



# 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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### DISTRICT AND MINOR COURTS NOTICES.

List of uncertified insolvents in the District Court of Nuwara Eliya for the half year ended December 31, 1946.

NIL.

M. M. MAHAROOF,  
District Judge.

January 3, 1947.

### NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) L. H. Perera and two others, all carrying on business under the name, style, and firm of R. M. K. Firm at 121, Sea street, Colombo .. .. . Plaintiffs.  
No. 7,320 S. Vs.

(1) A. R. M. Mauroof, (2) Sithy Zulaiha, both of 18, Floors lane, Dematagoda .. .. . Defendants.

NOTICE is hereby given that on Friday, January 31, 1947, at 11 A.M. will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property, for the recovery of the sum of Rs. 909.45 with interest on Rs. 900 at 18 per cent per annum from October 31, 1946, till date of decree (November 22, 1946) and thereafter legal interest on the aggregate amount of the decree till payment in full and costs of suit, viz.:—

All that allotment of land with the buildings thereon bearing assessment No. 164, situated at Old Moor street in San Sebastian ward within the Municipality and District of Colombo, Western Province; and bounded on the north by Old Moor street, on the east by Peer Saibo street, on the south by property belonging to Mrs. S. L. M. Usoof Hadjar bearing assessment No. 99 (Peer Saibo's street), and on the west by property belonging to Mrs. S. L. M. Usoof Hadjar, bearing assessment No. 162, containing in extent one perch and thirty eight one-hundredth of a perch (A0. R0. P1.38) according to plan No. 2,794 dated May 3, 1944, made by M. I. L. Marikkar, Licensed Surveyor and Leveller which aforesaid premises is a defined allotment of land from and out of all those two contiguous allotments of land with the buildings standing thereon, to wit:—Lot marked A bearing assessment No. 739/93 new Nos 162 and 164, Old Moor street, and lot marked B1 bearing assessment No. 631A/18 new Nos. 95, 97 and 99, Peer Saibo's lane, situated at Old Moor street and Peer Saibo's lane within the Municipality and District of Colombo aforesaid; bounded on the north by Old Moor street, on the east by the Peer Saibo's lane, and lot marked B, on the south by Municipal drain, and on the west by the property bearing assessment No. 94; containing in extent 6 31/100 perches according to the survey plan No. 4,318 dated May 23, 1920, made by George P. Weeratne, Surveyor, and registered under title A 290/224 Colombo.

Fiscal's Office,  
Colombo, January 7, 1947.

G. M. CHINNATHAMBY,  
Deputy Fiscal.

In the District Court of Colombo.

Henry A. de Silva of Bambalapitiya .. .. . Plaintiff.  
No. 14,807. Vs.

D. A. Ramanayaka of Batagama, Ja-ela .. .. . Defendant.

NOTICE is hereby given that on Friday, January 31, 1947, at 4.30 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. 951.52 and costs, viz.:—

All that estate called and known as Mattamoda situated in the village Mattamagoda in Dehgampal korale of Three Korales in

the District of Kegalla, Province of Sabaragamuwa; and bounded on the north by Alupotagawahena of G. Mudiyanse, on the north-east by Ihalaunagasmullekumbura of Gavaria Veda and others, on the east by Imulewatta ela Unmalakadheressa of M. Appuhamy and Galendahona of B. Lokubanda and others, on the south and south-west by Kannathora estate of the heirs of the late Seka Marikkar, and on the west by Kannathora estate of the heirs of the late Seka Marikkar, Kudaludohigahamulawatta of G. Mudiyanse, Alupota Purana and Alupota kubura of B. Mudiyanse; containing A71. R0. P21. according to the figure of survey thereof No. 1,943 dated March 2, 1909, made by Charles P. de Silva, Licensed Surveyor, and registered in D. 34/395 to 400 and D. 35/1 to 3. Valuation: Rs. 65,000

Fiscal's Office,  
Avissawella, January 4, 1947.

A. V. P. SAMARANAYAKA,  
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. Hettipala Aratchige Dingiri Bandappuhamy of No. 12,197. Agalagedera in Dunagaha pattu of Alutkuru korale north in the District of Negombo, deceased.

Bataleeya Pathirannehelage Podinona of Agalagedera aforesaid .. .. . Petitioner.  
Vs.

(1) Hottipala Aratchige Yasapala of Agalagedera aforesaid, minor, by his guardian *ad litem*, (2) Rathambala Rallage Isan Appuhamy of Mabodale in Dasiya pattu of Alutkuru korale north aforesaid .. .. . Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on November 6, 1946, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 15, 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 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 estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before January 16, 1947, show sufficient cause to the satisfaction of this court to the contrary.

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 Demuni Jurisdiction. David Silva of 184, Pickering's road, Kotahena, deceased. No. 12,204.

Velendage Somawathe Silva of 184, Pickering's road, Kotahena, Colombo .. .. . Petitioner.  
Vs.

(1) Nimal Bertram Silva, and (2) Gamini Tissa, both are minors appearing by their proposed guardian *ad litem*, (3) Velendage Norbert Silva, all of 184, Pickering's road, Kotahena, Colombo .. .. . Respondents.

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. S. Kanagarajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 24, 1946, having been read:

It is ordered that the 3rd respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st and 2nd respondents 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 January 16, 1947, show sufficient cause to the satisfaction of this court to the contrary.

November 24, 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 Jurisdiction. of Gertrude Mary Weeraratne wife of Samuel Jayatilke Weeraratne of 7, Stubb's place, Havelock Town in Colombo, deceased.

(1) Samuel James Vernon Weeraratne of 7, Stubb's place, Havelock Town in Colombo, (2) The Right Reverend D. A. Weerasinghe of St. Anthony's Monastery in Kandy, Lord Abbot . . . . . Petitioners.

And

(1) Samuel Jayatilke Weeraratne, (2) Imelda Gertrude Mary Weeraratne, (3) Thomas Everard Dudley Weeraratne, (4) Jerome Edward Ruenzie Weeraratne, (5) Neville George Xavier Weeraratne, all of 7, Stubb's place, Havelock Town in Colombo . . . . . Respondents.

THIS matter coming for disposal before N. Sinnatamby, Esq., Additional District Judge of Colombo, on November 11, 1946, in the presence of Mr. S. Somasundaram, Proctor, on the part of the petitioners above named; and the affidavit of the said petitioners dated October 3 and 7, 1946, and the affidavit of the attesting notary dated October 8, 1946, having been read:

It is ordered that the last will and testament of Gertrude Mary Weeraratne, wife of Samuel Jayatilke, 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 petitioners are the executors named in the said will and the said petitioners be and they are hereby declared to have probate of the said will issued to them 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.

It is further ordered that the 1st respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors the 3rd, 4th, and 5th respondents above named, 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 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. Wijalath Pathirannahelage Don James Wijerathne Appuhamy of Hapugahagama, deceased.

Dona Baby Nona Madanayaka of Hapugahagama . . . . . Petitioner.

Vs.

(1) Wijalath Pathirannahelage Don Dharmawardene Wijerathne, (2) Wijalath Pathirannahelage Dona Karunawathie Wijerathne, (3) Wijalath Pathirannahelage Dona Wimalawathie Wijerathne, (4) Wijalath Pathirannahelage Saraschandra Wijerathne, (5) Wijalath Pathirannahelage Dharmawathie Wijerathne, (6) Wijalath Pathirannahelage Nandaseena Wijerathne; the 3rd, 4th, 5th and 6th respondents minors appearing by their guardian *ad litem* the 1st respondent . . . . . Respondents.

THIS matter coming on for disposal before N. Sinnatamby, Esq., Additional District Judge of Colombo, on November 15, 1946, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated October 29, 1946, having been read:

It is ordered that the 1st respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors the 3rd, 4th, 5th and 6th respondents and the petitioner above named be and she is hereby declared entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any persons interested shall, on or before January 30, 1947, show sufficient cause to the satisfaction of this court to the contrary.

December 3, 1946.

S. C. SWAN,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Stanley Hugh Wrinch care of Barclays Bank, 160, Piccadilly, London W. 1, England, and formerly of Upwood, Ramsey, Huntingdonshire, England, Squadron Leader in His Majesty's Royal Air Force (retired) deceased.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on December 4, 1946,

in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, John Martin, care of the National Bank of India Limited, Colombo and; (1) the affidavit of the said petitioner dated November 28, 1946, (2) the power of attorney dated July 26, 1946, and (3) the order of the Supreme Court dated November 21, 1946, having been read: It is ordered that the will of the said Stanley Hugh Wrinch, deceased, dated November 10, 1938, a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said John Martin is the attorney in Ceylon of the executor named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before December 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

December 9, 1946.

S. C. SWAN,  
Additional District Judge.

The date of showing cause against the foregoing *Order Nisi* is extended to January 30, 1947.

December 19, 1946.

S. C. SWAN,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of John Jurisdiction. Ferdnands Joseph, also known as John Ferdnands Josef of Ragama in the Island of Ceylon, deceased.

Dr. Byron Arnol Ryland Disraeli Josef, L.M.S., (Ceylon) M.R.C.P., M.R.C.S. (England) L.R.C.P. (London) of Turret Court, Colpetty, Colombo . . . . . Petitioner.

And

(1) Mabel Roso Josef and (2) Marmaduke Devereaux Josef, both of 593, Alutnawatte road, Mutwal, Colombo . . . . . Respondents.

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. Clifford Trevor de Saram, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 20, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the son and one of the heirs and next of kin 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 30, 1947, show sufficient cause to the satisfaction of this court to the contrary.

November 26, 1946.

S. C. SWAN,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will of the late Jurisdiction. Ahamedo Lebbe Janambo Natchiar of Wellawatta, Colombo, deceased.

Mohamed Lebbe Marikar Ahamedo Lebbe of 10, 2nd Malgankande lane, Colombo . . . . . Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on December 10, 1946, in the presence of Mr. M. U. M. Saleem, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 9, 1946, and the affidavit of the notary attesting the will dated December 9, 1946, having been read:

It is ordered that the last will and testament of Ahamedo Lebbe Janambo Natchiar, 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 above named be and he is hereby declared entitled, as the widower of the deceased, to have letters of administration with will annexed issued to him accordingly, unless any person or persons interested shall, on or before February 20, 1947, show sufficient cause to the satisfaction of this court to the contrary.

December 19, 1946

S. C. SWAN,  
Additional District Judge.

In the District Court of Negombo.

*Order Nisi.*

Testamentary. In the Matter of the Intestate Estate of Godwin No. 3,391. Eric Theophilus Perera Ranasinghe of Negombo, deceased.

Dona Josephine Florence Charlotte Ranasinghe of Negombo . . . . . Petitioner.

Vs.

(1) Marie Nilanganee Blanc, Ranasinghe, minor (2) Mihiduculasuriya Marian Ranasinghe *nee* Maththes of Tudella . . . . . Respondents.

THIS matter coming on for disposal before Leonard B. de Silva, Esq., District Judge of Negombo, on October 10, 1946, in the presence of Mr. D. A. P. Ranasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated August 14, 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 the purposes of this action and 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 interested in the said estate shall, on or before November 8, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 10, 1946.

L. B. DE SILVA,  
District Judge.

Date to show cause is extended to November 29, 1946.

November 29, 1946.

L. B. DE SILVA,  
District Judge.

Date to show cause is extended for January 17, 1947.

L. B. DE SILVA,  
District Judge.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Tikiri Banda Wijesinha of Pujapitiya, deceased No. T. 639.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge, Kandy, on November 25, 1946, in the presence of Mr. B. H. Dunuwille, Proctor, on the part of the petitioner Ekanayake Mudiyansele Seelawathie Kumarihamy of Pujapitiya; and the affidavit of the said petitioner dated November 22, 1946, having been read:

It is ordered and decreed that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to the estate of the said deceased issued to her, unless the respondents—(1) Poorawathie Wijesinha, (2) Siriawathie Wijesinha, (3) Leelawathie Wijesinha, (4) Chandrawathie Wijesinha, (5) Wijesinha Banda Nambugoda, (6) Senanayake Banda Nambugoda, (7) Indrawathie Wijesinha, (8) Tikiri Banda Tennakoon of Bowatta or any other person or persons interested shall, on or before January 23, 1947, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 8th respondent be appointed guardian *ad litem* over the 2nd to 7th respondents, minors, unless the respondents or any other 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.

H. A. DE SILVA,  
District Judge.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the Late Jurisdiction. Haddji Marikkar's son Dawood of Uda Talawinna Madige in Pallegampaha of Pata Dumbara, deceased. No. T. 645.

Dawood's son Idroos of Uda Talawinna Madige . . . . . Petitioner.

And

Kareem's daughter Mariam Beebee of Uda Talawinna Madige . . . . . Respondent.

THIS matter coming on for disposal before W. R. de Silva, Esq., Additional District Judge, Kandy, on January 4, 1947, in the presence of Messrs. Liesching & Lee, Proctors, on the part of the petitioner; and the affidavit of the said petitioner dated January 4, 1947, having been read:

It is ordered that the petitioner be declared entitled to letters of administration, as the son of the above-named deceased, being issued to him unless the respondent or any other person or persons interested shall, on or before February 20, 1947, show sufficient cause to the satisfaction of this court to the contrary.

January 4, 1947.

W. RICHARD DE SILVA,  
Additional District Judge.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the Late Jurisdiction. Godellege Same de Silva of Welpitiomodera in Gintota, deceased. No. 8,218.

Gustinnawaduge Leshi Nona of Welpitiomodera in Gintota . . . . . Petitioner.

Vs.

(1) Godellege Lionel de Silva of Welpitiomodera in Gintota (minor), (2) Godellege Marthenis Silva of Welpitiomodera in Gintota . . . . . Respondent.

THIS matter coming on for disposal before S. J. C. Schokman, Esq., District Judge of Galle, on November 29, 1946, in the presence of Mr. F. M. Dheen, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated November 26, 1946, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before January 17, 1947, show sufficient cause to the satisfaction of this court to the contrary. And it is further ordered that the said 2nd respondent shall produce the said minor 1st respondent before court on the aforesaid date.

November 29, 1946.

S. J. C. SCHOKMAN,  
District Judge.

In the District Court of Matara.

*Order Nisi.*

Testamentary. In the Matter of the Intestate Estate of the Late Jurisdiction. Charles Henry Jayasingho of Dondra, deceased. No. 4,328.

Wijewoora Gunaratna Mahavidana Muhandiramgo Mimmo de Silva of Dondra . . . . . Petitioner.

Vs.

(1) Indasena Jayasingho of Dondra, (2) Wijewoora Gunaratna Mahavidana Muhandiramgo Charlu de Silva, ex-Vidane Arachy of Dondra . . . . . Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Matara, on October 16, 1946, in the presence of Mr. E. P. Wijetunge, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated December 11, 1945, having been read:

It is ordered and decreed that the petitioner be declared entitled, as widow of the deceased, to claim letters of administration and that the same be issued to her unless the respondents above named or any person or persons interested shall, on or before November 25, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be and he is hereby appointed guardian *ad litem* over the 1st respondent (minor) unless the respondents or any others interested in the estate shall, on or before November 25, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 16, 1946.

K. D. DE SILVA,  
District Judge.

Extended for February 3, 1947.

November 25, 1946.

K. D. DE SILVA,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the Late Jurisdiction. Kathirgamar Chelliah, Police Sergeant No. No. 581. 2719, Police Station, Kottawa, deceased.

Ehathamby Nallapillai, also known as Nallammah, of Earlalai north, Chunnakam, widow of the late K. Chelliah . . . . . Petitioner.

Vs.

(1) S. Kathirgamar, and wife (2) K. Nagamuttu both of Earlalai, Chunnakam . . . . . Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 13, 1946, in the presence of Mr. S. Nadarajah, Proctor, for the petitioner; and the affidavit and the petition of the petitioner having been read:

It is ordered that letters of administration in respect of the estate of the said deceased be issued to the petitioner, as his lawful widow, unless the said respondents or any other person shall appear before this court on October 18, 1946, and show sufficient cause to the satisfaction of this court to the contrary.

September 13, 1946.

R. R. SELVADURAI,  
District Judge.

Time to show cause extended to November 15, 1946.

This case will be called on January 17, 1947.

R. R. SELVADURAI,  
District Judge.

In the District Court of Jaffna.

Testamentary. In the Matter of the Intestate Estate of the Late No. 599. Sannathamby Kurukulasigamany of Uduvil, Jaffna, late of Sentul, Kualala Lumpur.

Mariamamah, widow of Sannathamby Kurukulasigamany of Uduvil . . . . . Petitioner.

Vs.

(1) Thambu Sornalingam, and wife (2) Puvaneswari, both of Uduvil, (3) Kurukulasigamany Gangadaran, (4) Saraswathy, daughter of Kurukulasigamany, (5) Kurukulasigamany Mahendram, all of Uduvil, (6) Sabapathy Rajnam, of Uduvil of P. W. D., Wattawela.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on September 25, 1946, in the presence of Mr. S. Nadarajah, Proctor, for petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that the above-named 6th respondent be appointed guardian *ad litem* over the 3rd, 4th and 5th respondents for the purpose of watching their interest in these administration proceedings and that letters of administration of the estate of the said deceased be granted to the petitioner, as his lawful widow, unless the said respondent or any other person shall appear before this court on November 19, 1946, and show sufficient cause to the contrary to the satisfaction of this court.

September 25, 1946.

R. R. SELVADURAI,  
District Judge.

Time to show cause extended to December 17, 1946.

This case will be called on January 21, 1947.

R. R. SELVADURAI,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Sithambarapillai Elithamby Kumaraswamy of Vannarponnai East, Jaffna, deceased.

Annammah, widow of Sithambarapillai Elithamby Kumaraswamy of Vannarponnai East, Jaffna . . . . . Petitioner.

Vs.

(1) Thavamany, daughter of Kumaraswamy, (2) Navamany, daughter of Kumaraswamy, (3) Kumaraswamy Jeganathan, and (4) Balasaraswathy, daughter of Kumaraswamy all of Vannarponnai East, Jaffna, appearing by their guardian *ad litem* the 5th respondent, (5) Karthikesu Nadarajah of ditto . . . . . Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on October 24, 1946, in the presence of Mr. M. R. Karalasingham, Proctor, on the part of the petitioner; and the petition and affidavit dated July 2, 1946, of the petitioner above named, having been read: It is ordered that Annammah, widow of Sithambarapillai Elithamby Kumaraswamy of Vannarponnai East, Jaffna, the petitioner above named, as the widow of the deceased above named, is entitled to have letters of administration to the estate of the deceased issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 28, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that Karthikesu Nadarajah of Vannarponnai East, Jaffna, the 5th respondent above named, be appointed guardian *ad litem* over the minors—(1) Thavamany, daughter of Kumaraswamy, (2) Navamany, daughter of Kumaraswamy, (3) Kumaraswamy Jeganathan, and (4) Balasaraswathy, daughter of Kumaraswamy, all of Vannarponnai East, Jaffna, unless the respondents above named or any other person or persons interested shall, on or before November 28, 1946, show sufficient cause to the satisfaction of this court to the contrary.

R. R. SELVADURAI,  
District Judge.

Time to how cause extended till January 16, 1947.

R. R. SELVADURAI,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Subramaniam Selvadurai, deceased of Pallai, Veemankamam.

Selvadurai Senathirajah of Pallai, Jaffna . . . . . Petitioner.

Vs.

1) Parameswary, daughter of Selvadurai of Pallai, Veemankamam; (2) Subramaniam Kanagasabai of ditto, presently P. W. D. Galconde, Nikapota R.O., Haputale . . . Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on October 12, 1946, in the presence of Mr. A. V. Sathasivam, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated October 4, 1946, having been read:

It is declared that the said Subramaniam Kanagasabai, the second respondent, be appointed guardian *ad litem* over the 1st respondent and that the said Sellathurai Senathirajah to be declared entitled to have letters of administration to the estate of the above-named deceased, unless the respondents or others interested shall, on or before November 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

October 22, 1946.

R. R. SELVADURAI,  
District Judge.

Extended till December 17, 1946.

R. R. SELVADURAI,  
District Judge.

Extended till January 21, 1947.

R. R. SELVADURAI,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate and Effects of Velupillai Nadarajah, late of Kuala Lumpur in the Federated Malay States, deceased.

Seethevippillai, widow of Velupillai Nadarajah of Karainagar West . . . . . Petitioner.

Vs.

(1) Nagammah, daughter of Velupillai Nadarajah of Karainagar West, (2) Arunasalam Sapathippillai of Karainagar West . . . . . Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on November 25, 1946, in the presence of Mr. P. Casippillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated September 10, 1946, having been read:

It is ordered that the 2nd respondent be appointed guardian *ad litem* over the minor 1st respondent for the purpose of representing her and protecting her interests in the testamentary proceedings in this case and that letters of administration to the estate of the deceased be issued to the petitioner unless the respondents shall appear before this court on January 10, 1947, and show sufficient cause to the satisfaction of this court to the contrary.

December 12, 1946.

R. R. SELVADURAI,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testament of the late Thangammah, widow of Murgesa No. 640.

Mudaliar Tambipillai of Manppay, deceased.  
Sinnatangam widow of S. Tambiah of Manppay . . . . . Petitioner.

Vs.

(1) Sivagurunathar Thiagarajah and wife (2) Rasammah of Rosmead place, Colombo . . . . . Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on December 3, 1946, in the presence of Mr. E. Murugosampillai, Proctor, on the part of the petitioner, and the affidavits of the petitioner and the Notary and witnesses having been read: It is ordered that the last will and testament of the above-named deceased be declared proved and that letters of probate be granted to her as one of the executrix named therein unless the respondents or any other person shall appear before this court on January 17, 1947, and state objections to the contrary.

R. R. SELVADURAI,  
District Judge.

December 3, 1946.

In the District Court of Mannar.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Mohamadomuttalvava Asaneinamarikar of Periyapullaichipokkerni in Musali North, deceased.

Merasaibolevvai Mohamadocassim of Periyapullaichipokkerni in Musali North . . . . . Petitioner.

Vs.

(1) Asaneinamarikar Mohamadomuttalvava, (2) Asaneinamarikar Sekkaumma, (3) Asaneinamarikar Ummusalma, and (4) Mohamadocassim Mohamadomasthan all of Periyapullaichipokkerni in Musali North . . . . . Respondents.

THIS matter of the petition of Meerasaibolevvai Mohamadocassim of Periyapullaichipokkerni in Musali North, paying of letters of administration to the estate of the above-named deceased Mohamadomuttalvava Asaneinamarikar coming on for disposal before V. S. Gunawardane, Esq., District Judge, on October 24, 1946, in the presence of Mr. V. Albert Alegeacon, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 14, 1946, having been read: It is declared that the petitioner is the brother-in-law of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before November 25, 1946, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the 4th respondent be appointed guardian *ad litem* of the 1st, 2nd and 3rd respondents for the purpose of representing them in these proceedings, unless the respondents above named shall, on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

V. S. GUNAWARDANE,  
District Judge.

November 7, 1946.

Time to show cause extended till January 18, 1947.

V. S. GUNAWARDANE,  
District Judge.

In the District Court of Ratnapura.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testament of Charles Collin Pulley of Kirimettitenne, deceased.

No. 1,208.

Between

(1) Josephine Pulley, (2) Collin Victor Pulley, both of Kirimettitenne . . . . . Petitioners.

And

(1) Bopitiye Gamaetrallage *alias* Mudduwe Muhandiramalage Hurathalhamy, (2) Matilda Pulley, (3) Gertrude Pulley, (4) Agnes Pulley, (5) Reginald Edward Pulley, (6) Henry Kadiresu Pulley, (7) Hugh Noel Pulley, (8) Emily Pulley, (9) Sirimathie Pulley, (10) Ponnadurai Benard Pulley, all of Kirimettitenne . . . . . Respondents.

THIS matter coming on for disposal before V. H. Wijeratne, Esq., District Judge, Ratnapura, on November 19, 1946, in the presence of Messrs. Thurai Raja & Fernando, Proctors, on the part of the petitioners; and the affidavit and petition of the petitioners above named dated September 27, 1946, and the affidavit of the attesting Notary of the said will dated October 18, 1946, and the affidavits of the attesting witnesses dated November 16, 1946, having been read:

It is ordered that the will of Charles Collin Pulley of Kirimettitenne, deceased, bearing No. 352, dated December 4, 1937, and attested by Mr. W. S. Thurai Raja, Notary Public, and now deposited in this court, be and the same is hereby declared proved unless the respondents above named or any other person or persons interested shall, on or before December 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that Josephine Pulley and Collin Victor Pulley, the petitioners above named, are the executors named in the said will, and that they are entitled to have probate of the same issued to them accordingly, unless the respondents or any other person or persons interested shall, on or before December 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that Bopitiye Gamaetrallage *alias* Mudduwe Muhandiramalage Hurathalhamy, the 1st respondent above named, be and she is hereby appointed guardian *ad litem* over the minors, Hugh Noel Pulley, Emily Pulley, Sirimathie Pulley and Ponnadurai Benard Pulley, the 7th, 8th, 9th and 10th respondents above named, unless the respondents above named or any other person or persons interested shall, on or before December 19, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 19, 1946.

The above *Order Nisi* is extended till January 30, 1947.

December 19, 1946.

V. H. WIJERATNE,  
District Judge.

V. H. WIJERATNE,  
District Judge.

## DRAFT ORDINANCES.

## MINUTE.

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

L. D—O. 3/44.

**An Ordinance to incorporate the Law Society of Ceylon.**

WHEREAS a Society, called and known as "The Law Society of Ceylon", has heretofore been established at Colombo for the purpose of carrying out and transacting its objects and business according to the By-laws agreed to by its members: Preamble.

And whereas the said Society has applied to be incorporated in order to enable it more effectively to carry out and fulfil the several objects and matters for which it was established, and it is for the public advantage to grant the application:

Be it therefore 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 Law Society (Incorporation) Ordinance, No. of 1947. Short title.

2. With effect from the commencement of this Ordinance, the President, Vice-Presidents and members of the Council for the time being of the Law Society of Ceylon and such and so many persons as now are or may hereafter be members of the said Society shall be a Corporation under the name of "The Incorporated Law Society of Ceylon", and in that name shall have perpetual succession and shall and may sue and be sued, and shall have full power and authority to have and use a common seal and to change and alter the same at their pleasure. Incorporation of the Law Society of Ceylon.

The Society hereby incorporated is hereinafter referred to as "the Society".

3. The general objects for which the Society is constituted are hereby declared to be— General objects of the Society.

- (a) to maintain correct and uniform practice and discipline among the members of the profession of Proctors in their capacity as Proctors, or as Notaries, or as both;
- (b) to establish, regulate, and maintain Libraries, Pension and Benefit Schemes and other financial arrangements, for the benefit of its members and their dependants;
- (c) to consider, represent and express the opinion of its Council or members, and to collect and circulate information, relating to legislation or other measures affecting the Civil or Criminal Law of Ceylon;
- (d) generally to protect and promote the interests and welfare, rights and privileges of the profession of Proctors in Ceylon and of the public in relation to that profession;
- (e) to discharge and perform such functions and duties as may be conferred or imposed upon the Society or any Committee thereof by any other written law.

4. (1) The affairs of the Society shall, in accordance with the by-laws in force for the time being of the Society, be administered by a Council consisting of the President, the Vice-Presidents and other members elected by the Society in accordance with the by-laws. Council of the Society.

(2) The first Council shall consist of the following persons:—

S. J. C. Kadirgamar, President.

H. de S. Kularatne	} Vice-Presidents.
G. T. Hale	
E. M. Karunaratne	
E. G. Jonklaas	

and

S. R. Amerasekera	F. Rustomjee
K. T. Chittampalam	H. C. J. Rustomjee
N. J. V. Cooray	C. Sevaprakasam
C. M. G. De Saram	S. Somanathan
Fred De Saram	S. Somasunderam
Felix De Silva	S. Nata Raja
George H. Gratiaen	L. V. B. de Jacolyn Seneviratne
D. H. N. Jayamaha	N. S. Rasiah
P. D. A. Mack	K. T. E. de Silva
A. C. Mohammado	T. C. P. Fernando
George R. Motha	T. Fred Blaze
Merrill W. Pereira	S. C. Shirley Corea
J. M. Pereira	S. D. Karunaratne
B. J. St. V. Perera	M. W. R. de Silva
S. Ratnakaram	D. P. Attapattu

D. C. Wiratunga	D. A. B. Ratnayake
A. M. Saheed	F. J. A. Ponrajah
Anthony J. M. de Silva	B. R. G. Wijeyekoon
T. C. Rajaratnam	W. Balasuriya
C. R. Tambiah	S. Samarasinghe
J. F. Ponnambalam	H. de Z. Siriwardene
J. Austin Cooray	S. K. Wijayaratanam
H. A. de Abrew	P. P. Sumanatilake
J. A. W. Kannangara	Lyn S. Fernando
E. Ashley Peries	F. A. C. Tirimanne
J. H. Fernando	M. Esurapadham
M. A. S. Marikar	C. Thanabalasingham
A. S. Karunaratne	L. E. David
V. R. Wikramatilleka	M. A. W. Gunasekera
P. Tambiraja	D. Rajaratnam

Power to  
make by-laws.

5. (1) It shall be lawful for the Society from time to time, in general meeting of the Society and by a majority of the votes of the members present and voting, to make By-laws for the admission, resignation, suspension or expulsion of members; for the imposition of fines and forfeitures for breaches of By-laws; for the conduct of the duties of the Council and of the various officers, agents and servants of the Society; for the procedure in the transaction of business; and otherwise generally for the management of the affairs of the Society and the accomplishment of its objects.

(2) The By-laws set out in the Schedule to this Ordinance shall be deemed to have been made under sub-section (1) and shall, subject to the provisions of sub-section (3), be for all purposes the By-laws of the Society.

(3) The By-laws in the Schedule or any of them, or any other By-law made by the Society under sub-section (1), may be altered, added to, amended, or rescinded in general meeting of the Society, by a majority of votes of the members present and voting thereat.

Power to  
acquire  
property.

6. (1) The Society shall be able and capable in law to acquire by purchase, gift, devise, bequest, or exchange or in any other manner, and to hold and enjoy in perpetuity or for any lesser term, subject to any express trust or otherwise, any property, movable or immovable, of any nature or kind whatsoever.

(2) All debts and liabilities of the Law Society of Ceylon existing at the date of the commencement of this Ordinance shall be deemed to be debts and liabilities of the Society hereby incorporated, and all debts, subscriptions, contributions and fines due or payable to the said Law Society of Ceylon at the date aforesaid shall be due and payable to the Society hereby incorporated.

Annual grant  
by Government  
to the Society.

7. The Government shall make to the Society, out of the revenue of the Island, a grant of fifty thousand rupees per annum. The amount of the grant shall be paid to the Society on or before the thirtieth day of September in each year, commencing in the year 1947.

Application of  
property,  
moneys, &c.

8. All property movable and immovable acquired or held by the Society, and all moneys paid to or received by the Society under this Ordinance or the By-laws shall be held, used and applied by the Society in accordance with the By-laws for the furtherance of its objects; and subject to such By-laws, the Society shall have power, from time to time, to sell, grant, convey, devise, assign, exchange or otherwise dispose of or mortgage any such property, and to invest its funds in such manner as may be necessary or expedient for the furtherance of its objects.

Disciplinary  
Committees.  
Cap. 5.

9. (1) For the purposes of the constitution of Disciplinary Committees for holding inquiries required by the Supreme Court under section 17A of the Courts Ordinance to be held into complaints of misconduct against Proctors or Proctor-Notaries, there shall be appointed in the manner hereinafter set out a panel consisting of not more than seven members of the Society.

(2) A person shall be eligible for appointment to the panel aforesaid if, but only if, he is a member of the Society and is nominated for such appointment by the Society in general meeting by a majority of the votes of the members present and voting thereat.

(3) The names of the persons so nominated shall be submitted to the Chief Justice who shall have power, in his absolute discretion, to appoint members to the panel from among the persons so nominated, to appoint one of such members to be the Chairman of the panel, and to reject any such nomination without reason stated.

(4) Every person appointed to the panel shall be a member thereof for a period of three years from the date of his appointment, unless he is earlier removed therefrom by the Chief

Justice acting in his absolute discretion, or earlier vacates the office by resignation or by ceasing to be a member of the Society.

Every member of the panel who vacates office as such by effluxion of time shall be eligible for re-nomination and re-appointment.

(5) Any casual vacancy in the panel may be filled in accordance with the provisions of sub-sections (2) and (3).

(6) Where any inquiry is required under section 17A of the Courts Ordinance to be held by a Disciplinary Committee, the Chief Justice, after consultation with the Chairman of the panel, shall appoint three persons from among the members of the panel to constitute the Disciplinary Committee for the purposes of the inquiry, and shall appoint one of them to be the President of that Committee.

10. The Seal of the Society shall not be affixed to any instrument whatsoever except in the presence of at least two members of the Council, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

The Seal of the Society to be affixed.

11. The Ceylon Law Society Ordinance is hereby repealed.

Repeal of Chapter 205.

12. Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, his heirs and successors, or any body politic or corporate, or of any other persons, except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Saving as to rights of His Majesty and others.

#### SCHEDULE.

##### *By-laws of the Society.*

1. In these By-laws, unless the context otherwise requires—

Interpretation.

“ Council ” means the Council of the Society,

“ member ” means a member of the Society,

“ Proctor ” means a person duly admitted and enrolled as a Proctor, and includes any such person who practises as a Notary only,

“ Secretary ” means the Secretary of the Society and includes any deputy or person temporarily fulfilling the duties of the office,

“ Society ” means The Incorporated Law Society of Ceylon.

2. (1) All proctors shall be eligible for election as members of the Society.

Membership.

(2) A candidate for election as a member of the Society must be proposed for such election by a member. Every application for membership must be in writing addressed to the Secretary in the form prescribed by the Council, and must be signed by the proposer and the candidate. The candidate shall include in his application an undertaking that, if elected, he will conform to the By-laws and Regulations of the Society.

(3) The Council shall hold a ballot for the purpose of determining whether or not a candidate for membership is to be elected a member; the ballot shall, as far as may be, be held at the first meeting of the Council succeeding the receipt of the application for membership.

(4) A candidate shall be elected a member unless the number of black balls cast at the ballot is not less than one-fifth of the total number of votes given at the ballot. Where the total number of votes is not a multiple of five, a number of votes equal to the nearest higher multiple of five shall be deemed to have been given for the purposes of this paragraph.

(5) A member may resign from the Society by notice of resignation given in writing to the Council.

(6) The name and place of business of every member shall be entered in a book to be kept by the Secretary for that purpose and to be called the Register of Members. The residence of a member who has ceased to take out his licence shall be deemed to be his place of business. Any member who shall at any time change his place of business shall immediately give notice thereof in writing to the Secretary.

(7) The Register of Members shall be deemed for all purposes to contain a correct list of the members and of their respective places of business.

(8) Every letter or notice relating to any matter concerning the Society which shall be sent by the Secretary or by the Council to a member by post, addressed to him by his name and at his place of business as entered in the Register of Members, shall be deemed to have been properly sent, and the member shall be deemed to have had sufficient notice of the contents thereof.

(9) The Council may by resolution suspend the right of any member to use the Hall or Library or any of the rooms belonging to the Society during such period as they may think fit for any cause which shall in their opinion render such suspension necessary or expedient. Any such resolution shall have effect only if the number of members of the Council voting in favour is not less than sixteen and not less than two-thirds of the number of Members present at the meeting.

(10) If it shall appear to the Council, or shall be represented to the Council by a requisition in writing signed by five or more members, that there is reason to believe that any member has



been guilty of conduct which, in the absence of satisfactory explanation, would render him unfit to remain a member of the Society, the Council shall send to such member a notice containing a brief statement of the allegations made against him and informing him that he may offer an explanation to the Council in person or in writing.

(11) If on the consideration of such explanation, or in the absence of any explanation, the Council is of opinion that such member ought to be expelled from the Society, such member shall be liable, by resolution of such meeting on an affirmative vote of at least two-thirds of the members present at such meeting to be expelled from the Society, and if such resolution is passed, he shall forthwith cease to be a member thereof.

Subscriptions.

3. (1) The annual subscription due to the Society from each member shall be Rs. 10·00 :

Provided that the annual subscription due from a member during the first three years following his enrolment as a Proctor shall be Rs. 5·00.

(2) The annual subscription of a member must be paid on or before the thirty-first day of March in each year.

(3) If any member fails to pay his subscription before the thirty-first day of June in any year, the Secretary shall by registered letter draw his attention to the fact, and if the subscription in arrear is not paid within seven days from the date of such letter or within such further time as the Council may grant, such member may, by a resolution of the Council, be excluded from the Society and shall thereupon cease to be a member.

(4) Any member who has ceased to be a member under paragraph (3) above shall be entitled to be re-admitted a member, without re-election, on payment by him of all sums due by him to the Society up to the date of re-admittance, including subscriptions for the period between the date of exclusion and the date of re-admittance.

(5) Any member who resigns after payment of all sums then due shall be entitled to be re-admitted without payment by him of subscriptions for the intervening period between the date of his resignation and the date of re-admittance.

Office-bearers.

4. (1) The office-bearers of the Society shall consist of a President and four Vice-Presidents, who shall be elected at the annual general meeting in each year and shall continue in office till their successors are elected.

(2) The President and Vice-Presidents shall be elected from among persons who are members of the Council and have been such for at least two years :

Provided, however, that the preceding provisions of this paragraph shall not apply until the year 1948.

(3) At any time after any annual general meeting, and not less than thirty clear days before the day fixed for the next succeeding annual general meeting, any two members may jointly give to the Secretary or send to him by registered post a notice in writing, signed by them, nominating any qualified member of the Society for the office of President or Vice-President, and specifying the name and address of the candidate or candidates so nominated. The Secretary shall, at least fourteen clear days before the day fixed for the annual general meeting, post at the Hall of the Society and send to every member a statement showing the name of each candidate so nominated.

(4) No name or names other than those of candidates duly nominated as provided in paragraph (3) shall be proposed at any annual general meeting for election to the office of President or Vice-President :

Provided, however, that where no candidates have been so nominated for any office, the Council shall nominate a person for election to such office at the annual general meeting, and such person shall thereupon be declared elected without any vote being taken.

(5) In the event of an election for the office of President or Vice-President being contested, the following procedure shall be adopted :—

(i.) The Secretary shall cause a voting paper to be delivered to each member present and entitled to vote. The voting paper shall be in such form as the Council may direct. The voting papers when completed shall be scrutinized and accepted or rejected by the Chairman and two members appointed for the purpose at the meeting.

(ii.) The Chairman shall after the scrutiny announce the results and declare the name of the person elected.

The Council.

5. (1) The Council shall consist of the President, the Vice-Presidents and sixty other members elected at each annual general meeting, of whom twenty shall be members of the Society practising or resident in Colombo and forty shall be members of the Society practising or resident in the outstations :

Provided that no vacancy shall affect or invalidate any act of the Council so long as the number of members actually holding office is not less than thirty.

(2) Any member of the Council desirous of vacating his office may send his resignation in writing to the Secretary and on the acceptance of such resignation by the Council his office shall become vacant.

(3) Any casual vacancy among the members of the Council by death, resignation, disqualification or otherwise shall be filled by the Council.

(4) At any time after any annual general meeting, and not less than thirty clear days before the day fixed for the next succeeding



annual general meeting, any two or more members may jointly give to the Secretary, or send to him by registered post, a notice in writing, signed by them, nominating any qualified member or members of the Society for election as a member or members of the Council and specifying the name and address of the candidate or candidates so nominated. The Secretary shall, at least fourteen clear days before the date fixed for the annual general meeting, post at the Hall of the Society and send to every member a statement showing the name of each candidate so nominated.

(5) Where no persons are only nominated as provided in paragraph (4), or where the number of candidates so nominated is less than sixty, the Council shall nominate sixty members of the Society, or the number required to bring the total nominations up to sixty, as the case may be, for election to the Council, and all the persons so nominated (whether under paragraph (4) or under this paragraph) shall be declared at the annual general meeting to be elected without any vote being taken.

(6) In the event of more than sixty candidates being nominated under paragraph (4), a ballot shall be held at the annual general meeting for the purpose of electing sixty members of the Council as provided by paragraph (1).

(7) If, without leave of the Council, any member of the Council resident or practising in Colombo absents himself from three consecutive meetings of the Council, or any member resident at an outstation absents himself from four consecutive meetings of the Council, he shall cease to be a member thereof.

(8) The Council may, by resolution moved at a meeting at which at least twenty-four members of the Council are present and passed by a majority of at least two-thirds of the members so present, suspend any member of the Council from office.

(9) Whenever the Council shall have suspended any member thereof, a special general meeting of the Society shall be convened forthwith, and such meeting shall have full power to remove from office the member so suspended, or to rescind or modify the resolution of suspension passed under paragraph (8) or otherwise to act as the meeting may deem fit in the circumstances.

(10) The quorum for a meeting of the Council shall be 15.

(11) The Council shall have and may exercise the power from time to time to appoint such committees as may be necessary to assist it in carrying out the aims and objects of the Society or for any purpose connected with the work of the Society.

(12) The Council may, subject to these By-laws, make, vary and rescind Rules for their meetings and proceedings, and for the management of the affairs of the Society.

(13) Minutes of the proceedings of every meeting of the Council shall be taken by the Secretary or, in his absence, by some other person appointed by the Chairman. The minutes shall be subsequently copied fairly into a minute book to be kept by the Secretary for that purpose and signed by the Chairman of that or the next succeeding meeting.

(14) A list of the members of the Council showing the attendance of each member at meetings of the Council and of Committees thereof shall be open for inspection by the members of the Society.

6. (1) The annual general meeting of the Society shall in every case be held in Colombo on a date to be fixed by the Council.

Annual  
general  
meetings.

(2) Notice of every annual general meeting shall be posted at the Hall of the Society at least sixty days before the date fixed for the meeting and shall be published in such newspapers or journals (including legal journals) as may from time to time be specified by the Council.

(3) Notice of every annual general meeting together with copies of the balance sheet and income and expenditure accounts for the year, duly audited by the auditors, shall also be sent to each member by the Secretary at least fourteen clear days before the date fixed for the meeting, and such notice shall specify the candidate nominated for the office of the President and Vice-Presidents and for office as members of the Council.

(4) The business at the annual general meeting shall include the election of the President and Vice-Presidents and members of the Council and the auditors, the reception of the annual report and accounts of the Council and the disposal of business introduced by the Council and of any other business of which due notice has been given.

(5) Notice of any motion to be moved at any annual general meeting shall be given to the Secretary in writing at least twenty-one clear days before the day appointed for the holding of such meeting.

(6) The order of proceedings at an annual general meeting (unless varied by the Chairman) shall be as follows:—

- (i) The election of a Chairman shall be held where such election is necessary.
- (ii) The minutes of the preceding annual general meeting and of all intermediate special general meetings shall be read and confirmed.
- (iii) The annual report of the Council shall be submitted to the meeting.
- (iv) The balance sheet and income and expenditure accounts for the year duly audited by the auditors shall be submitted to the meeting.
- (v) The Chairman shall submit the names of the persons nominated for election to the offices of the President and Vice-Presidents for the ensuing year, and the election of a President and of Vice-Presidents shall take place subject to the provisions herein contained for a poll by voting papers if necessary.

- (vi) The Chairman shall submit the names of persons nominated for election as members of the Council and their election shall take place, subject to the provisions herein contained for a ballot where necessary.
- (vii) Other business introduced by the Council or of which due notice has been given shall then be taken up.
- (viii) Any business of urgency or importance may be taken up at the general meeting without notice if two-thirds of the members present consent thereto.

**Special general meetings.**

7. (1) A special general meeting of the members may at any time be called by the Council.

Notice of every such meeting shall be posted at the Hall of the Society at least thirty clear days before the date fixed for the meeting.

(2) Notice of any motion to be moved at any special general meeting called under paragraph (1) must be given to the Secretary in writing at least twenty-one clear days before the date fixed for holding such meeting.

(3) (a) Twenty or more members may at any time, by writing under their hands, require the Council to call a special general meeting for any object connected with the Society.

(b) Every such requisition must be sent in writing to the Secretary and must specify the object for which such meeting is to be called; and the Council shall call a meeting in pursuance thereof to be holden not later than thirty clear days from the date of receipt of such requisition.

(c) If the Council does not, within fifteen days of the receipt of such requisition, call a special general meeting as provided in sub-paragraph (b), any ten of the members who signed the requisition may by notice sent to all members, or if that be impracticable by notice published in at least two daily newspapers, convene a special general meeting for a date not being earlier than fourteen days from the date of such notice. Such meeting shall for all purposes be deemed to be properly convened.

(d) A notice of every such special general meeting, specifying the object thereof and on whose requisition it is called, shall be posted in the Hall of the Society and shall be also sent to each member by the Secretary seven days at least before the day fixed for holding the meeting.

(e) No business shall be transacted at a special general meeting other than business of which due notice has been given.

(f) At special general meetings the order of the proceedings shall, so far as applicable, be the same as at annual general meetings.

8. (1) Any general meeting of the Society other than an annual general meeting may be held in the Hall of the Society or at any other place in Colombo or at any place in any outstation as the Council may determine

(2) The quorum for a general meeting shall, subject to the provisions of paragraph (3), be thirty members.

(3) If within half an hour after the time appointed for a general meeting, thirty members are not present, the meeting, if called on a requisition under By-law 7 (3), shall not be held; but if called under By-law 7 (1), the meeting shall be adjourned to a day and hour to be fixed by a majority of the members present, and if within half an hour after the hour so fixed thirty members are not present, the members present shall, notwithstanding anything in paragraph (2) of this by-law, be deemed to constitute a quorum and the meeting shall be proceeded with.

(4) At every general meeting, the President of the Society, if he be present, shall preside as Chairman. If he is not present, or being present declines to preside, then one of the Vice-Presidents present shall preside; and if all the Vice-Presidents are absent or being present decline to preside, then a member of the Society, chosen by the votes of the members present, shall preside.

(5) Any general meeting may, by resolution of the members present, be adjourned for a future day. Whenever a general meeting shall, for want of a quorum or by the resolution of the members present, be adjourned for a future day, notice of the time and place fixed for the adjourned meeting shall be sent to every member by the Secretary.

(6) Except where otherwise provided by these By-laws, all questions shall be decided by a majority of the members actually present and voting, and in every case, including the case of a contested election, where there is an equality of votes, the Chairman shall have a second or casting vote.

(7) It shall not be competent for the Chairman of a general meeting, except with the express sanction of the Council, to allow any discussion to take place on any matter or to put to the meeting any resolution, if it appears to him that the question raised on such discussion or resolution has in substance been decided at any general meeting held within the twelve months immediately preceding.

(8) In all cases of dispute or doubt or difficulty respecting or arising out of matters of procedure or order or interpretation, the decision of the Chairman shall be final and conclusive.

(9) Minutes of the proceedings of every general meeting shall be kept by the Secretary in a book to be provided for that purpose and signed by the Chairman at the next succeeding annual general meeting.

(10) Any omission or other irregularity occurring in relation to the convening or other proceedings taking place at, any such meeting shall in no way affect the validity of the meeting or of any such election or other proceeding:

Provided, however, that any member may at such meeting raise a question of order upon such omission or irregularity; and where a question is so raised, the decision of the meeting as to the action, if any, to be taken shall be final and conclusive.

9. The following rules of debate shall be observed at all general meetings:—

Rules of debates.

(1) No member shall be permitted to speak more than once on the same question:

Provided that the mover of any resolution shall be allowed to speak in reply, and thereafter the debate shall be closed.

(2) The mover of an original motion shall not (without the permission of the Chairman) speak for more than fifteen minutes, nor shall any other speaker or the mover in reply speak for more than ten minutes.

(3) Any member desiring to move the previous question or to move that the question be not put, shall do so by moving that the meeting do proceed to the next business.

(4) The mover of a motion that the meeting or debate be adjourned or that the question be now put or that the meeting do proceed to the next business may speak for not more than five minutes, and any such motion shall be seconded without a speech. One member (the mover of the motion or amendment under discussion to have the preference) may speak for five minutes in opposition to any such motion, which shall then be put by the Chairman without debate.

(5) A member who has spoken may, by permission of the Chairman, be again heard in explanation; but he shall not introduce new matter or interrupt a member who is speaking.

(6) Whenever an amendment to a motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment shall have been disposed of. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the question on which any further amendment may be moved.

(7) The Chairman may call attention to continued irrelevance, tedious repetition, unbecoming language or any breach of order on the part of a member and may order such member to discontinue his speech.

10. (1) The Council shall cause proper accounts to be kept of the income and expenditure of the Society and of the property, assets and liabilities of the Society.

Accounts and audit.

(2) The accounts shall be audited annually by three auditors, two of whom shall be members of the Society and the third a public accountant or a firm of such accountants.

(3) The auditors shall be elected annually at the annual general meeting.

(4) The outgoing auditors shall be deemed to continue in office till the close of the annual general meeting, or if their successors are not for any reason elected at such meeting, till the election of their successors.

(5) An outgoing auditor shall be eligible for re-election.

(6) An auditor may at any time vacate his office by sending in his resignation in writing to the Council.

(7) If any casual vacancy shall occur in the office of auditor by death, resignation or otherwise, such vacancy shall be filled by the Council subject to the provisions of paragraph (2) of this By-law.

(8) The accounts of the income and expenditure of the Society for each year ending December 31 shall, on or before February 15 in the succeeding year, be delivered together with the balance sheet and accounts of the property, assets and liabilities of the Society, to the auditors to be examined, audited and signed by them.

(9) The balance sheet and accounts so signed shall be printed and issued to the members, together with the notice convening the annual general meeting.

(10) The balance sheet and accounts so signed shall be open for inspection at the Secretary's office, and shall be submitted to the annual general meeting for approval, and after approval shall be signed by the Chairman in testimony of such approval, and having been so signed, shall be binding and conclusive on all members of the Society, and shall not for any reason whatever be afterwards re-open, unless some manifest error relating to an amount of fifty rupees or more is discovered therein, and pointed out in writing to the Secretary, within one month after such approval, and in any such case the accounts shall be re-opened so far only as may be necessary to rectify that error.

11. (1) The Council may appoint a Secretary and Assistant Secretaries, a Librarian and Assistant Librarians, Accountants and such clerks, officers and servants as they may from time to time think necessary. The Council shall have the power, where necessary, to discontinue the services of any person so appointed.

Officers.

(2) The salaries, wages and other remuneration of all persons appointed under paragraph (1) shall be determined by the Council and shall be payable out of the funds of the Society.

(3) The Council may permit the Secretary or any other officer or servant to reside in any building or part of a building belonging to the Society.

12. (1) The Council shall have Control and charge of all funds, property and assets of the Society.

Funds and assets.

(2) The Council shall have full power to operate on the funds of the Society, to make payments and grants, to invest moneys and generally to act in all matters involving expenditure and payment of the funds of the Society.

(3) No payment shall be made without the order of the Council, and all drafts and cheques on any Bank shall be signed by the President or one of the Vice-Presidents and by the Secretary.

(4) All funds of the Society shall be deposited in such Bank or Banks as the Council may determine.

(5) The power to acquire property conferred on the Society by section 6 (1) of the Ordinance shall be exercised by the Council on behalf of the Society, all such property shall be acquired and held in the name of the Society.

(6) The power to dispose of property under section 8 of the Ordinance shall be exercised by the Council on behalf of the Society :

Provided, however, that no immovable property shall be sold or mortgaged except upon a resolution in general meeting of the Society, passed upon the recommendation of the Council.

Use of Hall,  
Library, &c.

13. (1) The Hall of the Society shall be used for the resort of the members, subject to such regulations as may be framed by the Council, for the holding of general meetings of the Society, and for any other purpose which the Council may consider likely to promote the aims and objects of the Society.

(2) The Council may from time to time make regulations prescribing the times of opening and closing of the Hall and library and other parts of the building, for maintaining order and decorum therein, and for admitting to the library apprentices serving under members of the Society.

(3) The Council may from time to time permit such persons as they may think proper to have the use of the Hall and library and other rooms of the Society, and may regulate the terms and conditions on which such persons shall be admitted, and the privileges to which they shall be entitled.

(4) The Council may let any of the rooms in the Society's buildings on such terms and for such purposes as they think proper.

General  
provisions.

14. (1) No resolution passed at a general meeting of the Society shall be binding until it has been adopted by the Council, or has been confirmed at the next general meeting ; and it shall be the duty of the Council if they do not adopt any resolution to bring the same before the next general meeting or before a special general meeting if deemed advisable :

Provided, that nothing in the preceding provisions of this by-law shall apply in the case of any resolution proposed by the Council or any resolution repealing or altering any by-law or enacting any new by-law.

(2) The Council shall be the chief executive and administrative body of the Society, and shall, in all matters not provided for in by-laws, take such action as may be considered prudent or expedient.

Common Seal.

15. (1) The Council shall have the custody of the Common Seal of the Society, and the same shall not be affixed to any instrument until such instrument shall have been read at a meeting of the Council and approved by a formal resolution of the Council. A copy of every instrument to which the Common Seal has been affixed shall be filed or entered in a book to be kept for that purpose.

(2) All documents requiring the use of the Common Seal of the Society shall be signed for and on behalf of the Society by either the President or one of the Vice-Presidents, by a member of the Council, and by the Secretary ; and the Common Seal of the Society shall not be affixed to any documents save and except in their presence.

#### *Objects and Reasons.*

The object of this Bill is to incorporate the Law Society of Ceylon. The Bill contains the usual provisions necessary for the purpose of conferring on the Society the status of a corporation. Clause 3 of the Bill defines the purposes for which the Society is constituted. In addition to being a body which will be representative of the profession of proctors, the Society will be vested with functions relating to discipline. A Bill to amend the Courts Ordinance will be introduced simultaneously with this Bill, and the effect of the amendment will be to include provision in the Courts Ordinance whereby complaints as to misconduct of proctors can be referred by the Supreme Court for investigation and report to a Disciplinary Committee of the Law Society. Such Disciplinary Committees will be constituted in the manner provided by Clause 9. Where any matter is to be so referred, the Chief Justice will under Clause 9 nominate three persons chosen from a panel of seven members of the Society to constitute a Disciplinary Committee.

In England and other Empire countries, the fees payable by members of the profession upon admission and for annual certificates authorising them to practice are paid to societies enjoying the same status and discharging the same functions as the Law Society will, in Ceylon, under the new legislation. At present, under local Ordinances, these fees are payable to the local authority within whose area a proctor practises his profession. It is not proposed at present to make any alteration in this respect under the existing law, but since funds must be made available to the Society to enable it properly to discharge its important functions and duties, the Bill provides that the Government should make an annual grant of fifty thousand rupees to the Society. This amount represents the average sum which is recovered annually from members of the profession.

A. E. P. ROSE,  
Legal Secretary.

Colombo, January 8, 1947. -