18, 1946, show sufficient cause to the satisfaction of this court to the contrary.

M. M. I. KARIAPPER,
Additional District Judge.

July 6, 1946.

This Order Nisi extended and re-issued on November 15, 1946.

M. M. I. KARIAPPER,
Additional District Judge.

Extended and re-issued for December 13, 1946.

M. M. I. KARIAPPER,
Additional District Judge.

In the District Court of Jaffna (held at Point Pedro)

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Kandappar Kanagasabai of Alvai North,
No. 328/PT. deceased.

(1) Kanapathippillai Ponniah and (2) wife Chellammah, both of
Alvai South, presently of Rambodagalla Petitioners.

Vs.

(1) Kunchippillai, widow of Kandappar of Alvai North,
(2) Wallippillai, widow of Kanagasabai of ditto Respondents.

THIS matter coming on for disposal before M. M. I. Kariapper,
Esq., Additional District Judge, on November 20, 1946, in the
presence of Mr. T. Balakrishnan, Proctor, on the part of the
petitioners; and the affidavit of the petitioners dated November 5,
1946, having been read:

It is ordered that the petitioners be and they are hereby declared
entitled, as the brother-in-law and sister of the above-named
deceased, to take out letters of administration to the estate of the said
deceased and that letters of administration be issued to them
accordingly, unless the respondents or any other person or persons
interested shall, on or before December 19, 1946, show sufficient
cause to the satisfaction of this court to the contrary.

November 20, 1946.

M. M. I. KARIAPPER,
Additional District Judge.

In the District Court of Trincomalee.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Levvaithampy Sathakkulevvai of Toppur in
No. 297. Koddiyarpattu, Trincomalee, deceased.

Sathakkulevvai Kamaratheen of Toppur in Koddiyarpattu,
Trincomalee Petitioner.

And

Hamidumma, wife of Abdul Hameed of Thoppur in Koddiyar-
pattu, Trincomalee Respondent.

THIS matter coming for disposal before Julius F. Phillips, Esq.,
District Judge, Trincomalee, on November 12, 1946, in the presence
of Mr. S. M. Manikkarajah, Proctor, on the part of the petitioner;

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and the petition dated November 12, 1946, and the affidavit dated
November 7, 1946, of the petitioner having been read: it is ordered
that the said petitioner, as son of the deceased, is entitled to have
letters of administration to the estate of the deceased issued to him
accordingly, unless the respondent above named or any person
or persons interested shall, on or before December 12, 1946, show
sufficient cause to the satisfaction of this court to the contrary.

November 12, 1946.

JULIUS F. PHILIPS,
District Judge.

In the District Court of Kurunegala.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jemahandige
Jurisdiction. Wilson Silva of Polgahawela in Udapola Otota
No. 4,658. korale, deceased.

Palakutti Arachchige Jane Nona of Galbodagama in Udapola
Otota Korale Petitioner.

Vs.

(1) Jemahandige Susila Piyaseel of Galbodagama aforesaid,
(2) Palakutti Arachchige Charles Singho of Talgomuwa
School, Kegalla District Respondents.

THIS matter coming on for disposal before T. P. P. Geometilloke,
Esq., District Judge of Kurunegala, on the November 8, 1946, in
the presence of Mr. H. Bede Perera, Proctor for the petitioner above
named; and the affidavit of the said petitioner dated September
6, 1946, having been read:

It is ordered that the second respondent be and he is hereby
appointed guardian *ad litem* over the first minor respondent for the
purpose of these proceedings, unless the respondents shall, on or
before December 20, 1946, show sufficient cause to the satisfaction
of this court to the contrary.

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

November 8, 1946.

A. JAYARATNE,
District Judge.

In the District Court of Kurunegala.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. the late Rajakaruna Liyana Atukoralalage Ukku
No. 4,646. Banda, deceased, of Elibichchiya.

Jayakodi Arachchige Podiappuhamy of Elibichchiya in
Katugampola Medapattu korale east Petitioner.
Vs.

(1) Rajakaruna Liyana Atukoralalage Wipulasena, (2) ditto
Kudumawathie, both minors by their guardian *ad litem* the
5th, (3) Leela Aranganu Gunaratne, minor by G. A. L. 4th,
(4) Adikari Mudiyanseelage Elisa Nona Gunaratne as guardian
ad litem of 3rd and in her own capacity, (5) Rajakaruna
Liyana Atukoralalage Piyasena, all of Elibichchiya afore-
said Respondents.

THIS matter coming on for disposal before T. P. P. Goonetilleke,
Esq., District Judge of Kurunegala, on September 13, 1946, in the
presence of Mr. P. M. P. Ratnayake, Proctor, on the part of the
petitioner; and the affidavits of the petitioner Jayakodi Arach-
chige Podiappuhamy of Elibichchiya, the Notary Public, M. G. A.
Wijayatillake and of witnesses Kornelis and Podisingho dated
September 13, 1946, August 10, 1946, and September 2, 1946,
respectively, having been read :

It is ordered that the will of Rajakaruna Liyana Atukoralalage
Ukku Banda of Elibichchiya, deceased, dated March 24, 1946, and
now deposited in this court, be and the same is hereby declared
proved, unless the respondents or any person on whom the court
direct order to be served shall, on or before November 1, 1946, show
sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Jayakodi Arachchige Podiappu-
hamy of Elibichchiya is the executor named in the said will, and
that he is entitled to have probate of the same issued to him
accordingly, unless the respondents or any person on whom the
court direct the order to be served shall, on or before November 1,
1946, show sufficient cause to the satisfaction of this court to the
contrary.

It is further ordered that the 5th respondent be appointed
guardian *ad litem* over the 1st and 2nd respondents and 4th res-
pondent over the 3rd respondent.

September 13, 1946.

T. P. P. GOONETILLEKE,
District Judge.

The date for showing cause is extended till December 20, 1946.

T. P. P. GOONETILLEKE,
District Judge.