



THE CEYLON GOVERNMENT GAZETTE

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PART II.—LEGAL.

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

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PASSED ORDINANCES.

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

No. 56 of 1946.

L. D.—O. 26/46.

M. L. A.—D. 107/1.

An Ordinance to amend the Local Government Service Ordinance, No. 43 of 1945.

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 Government Service Amendment Ordinance, No. 56 of 1946. Short title.

2. Section 9 of the Local Government Service Ordinance, No. 43 of 1945, (hereinafter referred to as "the principal Ordinance"), is hereby repealed and the following new section substituted therefor:— Substitution of new section for section 9 of Ordinance No. 43 of 1945

9. The Commission may appoint, in addition to the Secretary and the Accountant referred to in section 8, such other officers and servants as it may deem necessary for the purpose of carrying out the provisions of this Ordinance. Every officer or servant so appointed shall receive such remuneration as may be fixed by the Commission. Other officers and servants

3. Section 10 of the principal Ordinance is hereby amended by the substitution, for all the words from "The Secretary" to "section 9", of the following:— Amendment of section 10 of the principal Ordinance.

"The officers and servants appointed under section 8 and under section 9 shall constitute the staff of the Commission, and every such officer or servant".

4. Section 11 of the principal Ordinance is hereby amended as follows:— Amendment of section 11 of the principal Ordinance.

(a) by the re-numbering thereof as sub-section (1) of section 11; and

(b) by the addition, immediately after the re-numbered sub-section (1), of the following new sub-section:—

"(2) The Commission may authorise the Chairman, subject to such general or special conditions as it may from time to time determine by resolution—

(a) to exercise in relation to the staff of the Commission all the powers exercisable by the Head of a Department, in relation to public

servants in that Department, under the Public Service Regulations and the Financial Regulations of the Government which are for the time being in force ;

- (b) to call for applications for vacant posts, obtain any information or explanation, initiate any correspondence or any inquiry or other proceedings, or take any other preliminary step or measure which may, in his opinion, be expedient or necessary for the proper consideration and determination of any matter by the Commission ; and
- (c) generally to deal with all matters of routine and details of administration."

Insertion of new sections 11A and 11B in the principal Ordinance.

Pensions, &c. to staff of Commission.

5. The following new sections shall be inserted immediately after section 11, and shall have effect as sections 11A and 11B, of the principal Ordinance :—

11A. (1) (a) The Commission may, by resolution approved by the Financial Secretary, declare any post on its staff of officers and servants to be a pensionable post or declare any such post to be pensionable so long as it is held by any person specified by name in the resolution, and may on the retirement of the holder of each such post award him a pension or gratuity :

Provided that every person who is transferred or seconded to the staff of the Commission from any pensionable post in the service of the Government or of any local authority shall, during his tenure of any office on the staff of the Commission, be deemed to be the holder of a pensionable post, for all the purposes of this sub-section ; and a resolution as aforesaid shall not be necessary in any such case.

(b) Every pension or gratuity awarded under this sub-section to an officer or servant retiring from the staff of the Commission shall be computed and paid by the Commission in accordance with the provisions (by whatever name called) whereby the grant of pensions, gratuities or allowances to public servants retiring from the service of the Government is regulated ; and for this purpose any option or right of election reserved to such public servants by any of those provisions may in the like circumstances be exercised in the like manner by such retiring officer or servant of the Commission.

(c) Service under the Government or a local authority shall, if it precedes and is continuous with service on the staff of the Commission, be taken into account in the computation of qualifying service for any pension or gratuity under this sub-section and in the computation of the amount of the pension or gratuity to be awarded.

(2) In the case of each post on the staff of the Commission which has not been declared or is not deemed to be a pensionable post under sub-section (1), the officer or servant appointed thereto shall, so long as he is the holder thereof, contribute to the Provident Fund established under Part III ; and the provisions of that Part and the regulations thereunder shall apply to such officer or servant in like manner as if he were a member of the local Government Service.

Provision for widows and orphans of staff of Commission.

Cap. 296.

11B. (1) The Commission may, by resolution approved by the Financial Secretary, declare that any person who is the holder of a post on the staff of the Commission shall be deemed to be a public officer within the meaning of the Widows' and Orphans' Pension Fund Ordinance ; and where a declaration is made by resolution as aforesaid in respect of any person, the provisions of that Ordinance shall, with effect from the date of such resolution or such other date as may be specified therein, apply in the case of that person as though he were a public officer within the meaning of that Ordinance :

Provided that every person seconded or transferred to any post on the staff of the Commission from any post in the service of the Government at any time when he is a contributor under the Widows' and Orphans' Pension Fund Ordinance shall, while he holds that or any other post on the staff of the Commission, be deemed to be a public officer for all the purposes of that Ordinance and be entitled to continue to be a contributor thereunder ; and a resolution as aforesaid shall not be necessary in any such case.

(2) Every person holding a post on the staff of the Commission in respect of whom a declaration has not been made by resolution under sub-section (1) shall, so long as he continues to be on the staff of the Commission, be a

contributor to the Widows' and Orphans' Pension Fund established under this Ordinance, with effect from the date of the establishment of that Fund or the date of his appointment to the staff of the Commission, whichever is the later; and the provisions of this Ordinance and of any regulations thereunder relating to that Fund shall apply in the case of each such person in like manner as if he were a member of the Local Government Service:

Provided that the preceding provisions of this sub-section shall not apply in the case of any person who is exempted therefrom by a resolution of the Commission relating specially to him or generally to any class, grade or description of officers or servants to which he belongs.

6. Section 14 of the principal Ordinance is hereby amended by the substitution, for the words "Urban Councils", of the words "Urban Councils, Town Councils,".

Amendment of section 14 of the principal Ordinance.

7. Section 21 of the principal Ordinance is hereby amended by the insertion therein, immediately after sub-section (2), of the following new sub-section:—

Amendment of section 21 of the principal Ordinance.

"(3) Nothing in the Wages Boards Ordinance, No. 27 of 1941, or in any Ordinance amending that Ordinance shall apply or be construed or deemed to apply to or in relation to or in the case of any person who is a member of the Service, notwithstanding that he is employed for the time being under a local authority in or in connexion with any service or undertaking which partakes of the nature of a trade or industry."

8. Section 23 of the principal Ordinance is hereby amended by the insertion therein, immediately after sub-section (2), of the following new sub-section:—

Amendment of section 23 of the principal Ordinance.

"(3) Nothing in the preceding provisions of this section shall be deemed to render it unlawful for the Commission to commence proceedings in accordance with those provisions, or to continue and complete as far as possible in accordance with those provisions any pending proceedings, against any member of the service in respect of any misconduct or breach of discipline or other cause of complaint which may have occurred or arisen before the appointed date."

9. The following new section shall be inserted immediately after section 58, and shall have effect as section 58A, of the principal Ordinance:—

Insertion of new section 58A in the principal Ordinance.

58A. No action, prosecution or other proceeding, whether civil or criminal, shall be instituted or maintained against any individual member of the Commission in respect of any decision taken or act done or omitted by him in his capacity as such member or by the Commission in its corporate capacity.

Immunity of individual members of Commission.

10. Section 59 of the principal Ordinance is hereby amended in the definition of "local authority" set out therein, by the substitution for the words "Urban Councils" of the words "Urban Councils, Town Councils,".

Amendment of section 59 of principal Ordinance.

11. The First Schedule to the principal Ordinance is hereby amended in Part I thereof, by the omission from each of the paragraphs which commence with the words "Every other post", of all the words from "which has been" to "required by law".

Amendment of First Schedule to the principal Ordinance.

12. The amendments made in the principal Ordinance by this Ordinance shall be deemed for all purposes to have taken effect on the first day of April, 1946.

Retrospective effect of amendments.

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.

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

No. 57 of 1946.

L. D.—O. 41/46.

M. L. A.—BA. 689

An Ordinance to make provision for defining the areas for which Assistant Commissioners of Local Government may be appointed and to enable such Assistant Commissioners to exercise, discharge and perform, within the limits of the areas aforesaid, certain powers, functions and duties of a Government Agent and of the Commissioner of Local Government.

J. C. HOWARD.

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

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|---|--|
| Short title. | 1. This Ordinance may be cited as the Local Government (Administrative Regions) Ordinance, No. 57 of 1946. |
| Power to define administrative regions and to appoint Assistant Commissioners of Local Government therefor. | 2. For the purposes of facilitating the enforcement of the laws relating to Local Government and other laws which are of local application, the Governor may—
(a) by Order published in the <i>Gazette</i> , divide Ceylon into administrative regions (each of which is hereinafter referred to as a "region") and define each such region either by setting out the metes and bounds of that region or by enumerating the Provinces, revenue districts or revenue divisions or parts thereof comprised in that region; and
(b) appoint an Assistant Commissioner of Local Government (hereinafter referred to as an "Assistant Commissioner") for each such region. |
| Office. | 3. The Assistant Commissioner for each region shall establish and maintain an office within the limits of the region and shall cause a notice, indicating the place at which such office is situated, to be published within such limits in such manner as he may deem best calculated to give publicity thereto. |
| Assistant Commissioners to exercise powers, &c., of the Commissioner of Local Government. | 4. With effect from such date as the Governor may appoint by Order published in the <i>Gazette</i> (hereinafter referred to as the "appointed date") and subject to the general direction and control of the Commissioner of Local Government, the Assistant Commissioner for each region may exercise, discharge or perform, within the limits of such region, any power, function or duty vested in, assigned to or imposed on the Commissioner by any written law. |
| Amendment of Ordinances, &c. | 5. For the purpose of enabling the Assistant Commissioner for each region to exercise, discharge and perform certain specific powers, functions or duties heretofore exercised, discharged or performed by a Government Agent under the Ordinances specified in the first column of the Schedule or under the by-laws, rules, regulations, proclamations, orders, notifications or notices made or issued thereunder—
(1) the Ordinances aforesaid shall, with effect from the appointed date, be amended in the manner and to the extent specified in the corresponding entries in the second column of that Schedule; and
(2) the by-laws, rules, regulations, proclamations, orders, notifications or notices aforesaid, other than the rules made under paragraph (a) or paragraph (b) of section 59 (1) of the Village Communities Ordinance, shall, with effect from the date aforesaid, be amended by the substitution, for the expression "Government Agent" wherever it occurs therein, of the expression "Assistant Commissioner of Local Government". |
| Cap. 198. | |

Schedule.

(Section 5).

- | I.
Ordinances. | II.
Amendments. |
|---|---|
| Urban Councils Ordinance, No. 61 of 1939. | (1) In sections 33, 34A and 39, for the expression "Government Agent" wherever it occurs therein, there shall be substituted the expression "Assistant Commissioner".

(2) In section 258—
(a) immediately before the definition of "annual value", there shall be inserted the following new definition :—
"administrative region" means an administrative region defined by |

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	Order made under section 2 of the Local Government (Administrative Regions) Ordinance ; ;
	(b) immediately after the definition of "appointed date", there shall be inserted the following new definition :— "Assistant Commissioner", in relation to any town, means the Assistant Commissioner of Local Government for the administrative region within which the town is situated ; ; and
	(c) for the definition of "Commissioner", there shall be substituted the following new definition :— "Commissioner" means the Commissioner of Local Government or any Deputy Commissioner of Local Government ; ;
Town Councils Ordinance, No. 3 of 1946.	(1) In sections 33, 35 and 40, for the expression "Government Agent" wherever it occurs therein, there shall be substituted the expression "Assistant Commissioner".
	(2) In section 259—
	(a) immediately before the definition of "annual value", there shall be inserted the following new definition :— "administrative region" means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance ; ;
	(b) immediately after the definition of "appointed date", there shall be inserted the following new definition :— "Assistant Commissioner", in relation to any town, means the Assistant Commissioner of Local Government for the administrative region within which the town is situated ; ; and
	(c) for the definition of "Commissioner", there shall be substituted the following new definition :— "Commissioner" means the Commissioner of Local Government or any Deputy Commissioner of Local Government ; ;
Village Communities Ordinance (Chapter 198).	(1) In sections 10, 25, 30, 31, 33, 45, 53, 54, 60 and 62, for the expression "Government Agent" wherever it occurs therein, there shall be substituted the expression "Assistant Commissioner".
	(2) In section 14 (2) (c), for the expression "Government Agent", there shall be substituted the expression "Assistant Commissioner".
	(3) In section 47 (4), for all the words from "Government Agent," to "revenue district," there shall be substituted the words "Assistant Commissioner, or where such village areas are not all situated within the administrative region of the same Assistant Commissioner,".
	(4) In section 61 (d) (ii), for the words "or to administer", there shall be substituted the words "or direct the Assistant Commissioner to administer".
	(5) In section 129—
	(a) immediately before the definition of "annual value", there shall be inserted the following new definition :— "administrative region" means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance ; ;

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	(b) immediately after the definition of "annual value", there shall be inserted the following new definitions:— "Assistant Commissioner", in relation to any village area, means the Assistant Commissioner of Local Government for the administrative region within which the village area is situated; "Commissioner of Local Government" includes any Deputy Commissioner of Local Government;'.
Nuisances Ordinance (Chapter 180).	(1) In section 5, for the words "Government Agent of the province or Assistant Government Agent of the district," there shall be substituted the words "Assistant Commissioner of Local Government for the administrative region,". (2) In section 21, for the words "or done," there shall be substituted the words "or done," and the term "administrative region" shall mean an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance;'. (3) In the Schedule, for all the words from "Government Agent" to "District of ———," there shall be substituted the words "Assistant Commissioner of Local Government for the administrative region ———,". In section 3— (a) immediately before the definition of "burial ground", there shall be inserted the following new definition:— "administrative region" means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance;'; and (b) in the definition of "proper authority", for the words "Government Agent of the Province or Assistant Government Agent of the district", there shall be substituted the words "Assistant Commissioner of Local Government for the administrative region".
Cemeteries and Burials Ordinance (Chapter 181).	
Suburban Dairies and Laundries Ordinance (Chapter 183).	(1) In section 4— (a) immediately before the definition of "dairy premises", there shall be inserted the following new definitions:— "administrative region" means an administrative region defined by Order made under section 2 of the Local Government Administrative Regions) Ordinance; "Assistant Commissioner" means the Assistant Commissioner of Local Government for any administrative region;'; and (b) the definition of "Government Agent" shall be omitted. (2) In sections 6 and 17, for the expression "Government Agent", there shall be substituted the words "Assistant Commissioner for the administrative region within which such premises are situated". (3) In section 22, for the expression "Government Agent", there shall be substituted the words "Assistant Commissioner for the administrative region within which the premises to which the licence applies are situated".
Housing and Town Improvement Ordinance (Chapter 199).	(1) In section 2— (a) immediately before the definition of "assessed annual value", there shall be inserted the following new definition:— "administrative region" means an administrative region defined by Order made under section 2 of the Local Government (Administrative Regions) Ordinance;';

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(b) in the definition of "Chairman", for all the words from "Provided" to the end of that definition, there shall be substituted the following:—

"Provided that where the local authority is the Assistant Commissioner of Local Government for any administrative region, any reference in this Ordinance to the Chairman shall be deemed to be a reference to such Assistant Commissioner;" ;

(c) in the definition of "local authority"—

(i) immediately after paragraph (d), there shall be inserted the following new paragraph:—

"(dd) within the administrative limits of any Village Committee, the Assistant Commissioner of Local Government for the administrative region within which such limits are situated, or if the Minister for Local Administration by Order published in the *Gazette* so directs, the Village Committee," ; and

(ii) in paragraph (e), for the words "the Government Agent or the Assistant Government Agent;" , there shall be substituted the words "the Assistant Commissioner of Local Government for the administrative region within which such place is situated;" .

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 Thirtieth 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. 58 of 1946.

L. D.—O. 36/46.

An Ordinance to amend the Rubber Research Ordinance.

Chapter 302
(Volume VI,
Page 444).

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 Rubber Research (Amendment) Ordinance, No. 58 of 1946.

Short title.

2. Section 6 of the Rubber Research Ordinance is hereby amended, in sub-section (1) (a) of that section, as follows:—

Amendment of
section 6 of
Chapter 302.

(1) by the addition, immediately after the words "general revenue:" , of the following:—

"Provided that, during the period commencing on January 1, 1947, and ending on December 31, 1956, there shall be charged, levied and paid, for the purpose aforesaid, an export duty of one fourth

of a cent on every pound of rubber exported from the Island, in lieu of the export duty specified in the preceding provisions of this sub-section.”;

and

- (2) by the substitution, for the words “ Provided, however, that ”, of the words “ Provided further that ”.

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 Second day of December, 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. 61 of 1946.

L. D.—O 1/46.

An Ordinance to amend the Post Office Ordinance.

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 Post Office (Amendment) Ordinance, No. 61 of 1946.

Amendment of section 46 of Chapter 146.

2. Section 46 of the Post Office Ordinance is hereby amended by the substitution, for the words “ as may be deemed appropriate, for certain fixed amounts,” of the words “ as may be deemed appropriate,”.

Passed in Council the Twenty-sixth 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 Tenth day of December, 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:—

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

An Ordinance to amend the Interpretation Ordinance.

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

Short title.

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

Amendment of section 2 of Chapter 2.

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,”.

Retrospective effect.

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.

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.

MINUTE.

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

L. D.—O 21/45.

An Ordinance to amend the Vagrants Ordinance.

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 Vagrants (Amendment) Ordinance, No. of 1946. Short title.

2. Section 25 of the Vagrants Ordinance is hereby amended in the definition of "probation officer"; by the substitution, for the words "section 326A of the Criminal Procedure Code", of the words "the Probation of Offenders Ordinance, No. 42 of 1944." Amendment of section 25 of Cap. 26.

Objects and Reasons.

In section 25 of the Vagrants Ordinance (Cap. 26), a "probation officer" is defined as a person appointed as a probation officer under the provisions of section 326A of the Criminal Procedure Code (Cap. 16). Probation officers are now appointed under the Probation of Offenders Ordinance, No. 42 of 1944. The object of this Bill is to make the necessary consequential amendment in the definition of "probation officer" in the principal Ordinance.

A. MAHADEVA,

Colombo, 3rd December, 1946. Minister for Home Affairs.

MINUTE.

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

L. D.—O 20/45.

An Ordinance to amend the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938.

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

1. This Ordinance may be cited as the Payment of Fines (Courts of Summary Jurisdiction) Amendment Ordinance, No. of 1946. Short title.

2. Section 7 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938, is hereby amended in sub-section (1) thereof, by the substitution, for the words "Chapter XXVI of the Criminal Procedure Code" of the words "the Probation of Offenders Ordinance, No. 42 of 1944". Amendment of section 7 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938.

Objects and Reasons.

Section 7 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938, refers to probation officers appointed under Chapter XXVI. of the Criminal Procedure Code (Chapter 16). These officers are now appointed under the Probation of Offenders Ordinance, No. 42 of 1944. The object of this Bill is to make the necessary consequential amendment in the principal Ordinance.

A. MAHADEVA,

Colombo, 3rd December, 1946. Minister for Home Affairs.

(Continued on page 1120.)

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,710. In the Matter of the Insolvency of John Joseph of Insolvency. 42, Welikada, Rajagiriya, Insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at a sitting of this court on February 7, 1947, for the examination of the above-named insolvent.

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

December 12, 1946.

In the District Court of Kandy.

No. 1,131. In the matter of the Insolvency of A. K. Singara Velu of Heerassagala road, Kandy.

WHEREAS A. K. Singara Velu has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by A. M. Latiff, under the Ordinance No. 7 of 1853: Notice is hereby given that the said Court has adjudged the said A. K. Singara Velu insolvent accordingly; and that two Public sittings of the court, to wit, on January 21, 1947, and on February 25, 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.

December 3, 1946.

By order of court, T. J. M. FERNANDO,
Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

No. 3,403/S.

- (1) Ramanathan Chettiar and 2 others, all sons of Letchumanan Chettiar, carrying on business in partnership under the name, style and firm or vilasam of Muthu Kana Layna also known as M. I. T. K. L. at 95, Sea street, Colombo Plaintiffs.
- (2) S. P. M. Silva of Kalapaluwawa (4) Wallwela Gamage Sarlinahamy widow of the 2nd defendant above named of St. Therese, Kalapaluwawa, administratrix of the estate of the 2nd defendant. Defendant.

NOTICE is hereby given that on Monday, January 6, 1947, will be sold by public auction at the respective places the following properties for the recovery of the sum of Rs. 1,140.73 with interest on Rs. 1,130 at 18 per cent. per annum, from April 4, 1939, till May 15, 1939, and thereafter on the aggregate amount at 9 per cent. per annum, till payment in full and costs of suit, viz. :—

The right title and interest of the 4th substituted defendant as representing the estate of the 2nd defendant deceased.

At 2 p.m.—(1) All that allotment of land called Uplands with the buildings standing thereon formerly bearing assessment No. 3384A/17 and presently bearing assessment No. 26/46 (being lot No. 11179) situated at New Fisher's Quarters, now Lower St. Andrew's place in Kotahena Ward within the Municipality and district of Colombo, Western Province, bounded on the north by reservation, east by land described in plan No. 197122, south by the road reservation leading to the new road, and west by land described in plan No. 197123; containing in extent 2 88/100 perches. Registered under A 277/155.

At 2.30 p.m.—(2) All that defined half part of the western half part of the land called Uplands together with the house thereon bearing former assessment No. 4328, situated at New Fisher's Quarters, Tangu Salgado in Mutwal within the Municipality and District of Colombo, W. P. and now bearing assessment No. 156, Upper St. Andrew's place aforesaid; and which said defined half part is bounded on the north-east by the property bearing assessment No. 4355/7 of Alensu Sois, south-east by the remaining half part of the western half part bearing assessment No. 4328/66 of Wannakuwattewaduge Angelina Fernando, south-west by the road, and on the north-west by a reservation for a road; containing in extent 1 55/100 perches according to plan thereof, bearing No. 1758 dated July 6, 1920, made by Jno H. W. Smith, Surveyor, Registered under A 228/257.

Fiscal's Office,
Colombo, December 10, 1946.

D. E. M. WIJESURIYA,
Deputy Fiscal.

In the District Court of Avissawella

M. P. S. Wijesinghe, Secretary, Polatagama Co-operative Society, Ltd. Plaintiff.
No. 4,767. Vs.

Kasturi Aratchillage Aron Gunaratna, Ex-Treasurer, Polatagama Defendant.

NOTICE is hereby given that on Monday, January 6, 1947, at 4 o'clock in the afternoon, 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 Rs. 592.24 with interest thereon at the rate of 9% per annum until realisation :—

All that land called Panthorana-galapallehena situated at Polatagama in Lower Bulathgama of Kitulgala palata in Kegalle District, Province of Sabaragamuwa; and bounded on the north by land called Nilwanewatta belonging to D. S. Nanayakkara, east by rubberwatta belonging to Temple, south by Puranowite ela and west by Puranewite ela and rubber estate belonging to K. A. Gunaratna and containing in extent about three acres together with the zinc house standing thereon.

Valuation Rs. 1,700.

Fiscal's Office,
Avisawella, December 9, 1946.

A. V. P. SAMARANAYAKA,
Deputy Fiscal.

Central Province.

In the District Court of Colombo.

M. T. P. L. Sockalingam Chettiar of 274 Seastreet, Colombo. Plaintiff.
No. 13,832/MB of 1924. Vs.

(1) M. S. Muttiah Pillai residing presently at Wattagama in the District of Kandy Defendant.

NOTICE is hereby given that on Saturday January 4, 1947, at 10 o'clock in the forenoon will be sold by public auction at the Fiscal's Office, Kandy, the right, title, and interest of the said 1st. defendant in the following for the recovery of the sum of Rs. 26,216.43 with interest on Rs. 25,000 at 12 per cent per annum from October 22, 1924, to date of decree (March 12, 1925) and thereafter interest on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit (not taxed) less a sum of Rs. 11,375.50 and poundage, viz. :—

The right of action of the plaintiff (Muttiah Sellamuttu Muttiah Pillai of Wattagama) in case No. 1,752/L. D.C., Kandy, and all the right title and interest thereon.

Valuation. Rs. 40,000.

Fiscal's Office,
Kandy, December 10, 1946.

H. F. RATWATTE,
Deputy Fiscal.

In the District Court of Colombo.

M. T. P. L. Sockalingam Chettiar of 274, Sea street, Colombo Plaintiff.
No. 13,832/MB of 1924. Vs

(1) M. S. Muttiah Pillai residing presently at Wattagama in the District Kandy Defendant.

NOTICE is hereby given that on Saturday January 4, 1947, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title and interest of the said 1st. defendant in and over the following property for the recovery of the sum of Rs. 26,216.43 with interest on Rs. 25,000 at 12 per cent. per annum from October 22, 1924, to date of decree (March 12, 1925) and thereafter interest on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit (not taxed) less a sum of Rs. 11,375.50 and poundage, viz. :—

1. All that divided allotment of land marked lot No. 8, in extent fifteen acres and one rood depicted in Plan dated September, 1944, made by H. Schokman, Licensed Surveyor, from and out of all that and those the estate called and known as Walarambe and Flower Dew estate situated at Wattagama in Pallegampaha of Lower Dumbara in the District of Kandy, Central Province, and which said divided lot marked No. 8 is bounded according to the said plan as follows :—on the north by Kuda Henaya's garden, on the east by Uduwela Kumbura belonging to P. P. Ranasinghe by land belonging to Jayatilleke Hamine and by main road leading from Kandy to Wattagama, on the south by lot No. 9 of the said estates and by main road, and on the west by lot No. 6 of the said estates with the buildings, plantations and everything standing thereon, registered in E 314/224.

2. All that portion out of lot marked 8 in extent 50 feet in length along the high road and thirty feet in breadth along estate cart road out of Walarambe estate situated at Wattagama within the Urban Council Limits of Wattagama in Pallegampaha lower Dumbara in the District of Kandy, Central Province, and bounded on the north and west but the remaining portion of Walarambe estate, south by estate cart road, and east by the high road together with the garage and registered in E 317/213.

3. All that western portion of the allotment of land called Udawelage Kumbura in extent forty five feet by twenty five feet situated at Wattagama in Pallegampaha of lower Dumbara in the District of Kandy, Central Province, bounded on the east by drain and high road, south by cart road leading to Walarambewatte, west by Ella of Angewatte and north by Debettiya together with the entirety of the buildings, trees and plantations standing thereon and registered in E 313/29.

4. All that land called Udawelagewatte situated at Wattagama in Pallegampaha of lower Dumbara in the District of Kandy, Central Province, bounded on the north by Ella of Udawelage-Angelkumbura, east by the high road, south by Oya and ditch between this land Walarambewatte, west by the dewata tree and Henapahura Ella in extent six pelas paddy sewing together with the buildings trees and plantations standing thereon registered in E 313/25.

5. A divided allotment of land being a defined portion of lot marked No. 10 depicted in plan dated September, 1944, made by S. Schokman of Kandy, from and out of all that and those estates called Walarambe and Flower Dew estates situate at Wattagama in Pallegampaha of lower Dumbara in the District of Kandy, Central Province, which said defined portion out of lot 10 is bounded on the north and north-west by estate cart road shown in plan dated September, 1944, made by H. Schokman and house No. 5, east by the main road from Kandy to Wattagama, west by the remaining portion of lot 10 depicted in plan 10/PQ dated May 11, 1946, made by T. P. Murray belonging to A. Arthur Fernando, and south by the land of P. P. Ranasinghe containing in extent 32 perches. (which portion now bears Assessment No 3 Wattagama)

Fiscal's Office,
Kandy, December 10, 1946.

H. F. RATWATTE,
Deputy Fiscal

Southern Province.

In the District Court of Tangalla.

Hewa Juwan Kankanange Don Dionis Wijerama of Dikwella Plaintiff.

No. 3,990.

Kumisteru Aratchige Akonis Appu of Beliatta and 4 others Defendants.

NOTICE is hereby given that on Thursday, January 16, 1947, at 2.30 p.m. 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. 1,367.50 :—

At Beliatta.

The allotment of land fourteen yards long and seven yards wide and the tiled roof nine cubit house bearing assessment No. 119 standing thereon and the other buildings belonging thereto of the land called Maragahawattekebelle situated at Beliatta in West Giruwa Pattu of the Hambantota District and bounded on the North and west by Maragahawattekebelle on the east by land belonging to the estate of Don Abraham de Silva Wickramanayaka and on the South by high road to Hakmanse.

Fiscal's Office,
Tangalla, December 2, 1946.

W. A. BENNETT SILVA,
Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

Sadakandage Ahee Nona of Ratnapura Plaintiff.
Vs.

No 8,146.

Mottiyage Jane Nona as legal representative of the estate of Meddewitage William Singho deceased of Muwagama road, Ratnapura Defendant.

NOTICE is hereby given that on Friday, January 10, 1947, at 11 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 Rs. 473.42 with interest on Rs. 300 at 15 per cent. per annum from May 29, 1946 to October 22, 1946, and thereafter with legal interest on the aggregate amount till payment in full and poudage viz:—

All the right title and interest of the debtor in and to the tiled and zinc sheet covered house formerly bearing assessment No. 18A and now bearing Nos. 12 and 12/1 built by the debtor on the land called Battanagewatta situated at Ratnapura in Uda Pattu of Kuruwiti korale in the district of Ratnapura of the Province of Sabaragamuwa and bounded on the North by owita, East by High road, South by Kaluganga, West by Huratali padinchi-wastawatta (garden thereon Huratali resided) and Kaluganga and containing in extent about one and a half acres.

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

A. B. KARALLIADDE,
Additional 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. Richard Arthur Munasinghe of Colombo, deceased. No. 12,156.

Annie Margaret Munasinghe of 158, Fairline road, Dehiwala Petitioner.
Vs.

(1) Gamini Munasinghe of 158, Fairline road, Dehiwala, Colombo, minor appearing by his guardian *ad litem*, (2) C. Edward Wickremesekera of 158, Fairline road, Dehiwala, (3) Dhammika Munasinghe of Kaikawala in Matale, minor, by his guardian *ad litem*, (4) Mrs. D. A. E. Gunasekera of Kaikawala in Matale Respondents.

THIS matter coming on for disposal before N. Sinnetaimby, Esq., Additional District Judge of Colombo, on October 8, 1946, in the presence of Mr. Donald F. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 1, 1946, having been read:

It is ordered that the 2nd respondent above named be and he is hereby declared appointed guardian *ad litem* over the minor, the 1st respondent above named, and the 4th respondent above named be and she is hereby declared appointed guardian *ad litem* over the minor, the 3rd respondent above named and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before November 28, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 8, 1946. S. C. SWAN,
Additional District Judge.

The date of showing cause against the foregoing Order Nisi is extended to January 16, 1947.

November 21, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Sellatchi Ammal Senthilvelu of 155, Inner Fairline road, Dehiwala, deceased. No. 12,199.

Senthilvelu Ragnatha Marthander of 155, Inner Fairline road, Dehiwala 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 Messrs. Samarasinghe & de Silva, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 30, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled as the son of the deceased to have letters of administration to the estate of the said deceased issued to him 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 23, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Ragnatha Kalmuttu Senthilvelu of 155, Inner Fairline road, Dehiwala, deceased. No. 12,200.

Senthilvelu Ragnatha Marthander of 155, Inner Fairline road, Dehiwala 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 Messrs. Samarasinghe & de Silva, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 30, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled as the son of the deceased to have letters of administration to the estate of the said deceased issued to him 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 23, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Kande Malika Aratchige Don Mendis Abeyaratne of Batuwandara, deceased. No. 12,215.

Kande Malika Aratchige Don Wimalasiri Abeyaratne of Batuwandara Petitioner.
Vs.

(1) Malalage Georgiana Peiris, (2) Kande Malika Aratchige Dona Priyawathie Abeyaratne, (3) ditto Dona Padmawathie Abeyaratne, (4) ditto Don Wijayasiri Abeyaratne, (5) ditto Dona Gunawathie Abeyaratne, (6) ditto Don Soma Siri Abeyaratne, (7) ditto Dona Amarawathie Abeyaratne Respondents.

THIS matter coming on for disposal before N. Sinnetaimby, Esq., Additional District Judge of Colombo, on November 12, 1946, in the presence of Mr. F. J. Botejue, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 8, 1946, having been read:

It is ordered that the 1st respondent above named be and she is hereby declared appointed guardian *ad litem* over the minors the 2nd, 3rd, 4th, 5th, 6th and 7th respondents above named, and the petitioner above named be and he is hereby declared entitled, as the son 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 January 23, 1947, show sufficient cause to the satisfaction of this court to the contrary.

November 27, 1946.

S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the matter of the Intestate Estate of the late Jurisdiction. Louisa Beatrice Leanage nee Wickremasinghe of Koehchikade, in the District of Negombo, deceased. No. 12,219.

Don Alexander Leanage of Koehchikade aforesaid and presently of 212, Havelock road, Colombo Petitioner.

(1) Don Basil Lewis Alexander Leanage, (2) Don Walter Narcissus Joseph Leanage, (3) Don Vincent Anthony Terrence Leanage all of 212, Havelock road, Colombo, the 3rd respondent a minor by his guardian *ad litem* the 1st respondent Respondents.

THIS matter coming on for disposal before N. Sinnetaimby, Esq., Additional District Judge of Colombo, on November 15, 1946, in the presence of Mr. E. J. St. V. Perera, Proctor, on the part of the petitioner above named and the affidavit of the said petitioner dated November 14, 1946, having been read:

It is ordered that the 1st respondent above named be and he is hereby declared appointed guardian *ad litem* over the minor the 3rd respondent above named and the petitioner be and he is hereby declared entitled as the widower 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 January 23, 1947, show sufficient cause to the satisfaction of this Court to the contrary.

November 25, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary. In the matter of the Last Will and Testament No. 12,220. (with three Codicils thereto) of the Late Sir Solomon Dias Bandaranaike, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George Knight Bachelor, Maha Mudaliyar of Horagolla, Veyangoda, in the Island of Ceylon, deceased.

And

In the matter of the Civil Procedure Code of 1889 Chapter XXXVIII.

(1) The Honorable Mr. S. W. R. D. Bandaranaike of Colombo, (2) Alexandra Cornelia de Alwis of Kirindjwala, (3) John Wilson of Colombo Petitioners.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on November 15, 1946, in the presence of Mr. J. Stanley Perera, Proctor, on the part of the petitioners above named and the affidavit of the said petitioners dated October 18, 1946, the affidavit of the Notary attesting the will and one of the attesting witnesses dated October 18, 1946, the affidavit of the Notary attesting the Codicil No. 51 and one of the attesting witnesses dated October 18, 1946, the affidavit of the Notary attesting the Codicil No. 5,508 and one of the attesting witnesses dated October 18, 1946, and the affidavit of the Notary attesting the Codicil No. 3,499 and one of the attesting witnesses dated October 18, 1946, having been read:

It is ordered that the last will and testament with the three Codicils thereto, of the late Sir Solomon Dias Bandaranaike, the deceased above named, the originals of which have been produced and are now deposited in this Court be and the same are hereby declared proved and the petitioners are executors and executrix named in the said will and Codicils and the said petitioners be and they are hereby declared entitled to have probate of the said will and codicils issued to them accordingly, unless any person or persons interested shall, on or before January 30, 1947, show sufficient cause to the satisfaction of this Court to the contrary.

December 2, 1946.

S. C. SWAN,
Additional District Judge.

In the District of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. and Codicil of Harry William Dainty of Belmontington Close, Meldreth, Cambridgeshire, England, deceased. No. 12,222.

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 Harry William Dainty of Belmontington Close, Meldreth, Cambridgeshire, England, deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice at Llandudno on January 18, 1946.

F. C. ROWAN,
Attorney for Westminster Bank Limited, Daisy Katherine Dainty and Norman William Ewing Dainty three of the executors of the last will and testament and codicil of Harry William Dainty deceased.
Colombo, November 18, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Laurence Norman Humby of 28, Francis avenue, Southsea in the City of Portsmouth Shipwright Lieutenant, Royal Navy, deceased. No. 12,233.

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 Laurence Norman Humby of 28 Francis avenue, Southsea in the City of Portsmouth Shipwright Lieutenant, Royal Navy, deceased granted by the Principal Probate Registry of His Majesty's High Court of Justice at Llandudno on November 9, 1945.

JULIUS & CREASY,
Proctors for John Dermot McClatchie, Attorney for Evelyn Daisy Phillips and Thomas Stewart Humby the executors of the last will and testament of Laurence Norman Humby deceased.
Colombo, November 20, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late, Don Jurisdiction. Hendrick Tillekeratne Dharmasiri Goonewardene No. 12,244. Mohandiram of Fitzroy estate, Pugoda, deceased.

Srinama Tillekeratne Dharmasiri Goonewardene of Aloe avenue, Colpetty in Colombo Petitioner.

Vs.

(1) Alice Simon nee Dharmasiri Goonewardene of Aloe avenue, Colpetty aforesaid, (2) Chandrawathie Karunaratne nee Dharmasiri Goonewardene of 41st lane, Wellawatte, (3) Ratnavali Ratnaike nee Dharmasiri Goonewardene of 40th lane, Wellawatte, (4) Srisena Tillekeratne Dharmasiri Goonewardene of 57, Alwis place, Kotahena, in Colombo Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on December 5, 1946, in the presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 22, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the eldest son 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 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

December 7, 1946.

S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. Late Peter Joris Edirisinghe of Udahamulla No. 12,228. in the palle pattu of Salpiti korale, deceased.

David Joris Edirisinghe of Udahamulla Petitioner.

Vs.

Agnes Joris Wickremasinghe nee Edirisinghe of Udahamulla, aforesaid Respondent.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on November 26, 1946, in the presence of Mr. N. J. S. Cooray, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner above named and the affidavit of the said petitioner dated November 15, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled as the son of the deceased to have letters of administration to the estate of the said deceased issued to him accordingly, unless respondent above named or any person or persons interested shall, on or before January 30, 1947, show sufficient cause to the satisfaction of this Court to the contrary.

November 27, 1946.

S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Victoria Rasayah of 17, Skelton road, No. 12,234. Havelock Town in Colombo, deceased.

Lily Josephine Abraham of 17, Skelton road, Havelock Town in Colombo Petitioner.

Vs.

Regina Rasamuttama Arasaratnam of Ridgeway place in Colombo Respondent.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on November 23, 1946, in the presence of Mr. Prosper Abraham, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated November 14, 1946, the affidavit of Notary attesting the will dated November 22, 1946, and the affidavit of one of the attesting witnesses dated November 14, 1946, having been read:

It is ordered that the last will and testament of the late Victoria Rasayah, the deceased above named, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved and the petitioner is the executrix named in the said will and the said petitioner be and she is hereby declared entitled to have probate of the said will issued to her accordingly, unless the respondent above named or any person or persons interested shall, on or before February 6, 1947, show sufficient cause to the satisfaction of this court to the contrary.

December 7, 1946.

S. C. SWAN,
Additional District Judge.

In the District Court of Panadura.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Talagala Jurisdiction. Achchige Don Livinis, deceased, of Undurugoda. No. 8.

Ranasinge Dona Livera of Undurugoda. Petitioner.

Vs.

(1) Talagala Achchige Don Chularatne, (2) Talagala Achchige Dona Cunawathie, (3) Talagala Achchige Dona Chulawathie, (4) Talagala Achchige Don Yasaratne, all of Undurugoda, (5) Talagala Achchige Don Abraham of Undurugoda, 1st to 4th minors by their guardian *ad litem* the 5th respondent Respondents.

THIS matter coming on for disposal before L. W. de Silva, Esq., District Judge, Panadura, on October 30, 1946, in the presence of Messrs. D. E. & A. N. De Silva, Proctors, on the part of the petitioner, and the affidavit of the above named petitioner dated November 22, 1945, having been read:

It is ordered that the will of Talagala Achchige Don Livinis of Undurugoda, deceased, dated August 20, 1945, be and the same is hereby declared proved unless the respondents or any other person or persons interested shall, on or before December 18, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Talagala Achchige Don Abraham, the 5th respondent, be appointed guardian *ad litem* over the 1st, 2nd, 3rd and 4th respondents and that the said Ranasinge Dona Livera, Petitioner, is entitled to have letters of administration to the said estate, with the will annexed, issued to her accordingly unless the respondents or others interested shall, on or before December 18, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 30, 1946.

L. W. DE SILVA,
District Judge.

In the District Court of Panadure.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Paiyagalage Don Hendrick Appuhamy of Ingriya in the Udugaha pattuwa of Raagam korale in the District of Kalutara.

No. 45. Paiyagalage Don Cornelis Appuhamy of Ingriya aforesaid. Petitioner.

THIS matter coming on for disposal before L. W. de Silva, Esq., District Judge of Panadure, on October 9, 1946, in the presence of Mr. H. Leo Perera, Proctor, on the part of the petitioner; and the petitioner's petition and affidavit dated September 28, 1946, and the affidavit dated September 18, 1946, of the attesting witnesses to the last will No. 9,703 dated October 27, 1940, of the above named deceased having been read:

It is ordered that the above named last will and testament the original of which is now deposited in this court be and the same is hereby proved.

It is further ordered that the petitioner above named is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly.

September 30, 1946.

L. W. DE SILVA,
District Judge.

In the District Court of Panadure.

Order Absolute.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Wannakuwattewaduge Don Manuel Perera Wijekula Jayasuriya Dharmagunaratne of Korallawella in Moratuwa, deceased.

No. 48. Kurukulasuriyage Alice Selestania Perera of Korallawella in Moratuwa. Petitioner.

THIS matter coming on for disposal before L. W. de Silva, Esq., District Judge of Panadure, on October 21, 1946, in the presence of Mr. C. E. A. Perera, Proctor, for petitioner above named; and the affidavit of the petitioner dated September 26, 1946, having been read:

It is ordered that the last will and testament No. 15,490 made by the above named deceased, W. D. M. P. W. Dharmagunaratne, and attested by P. Simon Dias, Notary Public, on January 5, 1911, 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 is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly on her taking the oath of office.

November 9, 1946.

L. W. DE SILVA,
District Judge.

In the District Court of Panadure.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Mututantrige William Alfred Peter Peiris of Kaldemulla, deceased.

No. 50. Mututantrige Frank Jonathan Peiris of Marline Dharmaratne avenue, Moratuwa. Petitioner.

Vs.

(1) Mahamarakkela Kurukulasooriya Patabendige Josna Leanora Perera, (2) Mututantrige Lena Pearl Peiris, both of Marline Dharmaratne avenue, Moratuwa. Respondents.

THIS matter coming on for disposal before L. W. de Silva, Esq., District Judge of Panadure, on November 6, 1946, in the presence of Mr. C. C. Stembo, Proctor, on the part of the petitioner, and the affidavit of the said petitioner dated October 27, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the eldest son of the above-named deceased, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 18, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 6, 1946.

L. W. DE SILVA,
District Judge.

In the District Court of Panadure.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Don Vincent Samarakkody of Vincent lane, Wellawatta.

No. 51. Lokuge Nanny Fernando of Vincent lane, Wellawatta. Petitioner.

Vs.

(1) Nora Samarakkody of Vincent lane, Wellawatta, (2) Lokuge Peter Fernando of Vincent lane, Wellawatta. Respondents.

THIS matter coming on for disposal before L. W. de Silva, Esq., District Judge of Panadure, on November 6, 1946, in the presence of Mr. C. C. Stembo, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated October 26, 1946, having been read:

It is ordered that the 2nd respondent above named be appointed guardian *ad litem* over the 1st respondent, minor above named, to represent her for all purposes of this action and that the petitioner above named be and she is hereby declared entitled, as the widow of the above named deceased, to have letters of administration to the

above estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 18, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 6, 1946.

L. W. DE SILVA,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Warnakulasooriya Veronica de Fonseka nee Fernando, deceased, of Jawatta, Kalutara North.

No. 3,285. Henry Martin Teadore de Fonseka of Jawatta, Kalutara North. Petitioner.

Vs.

(1) Jean Bridget de Fonseka, presently of Jawatta, Kalutara North, (2) Elaine Jeramine Stella de Fonseka of Jawatta, Kalutara North, minor, by her guardian *ad litem* the 3rd respondent (3) Joseph Vincent Fernando of Kalutara North, guardian *ad litem* over 2nd respondent. Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge Kalutara, on October 18, 1946, in the presence of Mr. A. D. de Fonseka, Proctor, 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 petitioner be declared, entitled, as husband of the deceased, to claim letters of administration and that the same be issued to him, unless the respondents or persons interested in the estate shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 3rd respondent be appointed guardian *ad litem* over the 2 respondents and that the said petitioner and that he is entitled to have letters of administration the same issued to him accordingly, unless the respondents or others interested in the estate shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 18, 1946.

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

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the matter of the Estate of the late Patabendige Peter Nolaso Cooray, deceased, of Kalutara.

No. 3,287. Illekuttige Daisy Meraya Fernando of Kalutara. Petitioner.

Vs.

(1) Patabendige Tekla Gertrude Cooray, (2) ditto Asuntha Vivian Cooray, (3) ditto Nimel Anthony Cooray, (4) ditto Benedict Gammil Cooray, (5) ditto Justin Piyasiri Cooray, minors, all of Kalutara by their guardian *ad litem* (6) Illekuttige John Brito Fernando. Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge, Kalutara, on November 1, 1946, in the presence of Messrs. Cooray & Peiris, Proctors, on the part of the petitioner, and the affidavit of the above-mentioned petitioner dated September 27, 1946, having been read:

It is ordered that the petitioner be declared entitled, as the widow of the deceased, to claim letters of administration, that the same be issued to her, unless the respondents or persons interested in the estate shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 6th respondent be appointed guardian *ad litem* over the 1st to 5th minor respondents, and that the said petitioner and that she is entitled to have letters of administration the same issued to her accordingly, unless the respondents or others interested in the estate shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 1, 1946.

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

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Dombagaha Patirage Jeramias Peiris, deceased, of Kalutara North.

No. 3,289. Dombagahapatirage Miceal William Peiris of Kalutara North. Petitioner.

Vs.

(1) Dombagahapatirage Felix David Peiris, (2) ditto Ethel Mary Peiris, both of Kalutara North, minors, by their guardian *ad litem* the 3rd respondent (3) Pallyarallage John Caitan de Almeida of Paiyagala, guardian *ad litem* over 1st and 2nd respondents. Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on November 8, 1946, in the presence of Mr. A. D. de Fonseka, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated November 8, 1946, having been read:

It is ordered that the petitioner be declared to claim letters of administration, as nephew of the deceased, that the same be issued to him, unless the respondents or other person or persons interested in the estate shall, on or before January 17, 1947, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 3rd respondent be appointed guardian *ad litem* over the minors, 1st to 2nd respondents, and that the said petitioner is entitled to have letters the same issued to him accordingly, unless the respondents or others interested in the estate shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

J. H. V. S. JAYAWICKREMA,
District Judge.
November 8, 1946.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Thuyalage
Jurisdiction. Davith Fernando, deceased, of Uggalboda.
No. 3,290.

Thuyalage Hector Fernando of Uggalboda Petitioner.
Vs.

(1) Thuyalage Malinee Sriyalatha Fernando of Waragoda, Kelaniya, (2) Thuyalage Margarete Fernando of Polpithimukalana in Kandana, (3) Thuyalage Adeln Hemalatha Fernando of Bombuwala, (4) Thuyalage Eugene Fernando of Uggalboda Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrema, Esq., District Judge of Kalutara, on November 9, 1946, in the presence of Messrs. De Abrew & Fernando, Proctors, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated November 8, 1946, having been read: It is ordered that the petitioner be declared entitled, as the son of the deceased, to claim letters of administration and that the same be issued to him, unless the respondents or person or persons interested in the estate shall, on or before January 24, 1947, show sufficient cause to the satisfaction of this court to the contrary.

J. H. V. S. JAYAWICKREMA,
District Judge.
November 9, 1946.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament
Jurisdiction. of Susey Gabriel Fernando Wanigaratnam
No. 3,396. of Etgala, deceased.

Anthony Fernando Wanigaratnam V. H. of Etgala Petitioner.
Vs.

(1) Agnesa Fernando Wanigaratnam of Welihena, (2) Gabriel Savenel Fernando Wanigaratnam, (3) Luciya Fernando Wanigaratnam, (4) Clara Fernando Wanigaratnam, (5) Veronica Fernando Wanigaratnam, all of Etgala, Respondents.

THIS matter coming on for disposal before Leonard B. de Silva, Esq., District Judge of Negombo, on November 18, 1946, in the presence of Messrs. Pathirathna & Suprayar, Proctors, on the part of the petitioner above named; and the affidavit of (1) the petitioner dated November 16, 1946, and (2) the affidavit of one of the attesting witnesses dated November 18, 1946, having been read: It is ordered that the last will and testament of Susey Gabriel Fernando Wanigaratnam, deceased, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved, and that the petitioner is the executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent above named be and she is hereby appointed guardian *ad litem* over the minor the 5th respondent above named, to represent her for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this Court to the contrary.

L. B. DE SILVA,
District Judge.
November 18, 1946.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Hettiaratchige Stephen Tissera Senanayake,
No. 3,397. deceased.

Cyril Bertram Senanayake of Mirigama Petitioner.
Vs.

(1) Elizabeth Hannah Senanayake, (2) Allen Gilbert Senanayake, (3) Grace Violet Senanayake, (4) Pearl Maud Senanayake, (5) Ruby Ethel Senanayake, all of Mirigama Respondents.

THIS matter coming on for disposal before Leonard B. de Silva Esq., District Judge of Negombo, on November 19, 1946, in the presence of Mr. S. D. C. W. Senaratne, Proctor, on the part of the petitioner above named; and the affidavits of (1) the petitioner dated November 16, 1946, and (2) the attesting Notary Public and witnesses dated November 16, 1946, having been read:

It is ordered that the last will and testament of Hettiaratchige Stephen Tissera Senanayake, deceased, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and that the petitioner is the executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* of the minors, 4th and 5th respondents above named, to represent them for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

LEONARD B. DE SILVA,
District Judge.
November 19, 1946.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Tittala-
Jurisdiction. pitige Henry Garvin Fonseka of Tudella,
No. 3,398. deceased.

Panambarage Dorothy Christobel Fernando of Pallan-
sena Petitioner.
Vs.

(1) Kodikara Aratchige Engaltina Perera of Tudella, (2) Tittalapitige Mary Fonseka of Ettukkala, (3) ditto Susan Fonseka of Ja-ela, (4) Merlin Rajapakse of Ja-ela, (5) Nita Rajapakse of Minuwangoda, (6) Nimal Rajapakse of Minuwangoda, (7) Indrani Rajapakse of Minuwangoda, (8) Antony Rajapakse of Ettukkala, (9) Fredrick Rajapakse of Minuwangoda Respondents.

THIS matter coming on for disposal before Leonard B. de Silva Esq., District Judge of Negombo, on November 19, 1946, in the presence of Mr. S. D. C. W. Senaratne, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner, dated November 18, 1946, having been read:

It is ordered that the 9th respondent above named be appointed guardian *ad litem* over the 4th, 5th, 6th, 7th and 8th respondents, minors above named, to represent them for all the purposes of this action, and that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

LEONARD B. DE SILVA,
District Judge.
November 19, 1946.

In the District Court of Avissawella.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Robert Fitz Gerald Bourne late of Durampitiya
No. 377. Group, Getahetta, Ratnapura, in the Island of
Ceylon, Planter, deceased.

THIS matter coming on for disposal before C. X. Martyn, Esq., District Judge of Avissawella, on November 27, 1946, in the presence of Vernon Cumberbatch Van Geyzel Kelaart, Proctor, on the part of the petitioner, Esme Norwood Fitz Gerald Bourne care of Walker & Craig, Limited, Colombo; and (1) the affidavit of the said petitioner dated November 18, 1946, and (2) the affidavit of the attesting notary of the will dated November 19, 1946, having been read. It is ordered that the will of the said Robert Fitz Gerald Bourne, deceased, No. 893 dated May 19, 1941, and attested by George Neil Stewart de Saram of Colombo, Notary Public, the original of which 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 Esme Norwood Fitz Gerald Bourne is the widow and one of the executors named in the said will and that she is entitled to have probate thereof issued to her accordingly, with power reserved to the other executors named therein any time hereafter to come in and obtain a similar grant 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.

C. X. MARTYN,
District Judge.
November 27, 1946.

In the District Court of Kandy.

Testamentary In the Matter of the Estate and Effects of the
Jurisdiction. late Sallai Bai, Isa Bai, deceased, of Teldeniya.
No. T. 598.

THIS matter coming on for disposal before W. R. de Silva, Esq., Additional District Judge, Kandy, on October 28, 1946, in the presence of Mr. M. Ameen, on the part of the petitioner, Mamunna Bai of Bhuwandi in the district of Thana of the Province of Bombay in India, by her Attorney Sharfudeen Tayabali of Castle Hill street Kandy and the affidavit of the said petitioner dated October 28, 1946, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents (1) Abbasbai Sallai Bai and (2) Isa Bai Tayabali, both of Bhuwandi in the District of Thana of the Province of Bombay in India, or any other person or persons interested shall, on or before December 2, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be appointed guardian *ad litem* over the first respondent, unless the respondents or any other person or persons interested shall, on or before December 2, 1946, show sufficient cause to the satisfaction of this court to the contrary.

W. RICHARD DE SILVA,
Additional District Judge.
October 28, 1946.

Time for showing cause is extended till December 19, 1946.

W. RICHARD DE SILVA,
Additional District Judge.
December 2, 1946.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Murugesu
Jurisdiction Arumugam of Karanagar East, Jaffna, deceased.
No. 531.

(1) Murugesu Markandu, (2) and wife Ponnammah (daughter
of Kanthar Murugesu) both of Karanagar East,
Jaffna Petitioners.

Vs.

(1) Sithamparam, widow of Murugesu Arumugam, (2) Nachchupillai, widow of Kanthar Murugesu, both of Karanagar East, Jaffna. (3) Murugesu Velupillai of Karanagar, Jaffna, presently of the Federated Malay States, (4) Velauthar Murugesu. (5) and wife Sivakampillai, both of Karanagar East, Jaffna. (6) Kandiah Muttukumaru, (7) and wife Parupathy, both of Karanagar, Jaffna, presently of the Federated Malay States. (8) S. Kandiah of Karanagar, Jaffna, presently of the Federated Malay States, (9) and wife Suntharamma of Karanagar West, Jaffna, (10) Subramaniam Kasipillai, (11) and wife Rasammah, both of Karanagar West, Jaffna. (12) Sinnathamby Pathmanathan. (13) Inthirani, daughter of K. Sinnathamby, both of Karanagar North, Jaffna Respondents.

THIS matter of the petition of the petitioners above named coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on March 15, 1946, in the presence of Mr. S. Cumarasuriy. Proctor, on the part of the petitioners, and the petition and affidavit of the petitioners having been read: it is declared that the petitioners are entitled to have letters of administration to the estate of the deceased above named, unless the respondents or any other person shall, on or before May 9, 1946, show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,
District Judge.

March 15, 1946.

This *Order Nisi* is extended for December 19, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna

Testamentary In the Matter of the Intestate Estate and Effects
Jurisdiction of late Chellachempillai, widow of Sinniah
No. 565 Ponniah of Urelu in Jaffna, deceased.

(1) Kanapathupillai Velluppillai and wife (2) Sinnathankam,
both of Urelu Petitioners.

Vs.

(1) Kanagamani, daughter of Ponniah, (2) Ponniah Sreetharan.
(3) Rancee, daughter of Ponniah, (4) Maheswary, daughter of
Ponniah, all of Urelu and (5) Sinniah Thambimittu, of
Urumpiray Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on June 25, 1946, in the presence of Mr. A. Subramaniam, Proctor, on the part of the petitioners: and the petition and affidavit of the above-named petitioners having been read:

It is ordered that the petitioners above named be and they are hereby declared entitled, as next of kin of the deceased, to have letters of administration and letters of administration be issued to them accordingly, and that the 5th respondent be appointed guardian *ad litem* over the minors, the 1st to 4th respondents above named, unless the respondents or any other persons interested shall, on or before August 13, 1946, show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,
District Judge.

August 13, 1946.

Time extended to December 23, 1946.

R. R. SELVADURAI,
District Judge.

November 26, 1946.

In the District Court of Jaffna.

Testamentary In the Matter of the Intestate Estate and Effects
Jurisdiction of the late Thankaratnam, widow of Muttukumaru
No. 566 Subramaniam of Urumpiray, deceased.

Subramaniam Selvagnanapillai of Urumpiray Petitioner.

Vs.

(1) Sinnappillai, widow of Subramaniam of ditto, (2) Subramaniam Sivagnanam of ditto, (3) Elyathamby Kandiah and wife (4) Thiraviappillai of ditto now of Malaya, (5) Kanthapillai Chelliah and wife (6) Packappillai of ditto, (7) Kandiah Duraisingham and wife (8) Yogammah of ditto now of Colombo Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 11, 1946, in the presence of Mr. A. Subramaniam, Proctor, on the part of the petitioner; and the amended petition and affidavit of the petitioner having been read:

It is ordered that the petitioner, as heir of the deceased, be declared entitled to take out letters of administration to the estate of the deceased and that letters of administration be issued to him

accordingly, unless the respondents or any other person shall, on or before October 16, 1946, appear and show sufficient cause to the satisfaction of this court to the contrary.

September 11, 1946.

R. R. SELVADURAI,
District Judge.

Time extended to February 26, 1947.

November 13, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late Sinnathamby
Jurisdiction Appiah, deceased, of Mampay.
No. 583.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on August 24, 1946, in the presence of Mr. S. T. Nadarajah, Proctor, on the part of the petitioner; and the affidavits of the Notary, the two witnesses and the petitioner dated July 21, 1946, June 12, 1946, and June 24, 1946, having been read:

It is ordered that the will of Sinnathamby Appiah, deceased, dated September 22, 1944, and now deposited in this court be and the same is hereby declared proved, unless the respondents 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 Appiah Moothathamby 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 shall, on or before October 29, 1946, show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,
District Judge.

August 24, 1946

Order Nisi extended to December 23, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the matter of the Estate of the late Veerasingham
Jurisdiction Sellathurai of Kokuvil West, deceased.
No. 596.

(1) Sithamparapillai Nagalingam and (2) wife Muttupillai, both
of Kokuvil Petitioners.

Vs.

(1) Annam, widow of Kasar Kandiah and (2) Thambu Sabaratnam, both of Kokuvil West Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on October 17, 1946, in the presence of Mr. M. Mathiaparanam, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that letters of administration to the estate of the said deceased be issued to the petitioners as the 2nd named of them an heir and niece of the said deceased, unless the said respondents or any other person shall appear before this court on November 14, 1946, and state objections or show cause to the contrary.

R. R. SELVADURAI,
District Judge.

October 17, 1946.

Order Nisi is extended to December 18, 1946.

R. R. SELVADURAI,
District Judge.

November 14, 1946

In the District Court of Jaffna.

Order Nisi.

Testamentary Sivakampillai, widow of Ponnusamy Sitham-
Jurisdiction parapillai, of Karative North Petitioner.
No. 632.

Vs.

(1) Mankayakkarasy, daughter of Ponnusamy Sithamparapillai, (2) S. Velauther Arumugam, both of Karative North Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on November 14, 1946, in the presence of Mr. S. Candiah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 5, 1946, having been read:

It is ordered that the above-named 2nd respondent be appointed guardian *ad litem* of the minor, the 1st respondent, and that letters of administration to the estate of the above-named deceased be issued to the petitioner, unless the respondents or any other interested shall appear before this court on or before December 18, 1946, and show cause to the contrary to the satisfaction of this court.

R. R. SELVADURAI,
District Judge.

November 14, 1946.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. the late Sinnappu Isack Ratnasingham of
No. 559. Pandiruppu, deceased.

Retnasingham Isack Maruthanayagam of Pandiruppu. Petitioner.

Vs.

Isack Noutan Sornamma Retnasingham of Pandi-
ruppu Respondents.

THIS matter coming on for disposal before G. C. T. A. de Silva, Esq., District Judge of Batticaloa, on October 22, 1946, in the presence of Mr. M. A. L. Kariapper, Proctor, on the part of the petitioner above named; and the affidavits of the said petitioner dated September 30, 1946, and of the attesting notary and witnesses also dated August 23, 1946, having been read: It is ordered and declared that the last will of Sinnappu Isack Retnasingham of Pandiruppu, deceased, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further ordered that the petitioner is the executor named in the said will, and that he is entitled to have probate issued to him accordingly, unless the respondents or any person or persons interested shall on or before November 28, 1946, show sufficient cause to the satisfaction of this court to the contrary,

October 22, 1946, G. C. T. A. DE SILVA,
District Judge.

Order Nisi extended to December 19, 1946.

November 28, 1946. G. C. T. A. DE SILVA,
District Judge.

In the District Court of Trincomalee.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. the late Nallathamby Swaminathapillai of Div.
No. 296. 5, Trincomalee, deceased.

Swaminathapillai Thyagarajah Sundaralingam of Div. 5, Trincomalee Petitioner.

Vs.

(1) Mrs. Thangamma Swaminathapillai, (2) Saraswathiammal Swaminathapillai of Div. 5, Trincomalee, (3) Annaporany, wife of R. Sabaratnam, (4) Manonmany, wife of S. N. Rajadurai, all of Div. 5, Trincomalee Respondents.

THIS matter coming for disposal before Julius F. Philips, Esq., District Judge of Trincomalee, on November 2, 1946, in the presence of Mr. D. Rajaratnam, Proctor, on the part of the petitioner above named; and the affidavits of the petitioner and of the attesting witnesses having been read:

It is ordered that the last will and testament of Nallathamby Swaminathapillai of Div. 5, Trincomalee, deceased, deposited in this court be and the same is hereby declared proved; and that the petitioner above named is the alternative executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before November 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 2, 1946. JULIUS F. PHILIPS,
District Judge.

The *Order Nisi* is extended till November 28, 1946.

November 15, 1946. JULIUS F. PHILIPS,
District Judge.

The *Order Nisi* is extended till December 19, 1946.

November 28, 1946. JULIUS F. PHILIPS,
District Judge.

In the District Court of Anuradhapura.

Order Nisi.

Testamentary In the Matter of the Estate of the late Vaithia-
Jurisdiction. nathan Kanapathipillai Vaithianathan of Labis,
No. 531. Johore, Malaya, deceased.

Vaithianathan Muttulingam of Nuwarawewa Anuradhapura Petitioner.

Vs.

(1) Vaithianathan Sinnachchippillai and (2) Vaithianathan Sarojini, both of Labis Johore Malaya, presently of Nuwarawewa, Anuradhapura, the 2nd named respondent appearing by her guardian *ad litem*, Kanapathipillai Kanakasabai of Anuradhapura Respondents.

THIS matter of the petition of the petitioner above named praying for letters of administration to the estate of the above named deceased, coming on for disposal before N. Krishnadasan, Esq., District Judge, on November 14, 1946, in the presence of Messrs. V. Ramaswamy & R. Paramakuru, Proctors, on the part of the petitioner, and affidavit of the petitioner dated November 13, 1946, having been read: it is declared that the petitioner is the son and an heir of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him and that Kanapathipillai Kanakasabai aforesaid is guardian *ad litem* of the 2nd said 2nd respondent, unless the respondent or any other person shall, on or before December 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 14, 1946. KRISHNADASAN,
District Judge.

DRAFT ORDINANCES.

(Continued from page 1113.)

MINUTE.

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

L. D.—O. 50/45.

An Ordinance to amend the Education Ordinance,
No. 31 of 1939.

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 Education (Amendment) Ordinance, No. of 1946.

Amendment of
Part II of
Ordinance
No. 31 of 1939.

2. Part II of the Education Ordinance, No. 31 of 1939, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows:—

(1) by the substitution, for the heading "ADVISORY BODIES AND COMMITTEES, CENTRAL AND LOCAL," of the following heading:—

"ADVISORY AND EXECUTIVE BODIES";

and

(2) by the insertion, immediately after section 12, of the following new sections which shall have effect as sections 12A, 12B, 12C, 12D, 12E, and 12F, respectively, in that Part:—

"The Examinations Council.

Establishment
of Examinations
Council.

12A. There shall be established an Examinations Council consisting of the Director and of the prescribed number of members appointed by the Governor.

12B. The Examinations Council shall be an executive body and shall organise and conduct such examinations as may be determined by the Executive Committee.

Functions of Examinations Council.

12C. The provisions of sections 7 and 8 as to meetings, appointment of members, tenure of office, and vacation of office shall apply to the Examinations Council and the members thereof in like manner as if every reference in those provisions to the Board or to members of the Board were a reference to the Examinations Council or to members thereof.

Meetings, appointment of members, and tenure and vacation of office by members, of Examinations Council.

The Educational Research Council.

12D. There shall be established an Educational Research Council consisting of the Director and of the prescribed number of members appointed by the Governor.

Establishment of Educational Research Council

12E. The Educational Research Council shall be an executive body and shall direct and promote research in educational theory and practice and investigations and experiments with a view to the improvement of the methods of teaching.

Functions of Educational Research Council.

12F. The provisions of sections 7 and 8 as to meetings, appointment of members, tenure of office, and vacation of office shall apply to the Educational Research Council and the members thereof in like manner as if every reference in those provisions to the Board or to members of the Board were a reference to the Educational Research Council or to members thereof."

Meetings, appointment of members, and tenure and vacation of office by members, of Educational Research Council.

3. Section 28 of the principal Ordinance is hereby amended by the addition, at the end thereof, of the following proviso :—

Amendment of section 28 of the principal Ordinance.

" Provided however that, during such period as may be prescribed, an applicant may be refused admission into any Assisted school on the ground that there are no facilities at the school for teaching him through the medium of the language through which he is by regulation made under this Ordinance required to be taught. "

4. Section 29 of the principal Ordinance is hereby repealed and the following section substituted therefor :—

Replacement of section 29 of the principal Ordinance.

29. (1) Subject as hereinafter provided, instruction in the religion of the parent of each pupil in a Government school shall be given to that pupil, as part of his course of studies in the school, by a person who is an adherent of that religion and who has been approved by the Director :

Religious instruction.

Provided however that—

- (a) instruction in a particular religion need not be given in a Government school where there are not more than fifteen pupils whose parents are of that religion, and
- (b) attendance of a pupil at any instruction in, or any worship or observance connected with, the religion of his parent shall not be required or permitted if the parent has voluntarily made a written request to the principal of the school to exempt the pupil from such attendance.

(2) The principal or any person for the time being in charge of a Government school or an Assisted school shall not require or permit a pupil of the school to attend, in the school or in any hostel of the school or in any chapel or place of worship situated within the premises of the school, any instruction in, or any worship or observance connected with, a religion which is not the religion of the parent of the pupil.

(3) The time for any instruction in, or for any worship or observance connected with, any religion at a meeting of a Government school or an Assisted school shall be at the beginning or at the end or at the beginning and the end of such meeting, and shall be specified in a time table approved by the Director and kept permanently and conspicuously affixed in every classroom of the school.

(4) For the purposes of this section—

- (a) the definition of "parent" in section 50 shall not apply, and

(b) the religion of the parent of a pupil shall be determined in accordance with the following provisions :—

- (i) where the father of the pupil, being of sound mind, makes a declaration of his religion that religion shall be deemed to be the religion of the parent of the pupil ;
- (ii) where, in the absence of the declaration referred to in the preceding paragraph (i), the mother of the pupil, being of sound mind, makes a declaration of her religion, that religion shall be deemed to be the religion of the parent of the pupil ;
- (iii) in any case other than that referred to in any of the preceding paragraphs (i) and (ii), the religion which any person having legal or actual control of the pupil declares to be the pupil's religion shall be deemed to be the religion of the parent of the pupil.

(5) In the case of any Assisted school, the Director may, for the breach of any of the provisions of this section, withhold or refuse to pay any such grant from State funds as may be payable to the manager of the school or remove the school from the list of registered schools."

Repeal of section 30 of the principal Ordinance.

Amendment of section 31 of the principal Ordinance.

5. Section 30 of the principal Ordinance is hereby repealed.

6. Section 31 of the principal Ordinance is hereby amended as follows :—

(1) by the substitution, for sub-section (1) of that section, of the following sub-section :—

"(1) The Director may appoint as the manager of an Assisted school any person recommended in writing by the proprietor of the school." ;

(2) by the insertion, immediately after sub-section (3) of that section, of the following new sub-sections :—

"(3A) The Director may suspend or remove from office the manager of an Assisted school either of the Director's own motion or upon a written request made in that behalf by the proprietor of the school.

(3B) Where the proprietor of an Assisted school makes a written request to the Director to suspend or remove from office the manager of the school, the Director may, for reasons to be stated by him in writing and communicated to the proprietor, refuse to suspend or remove the manager from office." ;

and

(3) in sub-section (4) of that section, by the substitution, for the words " recommendation of the proprietor.", of the following :—

" recommendation of the proprietor, or refusing to suspend or remove the manager from office. "

Amendment of section 32 of the principal Ordinance.

7. Section 32 of the principal Ordinance is hereby amended in sub-section (2) thereof as follows :—

(1) under the heading " I.—Education. "—

(a) by the substitution, for paragraph (a), of the following paragraph :—

" (a) the establishment, taking over, transfer, continuance, discontinuance, grading, staff, and equipment of schools, including nursery schools for the education of children who have not attained the age of five years, schools for the education of blind, deaf, defective, or epileptic children, and schools in any sanatorium for the reception of pupils and teachers from schools in epidemic-stricken areas ; "

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

" (ba) the prohibition of the registration of schools, after a prescribed date, for the purpose of receiving grants from State funds ; "

(c) by the insertion, immediately after paragraph (c), of the following new paragraphs:—

“(ca) the language through the medium of which instruction shall be given in any class in any school;

“(cb) the classification of pupils other than those attending unaided schools, and their assignment to classes or schools, according to their proficiency and aptitude;”;

(d) in paragraph (g), by the substitution, for the words “free meals and free books”, of the words “free meals, free clothes, and free books”;

(e) by the substitution, for paragraph (j), of the following paragraph:—

“(j) the qualifications, period of training, salaries, appointment, registration, grading, suspension, and removal of teachers;”;

and

(f) in paragraph (o), by the substitution, for all the words from “child between the ages” to “residing”, of the following:—

“child not less than five and not more than sixteen years of age residing”;

(2) under the heading “II.—*Training of Teachers.*”, by the substitution, for paragraph (a), of the following paragraph:—

“(a) the establishment, taking over, transfer, continuance, discontinuance, staff, and equipment of, and the control of the admission of students into, training schools for teachers;”;

and

(3) under the heading “IV.—*General.*”—

(a) by the substitution, for paragraph (a), of the following paragraph:—

“(a) the terms and conditions relating to the award of exhibitions and scholarships for purposes of study whether in Ceylon or abroad;”;

(b) by the insertion, immediately after paragraph (a), of the following new paragraph:—

“(aa) the education of adults;”;

(c) by the substitution, for paragraph (c), of the following paragraph:—

“(c) the control of the levy or remission of fees, or the prohibition of the levy of fees, in Government schools and Assisted schools;”;

(d) in paragraph (f), by the substitution, for the words “Board of Education,” of the words “Board of Education, Examinations Council, Educational Research Council,”.

8. Sections 34 to 40 (both inclusive) of the principal Ordinance are hereby repealed and the following sections substituted therefor:—

“34. (1) This Part of this Ordinance shall, subject to the provisions of sub-section (2), apply to every estate on which there are more than twenty-seven children who are not less than five and not more than sixteen years of age and whose parents are labourers employed and resident on that estate.

(2) Where the Director certifies in writing that the children of labourers employed and resident on any estate referred to in sub-section (1) can be conveniently educated in any school other than a school established and maintained under this Part of this Ordinance, the Governor may by order published in the *Gazette* declare that this Part shall not apply to such estate; and where such Order is made in respect of such estate, the provisions of the other Parts of this Ordinance shall apply to the education of such children.

Replacement of sections 34 to 40 of the principal Ordinance.

Application of Part VI.

Premises to be set apart on estates for establishing schools for children of resident labourers.

35 (1) Subject to the provisions of sub-section (2), the owner of an estate shall set apart on the estate premises consisting of—

- (a) a building which conforms to such standard as may be proscribed and which is to be used for educating the children on the estate who are required to attend school under section 38,
- (b) a habitable house for a married head teacher, and
- (c) an area of uncultivated land not less than one acre in extent situated in the vicinity of the aforesaid building and suitable for use partly as a school playground and partly as a school garden.

(2) The owners of two or more estates may, with the written sanction of the Director, jointly set apart on any of those estates such premises as are referred to in sub-section (1) for the purposes of a common school for the children on those estates who are required to attend school under section 38, and where such premises are so set apart, the owner of each of those estates shall be deemed to have adequately complied with the provisions of sub-section (1).

(3) Where the owner of an estate has failed to comply or is not deemed to have complied with the provisions of sub-section (1), the Director may, by written notice served on the person for the time being in charge of the estate, direct the owner to conform to those provisions within such period not less than six months as may be specified in the notice; and where such notice is served on the aforesaid person and the owner commits default in complying with the notice, the Director or any person authorised by him may enter the estate with such assistance, servants, implements and materials, and do such acts and take such measures, as may be necessary to make good the default of the owner.

(4) The amount of the expenses incurred by the Director in causing any act to be done or any measure to be taken on an estate under sub-section (3) shall be deemed to be a debt due to the Crown from the owner of the estate and shall be recovered accordingly.

Establishment and maintenance of Government schools on premises set apart on estates under section 35.

36. (1) The owner and the person for the time being in charge of an estate shall permit the Director to establish and maintain a Government school on premises set apart on the estate under section 35.

(2) Where a Government school is maintained on premises set apart on an estate under section 35, the Director shall pay to the owner of the estate rent at such rates and at such times as may be prescribed.

(3) The owner of an estate shall keep in repair any building or house in respect of which the Director pays rent under sub-section (2). Where any necessary repairs to such building or house are not effected by the owner, the Director shall, by written notice served on the person for the time being in charge of the estate, require the owner to effect those repairs within such period not less than two months as may be specified in the notice, and where such notice is served on the aforesaid person and the owner commits default in complying with the notice, the Director shall cause those repairs to be effected and shall deduct their cost from the rent payable to the owner.

(4) So long as the Director pays rent under sub-section (2) in respect of premises set apart on an estate under section 35, no action or proceedings for the ejectment of the Director or any person authorised by the Director from those premises shall be instituted in or entertained by any court.

Prohibition of unauthorised use of premises set apart under section 35.

37. Where a Government school is maintained on premises set apart on an estate under section 35, no person shall, without the written permission of the Director, use any part of those premises for any purpose other than a purpose of that school.

Parents to cause children to attend school.

38. Where the parent of a child not less than five and not more than sixteen years of age is a labourer employed and resident on an estate, he shall cause the child to attend school.

Entry into estates.

39. The owner and the person for the time being in charge of an estate shall permit the Director or any person authorised by the Director—

- (a) to enter, inspect or occupy any premises set apart on the estate under section 35, or
- (b) to transport by vehicle any person or article into or out of those premises, or
- (c) to enter the estate and exercise the powers conferred by sub-section (3) of section 35.

40. (1) A parent who contravenes the provisions of section 38 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one rupee, and in the case of a continuing offence, an additional fine of fifty cents in respect of each day on which the offence is continued.

Offences.

(2) The owner or the person in charge of an estate who contravenes the provisions of sub-section (1) of section 36 or the provisions of section 39, and any person who contravenes the provisions of section 37, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for any period not exceeding three months."

9. Notwithstanding anything in the new section 38 inserted in the principal Ordinance by this Ordinance, it shall not be obligatory to cause any child referred to in that section to attend school—

Exemptions from the provisions of new section 38 inserted in the principal Ordinance by this Ordinance.

- (a) during the period commencing on the date on which this Ordinance comes into operation and ending on December 31, 1947, if he is more than ten years of age, or
- (b) during the period commencing on January 1, 1948, and ending on December 31, 1949, if he is more than twelve years of age, or
- (c) during the period commencing on January 1, 1950, and ending on December 31, 1951, if he is more than fourteen years of age.

10. Subject to the provisions of section 11, of this Ordinance, the following new sections are hereby inserted immediately after section 43, and shall have effect as sections 43A, 43B, 43C and 43D, respectively, of the principal Ordinance :—

Insertion of new sections 43A, 43B, 43C and 43D in the principal Ordinance.

43A. (1) Where, after an unaided school has been examined under section 43, the Director is satisfied that the school is open to the complaint—

Discontinuance of unaided schools which are unsatisfactory.

- (a) that, having regard to the number, ages and sex of the pupils attending the school, the accommodation provided at the school is inadequate or unsuitable, or
- (b) that the sanitary arrangements at the school are inadequate, or
- (c) that, having regard to the ages and sex of the pupils attending the school, efficient and suitable instruction is not provided at the school, or
- (d) that the proprietor of the school or any teacher employed therein is not a proper person to be the proprietor of a school or to be a teacher in a school, as the case may be,

the Director may cause to be served upon the proprietor of the school an order—

- (i) stating full particulars of the matters complained of and the measures necessary to remedy such matters,
- (ii) specifying the time, not being less than six months after the service of the order, within which such measures are to be taken, and
- (iii) directing that, in the event of such measures not being taken within such time, the school shall be discontinued forthwith after the expiry of such time.

(2) Every order served under this section shall also specify the time, not being less than one month after the service of the order, within which an appeal against the order may be preferred as hereinafter provided.

43B. The proprietor of an unaided school on whom an order is served under section 43A may, within the time allowed in that behalf by the order, prefer a written appeal against the order to a Tribunal of Appeal constituted under section 43C. Every appeal shall state the substance of the order against which the appeal is preferred and the grounds of appeal, and shall be addressed to the Chairman, Tribunal of Appeal, and transmitted to the office of the Director so as to reach the Director within the aforesaid time.

Appeal against order under section 43A.

43C. (1) For the purpose of constituting Tribunals of Appeal for hearing and determining appeals under section 43B, there shall be established a panel of not less than ten persons appointed by the Governor.

Tribunal of Appeal.

(2) A person who is directly or indirectly engaged in the management of any school or who has no legal experience shall not be eligible for appointment to the panel under sub-section (1). Every person appointed to the panel shall,

unless he earlier resigns his office or is removed therefrom by the Governor, hold office for such period as the Governor may determine at the time of the appointment. Any person vacating office by effluxion of time may be reappointed to the panel.

(3) Every Tribunal of Appeal shall consist of three persons selected from the panel by the Minister and shall be convened by the Director. The members of such Tribunal shall elect one from among themselves as Chairman of such Tribunal. The decision of the majority of such members on any matter referred to such Tribunal shall be the decision of such Tribunal.

(4) It shall be the duty of the Director to submit to a Tribunal of Appeal constituted under this section every appeal preferred under section 43B.

(5) Upon an appeal being submitted under sub-section (4) to a Tribunal of Appeal, such Tribunal may, after affording to the appellant and the Director or their representatives an opportunity of being heard and after considering such evidence as may be tendered by them or on their behalf, make an order—

- (a) that the order against which the appeal has been preferred shall be annulled, or
- (b) that the unaided school to which such order relates shall be discontinued unless the requirements of such order, subject to any modifications which may be specified by such Tribunal, are complied with within the time so specified.

Non-compliance with an order for discontinuance of an unaided school to be an offence.

43D. Where an order for the discontinuance of an unaided school, made under section 43A and not appealed against under section 43B or made under section 43C, is not complied with within the time specified in that behalf in the order, the proprietor of that school shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees, and, in the case of a continuing offence, an additional fine not exceeding ten rupees in respect of each day on which the offence is continued."

Operation of new sections 43B and 43C of the principal Ordinance.

11. (1) During the period commencing on the date on which this Ordinance comes into operation and ending on the date on which the State Council constituted by the Ceylon (State Council) Order in Council, 1931, is dissolved—

(a) section 43B inserted in the principal Ordinance by this Ordinance shall have effect as if—

- (i) for the words "a Tribunal of Appeal constituted under section 43C," there were substituted the words "the Executive Committee of Education,"

and

- (ii) for the words "addressed to the Chairman, Tribunal of Appeal, and transmitted to the office of the Director so as to reach the Director within the aforesaid time," there were substituted the words "addressed to the Executive Committee of Education and transmitted to the office of the Minister for Education so as to reach him within the aforesaid time,";

and

(b) section 43C inserted in the principal Ordinance by this Ordinance shall have effect as if—

- (i) for the marginal note thereto, there were substituted the following marginal note:—

"Powers of the Executive Committee of Education in regard to appeals under section 43B,"

- (ii) sub-sections (1), (2), (3) and (4) were omitted therefrom,

- (iii) sub-section (5) thereof were re-numbered as section 43C,

- (iv) for the words "Upon an appeal being submitted under sub-section (4) to a Tribunal of Appeal, such Tribunal may," there were substituted the words "Upon an appeal, being preferred under section 43B to the Executive Committee of Education, such Committee may," and

- (v) for the words "by such Tribunal," there were substituted the words "by such Committee,"

(2) Upon the expiry of the period specified in sub-section (1), all pending appeals under section 43b of the principal Ordinance as modified by that sub-section shall be referred by the Minister for Education to a Tribunal of Appeal constituted under section 43c of the principal Ordinance, and such Tribunal shall hear and determine those appeals in accordance with sub-section (5) of the said section 43c.

12. Section 50 of the principal Ordinance is hereby amended, in sub-section (1) thereof, by the insertion, immediately after the definition of "State funds", of the following definition :—

Amendment of section 50 of the principal Ordinance.

"unaided school" means a school which is not a Government school or an Assisted school ;'.

Objects and Reasons.

The object of this Bill is to make such amendments in the Education Ordinance, No. 31 of 1939, as are necessary to give effect to the new educational policy determined by the State Council.

2. An Examinations Council and an Educational Research Council, both with executive functions, are to be established (Clause 2 of the Bill).

3. Power will be taken to prescribe the language through the medium of which instruction is to be given in any class in any school (Clause 7 (1) (c)). For some time, however, there will not be facilities in certain Assisted schools for teaching children through the medium of the language through which they are legally required to be taught. Any Assisted school will therefore be permitted, during such period as may be prescribed, to refuse the admission of any child on the ground that there are no facilities in the school for teaching him through the medium of the language through which he is legally required to be taught. (Clause 3).

4. Each child in a Government school is to be taught the religion of his parent. New provisions will therefore be inserted in the Ordinance to replace the existing provisions relating to religious instruction in Government schools. An improvement will also be effected in the provisions governing the teaching of religion in Assisted schools. (Clauses 4 and 5).

5. The opportunity is taken to amend section 31 of the Ordinance so as to make better provision relating to the appointment of managers of Assisted schools and the suspension or removal of any such manager from office. (Clause 6).

6. There are various matters, arising out of the new educational policy, which need regulation. There is, however, no power under the existing law to make regulations regarding those matters. Section 32 (2) of the Ordinance will therefore be amended to create such power (Clause 7). The following are the new matters for the regulation of which power will be taken :—

- (a) the grading of schools ;
- (b) the establishment of nursery schools for the education of children who have not attained the age of five years ;
- (c) the establishment of schools in any sanatorium for the reception of pupils and teachers from schools in epidemic-stricken areas ;
- (d) the prohibition of the registration of schools, after a prescribed date, for the purpose of receiving grants from State funds ;
- (e) the language through the medium of which instructions shall be given in schools ;
- (f) the classification of pupils other than those attending unaided schools, and their assignment to classes or schools, according to their proficiency and aptitude ;
- (g) the supply of free clothes to poor school children in addition to free meals and free books ;
- (h) the period of training of teachers ;
- (i) the compulsion of parents of children not less than five and not more than sixteen years of age to cause such children to attend school, subject to necessary exemptions ;
- (j) the control of the admission of students into training schools for teachers ;
- (k) the terms and conditions relating to the award of exhibitions and scholarships for purposes of study abroad ;

- (l) the education of adults ; and
- (m) the prohibition of the levy of fees in Government schools and Assisted schools.

7. It is proposed that Government should take charge of the education of the children of resident estate labourers. In order to give effect to this proposal, the owners of estates will be required to set apart on the estates suitable buildings and grounds and to permit the Director of Education to use those buildings and grounds for establishing and maintaining Government schools on payment of rent at prescribed rates and at prescribed times. The minimum age of six years and the maximum age of ten years at which a child of a resident estate labourer has to attend school will be altered to five years and sixteen years, respectively. There are children more than ten years of age who, being above the maximum age at which attendance at school is now required, are working as estate labourers. If such children are compelled to go to school when the maximum age at which school has to be attended is raised to sixteen years, there is likely to be a disorganisation of the labour forces on estates. Exemptions from the operation of the new law relating to the attendance of estate children at school will therefore be provided in respect of the five years 1947 to 1951. (Clauses 8 and 9).

8. There is power under the Ordinance to inspect an unaided school, but there is no power to make an order to discontinue any such school in any specified circumstances. New provisions will therefore be inserted in the Ordinance enabling the making and enforcement of such an order. There will also be provision made for appeals from such orders before they are enforced. (Clauses 10 and 11).

C. W. W. KANNANGARA,
Colombo, 12th December, 1946. Minister for Education.