



# THE CEYLON GOVERNMENT GAZETTE

No. 9,683 — FRIDAY, MARCH 21, 1947.

Published by Authority.

## PART II.—LEGAL.

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

	PAGE		PAGE
Governor's Ordinances .. .. .	—	List of Notaries .. .. .	—
Passed Ordinances .. .. .	403	Notices in Insolvency Cases .. .. .	—
Draft Ordinances .. .. .	452	Notices of Fiscals' Sales .. .. .	463
Notifications of Criminal Sessions of the Supreme Court .. .. .	—	Notices in Testamentary Actions .. .. .	464
Supreme Court Notices .. .. .	—	Miscellaneous .. .. .	—
District and Minor Courts Notices .. .. .	463	Council of Legal Education Notices .. .. .	—

### PASSED ORDINANCES.

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

No. 8 of 1947.

L. D.—O 488/34

An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid.

[Assented to by His Majesty the King. See Proclamation dated March 11, 1947, published in Government Gazette No. 9,683 of March 21, 1947.]

HENRY MOORE

#### TABLE OF SECTIONS.

1. Short title and commencement.

##### PART I.

*Grants, leases, and other dispositions of Crown land.*

2. Grants, leases, and other dispositions of Crown land.
3. Surrender of land comprised in instrument of disposition.
4. Surrender and sub-division.
5. Exchange of Crown land for private land.
6. Special grants and leases.
7. Surrender of special grants and leases.
8. Execution and contents of instruments of disposition.
9. Survey of land to precede issue of grant or long-term lease.
10. Reservation of minerals.
11. Covenants and conditions to run with the land.
12. Minor bound by covenants and conditions of instrument executed in his favour.
13. Power of Governor to fix, revise or remit payments due to the Crown.
14. Power of Governor to mitigate, &c., conditions in leases, &c.
15. Power of Governor to grant extension of time for performance of covenants.
16. Permits and licences may be personal to grantees thereof.
17. Cancellation of permits or licences.
18. No legal claim for compensation to be founded on cancellation of permit or licence.
19. Dispositions executed by grantee contrary to provisions in instrument of disposition are void.
20. Rectification of errors, &c., in instruments of disposition.

##### PART II.

*Execution, authentication and registration of instruments of disposition.*

21. Use of the Public Seal of the Island.
22. Execution of instruments of disposition.
23. Authentication of instruments required to be signed by the Governor.
24. Authentication of copies of instruments signed by the Governor.
25. Penalty for unlawful possession or use of stamp of Governor's signature.
26. Registration of grants and leases.

## PART III.

*Vesting orders and vested land.*

27. Vesting orders.
28. Vesting orders in favour of authorities which are not corporations in law.
29. Title of Crown unaffected by vesting orders.
30. Revocation of vesting order.
31. No compensation payable upon revocation of vesting order.
32. Surrender of vested lands.
33. Effect of revocation of vesting order or surrender of vested land.
34. Ordinances enacted for protection of Crown lands to apply equally to lands vested in a local authority.
35. Survey of Crown land vested in a local authority on requisition of Land Commissioner.
36. Part III. not to apply to land acquired under Chapter 203, and thereafter vested in any authority.

## PART IV.

*Crown lands vested in Village Committees.*

37. Village committees to furnish schedules of Crown lands claimed to be vested under section 39 of Chapter 198.
38. Recommendation of Government Agent on claim preferred and notification thereof to village committee.
39. Appeal to Executive Committee.
40. Powers of Executive Committee on appeal.
41. Procedure where Executive Committee desires further evidence or information.
42. Decision of Executive Committee to be submitted to Governor for confirmation.
43. Where no appeal, recommendation of Government Agent to be submitted to Governor for confirmation.
44. Governor's order on all claims to be final and conclusive.
45. Vesting orders to be issued on establishment of claim of village committee.
46. Failure to claim Crown land is presumptive proof that such land is not vested under section 39 of Chapter 198.

## PART V.

*Special leases by Local Authorities of lands vested in such Authorities.*

47. Special leases by local authorities of lands vested in such authorities.
48. Cancellation of Karaiyur slum area leases and provision for issue of new leases.

## PART VI.

*Reservations.*

49. Constitution of Crown reservations.
50. Crown reservations for public streams.
51. Cancellation of Crown reservations.
52. Title to Crown reservations cannot be acquired by possession or user.
53. Crown not liable to pay compensation for improvements effected on reservations after commencement of Ordinance.
54. Summary ejection of offenders in unlawful possession of Crown reservations.

## PART VII.

*Road Reservations.*

55. Road reservations.
56. Cancellation of road reservations.
57. Lease of road reservations.

## PART VIII.

*The Foreshore.*

58. Administration of foreshore vested in the Crown.
59. Regulation of user of foreshore.
60. Government authorised to construct works on foreshore, &c.
61. Power to lease foreshore and sea-bed.
62. Power to issue permits for temporary occupation of foreshore and sea-bed.
63. Power of Governor to proclaim area from which sea sand, &c., may not be removed.
64. Power of Government Agent to prohibit removal of sand, &c., from any particular place on foreshore.
65. Penalty for unlawful removal of sand from foreshore, &c.
66. Meaning of "removal of sand", &c.
67. Appeals to the Governor.
68. Proclamations and prohibitions issued under Chapter 310 deemed to be in force under this Ordinance.
69. Saving as to rights to foreshore.

## PART IX.

*Regulation and control of the use of the water of lakes and public streams.*

70. Interpretation of Part IX.
71. Tanks may be proclaimed as lakes.
72. Rights of Crown in waters of public lakes and streams.

73. Restrictions to right of the Crown.
74. Rights of riparian proprietors.
75. Crown is owner of bed of public lake or stream.
76. Permits to divert water and construct works and bridges.
77. Matters to be taken to account on consideration of an application for a permit under section 76.
78. Advisory Boards.
79. Communication of Government Agent's decision to applicant for permit.
80. Right of aggrieved applicant to appeal to District Court.
81. Validation of previous licences, &c.
82. Penalty for unlawful diversion of water of public lake or stream, &c.
83. Cancellation of permits.

## PART X.

*Recovery of payments due to the Crown and cancellation of instruments of disposition.*

84. Certificate of Government Agent.
85. Application of summary procedure for recovery of moneys due to Crown under instruments of disposition.
86. Cancellation of instruments of disposition for non-payment of moneys due to the Crown.
87. Notice to issue on party in occupation to vacate land.
88. Ejectment where occupant fails to vacate land.
89. Application of Part X. to all instruments of disposition.

## PART XI.

*Administration.*

90. Administration of Ordinance.
91. Powers of Land Commissioner.
92. Power of Governor to appoint officers and servants.
93. All officers, &c., to be public servants.

## PART XII.

*Regulations.*

94. Regulations.
95. Matters which may be provided for by regulation.
96. Offences under regulations.
97. Regulations must be approved by State Council and ratified by Governor.
98. Regulations to have statutory force.
99. Power to make regulations before commencement of Ordinance.

## PART XIII.

*Miscellaneous.*

100. Power of Governor to take lands on lease.
101. Disposition of Crown land over 5,000 feet in elevation.
102. Title to roads and reservations vested in the Crown.
103. No prescriptive title to land settled, &c.
104. Power of Governor to accept donations.
105. Delegation of Governor's powers.
106. Covenants in instruments of disposition to bind minor if it is executed with assistance of curator.
107. Government Agents authorised to appoint curators.
108. Alluvial and other accretions.
109. Power to inspect Crown lands after disposition.

## PART XIV.

*Interpretation, Repeals and Savings.*

110. Interpretation.
111. Repeals, &c.
112. Savings.

## FIRST SCHEDULE.

(Section 48.)

## SECOND SCHEDULE.

(Section 54.)

## THIRD SCHEDULE.

(Section 111.)

**An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid.**

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

1. This Ordinance may be cited as the Crown Lands Ordinance, No. 8 of 1947, and shall, save as otherwise provided in section 99, come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Short title  
and  
commencement.

## PART I.

*Grants, leases, and other dispositions of Crown land.*

Grants, leases,  
and other  
dispositions  
of Crown land.

2. Subject to the provisions of this Ordinance and of the regulations made thereunder, the Governor may in the name and on behalf of His Majesty—

- (1) make absolute or provisional grants of Crown land ;
- (2) sell, lease or otherwise dispose of Crown land ;
- (3) enter into agreement for the sale, lease or other disposition of Crown land ;
- (4) issue permits for the occupation of Crown land ;
- (5) issue licences to take or obtain any substance or thing found in Crown land ;
- (6) sell or lease the right to mine or gem in any Crown land or in any land which has been disposed of by the Crown with a reservation of mining rights in favour of the Crown.

Surrender of  
land comprised  
in instrument  
of disposition.

3. The Governor may, in the name and on behalf of His Majesty, accept the surrender of any land comprised in any instrument of disposition upon such terms and conditions as he may think fit or as may be prescribed.

Surrender and  
sub-division.

4. (1) Where the owner of any land comprised in a Crown grant is desirous of dividing or partitioning such land, he may apply to the Governor to accept the surrender of such grant and to re-grant the land comprised therein in parcels.

(2) If the lessee of any land leased by the Crown is desirous of dividing or partitioning such land, he may apply to the Governor to accept the surrender of such lease and to lease such land in parcels.

(3) The Governor, if satisfied with the title of the applicant under sub-section (1) or sub-section (2) and on payment by the applicant of all the costs and expenses of, or consequent on, such application, may accept the surrender of such grant or lease and may issue in lieu thereof to the applicant a Crown grant or lease, as the case may be, of the said land in such parcels as the applicant desires ; and where more persons than one are joint owners or joint lessees of any land for the division or partition of which an application is made under this section, a grant or lease issued in lieu of a grant or lease surrendered may dispose of any parcel of the land surrendered to any one or more of such joint owners or joint lessees.

(4) No such division or partition shall be allowed unless all moneys, if any, due under the original grant or lease have been paid in full.

Exchange of  
Crown land for  
private land.

5. The Governor may, subject to such terms and conditions as he may deem fit, dispose of Crown land to any person in exchange for any land surrendered or conveyed by such person to His Majesty.

Special grants  
and leases.

6. (1) A special grant or lease of Crown land may be made at a nominal price or rent or gratuitously for any charitable, educational, philanthropic, religious or scientific purpose, or for any other purpose which the Governor may approve.

(2) Every special grant or lease shall be substantially in the prescribed form and shall state that the title to the land conveyed thereby shall revert to the Crown if the land is not used for the purpose for which it was granted or leased or if it is applied to any other purpose.

(3) Upon proof that any land described in any special grant or lease has ceased to be used for the purpose for which it was granted or leased or has been applied to any other purpose or that there has been a failure to comply with any condition or to observe any covenant of the grant or lease, the Crown shall be entitled, upon application to a court of competent jurisdiction, to a decree cancelling the grant or lease and declaring the land to be vested in the Crown, free from all encumbrances ; and the Crown shall not be liable to pay to any person any sum by way of compensation for improvements effected on the land subsequent to the date of the special grant or lease.

Surrender of  
special grants  
and leases.

7. Notwithstanding anything in any law other than this Ordinance, where any land has been disposed of either before or after the commencement of this Ordinance for any purpose authorised under section 6 (1), such land may, in such cases and subject to such conditions as may be approved by the Governor, be surrendered to the Crown by the grantee or lessee or other person for the time being entitled to the possession and management of such land ; and where such

grantee or lessee or other person entitled to such possession or management cannot be found or ascertained, a court of competent jurisdiction may, on the application of the Attorney-General and after such inquiry as the court deems fit, by order authorise any suitable person to execute the instrument of surrender; and, upon the execution of any such instrument by such grantee or lessee or other person entitled to the possession and management of such land, or by any person so authorised, the land so surrendered shall vest in the Crown free from all encumbrances.

8. (1) Every disposition of Crown land under this Ordinance must be effected by an instrument of disposition executed in such manner as may be prescribed.

Execution and contents of instruments of disposition.

(2) Regulations may be made prescribing the conditions which may be attached to dispositions of Crown land. No such condition shall be deemed to be attached to any disposition of Crown land unless that condition is inserted in the instrument of disposition relating to that land.

9. No Crown grant and no instrument of disposition whereby Crown land is leased for any term exceeding such period as may be prescribed shall be issued under this Ordinance unless and until that land has been surveyed and demarcated to the satisfaction of the Land Commissioner.

Survey of land to precede issue of grant or long-term lease.

10. No disposition of Crown land made under this Ordinance shall be deemed to confer any right to any mineral, mineral product or mineral oil in, under, or upon such Crown land unless otherwise expressly provided in the instrument of disposition; and, save as so expressly provided, all such minerals, mineral products and mineral oils shall, notwithstanding any such disposition, be deemed to remain, and shall remain, the absolute property of His Majesty.

Reservation of minerals.

11. Where the rights under any instrument of disposition are not personal to the grantee but may be assigned by act *inter vivos* or may pass on his death to his heirs or devisees, the burden of any covenants or conditions inserted in such instrument shall run with the land and shall be binding upon the grantee and upon all persons claiming that land through, from or under the grantee.

Covenants and conditions to run with the land.

12. The grantee under any instrument of disposition shall be bound by any covenant or condition inserted therein notwithstanding the fact that he was a minor on the date of the execution of the instrument or that he, or any person on his behalf, did not sign the instrument or subscribe to such covenants and conditions.

Minor bound by covenants and conditions of instrument executed in his favour.

13. The Governor may fix the payments to be made to or recovered by the Crown, either generally in any class of dispositions or specially in respect of any particular disposition, whether by way of price, rent, royalty or otherwise, and may, subject to the covenants and conditions set out in the instrument relating to any such disposition, remit, revise or waive any such payments.

Power of Governor to fix, revise or remit payments due to the Crown.

14. The Governor may at any time mitigate or release any of the terms, covenants and conditions set out in any lease, permit or licence issued under this Ordinance and may at any time by agreement with the grantee vary or modify any such terms, covenants or conditions.

Power of Governor to mitigate, &c., conditions in leases, &c.

15. Unless otherwise provided in the instrument of disposition, the Governor may extend the time allowed to the grantee for the performance of any act, condition or covenants set out in the instrument of disposition, for such period and upon such terms as he may think fit to impose; and the period so extended and the terms so imposed shall be deemed to be inserted in the instrument of disposition and shall have the same force and effect as a covenant or condition thereof.

Power of Governor to grant extension of time for performance of covenants.

16. (1) Where it is provided in any permit or licence that such permit or licence is personal to the grantee thereof, all rights under such permit or licence shall be finally determined by the death of such grantee.

Permits and licences may be personal to grantees thereof.

(2) Where it is provided in any permit or licence that such permit or licence shall be personal to the grantee thereof, the land in respect of which such permit or licence was issued and all improvements effected thereon shall, on the death of the grantee, be the property of the Crown; and no person claiming through, from or under the grantee shall have any interest in such land or be entitled to any compensation for any such improvements.

- Cancellation of permits or licences.
- Cap. 320.
- Cap. 320.
- No legal claim for compensation to be founded on cancellation of permit or licence.
- Dispositions executed by grantee contrary to provisions in instrument of disposition are void.
- Rectification of errors, &c., in instruments of disposition.
- Use of the Public Seal of the Island.
- Execution of instruments of disposition.
- Authentication of instruments required to be signed by the Governor.
- Authentication of copies of instruments signed by the Governor.
17. (1) Where a Government Agent is of opinion that the grantee of any permit or licence has failed to observe any condition attached to any such permit or licence, he may cancel such permit or licence and eject the grantee in accordance with the procedure prescribed in sections 106 to 128 of the Land Development Ordinance which shall apply accordingly as though the grantee of a permit or licence under this Ordinance were a permit-holder under that Ordinance and as though the land which is the subject matter of a permit or licence under this Ordinance were land alienated by a permit issued under that Ordinance :
- Provided that any matter or form required by the Land Development Ordinance to be prescribed in connection with the cancellation of a permit under that Ordinance shall, for the purpose of the application of that Ordinance to the cancellation of a permit or licence under this Ordinance, be prescribed under this Ordinance.
- (2) Where a permit or licence is cancelled under subsection (1), all rights of the grantee under such permit or licence shall cease and be finally determined.
18. Neither the grantee nor any other person shall be entitled to any compensation or damages whatsoever by reason of the cancellation of a permit or licence under the last preceding section ; and no claim for compensation or damages shall in any such case be entertained by any court :
- Provided that nothing herein contained shall preclude the gratuitous payment of compensation in any such case.
19. Where in any instrument of disposition issued or executed either before or after the commencement of this Ordinance it is provided that any disposition of the land comprised in such instrument shall not be effected by the grantee without the prior consent or sanction of the Governor or of any specified officer of Government, any disposition executed by the grantee without such consent or sanction shall be void and inoperative for all purposes.
20. Where it appears to a prescribed officer that any instrument of disposition (whether executed before or after the commencement of this Ordinance) contains any clerical or other error or requires amendment in respect of the description of the land comprised therein or in respect of the inscription or recital of the name or designation of the grantee or of any other material fact, such error may be rectified or such amendment may be made by an indorsement on such instrument of disposition signed by such prescribed officer and the grantee ; and any indorsement so signed shall be sufficient for all purposes to rectify the error or to effect the amendment ; and the instrument on which any such indorsement is made shall have effect as though it had been originally issued or executed as so rectified or amended.
- PART II.
- Execution, authentication and registration of instruments of disposition.*
21. An instrument of disposition need not be issued under the Public Seal of the Island except in such cases and in such circumstances as may be prescribed.
22. Every instrument of disposition whereby any Crown land is granted or sold, or leased for a term exceeding the prescribed period, shall be signed and executed by the Governor. Every other instrument of disposition shall be signed and executed by the prescribed officer.
23. (1) The Governor may, if he thinks fit, instead of signing the original of any instrument of disposition, cause a facsimile of his signature thereon to be stamped thereon ; and any instrument so stamped shall be deemed to be signed by the Governor.
- (2) The facsimile of the signature of the Governor shall be stamped on the original of any instrument by or in the presence of the Private Secretary to the Governor or some other person authorised in that behalf by the Governor ; and the Private Secretary or such other person shall certify on the original that the facsimile of the Governor's signature was stamped thereon by him or in his presence, as the case may be.
24. (1) A copy of every instrument of disposition signed or deemed to be signed by the Governor shall be authenticated by the signature of a prescribed officer and shall be deposited for purposes of record at the office of the Registrar of Lands of the district in which the land disposed of by that instrument is situate and at any other office which the Governor may from time to time appoint.

(2) A copy of any instrument authenticated in the manner prescribed in sub-section (1) shall be primary evidence within the meaning of section 62 of the Evidence Ordinance of the instrument of which it purports to be a copy.

Cap. 11.

25. Any person who without the authority of the Governor obtains possession of or uses a stamp containing a facsimile of the Governor's signature shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Penalty for unlawful possession or use of stamp of Governor's signature.

26. (1) Every Crown grant and every instrument of disposition whereby Crown land is leased for a term exceeding the prescribed period shall, when issued, be forthwith registered at the instance of the Government Agent.

Registration of grants and leases.

(2) No fee shall be paid or recovered for such registration.

## PART III.

*Vesting orders and vested land.*

27. (1) The Governor may, by order (hereinafter referred to as a "vesting order") vest any Crown land for purposes of administration in any naval, military, air force or local authority, subject to such terms and conditions as may be specified in such order.

Vesting orders.

(2) Where Crown land is vested in any naval, military, air force or local authority, by a vesting order, any building or other structure standing or erected on such land shall be deemed to be vested in such authority by that order unless that order otherwise provides; and, where Crown land is vested in a local authority, this sub-section shall have effect notwithstanding anything in the written law whereby such local authority is constituted or established.

(3) In this section, "Crown land" includes Crown land in the possession of any local authority in respect of which no vesting order has been issued under any written law or otherwise prior to the commencement of this Ordinance, notwithstanding the fact that such local authority has effected any improvements on such land or been in possession thereof for any period prior to the commencement of this Ordinance.

28. Where the Governor has by vesting order vested any Crown land in any naval, military, air force or local authority which is not a corporation in law, the Governor may in such order specify by name or by office the person or officer to be responsible for the administration of the land so vested and for the due observance and fulfilment of the terms and conditions inserted in the vesting order; and the person or officer so specified in any vesting order shall have and is hereby granted full power and authority to represent, to act for, and to bind such naval, military, air force or local authority for all the purposes of this Ordinance; and where the holder of any office has been so specified in any vesting order, he shall for such purposes be deemed to be a corporation sole with perpetual succession under the name of that office.

Vesting orders in favour of authorities which are not corporations in law.

29. It is hereby declared that, notwithstanding anything in any written law other than this Ordinance, where any Crown land has been or shall be vested in any local authority whether before or after the commencement of this Ordinance and whether by or under any written law, or by vesting order, or otherwise, such land has been and is so vested for the purpose specified in the vesting order relating to such land or if no such purpose is specified, then for the purpose of administration only; and the right and title to the soil of such land has at all times been and shall always remain in His Majesty:

Title of Crown unaffected by vesting orders.

Provided that nothing in this section shall affect or be deemed to affect the title of any person to any land sold or otherwise disposed of by any local authority under and in accordance with the provisions of any written law whereby such authority was constituted or established.

30. (1) The Governor may at any time revoke a vesting order—

Revocation of vesting order.

- (a) at the request of the naval, military, air force or local authority in favour of which the vesting order was made;
- (b) where in the opinion of the Governor there has been a breach of any term or condition subject to which the vesting order was made;
- (c) where in the opinion of the Governor the contingency has occurred on the happening of which the vesting order is to cease to be in force;

- (d) where in the opinion of the Governor the period for which the vesting order is to be in force has expired ;
- (e) where in the opinion of the Governor the land comprised in the vesting order is required for any public purpose ;
- (f) where in the opinion of the Governor the local authority in whose favour the vesting order was made has failed or neglected duly to administer the land comprised in such vesting order ;
- (g) where in the opinion of the Governor the vesting order should be revoked in the public interest ; or
- (h) on any other prescribed ground or in any other prescribed circumstances.

(2) No vesting order whereby Crown land has been vested in any naval, military, air force or local authority shall be revoked unless and until that authority has been afforded an opportunity of showing cause or making representations against the proposed revocation.

(3) In this section, "vesting order" means any order, document or instrument whether issued under this Ordinance or under any other written law or otherwise either before or after the commencement of this Ordinance.

No compensation payable upon revocation of vesting order.

31. (1) Subject to the provisions of sub-sections (2) and (3), where a vesting order has been revoked under section 30, no compensation for improvements effected on the land comprised in such vesting order shall be paid or payable to any naval, military, air force or local authority or to any other person ; and no claim against the Crown for compensation or damages shall be entertained by any court.

(2) Nothing in sub-section (1) shall preclude the gratuitous payment of compensation in any particular case.

(3) Sub-section (1) shall have no application in a case where the vesting order which is revoked under section 30 makes provision for the payment of compensation for improvements effected on the land comprised in such vesting order.

Surrender of vested lands.

32. Any naval, military, air force or local authority may at any time surrender to His Majesty any Crown land vested in such authority under this Ordinance or by or under any written law other than this Ordinance. Such surrender shall be effected by an instrument executed by the authority concerned or by the person entitled to act on behalf of such authority.

Effect of revocation of vesting order or surrender of vested land.

33. Upon the revocation under section 30 of a vesting order relating to any land, or upon the surrender under section 32 of any land vested in any naval, military, air force or local authority such land shall re-vest in His Majesty who will resume the administration thereof ; and the interest of the naval, military, air force or local authority, as the case may be, in that land shall thereupon cease and be determined.

Ordinances enacted for protection of Crown lands to apply equally to lands vested in a local authority.

34. (1) The provisions of any written law relating to the protection, preservation or survey of Crown land, the demarcation of the boundaries of such land, the removal of encroachments and the ejectment of persons encroaching or trespassing thereon, shall be applicable to any Crown land vested in a local authority notwithstanding that the written law by or under which such local authority is constituted or established may make special provision in regard to such matters.

(2) The Governor may, by order published in the *Gazette*, specify the provisions of written law referred to in sub-section (1) ; and any provision of written law so specified shall for all purposes be deemed to fall within the category of the laws referred to in that sub-section.

(3) In order to enable a local authority to take action under any written law referred to in sub-section (1) and for the purpose of the application of such law to Crown land vested in a local authority, the Governor may, in any order published under sub-section (2), provide that any written law specified in that order shall be applicable to Crown land vested in a local authority subject to such modification, adaptation, alteration or amendment of such written law as may be prescribed in such order ; and such law as so modified, adapted, altered or amended shall have application accordingly ; and every such order shall be as valid and effectual as if it were herein enacted.

(4) This section shall apply to all Crown land vested in a local authority whether before or after the commencement of this Ordinance and whether by or under any written law or otherwise.

(5) Nothing in this section shall affect or be deemed to affect any provision of any written law by or under which any local authority is constituted or established.



35. (1) Any local authority in which any Crown land is vested shall, when so required by the Land Commissioner, cause that land to be surveyed by the Surveyor-General at its own expense; and the Surveyor-General is hereby required to survey that land and to prepare and furnish a plan thereof, on proof to his satisfaction of the requisition made by the Land Commissioner to the local authority and on prepayment by the local authority of the cost of such survey and plan.

Survey of Crown land vested in a local authority on requisition of Land Commissioner.

(2) A local authority shall, upon receipt of a plan prepared by the Surveyor-General under sub-section (1), forthwith transmit such plan or a certified copy thereof to the Land Commissioner.

(3) Where a local authority has been required by the Land Commissioner under sub-section (1) to cause any land to be surveyed by the Surveyor-General and has, in the opinion of the Land Commissioner, failed or neglected to comply with such requisition or to pre-pay to the Surveyor-General the cost of the survey, the Land Commissioner may cause such survey to be made by the Surveyor-General and shall certify the cost thereof to the local authority; and upon the issue of any such certificate, the local authority shall be liable to pay the amount of the cost specified in the certificate and such amount shall, until paid, be a charge on the rates, revenue and funds of the local authority.

36. Nothing in the preceding provisions of this part shall apply to any land acquired by the Crown under the provisions of the Land Acquisition Ordinance and thereafter vested in any naval, military, air force or local authority on payment, by such authority, of the cost of such acquisition or of the compensation awarded on such acquisition.

Part III not to apply to land acquired under Chapter 203, and thereafter vested in any authority.  
Cap. 203.

#### PART IV.

##### *Crown lands vested in Village Committees.*

37. Every village committee shall, on or before the prescribed date, transmit to the Government Agent in the prescribed form a schedule containing the prescribed particulars of all Crown lands which the village committee claims is vested in such committee by section 39 of the Village Communities Ordinance.

Village Committees to furnish schedules of Crown lands claimed to be vested under section 39 of Chapter 198.

38. (1) On receipt of the schedule transmitted to him under the foregoing section, the Government Agent shall, after such inquiry as he may deem necessary, recommend to the Governor that such claim should be admitted or rejected or should be modified in such manner as may be set out in the recommendation.

Recommendation of Government Agent on claim preferred and notification thereof to Village Committee.

(2) A copy of the recommendation made by the Government Agent under sub-section (1) shall be sent by registered post by letter addressed to the Chairman of the village committee and shall be deemed to be served on the village committee on the date on which such letter would ordinarily be delivered to the Chairman.

39. A village committee dissatisfied with the recommendation made by the Government Agent under the foregoing section may, within thirty days of the service of a copy of such recommendation to the Committee, appeal therefrom to the Executive Committee.

Appeal to Executive Committee.

40. On an appeal preferred by a village committee, the Executive Committee may—

Powers of Executive Committee on appeal.

- (1) allow the appeal and reverse the recommendation of the Government Agent; or
- (2) direct further enquiry to be made or information to be furnished or evidence to be taken; or
- (3) modify the recommendation made by the Government Agent; or
- (4) affirm the recommendation of the Government Agent.

41. Where the Executive Committee acts under paragraph (2) of section 40, the decision of the Executive Committee shall be communicated to the Government Agent, who shall forthwith comply with the direction of the Executive Committee.

Procedure where Executive Committee desires further evidence or information.

42. Where the Executive Committee acts under paragraph (1) or paragraph (3) or paragraph (4) of section 40, the decision of the Executive Committee shall be submitted to the Governor for confirmation.

Decision of Executive Committee to be submitted to Governor for confirmation.

Where no appeal, recommendation of Government Agent to be submitted to Governor for confirmation.

43. Where no appeal has been preferred by a village committee, the recommendation of the Government Agent shall be submitted to the Governor for confirmation.

Governor's order on all claims to be final and conclusive.

44. The Governor may, on the submission to him of a decision of the Executive Committee under section 42 or of the recommendation of the Government Agent under section 43, order that such decision or recommendation be confirmed or make such other order thereon as he may deem fit; and such order shall be final and conclusive for all purposes.

Vesting orders to be issued on establishment of claim of village committee.

45. A vesting order under section 27 shall be issued in favour of the village committee for any Crown land in respect of which the claim of that village committee has been established as hereinbefore provided.

Failure to claim Crown land is presumptive proof that such land is not vested under section 39 of Chapter 198.

46. Where no claim has been preferred under this Part by a village committee in respect of any Crown land, it shall be presumed for all purposes that such land is not vested in that village committee under section 39 of the Village Communities Ordinance.

#### PART V.

##### *Special leases by Local Authorities of lands vested in such Authorities.*

Special leases by local authorities of lands vested in such authorities.

47. (1) A local authority may, with the sanction of the Executive Committee granted generally in respect of any class of cases or specially in any particular case, lease any land vested in such authority by or under this Ordinance or any other written law, subject to the condition that all or any of the provisions of Chapters V, VI, VII, VIII and IX of the Land Development Ordinance shall apply to the land leased by the local authority as to a protected holding alienated under that Ordinance; and upon the lease of any land subject to such condition, the provisions of the Land Development Ordinance specified in the instrument of lease shall apply accordingly; and for the purposes of such application, the lease shall be deemed to be an alienation, the leased land shall be deemed to be a protected holding and the lessee the owner of that holding, and the Chairman of the local authority shall be deemed to be the Government Agent and may exercise, discharge or perform in respect of the leased land or the lessee any power, duty or function vested in, imposed upon or assigned to the Government Agent under the Land Development Ordinance.

Cap. 320.

(2) The sanction of the Executive Committee shall be sufficient to enable any local authority to lease in the manner set out in sub-section (1) any land vested in such authority notwithstanding anything in any written law whereby such local authority is constituted or established and notwithstanding the absence in any such written law of any provision conferring on such local authority the power to hold or lease land.

(3) Every instrument of lease under sub-section (1) shall contain a recital to the effect that the Executive Committee has granted its sanction to the lease and from such recital it shall be presumed, until the contrary is proved, that the sanction of the Executive Committee to the lease was duly obtained.

Cancellation of Karaiyur slum area leases and provision for issue of new leases.

48. (1) Where, in any indenture of lease executed prior to the commencement of this Ordinance by the Urban Council of Jaffna, provision has been inserted that the lessee shall hold the leased land until such time as legislation for the cancellation of that lease is enacted or for a term of years or until the death of the lessee, whichever event is earlier, this Ordinance shall be deemed to be the legislation referred to in that indenture of lease; and every such lease which has not been determined prior to the commencement of this Ordinance in accordance with the said provision or any other provision contained in the indenture creating such lease is hereby cancelled; and such cancellation shall be binding on the lessor and on the lessee and on the nominee, if any, of the lessee under the indenture of lease and on every person claiming or purporting to claim from, through or under the lessee.

(2) Every lessee whose lease is cancelled under sub-section (1) shall be entitled to obtain from the Urban Council of Jaffna a lease for the same land as that demised to him under the lease so cancelled.

In this sub-section, "lessee" includes the nominee of a lessee who had died prior to the date of the commencement of this Ordinance in a case where no indenture of lease has been executed in favour of such nominee prior to that date.

(3) For the purposes of the application of the provisions of section 47 to any lease referred to in sub-section (2), the land leased and demised by His Majesty to the Urban District Council of Jaffna, by the indenture of lease more particularly described in the First Schedule, for the purpose of housing people resident within the area commonly called the Karaiyur slum area within the town of Jaffna, shall be deemed to be land vested in the Urban Council of Jaffna by this Ordinance; and it is hereby declared that the sanction of the Executive Committee is granted for the execution of all such leases and that a recital of the grant of such sanction may be made in any indenture executed for the purpose of any such lease.

Schedule I.

(4) Save as hereinbefore provided, any lease executed by the Urban Council of Jaffna and referred to in sub-section (1) and the lease by His Majesty to the Urban District Council of Jaffna referred to in sub-section (3) and the terms, conditions, covenants, provisions and stipulations of any indenture whereby any such lease was created, shall have the same force and effect and shall bind both the lessor and the lessee mentioned in any such indenture to the same extent as though this Ordinance had not been enacted.

## PART VI.

*Reservations.*

49. Subject as hereinafter provided, the Governor may, by Notification published in the *Gazette*, declare that any Crown land is constituted a Crown reservation for any one or more of the following public purposes:—

Constitution of Crown reservations.

- (1) the protection of the source, course or bed of any public stream;
- (2) the protection of springs, tanks, reservoirs, lakos, ponds, lagoons, creeks, canals, aqueducts, elms, channels (whether natural or artificial), paddy fields and land suitable for paddy cultivation;
- (3) the protection of the foreshore;
- (4) the construction or protection of roads, paths, railways and other means of internal communication;
- (5) the construction or protection of quays, landing places, hospitals, burial grounds, cemeteries, markets, schools, libraries, museums or other public works;
- (6) the prevention of the erosion of the soil;
- (7) the preservation of water supplies;
- (8) the defence of Ceylon;
- (9) any other prescribed purpose:

Provided that no Crown land shall be so constituted a Crown reservation unless that land—

- (a) has been surveyed and depicted on a plan prepared by or under the authority of the Surveyor-General; and
- (b) has been declared to be the property of the Crown under the Land Settlement Ordinance or under any Ordinance repealed by that Ordinance; or
- (c) has been declared to be the property of the Crown by a decree of court in a reference case under the Waste Lands Ordinances, 1897 to 1903; or
- (d) has been acquired by the Crown under the provisions of the Land Acquisition Ordinance; or
- (e) has been resumed by the Crown under the provisions of the Lands Resumption Ordinance.

Cap 319.

Cap. 203.

Cap. 313.

50. Subject as hereinafter provided and without prejudice to the powers conferred by section 49, any Crown land which is immediately adjacent to a public stream and lies within a prescribed distance therefrom measured in such manner as may be prescribed shall, for the purposes of this Ordinance, be deemed to be a Crown reservation constituted by notification under section 49; and all the provisions of this Part shall apply accordingly to any such reservation:—

Crown reservations for public streams.

Provided that this section shall not apply to any Crown land unless such land falls within the category of any class of land referred to in paragraphs (b), (c), (d), and (e) of the proviso to section 49.

51. The Governor may, by notification published in the *Gazette*, declare that any Crown reservation (other than a road reservation) shall cease to be a Crown reservation with effect from a date to be specified in the notification.

Cancellation of Crown reservations.

52. No person shall, by possession or user of any Crown reservation after the commencement of this Ordinance, acquire any prescriptive title to any such reservation against the Crown; and neither the Prescription Ordinance nor any other law relating to the acquisition of rights by virtue of possession or user shall apply to any such reservation after the commencement of this Ordinance.

Title to Crown reservations cannot be acquired by possession or user.  
Cap. 55

Crown not liable to pay compensation for improvements effected on reservations after commencement of Ordinance.

53. Subject as hereinafter provided, no person shall be entitled to any compensation from the Crown in respect of any improvements effected at any time after the commencement of this Ordinance on any Crown reservation; nor shall any claim for any such compensation be at any time entertained by any court:

Provided that nothing herein contained shall affect or be deemed or construed to affect the right of any person to claim or receive compensation from the Crown in respect of any improvements effected on any Crown reservation after the commencement of this Ordinance under or by virtue of a contract with the Crown expressly providing for the payment of compensation in respect of such improvements.

Summary of ejection of offenders in unlawful possession of Crown reservations. Schedule II.

54. (1) Where any person who has been convicted under any written law for the time being included in the Second Schedule of any offence committed in or upon a Crown reservation is in occupation or possession of that reservation or any part thereof, a Magistrate having local jurisdiction over the area in which such offence was committed shall, on the application of the Government Agent, by order direct the Fiscal or a Police Officer to eject such person from that reservation and to deliver possession thereof to the Government Agent or to his representative.

(2) A Fiscal or Police Officer charged with the execution of an order of ejection made by a Magistrate under this section shall comply with the directions of the Magistrate and shall make due return in the prescribed form furnishing the prescribed particulars relating to the execution of the order.

(3) In the execution of an order of ejection a Fiscal or Police Officer or any other officer authorised by or accompanying the Fiscal or Police Officer may use such force as may be necessary to eject from the Crown reservation the offender against whom the order is made and any other person in possession or occupation of such reservation or part thereof on behalf or on account of the offender and to deliver possession of the reservation to the Government Agent or to his representative:

Provided that in a case where an appeal lies against the conviction of the offender, he shall not be ejected until the conviction has been affirmed in appeal or, if no appeal is preferred, until after the expiry of the time within which such appeal could have been preferred.

## PART VII.

### Road Reservations.

Road reservations.

55. The following classes of Crown land shall be deemed to be road reservations for the purposes of this Ordinance:—

- (1) Crown land which is landmarked and described as a road reservation in any land-sale or other notice published in the *Gazette* prior to the commencement of this Ordinance under the hand of the Governor, the Colonial Secretary, the Land Commissioner, or any other officer of the Government;
- (2) Crown land which is shown or depicted as a road reservation in any plan prepared by or under the authority of the Surveyor-General prior to the commencement of this Ordinance;
- (3) Crown land constituted a Crown reservation for a road or path by notification of the Governor under section 49;
- (4) Crown land adjoining any road and reserved for the protection or benefit of that road;
- (5) all waste land which, not being private property, lies within a distance of 33 feet of the middle of a public carriage-way or cart-way or within 10 feet of the middle of a public path-way;
- (6) Crown land marked off and reserved for the construction of a path or road.

Cancellation of road reservations.

56. Subject as hereinafter provided and notwithstanding anything in any written law other than this Ordinance, the Governor may, by notification published in the *Gazette*, declare that any land shall cease to be a road reservation:

Provided that such declaration shall not be made except in such circumstances and in such cases as may be prescribed.

57. Subject as hereinafter provided and subject to the provisions of any written law by or under which any local authority is constituted or established—

Lease  
of road  
reservations

- (1) a road reservation not situate within the administrative limits of any local authority may be leased by the Government Agent ;
- (2) a road reservation situate within the administrative limits of a local authority and not vested in that local authority may be leased by the Government Agent ;
- (3) a road reservation situate within the administrative limits of a local authority and adjoining any public thoroughfare referred to in section 56 (2) of the Urban Councils Ordinance, No. 61 of 1939, may be leased by the Government Agent with the sanction of that local authority ;
- (4) a road reservation situate within the administrative limits of a local authority and vested in that local authority may be leased by that local authority with the sanction of the Government Agent :

Provided that no road reservation referred to in paragraph (1) or paragraph (2) or paragraph (3) and adjoining a thoroughfare deemed to be a principal thoroughfare for the purposes of the Thoroughfares Ordinance shall be leased by the Government Agent except with the approval of the Director of Public Works and the sanction of the local authority, where such sanction is required by the preceding provisions of this section.

Cap. 148.

#### PART VIII.

##### *The Foreshore.*

58. The administration, control, custody and management of the foreshore are hereby declared to be vested in the Crown.

Administration  
of foreshore  
vested in  
the Crown.

59. Regulations may be made for the restriction and control of the use of the foreshore by members of the public.

Regulation  
of user of  
foreshore.

60. The Governor is hereby authorised—

Government  
authorised to  
construct  
works on  
foreshore, &c.

- (1) to construct quays, wharves, jetties or other public works along or out from the foreshore or in the bed of the sea adjacent thereto ;
- (2) to dredge the bed of the sea ;
- (3) to re-claim any part of the foreshore or bed of the sea ;
- (4) to erect buildings on any areas of land reclaimed from the sea ; and
- (5) to lease or otherwise dispose of any such reclaimed area.

61. The Governor may lease any part of the foreshore or bed of the sea if he is satisfied, after such inquiry as he may deem necessary, that such lease will not substantially prejudice the rights of the public thereto.

Power to  
lease foreshore  
and sea-bed.

62. A Government Agent or other prescribed officer may issue permits for the occupation for any period not exceeding one year of any part of the foreshore or bed of the sea.

Power to issue  
permits for  
temporary  
occupation of  
foreshore  
and sea-bed

63. (1) The Governor may, by Proclamation published in the *Gazette*, proclaim any part of the foreshore as an area from or over which no sand, stone, coral or other substance shall be removed ; and thereupon no person shall remove from such area or from the bed of the sea adjacent thereto to a distance of one mile from the foreshore any sand, stone, coral or other substance without a licence from the Government Agent or other prescribed officer.

Power of  
Governor to  
proclaim area  
from which  
sea sand, &c.,  
may not be  
removed.

(2) Every such licence shall specify and define, as far as practicable, the place from which sand, stone, coral or other substance may be removed, and may set forth such prescribed terms and conditions (including a condition as to the payment of fees or money) subject to which sand, stone, coral or other substance may be removed.

64. It shall be lawful for a Government Agent to prohibit the removal of sand, stone, coral or other substance from any place on the foreshore adjoining or near any public road, thoroughfare, public work or public building, or adjoining or near any part of the Ceylon Government Railway, if such removal is, in his judgment, likely to injure such road, thoroughfare, public work, public building or railway ; and he shall cause notice of such prohibition to be given by such means as shall seem to him likely to give sufficient publicity thereto.

Power of  
Government  
Agent to  
prohibit  
removal of  
sand, &c., from  
any particular  
place on  
foreshore.

Penalty for unlawful removal of sand from foreshore, &c.

65. Any person who in contravention of the provisions of section 63 or contrary to the terms of any licence issued under that section, or in contravention of a prohibition under section 64 removes any sand, stone, coral or other substance, or causes, or assists in, such removal, 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 a period not exceeding three months, or to both such fine and imprisonment.

Meaning of "removal of sand", &c.

66. The removal of sand, stone, coral or other substance contemplated by sections 63, 64 and 65 shall include the doing of any act upon any property, whether belonging to any person or persons whomsoever or otherwise, which causes the disturbance or displacement of sand, stone, coral or other substance on or from any place on the foreshore or bed of the sea aforesaid.

Appeals to the Governor.

67. In any case in which a Government Agent has refused to issue a permit under section 62 or a licence under section 63, or has issued any such permit or licence subject to a condition to which objection is taken by the holder of the permit or licence, or has issued a prohibition under section 64, an appeal shall lie by any person aggrieved to the Governor:

Provided that every such appeal shall be made within twenty-one days of such refusal, or imposition of condition, or prohibition, as the case may be:

Provided, further, that such appeal shall not affect the validity of any such prohibition pending the consideration of the appeal.

Proclamations and prohibitions issued under Chapter 310 deemed to be in force under this Ordinance.

68. (1) Any Proclamation issued under section 2 of the Seashore Protection Ordinance and in force immediately prior to the commencement of this Ordinance shall continue in force and have effect as though it were a Proclamation issued under section 63.

(2) Any prohibition issued under section 4 of the Seashore Protection Ordinance and in force immediately prior to the commencement of this Ordinance shall continue in force and have effect as though it were a prohibition issued under section 64.

Saving as to rights to foreshore.

69. Nothing in the preceding provisions of this Part shall be or be construed in derogation of any of the powers or rights of the Crown in respect of the foreshore, or the soil of the foreshore, or the territorial waters of Ceylon.

#### PART IX.

##### *Regulation and control of the use of the water of lakes and public streams.*

Interpretation of Part IX.

70. In this Part, unless the context otherwise requires—

"lake" includes a lagoon, swamp or other collection of still water, whether permanent or temporary, not being water contained in an artificial work;

"private lake" means a lake which is situate entirely within the boundaries of any private land;

"private stream" means any stream the source and entire course of which is within private land;

"public lake" means any lake other than a private lake;

"public stream" means any stream other than a private stream;

"stream" includes any river, creek or ela, whether perennial or intermittent, flowing in a natural channel, and any affluent, confluent or branch into or from which the stream flows;

"work" includes any dam, lock, tank, reservoir, weir, flume, race, channel (whether an artificial channel or a natural channel artificially improved), and any cutting, tunnel, pipe, sewer and any machinery and appliances.

Tanks may be proclaimed as lakes.

71. The Governor may, by Proclamation published in the *Gazette*, declare that any tank or reservoir described in that Proclamation shall be a lake for the purposes of this Part notwithstanding that such tank or reservoir is an artificial work; and, upon the publication of any such Proclamation, any reference in this Part to a lake shall be deemed to include a reference to the tank or reservoir described in that Proclamation.

Rights of Crown in waters of public lakes and streams.

72. The right to the use and flow and to the management and control of the water in any public lake or public stream shall, subject to the restrictions hereinafter mentioned, vest in the Crown. And in the exercise of that right, the Crown, by its officers and servants, may enter any land and take such measures as may be thought fit or as may be prescribed for the conservation and supply of such water as aforesaid and its more equal distribution and beneficial use and its protection from pollution, and for preventing the unauthorised obstruction of public streams.

73. The right vested in the Crown by section 72 shall be subject to the following restrictions :—

Restrictions  
to right of  
the Crown.

- (1) it shall not be exercised in contravention of any right conferred on and lawfully exercisable by any person, company, corporation, board, or local authority by or under any written law other than this Ordinance or of any licence granted by the Crown ;
- (2) it shall be subject to the rights of the occupiers of land on the banks of public lakes and public streams as hereinafter defined ;
- (3) it shall be subject to the rights of the holders of permits issued under this Part of this Ordinance.

74. The occupier of land on the bank of any public lake or public stream shall have the right to use the water in that lake or stream for domestic purposes, for the purpose of watering cattle or other stock and for agricultural purposes, subject to the condition that the water to be used for any of the said purposes shall not be diverted through a channel, drain or pipe or by means of a pump or other mechanical contrivance, but shall be removed in a bucket or other receptacle.

Rights of  
riparian  
proprietors.

75. It is hereby declared that the bed of a public lake or public stream is the property of the Crown :

Crown is owner  
of bed of public  
lake or stream.

Provided that nothing in the preceding provisions of this section shall affect or be deemed to affect the rights of any person claiming through or under any instrument of disposition executed before the commencement of this Ordinance

76. (1) Subject as hereinafter provided, no person shall—
- (a) divert any water from a public lake or public stream or
  - (b) construct or maintain any work in, or upon the bank of, any public lake or public stream ; or
  - (c) construct or maintain any bridge or causeway in or over a public lake or public stream,

Permits to  
divert water  
and construct  
works and  
bridges.

except under authority of a permit issued, on behalf of the Crown, by the Government Agent or other prescribed officer :

Provided that no permit shall be required to authorise any person to divert any water from a public lake or a public stream in any case where such person is entitled so to divert such water under the Irrigation Ordinance or the provisions of any other written law.

Cap. 312.

(2) Every such permit shall be in such form and contain such conditions and provide for such payments as may be approved by the Land Commissioner either generally or in the circumstances of any particular case.

77. In considering an application for a permit under section 76, the Government Agent shall have regard to the following matters :—

Matters to be  
taken into  
account in  
considering  
an  
application  
for a permit  
under  
section 76.

- (1) the rights of riparian proprietors who are likely to be affected by the issue of the permit ;
- (2) the interests and requirements of the Crown and of any local authority concerned ;
- (3) the probability that the grant of the permit may prejudicially affect any work or proposal contemplated or undertaken by the Crown or by any local authority ; and
- (4) any other prescribed matter.

78. The Governor may appoint an Advisory Board to assist the Government Agent in the consideration of applications for permits under section 76. Any such Advisory Board may be appointed generally for any province or other area or to assist in the consideration of an application in any particular case.

Advisory  
Board.

79. (1) The Government Agent shall, after consideration of an application for a permit under section 76, inform the applicant by letter whether his application has been allowed or disallowed ; and where such application has been allowed, the Government Agent shall, together with such letter, transmit the permit to the applicant.

Communication  
of Government  
Agent's  
decision to  
applicant  
for permit.

(2) An applicant who has made application for any permit under section 76 and is aggrieved by the disallowance of his application or by the insertion of any term or condition in the permit issued to him may, subject as hereinafter provided, appeal against such disallowance or the insertion of such terms or condition to the Executive Committee within one month of the receipt of the letter referred to in sub-section (1) :

Provided that no such appeal shall be made to, or entertained by, the Executive Committee in any case where the applicant has applied to the District Court for a declaration under section 80.

(3) The Executive Committee may, upon an appeal preferred under sub-section (2), by order—

- (a) affirm the order or disallowance made by the Government Agent ; or
- (b) reverse such order and direct that a permit be issued to the applicant, containing such terms and conditions as the Executive Committee may determine ; or
- (c) affirm the insertion of any term or condition in any permit issued to the applicant, or modify or vary any term or condition inserted in any such permit, or direct that any such term or condition be omitted from such permit.

(4) Every order made by the Executive Committee upon an appeal preferred under sub-section (2) shall be final and conclusive ; and it shall be the duty of the Government Agent to take all such action as may be necessary to give effect to such order

Right of aggrieved applicant to appeal to District Court.

**80.** (1) An applicant who has made application for a permit to divert any water from a public stream and is aggrieved—

- (a) by the disallowance of his application by the Government Agent ; or
- (b) by the insertion of any term or condition in the permit issued to him

on the ground that the diversion, or proposed diversion of the water in question is not in excess of his legal rights or that the said term or condition is in derogation of his legal rights, may, subject to the provisions of sub-section (2), apply, within one month of the receipt of the letter referred to in section 79, to the District Court having local jurisdiction over the place where the water is to be diverted from that public stream for a declaration of his legal rights in the matter in question ; and such District Court shall have power, on such application, after notice to the Government Agent and after such inquiry as the Court may deem necessary, to declare such rights and to give all necessary directions with regard to such permit and the terms and conditions thereof so as to secure the legal rights of the applicant ; and the Government Agent shall comply with and give effect to the directions of the District Court, whose order shall be final and not subject to any appeal to the Supreme Court.

(2) No application under sub-section (1) shall be made to, or entertained by, any District Court in any case where the applicant has appealed to the Executive Committee under sub-section (2) of section 79.

(3) Save as provided in sub-section (1), the decision of the Government Agent to allow or disallow any application and the terms and conditions of any permit issued under section 76 shall not be subject to review by or appeal to any Court.

Validation of previous licences, &c.

**81.** Every licence, permit or other instrument issued and every agreement entered into prior to the commencement of this Ordinance which purports to authorise the commission of any act specified in paragraphs (a), (b) and (c) of section 76 (1) shall have effect as though such licence, permit, instrument or agreement were a permit issued under section 76 and as though the terms and conditions of any such licence, permit, instrument or agreement were the terms and conditions of a permit issued under that section ; and every such licence, permit, instrument or agreement shall for all purposes be deemed to be a permit issued under section 76 and is hereinafter referred to by that name.

Penalty for unlawful diversion of water of public lake or stream, &c.

**82.** Any person who commits any act specified in paragraphs (a), (b) and (c) of sub-section (1) of section 76 except under authority of a permit issued or deemed to be issued under that section shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Cancellation of permits.

**83.** (1) Any permit issued under section 76 or deemed to be issued under that section may be cancelled by a Government Agent—

- (a) in the event of a breach of any term or condition inserted or deemed to be inserted in such permit ; or
- (b) after three months' notice in writing to the permit-holder or other person lawfully exercising any rights under any such permit.

Provided that no such permit shall be cancelled in the manner provided in paragraph (b) of this sub-section unless the commission of the particular act specified in the permit has, during a continuous period of not less than three years, been authorised by a permit or permits issued or deemed to have been issued under section 76.



(2) The provisions of sub-section (1) (b) shall have effect notwithstanding that any permit referred to in sub-section (1) contains a clause requiring notice but not specifying the period of such notice, or a clause requiring a period of notice greater or less than three months, or no clause for the termination of such permit whether after notice or otherwise.

(3) Any permit-holder aggrieved by the cancellation under sub-section (1) of the permit issued to him may appeal against such cancellation to the Executive Committee; and the Executive Committee may, upon such appeal, by order—

- (a) affirm the order of cancellation, or
- (b) reverse such order and direct that the permit shall continue in force, subject to such conditions (if any) as the Executive Committee may determine.

(4) Every order made by the Executive Committee upon an appeal preferred under sub-section (3) shall be final and conclusive, and it shall be the duty of the Government Agent to take all such action as may be necessary to give effect to such order.

#### PART X.

##### *Recovery of payments due to the Crown and cancellation of instruments of disposition.*

84. A certificate to the effect that a specified sum of money was due to the Crown from a specified person on a specified date under an instrument of disposition shall, if it purports to be signed by a Government Agent, be *prima facie* proof of the facts stated therein, and shall be admissible as evidence of such facts in any court of law without proof of the signature of the Government Agent.

Certificate of Government Agent.

85. Any money due to the Crown under any instrument of disposition may be recovered by civil action instituted by the Attorney-General by way of summary procedure under sections 703 to 711 and section 829A of the Civil Procedure Code; and, for the purposes of such recovery and the application of the provisions of that Code, sections 703 and 829A of the Code shall have effect as though, in each of those sections, there were substituted for the words "or instrument or contract in writing for a liquidated amount of money," the words "or instrument or contract in writing for a liquidated amount of money, or certificate of a Government Agent under section 84 of the Crown Lands Ordinance," :

Application of summary procedure for recovery of moneys due to Crown under instruments of disposition. Cap. 86.

Provided that nothing in the preceding provisions of this section shall affect or be deemed or construed to affect the right of the Crown to recover any moneys due to the Crown under any instrument of disposition in any other manner or by any other procedure prescribed by any written law other than this Ordinance.

86. (1) Where in any instrument of disposition, provision is made to the effect that the disposition effected thereby may be cancelled or determined or shall cease in the event of any moneys due to the Crown under that instrument remaining unpaid for any period of time specified therein and where such moneys remain unpaid for the period so specified, the Government Agent may by endorsement on the instrument of disposition cancel the disposition effected thereby; and such disposition shall be determined accordingly :

Cancellation of instruments of disposition for non-payment of moneys due to the Crown.

Provided that no such endorsement shall be made on any instrument of disposition until the person liable for the payment of moneys due under that instrument has been afforded an opportunity of showing cause against the proposed cancellation.

(2) Regulations may be made prescribing the procedure to be observed in cancelling instruments by endorsement in the manner set out in sub-section (1).

87. Where any instrument of disposition has been cancelled under section 86, the Government Agent may cause a notice to be served on any person in possession or occupation of the land which was disposed of by that instrument calling upon such person forthwith to vacate the land.

Notice to issue on party in occupation to vacate land.

88. Where the person on whom a notice has been served under section 87 fails forthwith to vacate the land in terms of the notice, such person may be ejected from that land in accordance with the procedure prescribed under sections 120 to 127 of the Land Development Ordinance which shall apply as though the instrument of disposition were a grant under that Ordinance and as though the land disposed of by that instrument were a holding under that Ordinance.

Ejection where occupant fails to vacate land.

Cap. 320.

89. In this Part, "instrument of disposition" means an instrument of disposition executed before or after the commencement of this Ordinance.

Application of Part X to all instruments of disposition.

## PART XI.

*Administration.*

Administration of Ordinance.

90. (1) The Land Commissioner shall be the officer of Government responsible for and charged with the administration of this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Land Commissioner shall be subject to the general direction and control of the Executive Committee.

Powers of Land Commissioner.

91. (1) Any officer of Government entrusted with any duties in respect of Crown land shall, in the discharge of such duties, be subject to the direction and control of the Land Commissioner.

(2) Any officer of Government entrusted with any duties in respect of Crown land shall, if so directed by the Land Commissioner, refer to him for decision any question of doubt or difficulty in connexion with the discharge of such duties.

(3) Any direction or decision of the Land Commissioner shall be duly complied with or given effect to by any such officer of Government.

Power of Governor to appoint officers and servants.

92. (1) The Governor may appoint a Deputy Land Commissioner, one or more Assistant Land Commissioners, and such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) Subject to any general or special directions of the Land Commissioner, the Deputy Land Commissioner may exercise, perform, or discharge any power, duty, or function of the Land Commissioner under this Ordinance or under any regulation.

(3) The Land Commissioner may either generally or specially authorise any Assistant Land Commissioner to exercise, perform, or discharge any power, duty, or function of the Land Commissioner under this Ordinance or under any regulation.

All officers, &amp;c., to be public servants.

Cap. 15.

93. The Land Commissioner and every officer and servant appointed under section 92 shall be deemed to be public servants within the meaning of the Penal Code.

## PART XII.

*Regulations.*

Regulations.

94. The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Matters which may be provided for by regulation.

95. In particular and without prejudice to the generality of the powers conferred by the preceding section, regulations may be made for or in respect of all or any of the following matters:—

- (1) any matter stated in or required by this Ordinance to be prescribed;
- (2) the administration, management, regulation, protection and control of all Crown land, Crown reservations and road reservations and the foreshore and of all waters vested in the Crown;
- (3) all forms required for the purposes of this Ordinance including the forms of grants, leases, permits, vesting orders and other dispositions of Crown land or of waters vested in the Crown;
- (4) the conditions to be attached to grants, leases, permits, vesting orders and other dispositions of Crown land or waters vested in the Crown;
- (5) free grants of Crown land;
- (6) sales, leases and other dispositions whether generally or on preferential terms and the conditions and procedure incidental to or connected with such sales, leases and dispositions;
- (7) the alienation or other disposition of land over 5,000 feet in elevation;
- (8) the survey and land-marking of Crown land and the foreshore;
- (9) the principles on which rents or other payments under leases or permits shall be fixed and the periods after which such rents or payments may be revised;
- (10) the localities or the circumstances in which Crown land shall not be disposed of by grant;
- (11) the advertisement of sales and other dispositions of Crown land;
- (12) the exchange of Crown land for private land;
- (13) the grant of Crown land or of any rights or facilities over Crown land to the naval or military authorities or to any local authority;

- (14) leases and other dispositions of town allotments ;
- (15) leases of Crown land for agricultural purposes ;
- (16) special leases by local authorities of lands vested in such authorities and the terms and conditions of such leases ;
- (17) appeals to the Executive Committee under Part IV or Part IX, and the procedure on and disposal of such appeals ;
- (18) the grazing of cattle on Crown land and the provision of pasturage on such land ;
- (19) water-supply to Crown land and water-service schemes ;
- (20) the produce of Crown land and the removal and disposal of such produce ;
- (21) deposits and survey fees which must accompany applications for grants, leases, permits and other dispositions of Crown land ;
- (22) fees payable or chargeable for or in respect of all matters under this Ordinance and the recovery of fees and rents ;
- (23) the alienation of the right to mine or gem in or over Crown land ;
- (24) the alienation of the right to mine or gem in or over land disposed of by the Crown with a reservation to the Crown of mining or gemming rights ;
- (25) the grant of facilities to use Crown land for the construction of roads, paths, trolley-ways, irrigation channels, waterways, aerial ropeways, telephone lines, pipe lines and power transmission lines or for the temporary or partial utilisation of Crown land for any other purpose ;
- (26) the circumstances in which Crown reservations and road reservations may be cancelled and cease to be reserved ;
- (27) the lease of Crown reservations and road reservations, including the period of such leases and the terms and conditions to be attached thereto ;
- (28) the grant of facilities to take water from any public lake or public stream or spring ;
- (29) the method of describing Crown land in grants, leases and permits ;
- (30) the preparation of diagrams to facilitate the identification of Crown land disposed of by grant, lease or permit ;
- (31) the grant or other disposition of the right to *chena* Crown lands ;
- (32) the issue of *chena*, *nomite*, or other permits in respect of Crown land ;
- (33) appeals to the District Court under section 80 ;
- (34) licences for the removal of sand or other substances from the foreshore or the bed of the sea or of any public lake or stream.

96. Provision may be made by regulation that the contravention of any regulation shall constitute an offence punishable with a fine not exceeding one hundred rupees or with imprisonment of either description for a period not exceeding six months, or with both such fine and imprisonment.

Offences under regulations.

97. No regulation shall have effect until—

- (a) that regulation has been approved by the State Council and ratified by the Governor ; and
- (b) notification of such approval and ratification has been published in the *Gazette*.

Regulations must be approved by State Council and ratified by Governor.

98. Upon the publication in the *Gazette* of a notification to the effect that any regulation has been approved by the State Council and ratified by the Governor, that regulation shall be as valid and effectual as though it were herein enacted.

Regulations to have statutory force.

99. Regulations may be made by the Executive Committee and submitted to the State Council for approval and to the Governor for ratification when this Ordinance becomes law and takes effect as such in accordance with the provisions of Article 74 of the Ceylon (State Council) Order in Council, 1931, and before the date appointed by the Governor under section 1 as the date on which this Ordinance shall come into operation : provided that no such regulation shall come into operation before that date.

Power to make regulations before commencement of Ordinance.

## PART XIII.

*Miscellaneous.*

- Power of Governor to take lands on lease.**
- 100.** It shall be lawful for the Governor to take any land or building on lease on such terms and conditions as the Governor may deem proper or reasonable in the circumstances of any particular case.
- Disposition of Crown land over 5,000 feet in elevation.**
- 101.** No grant, lease or other disposition shall be made of any Crown land situated at an elevation exceeding 5,000 feet except in such cases and for such purposes as may be prescribed.
- Title to roads and reservations vested in the Crown.**
- 102.** It is hereby declared that all roads, road reservations and Crown reservations are the property of the Crown.
- No prescriptive title to land settled, &c.**
- 103.** Where any land—
- (1) is, after the commencement of this Ordinance, declared to be the property of the Crown under the provisions of the Land Settlement Ordinance ; or
- (2) is, after the commencement of this Ordinance, acquired by the Crown under the provisions of the Land Acquisition Ordinance ; or
- (3) is, after the commencement of this Ordinance, resumed by the Crown under the provisions of the Lands Resumption Ordinance ; and
- (4) has, at any time prior to the date of such declaration, acquisition or resumption, as the case may be, been land-marked with boundary marks by or under the authority of the Surveyor-General or is so land-marked at any time after any such date,
- no person shall, by possession or user of such land, acquire any prescriptive title thereto against the Crown.
- Power of Governor to accept donations.**
- 104.** The Governor may accept any donation of any land gifted to His Majesty or to the Crown or to the Government of Ceylon or to any Government Department
- Delegation of Governor's powers.**
- 105.** The Governor may, in such manner and in such cases as may be prescribed, delegate to the Minister or to the Land Commissioner or other prescribed officer, any power or duty conferred or imposed upon him, or any authority vested in him, or any discretion or function entrusted or assigned to him, by or under this Ordinance.
- Covenants in instruments of disposition to bind minor if it is executed with assistance of curator.**
- 106.** Any contract, covenant or agreement with the Crown entered into by a minor in any instrument issued or executed under this Ordinance for or in connexion with the disposition thereunder of any Crown land or of any right or interest of the Crown in any land or water shall bind such minor and shall not be avoided by reason only of his minority if such contract, covenant or agreement is so entered into by him with the assistance of a curator duly appointed by a court of competent jurisdiction or by the Government Agent as hereinafter provided.
- Government Agents authorised to appoint curators.**
- 107.** A Government Agent is hereby authorised to appoint, by writing under his hand, any person to be the curator of a minor for the purposes of the last preceding section.
- Alluvial and other accretions.**
- 108.** Any alluvial or other accretion to any land disposed of by the Crown by any instrument of disposition executed before or after the commencement of this Ordinance shall, together with all rights appertaining or belonging to such accretion, be the property of the Crown and is hereby declared to be vested in the Crown.
- Power to inspect Crown lands after disposition.**
- 109.** The Government Agent or any officer authorised by him in writing may at any time enter and inspect any Crown land which has at any time been disposed of by grant, lease, permit or other instrument of disposition.

## PART XIV.

*Interpretation, Repeals and Savings.*

- Interpretation.**
- 110.** (1) In this Ordinance, unless the context otherwise requires—
- “ air force authority ” means His Majesty's Principal Secretary of State for Air, or any person authorised by such Secretary of State to represent him for the purposes of Part III. and includes any other person prescribed as an air force authority for the purposes of this Ordinance ;

- “ commencement ”, when used with reference to this Ordinance, means the date on which the Ordinance is brought into operation by Proclamation under section 1 ;
- “ Crown land ” means all land in Ceylon to which the Crown is lawfully entitled or which may be disposed of by the Crown and includes all rights and privileges attached or appertaining to such land ;
- “ Crown reservation ” means a reservation constituted or deemed to be constituted under section 49 ;
- “ disposition ”, with its grammatical variations and cognate expressions, means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, transfer, grant, surrender, exchange, lease or mortgage of land ;
- “ Executive Committee ” means the Executive Committee of Agriculture and Lands ;
- “ foreshore ” means the shore of the Island of Ceylon between high-water mark and low-water mark ;
- “ Government Agent ” includes an Additional or Assistant Government Agent and any other prescribed officer ;
- “ grantee ” means the person to whom any Crown land or right or interest in such land is disposed of by an instrument of disposition ;
- “ instrument of disposition ” means any instrument or document whereby any disposition of Crown land is effected and includes a grant, lease, permit or licence relating to Crown land ;
- “ lake ” means a lake as defined in section 70 and includes any tank proclaimed under section 71.
- “ land ” includes—
- (a) any interest in land ;
  - (b) the bed of any lake or stream ;
  - (c) things attached to the earth or permanently fastened to anything attached to the earth ;
  - (d) any interest in crops growing or to be grown on land ;
- “ Land Commissioner ” means the Land Commissioner appointed under section 3 of the Land Development Ordinance
- “ local authority ” means a Municipal Council, a District Council, a Local Board, a Sanitary Board, a Village Committee, or any other authority prescribed as a local authority ;
- “ military authority ” means His Majesty’s Principal Secretary of State for the War Department, or any person authorised by such Secretary of State to represent him for the purposes of Part III. and includes any other person prescribed as a military authority for the purposes of this Ordinance ;
- “ mineral ” includes gold, silver and precious stones ;
- “ Minister ” means the Minister of Agriculture and Lands ;
- “ naval authority ” means the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Northern Ireland referred to in section 5 of the Admiralty Lands Ordinance or any person authorised by such Commissioners to represent them for the purposes of Part III. and includes any other person prescribed as a naval authority for the purposes of this Ordinance ;
- “ prescribed ” means prescribed by this Ordinance or by any regulation made thereunder ;
- “ public lake ” means a public lake as defined in section 70 ;
- “ public stream ” means a public stream as defined in section 70 ;
- “ regulation ” means a regulation made by the Executive Committee under this Ordinance ;
- “ road reservation ” means any Crown land deemed to be a road reservation under section 55 ;
- “ vesting order ” means an order made by the Governor under section 27.

Cap. 320.

Cap. 255.

(2) The use of the expression “ land ” in any provision of Part I or of Part XIII. shall not be in derogation of any right, power or authority vested in the Governor by any such provision to dispose of any interest in any land or to take any such interest on lease or to accept any surrender or donation of any such interest.

Repeals, &c.  
Schedule III.

111. The provisions of written law specified in the first column of the Third Schedule are hereby repealed or amended in the manner and to the extent specified in the second column of that Schedule.

Savings.

112. (1) Save as provided in the last preceding section, nothing in this Ordinance shall affect the provisions of—

Cap. 311.  
Cap. 312.  
Cap. 320

- (a) The Forest Ordinance,  
(b) The Irrigation Ordinance, and  
(c) The Land Development Ordinance.

Cap. 318.

(2) Nothing in the Crown Lands (Claims) Ordinance shall in any way abridge or affect or be deemed to abridge or affect any power or authority conferred on the Governor by or under this Ordinance.

(3) Nothing in this Ordinance shall in any way abridge or affect or be deemed to abridge or affect the prerogative of the Crown in relation to the Crown lands and forests of Ceylon.

#### FIRST SCHEDULE.

(Section 48.)

An indenture of lease dated the 10th and 24th days of September, 1935, whereby His Excellency Sir Francis Graeme Tyrrell, K.B.E., C.M.G., the then Officer Administering the Government of Ceylon, acting for and on behalf of his late Majesty King George the Fifth, leased and demised to the Urban District Council, Jaffna, for the purpose of housing people residing at Karaiyur within the Jaffna town within the area commonly called the Karaiyur slum area and thereby improving the sanitary condition of the said slum area, the following land :—

All that allotment of Crown land called Reclamation Ground in Karaiyur, within the Urban Council limits of Jaffna, Jaffna District, Northern Province, bounded as follows :— North by reclamation grounds said to be Crown, reservation along Beach Road and a road reservation; east by reservation for a road; south by reservation along Reclamation Road; west by reclamation grounds said to be Crown; containing in extent exclusive of road reservation twelve acres, three roods and ten perches and seven tenths of a perch (A12. R3. P10.7) and more particularly delineated and described in Lease Plan No. 5,764 dated the 27th day of August, 1935, authenticated by R. W. E. Ruddock, Acting Surveyor-General.

#### SECOND SCHEDULE.

(Section 54.)

Cap. 148.  
Cap. 311.  
Cap. 314.  
Cap. 164.

The Thoroughfares Ordinance.  
The Forest Ordinance.  
The Crown Landmarks Ordinance.  
The Gemming Ordinance.

#### THIRD SCHEDULE.

Repeals and Amendments.

(Section 111.)

I.	II.
Provision of written law.	Extent of repeal or amendment.
1. The Heavy Mineral Sand Ordinance (Chapter 166)	The whole Ordinance is repealed
2. The Seashore Protection Ordinance (Chapter 310)	The whole Ordinance is repealed
3. The Forest Ordinance (Chapter 311)	In the definition of 'reserved forest' in section 78, paragraph (b) and paragraph (c) are omitted, and paragraph (d) is renumbered as paragraph (b)
4. The Irrigation Ordinance (Chapter 312)	Section 59 is repealed
5. The Definition of Boundaries Ordinance (Chapter 315)	Section 4 is repealed
6. The Crown Grants (Authentication) Ordinance (Chapter 317)	The whole Ordinance is repealed
7. The Crown Lands Encroachments Ordinance (Chapter 321)	Sections 8, 9 and 10 are repealed

Passed in Council the Second day of December, One thousand Nine hundred and Forty-two.

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

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

No. 9 of 1947.

L. D.—O. 488/34

An Ordinance to amend the Ordinance intituled "An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid".

[Assented to by His Majesty the King: See Proclamation dated March 11, 1947, published in Government Gazette No. 9,683 of March 21, 1947.]

HENRY MOORE.

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 Crown Lands (Amendment) Ordinance, No. 9 of 1947.

Short title.

2. In the event of the Bill intituled "An Ordinance to make provision for the grant and disposition of Crown lands in Ceylon; for the management and control of such lands and the foreshore; for the regulation of the use of the water of lakes and public streams; and for other matters incidental to or connected with the matters aforesaid" receiving the assent of His Majesty and taking effect as an Ordinance upon the signification of such assent by Proclamation published in the *Government Gazette*, that Ordinance shall, with effect from the date of the publication of such Proclamation, be amended by the insertion, immediately after section 73 of that Ordinance, of the following new section which shall have effect as section 73A thereof:—

Insertion of new Clause 73A in the Crown Lands Bill in the event of that Bill becoming law.

"73A. (1) Where the right of the owner of any land on the bank of a public lake or public stream to use the water in that lake or stream for any purpose on that land, being a right acquired under any law relating to the acquisition of rights by virtue of user, is extinguished by the operation of section 72, such owner shall have a claim for compensation from the Crown for the actual loss suffered by him as a result of the extinction of such right.

Compensation for extinction of prescriptive right to use water in public lake or public stream.

(2) Every claim for compensation under sub-section (1) shall be made in writing addressed to the Land Commissioner and specifying—

- (a) the name and address of the claimant,
- (b) the facts on which the claimant relies to prove the claim, and
- (c) the amount of the compensation claimed and the manner in which or the principles according to which that amount has been computed or estimated.

(3) No claim under sub-section (1) shall be entertained by the Land Commissioner unless it has been preferred within one year after the commencement of this Ordinance.

(4) After consideration of each written claim entertained by him, the Land Commissioner—

- (a) shall inform the claimant, by registered letter sent by post to the claimant, whether the claim is admitted in whole or in part or is not admitted by the Crown, and,
- (b) if the claim is admitted whether in whole or in part, shall tender to the claimant the amount claimed by him or, as the case may be, the amount which the Crown is willing to pay as compensation.

(5) Where a claimant is aggrieved by the refusal of the Crown to admit the claim or by any reduction of the amount claimed by him as compensation, he may institute an action for enforcing the claim or for recovering the full amount in the District Court having local jurisdiction over the place where the right in respect of which the claim is made is alleged to have been exercised by him.

(6) No action under sub-section (5) shall be maintainable by a claimant unless it has been instituted within one year after the receipt by him of the letter referred to in sub-section (4)."

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

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

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

No. 10 of 1947.

L. D.—O. 5/42.

No. 6/6/4 (FSO).

Cap. 277  
Vol. VI.,  
p. 203.

An Ordinance to amend the Ceylon State Mortgage Bank Ordinance.

HENRY MOORE.

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 Ceylon State Mortgage Bank Amendment Ordinance, No. 10 of 1947.

Amendment of section 3 of Chapter 277.

2. Section 3 of the Ceylon State Mortgage Bank Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution, for the words "landed property", of the words "immovable property".

Amendment of section 33 of the principal Ordinance.

3. Section 33 of the principal Ordinance is hereby amended by the substitution, for the word "land", of the words "immovable property".

Amendment of section 53 of the principal Ordinance.

4. Section 53 of the principal Ordinance is hereby amended in sub-section (1) thereof as follows:—

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

"(c) no loan shall be granted unless its repayment is secured by a primary mortgage of immovable property in Ceylon, not being—

- (i) an undivided share in any property, or
- (ii) an interest under any lease, other than a lease from the Crown which is not due to expire within a period of thirty years from the date on which the loan is granted ;",

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

"(cc) no loan shall be granted until the mortgage referred to in paragraph (c) is executed substantially in the form of Schedule A or in any other form prescribed under section 90 and is duly registered ;".

Amendment of section 54 of the principal Ordinance.

5. Section 54 of the principal Ordinance is hereby amended in paragraph (b) by the substitution, for the word "land", of the word "property".

Amendment of section 60 of the principal Ordinance.

6. Section 60 of the principal Ordinance is hereby amended in sub-section (1) thereof as follows:—

(1) in paragraph (a) by the substitution, for the word "land", of the word "property" ;

(2) in paragraph (c) by the substitution, for the words "had been known," of the words "had been known ; or", and

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

"(d) in any case where the loan has been secured by a mortgage of the interest of the borrower under a lease from the Crown, that the Crown intends to cancel or otherwise determine the lease,".

Amendment of section 63 of the principal Ordinance.

7. Section 63 of the principal Ordinance is hereby amended in sub-section (3) thereof by the substitution in paragraph (a), for the words and figures "of section 103(1).", of the following:—

"of section 103 (1), and, if that property consists of the interest of a lessee under a lease from the Crown, to the Land Commissioner.".

Amendment of section 64 of the principal Ordinance.

8. Section 64 of the principal Ordinance is hereby amended as follows:—

(1) by the substitution, for the word "land" wherever that word occurs in that section, of the word "property";

(2) in the Proviso to paragraph (b), by the substitution for the word "prescribed," of the words "prescribed and";

(3) by the insertion at the end thereof, of the following new paragraph:—

"(c) in any case where the property mortgaged as security for the loan consists of the interest of the debtor under a lease from the Crown,



and such property has been surrendered to the Crown in accordance with the provisions of section 69, all moneys paid to the Crown by the Board on such surrender as moneys due to the Crown by the debtor under the said lease."

9. Sections 65, 66A, 67, 68 and 96 of the principal Ordinance are hereby amended by the substitution for the word "land" wherever that word occurs in any of those sections, of the word "property".

Amendment of sections 65, 66A, 67, 68 and 96 of the principal Ordinance.

10. Section 66 of the principal Ordinance is hereby amended as follows:—

Amendment of section 66 of the principal Ordinance.

- (1) in sub-section (1) thereof, by the substitution, for the word "land" wherever that word occurs in that sub-section, of the word "property";
- (2) by the insertion, immediately after sub-section (3), of the following new sub-sections:—

"(4) Where the property sold consists of the interest of a lessee under a lease from the Crown, then, if the purchaser of the property is some person other than the Bank, the certificate of sale shall not be signed by the Board unless the Land Commissioner, in the exercise of his discretion, has approved the purchaser.

(5) Whenever the Land Commissioner refuses, under sub-section (4), to approve any purchaser of the interest of a lessee under a lease from the Crown—

- (a) all sums paid to the Bank by the purchaser in respect of the sale shall be repaid to him by the Board;
- (b) the costs of advertising and holding such sale shall be deemed to be costs recoverable by the Board under section 64 (b); and
- (c) the property shall be resold in accordance with the provisions of this Ordinance."

11. Section 68 of the principal Ordinance is hereby amended by the substitution, for the words "transfer it", of the word "transfer".

Amendment of section 68 of the principal Ordinance.

12. Section 69 of the principal Ordinance is hereby amended by the substitution, for the words "and costs.", of the words "expenses and costs: Provided that where such property consists of the interest of a lessee under a lease from the Crown, the Board may, instead of reselling such property, pay all sums of money due to the Crown by the lessee under the lease and surrender the lease to the Crown on such terms and conditions as may be agreed upon between the Board, the Financial Secretary and the Minister for Agriculture and Lands, with the approval of the Governor."

Amendment of section 69 of the principal Ordinance.

13. The following section is hereby inserted in the principal Ordinance immediately after section 69, and shall have effect as section 69A of that Ordinance:—

Insertion of new section 69A in the principal Ordinance.

69A. In this chapter, unless the context otherwise requires, "property", in any case where a loan is secured by a mortgage of the interest of a lessee under a lease from the Crown, means the right, title and interest of the lessee under the lease."

"Meaning of property."

14. Section 90 of the principal Ordinance is hereby amended in sub-section (1) thereof, by the substitution, in paragraph (b), for the word "land", of the word "property".

Amendment of section 90 of the principal Ordinance.

15. Section 92 of the principal Ordinance is hereby amended in sub-section (1) thereof by the insertion, immediately after paragraph (e), of the following new paragraph:—

Amendment of section 92 of the principal Ordinance.

"(f) prescribing the terms and conditions on which loans may be made on the security of the interest of a lessee under a lease from the Crown and prescribing special rates of interest to be charged on such loans."

16. The amendments made in the principal Ordinance by this Ordinance shall be deemed for all purposes to have come into operation on the first day of October, 1931, being the date on which the principal Ordinance came into force.

Retrospective effect.

Passed in Council the Eighteenth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

**No. 11 of 1947.**

L. D.—O. 49/36.

PN 1200 (W. & O.P.)

Chapter 296  
(Volume VI.,  
page 343).

**An Ordinance to amend the Widows' and Orphans' Pension Fund Ordinance and to provide for matters consequential thereto.**

HENRY MOORE,

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 Widows' and Orphans' Pension Fund (Amendment) Ordinance, No. 11 of 1947.

Amendment of section 2 of Chapter 296.

2. Section 2 of the Widows' and Orphans' Pension Fund Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

(1) by the insertion, immediately before the definition of "Directors", of the following new definition :—

"appointed date" shall mean the date prescribed by the Governor to be the appointed date for the purposes of this Ordinance by Proclamation published in the *Gazette*, the power to prescribe such date being deemed to include the power to prescribe, if necessary, a date prior to the date of publication of the Proclamation ; ;

(2) by the insertion, immediately after the definition of "Directors", of the following new definition :—

"maximum period of contribution", with reference to any contributor, shall mean the period commencing on the date on which he becomes a contributor and ending either on the date on which he completes thirty-five continuous years as such contributor or on the date on which while still a contributor he completes sixty-five years of age, whichever is the earlier ; ;

(3) in the definition of "Public Officer", by the substitution, for all the words from "(b) any person who at the said time" to the end of that definition, of the following :—

"(b) any person who at the said time is holding, or who hereafter holds, or who on or after the appointed date holds on probation, any permanent office in the service of this Island which is separately provided for in the estimates and has been declared to be pensionable by notification published in the *Gazette* ; and

(c) any person who, having been a public officer as aforesaid, is in receipt of a pension from the Government of this Island in respect of his services as such officer ;

but shall not include any female officer ; ; and

(4) by the insertion, immediately after the definition of "Public officer", of the following new definition :—

"repayable contributions", with reference to a widower without pensionable children, shall mean the contributions which he has made under this Ordinance since the date when his wife or the last of his wives died, or the date when his child or the youngest of his children ceased to be pensionable, whichever is the later date ; ;

Amendment of section 4 of the principal Ordinance.

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

(1) by the substitution, for sub-section (2) of that section, of the following sub-section :—

"(2) Subject as hereinafter provided, such interest shall be at the rate of six per centum per annum, free from any deduction :

Provided that for the period commencing on the first day of January, nineteen hundred and twenty,

and ending on the thirty-first day of December, nineteen hundred and forty-four, such interest shall be at the rate of eight per centum per annum, free from any deduction." ; and

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

" (4) Where the Governor is at any time satisfied that the amount of interest payable annually to the Fund in accordance with the preceding provisions of this section is such that the Fund is likely to be insufficient to meet all payments required by this Ordinance to be made from the Fund, he may direct that for such number of years as he may specify in the direction such sum as he may so specify shall be paid to the Fund out of the general revenue of the Island.

(5) All moneys payable by way of interest, and all sums payable by direction of the Governor, under the preceding provisions of this section, shall be paid out of the general revenue of the Island ; and the payment of all such moneys and sums is hereby charged upon such revenue.

(6) When all payments required by this Ordinance to be met from the Fund have been made, the balance of the Fund shall be paid to the general revenue of the Island "

Date of operation of section 3 of this Ordinance.

4. The provisions of section 3 of this Ordinance shall be deemed to have come into operation on the first day of January, nineteen hundred and forty-five.

Amendment of section 5 of the principal Ordinance.

5. Section 5 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (4) thereof, by the substitution, for the words " The Directors shall ", of the following :—

" The Directors, or such officer appointed under sub-section (6) of this section as may be authorised in that behalf by the Directors, shall " ;

(2) in sub-section (8) thereof, by the substitution, for all the words from " The officers " to " entitled to pension ", of the following :—

" The officers entitled to pension " ;

and

(3) in sub-section (9) thereof, by the substitution, for the words " meeting, providing that ", of the following :—

" meeting : Provided that " .

Amendment of section 8 of the principal Ordinance.

6. Section 8 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (1) thereof, by the substitution, for all the words from " the salary " to the end of that sub-section, of the following :—

" the full salary or pension, as the case may be, of every public officer, notwithstanding that for any month he may receive as salary an amount less than the full salary or may not receive as salary any amount whatsoever. " ;

(2) in sub-section (2) thereof, by the omission of all the words from " And in the case of " to the end of that sub-section ; and

(3) in sub-section (3) thereof, by the substitution, for the words " together with interest thereon at six per centum per annum, ", of the following :—

" together with compound interest at six per centum, or, after the appointed date, at four per centum per annum, " .

Amendment of section 13 of the principal Ordinance.

7. Section 13 of the principal Ordinance is hereby amended as follows :—

(1) by the substitution, for all the words from " A public officer " to " such retirement or deprivation. ", of the following :—

" Where, on any date, a public officer who is not a bachelor retires from or otherwise leaves the public service without a pension, or a public officer, whether he is or is not a bachelor, is removed from the office in respect of which he was contributing to the Fund and is appointed to a non-pensionable

office on a monthly or yearly rate of salary, such public officer may, within six months after such date or within any further time which the Directors may in special circumstances grant, elect to contribute monthly the same amount as he last contributed before such date, and, if he so elects, he shall continue so to contribute subject to the same terms and conditions as applied to him at such date.” ;

and

- (2) by the substitution, for all the words from “ at the date of his so retiring ” to “ ceasing ”, of the following :—

“ at such date or at the date of his ceasing ”.

Amendment of section 14 of the principal Ordinance.

8. Section 14 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following :—

“ Provided, however, that where such officer is so transferred on or after the appointed date, he shall not be entitled to continue to contribute to the Fund in accordance with the preceding provisions of this section, unless, within six months after the date on which he is so transferred or within any further time which the Directors may in special circumstances grant, he elects so to continue to contribute. ”.

Insertion of new section 14A in the principal Ordinance.

9. The following new section is hereby inserted immediately after section 14, and shall have effect as section 14A, of the principal Ordinance :—

Payment of contributions under section 13 or section 14.

“ 14A. Every contribution under section 13 or section 14 shall be paid before the fifteenth day of the month next succeeding the month in respect of which such contribution is due. Where such contribution is not paid before that day, it shall be deemed to be in arrear. All arrears of such contributions shall be paid or recovered together with compound interest at six per centum, or, after the appointed date, at four per centum per annum. ”

Amendment of section 15 of the principal Ordinance.

10. Section 15 of the principal Ordinance is hereby amended, in sub-section (1) thereof, by the substitution in paragraph (b), for the words “ with six per centum compound interest ; ”, of the following :—

“ with compound interest at six per centum, or, after the appointed date, at four per centum per annum ; ”.

Insertion of new sections 15A, 15B, and 15C in the principal Ordinance.

11. The following new sections are hereby inserted immediately after section 15, and shall have effect as sections 15A, 15B and 15C, of the principal Ordinance :—

“ Application of this Ordinance to a public officer having more than one wife.

15A. The application of this Ordinance to a public officer having two or more wives shall be subject to the following provisions :—

- (1) Only the first in time of the existing marriages of such officer shall be deemed to be a valid marriage for the purposes of this Ordinance :

Provided, however, that a marriage, which has become the first in time of the existing marriages of such officer by reason only of the dissolution of an earlier marriage by a divorce, shall not be deemed to be so valid unless the divorce can itself be deemed to be valid under paragraph (2) of this section.

- (2) A divorce dissolving any marriage of such officer shall be deemed to be a valid divorce for the purposes of this Ordinance if, but only if, that divorce has not at any time been preceded by a divorce dissolving any other marriage of such officer.

- (3) Where any marriage of such officer becomes a valid marriage for the purposes of this Ordinance by reason of the dissolution of any other marriage of such officer, the date next following the date of such dissolution shall be deemed to be the date of the first mentioned marriage for the purposes of the computation of any pension payable under this Ordinance to the wife of that marriage when she becomes a widow, or to any child born of that marriage when that child becomes an orphan.

- (4) No pension under this Ordinance shall be awarded—

(a) to any wife of such officer whose marriage to him could not at any time during his lifetime have been deemed to be a valid marriage within the meaning of paragraph (1) of this section ; or

(b) to any child of such officer born of any marriage which could not at the time of the birth of the child have been deemed to be a valid marriage as aforesaid.

- 15B. The provisions of sections 16, 17, 18, and 19, relating to declarations and notifications to be transmitted to the Directors, shall, in the case of a public officer having two or more wives, apply in all respects to each marriage of that public officer and to the wife and to each child of that marriage, whether that marriage is or is not a valid marriage for the purposes of this Ordinance.
- 15C. Where the marriage of a contributor, other than a contributor having two or more wives, is dissolved by a divorce, he shall, for the purposes of this Ordinance, be deemed to have become a widower."
12. Section 16 of the principal Ordinance is hereby amended by the omission of all the words from "The public officer" to the end of that section.
13. The following new section is hereby inserted immediately after section 19, and shall have effect as section 19A, of the principal Ordinance:—
- 19A. Every public officer who transmits to the Directors a declaration under section 16 or section 17 or a notification under section 18 or section 19, and every guardian who transmits to the Directors a notification under section 19, shall furnish to the Directors such proof of the statements made in the declaration or notification as may be required by them."
14. Section 22 of the principal Ordinance is hereby amended by the substitution, for the words "mother of such child," of the following:—  
"mother of such child while such public officer is contributing to the Fund,".
15. Section 23 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following:—  
"Provided, however, that in the case of a male orphan whose father is a public officer appointed after the fourteenth day of March, nineteen hundred and six, and who attains the age of eighteen years on or after the appointed date, the allowance or pension shall cease at the age of twenty-one years."
16. Section 25 of the principal Ordinance is hereby amended as follows:—  
(1) by the substitution, for the word "triennially," of the following:—  
"triennially up to and including the thirty-first day of December, nineteen hundred and thirty-three, and thereafter at such times as the Governor may determine."; and  
(2) in the marginal note to that section, by the substitution, for the word "Triennial", of the word "Periodical."
17. The provisions of section 16 of this Ordinance shall be deemed to have come into operation on the first day of January, nineteen hundred and thirty-four.
18. Section 26 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following:—  
"The preceding provisions of this section shall have no application in respect of any surplus which may be disclosed by any such valuation of such assets and liabilities as on any day after the thirty-first day of December, nineteen hundred and thirty; but every active or prospective pension which in accordance with those provisions has been increased in consequence of any surplus disclosed by any such valuation of such assets and liabilities as on any date prior to the first day of January, nineteen hundred and thirty-one, shall continue to be payable as so increased, notwithstanding any deficiency which may be disclosed at any such valuation subsequently made."
19. The provisions of section 18 of this Ordinance shall be deemed to have come into operation on the first day of January, nineteen hundred and thirty-one.
20. The following new sections are hereby inserted immediately after section 31, and shall have effect as sections 31A and 31B, of the principal Ordinance:—
- 31A. A pension payable under this Ordinance to a widow may be paid by the Directors to a fit and proper person on behalf of the widow. Where the pension is so paid, the person receiving the pension shall apply it, in accordance with such terms and conditions as may be determined by the Directors, for the maintenance, support, or benefit of the widow and her child or children, if any, who would be entitled on her death to receive a pension under this Ordinance.
- Application of sections 16 to 19 in the case of a public officer having more than one wife.
- Effect of a divorce.
- Amendment of section 16 of the principal Ordinance.
- Insertion of new section 19A in the principal Ordinance.
- "Proof of statements made in declaration or notification."
- Amendment of section 22 of the principal Ordinance.
- Amendment of section 23 of the principal Ordinance.
- Amendment of section 25 of the principal Ordinance.
- Date of operation of section 16 of this Ordinance.
- Amendment of section 26 of the principal Ordinance.
- Date of operation of section 18 of this Ordinance.
- Insertion of new sections 31A and 31B in the principal Ordinance.
- "Payment of pension due to a widow."

Failure to maintain child.	31B. Where the Directors are satisfied that a widow who is in receipt of a pension under this Ordinance has deserted or abandoned, or is failing to maintain or assist, so far as her means allow, a child who would be entitled on her death to receive a pension under this Ordinance, the Directors may, in their absolute discretion, pay to such child, or to a fit and proper person on behalf of such child, such portion of the widow's pension as they may think fit, and the widow shall have no further claim in respect of any portion of her pension so paid. Any portion of a widow's pension paid under this section to any person on behalf of a child of the widow shall be applied by that person, in accordance with such terms and conditions as may be determined by the Directors, for the maintenance, support, or benefit of such child."
Substitution of new section for section 32 of the principal Ordinance.	21. Section 32 of the principal Ordinance is hereby repealed and the following new section substituted therefor :—
Payment of pension due to a minor.	32. A pension payable under this Ordinance to a minor may be paid by the Directors either directly to the minor or to such holder of a designated office or such other person as may be appointed, in writing signed by not less than three of the Directors, to receive the pension on behalf of the minor. Where the pension is paid to any person so appointed, he shall apply the pension for the maintenance, support, or benefit of the minor in accordance with such terms and conditions as may be determined by the Directors.
Amendment of section 34 of the principal Ordinance.	22. Section 34 of the principal Ordinance is hereby amended by the substitution, for all the words from "it shall be lawful" to "submit", of the following :— "the Directors may on their own initiative, and shall at the written request of such officer, widow, or child, submit".
Insertion of new sections 38A and 38B in the principal Ordinance.	23. The following new sections are hereby inserted immediately after section 38, and shall have effect as sections 38A and 38B, of the principal Ordinance :—
"Application of section 38.	38A. The provisions of section 38 shall not apply in any case where, on or after the appointed date, a bachelor retires from or otherwise leaves the public service or dies while in such service.
Special provisions relating to refunds in the case of bachelors.	38B. (1) Where, on or after the appointed date, a bachelor retires from or otherwise leaves the public service while making contributions under this Ordinance, he shall cease to make such contributions and shall be granted a refund of the entirety of his contributions under this Ordinance with compound interest thereon at 2½ per centum per annum. (2) Where, before the appointed date, a bachelor ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of one half of his contributions under this Ordinance without interest. (3) Where, on or after the appointed date, a bachelor ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of the entirety of his contributions under this Ordinance with compound interest thereon at 2½ per centum per annum. (4) Where a bachelor dies before receiving any refund to which he has become entitled under any of the preceding sub-sections of this section, the amount of that refund shall be paid to his legal representative, or heir, or heirs. (5) Where, on or after the appointed date, a bachelor dies while in the public service and while making contributions under this Ordinance, the entirety of his contributions under this Ordinance shall be paid to his legal representative, or heir, or heirs, with compound interest thereon at 2½ per centum per annum."
Amendment of section 39 of the principal Ordinance.	24. Section 39 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for all the words from "the contributions" to "happened:" of the following :— "the repayable contributions of such contributor :".
Insertion of new sections 39A, 39B, and 39C in the principal Ordinance.	25. The following new sections are hereby inserted immediately after section 39, and shall have effect as sections 39A, 39B and 39C, of the principal Ordinance :—
"Application of section 39.	39A. The provisions of section 39 shall not apply in any case where, on or after the appointed date, a contributor— (a) being a widower without pensionable children, retires from or otherwise leaves the public service or dies while in such service, or

(b) becomes such a widower after retiring from such service on pension.

39B. (1) Where a widower without pensionable children, by reason of his failure to exercise his right under section 39, does not cease to make contributions under this Ordinance, he may at any time after the appointed date elect to cease to make such contributions, and, if he so elects, he shall be granted a refund of the entirety of any contributions made by him under this Ordinance on or after such date with compound interest thereon at  $2\frac{1}{2}$  per centum per annum.

Special provisions relating to refunds in the case of widowers without pensionable children.

(2) Where, on or after the appointed date, a person who is making contributions under this Ordinance—

- (a) retires from or otherwise leaves the public service while a widower without pensionable children, or
- (b) becomes such a widower after retiring from or otherwise leaving such service,

he may at any time thereafter elect to cease to make such contributions, and, if he so elects, he shall be granted a refund of the entirety of his repayable contributions with compound interest thereon at  $2\frac{1}{2}$  per centum per annum.

(3) Where, before the appointed date, a widower without pensionable children ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of one half of his repayable contributions without interest.

(4) Where, on or after the appointed date, a widower without pensionable children ceases to make contributions under this Ordinance while in the public service owing to the expiry of his maximum period of contribution, he shall be granted a refund of the entirety of his repayable contributions with compound interest thereon at  $2\frac{1}{2}$  per centum per annum.

(5) Where a widower without pensionable children dies before receiving any refund to which he has become entitled under any of the preceding sub-sections of this section, the amount of that refund shall be paid to his legal representative, or heir, or heirs.

(6) Where, on or after the appointed date, a widower without pensionable children dies while in the public service and while making contributions under this Ordinance, the entirety of his repayable contributions shall be paid to his legal representative, or heir, or heirs with compound interest thereon at  $2\frac{1}{2}$  per centum per annum.

(7) Where a widower without pensionable children elects under sub-section (1) or sub-section (2) of this section to cease to make contributions under this Ordinance, the election shall be final.

39c. Compound interest on such contributions under this Ordinance as are to be refunded under section 38B or section 39B shall be payable up to the date on which the refund becomes due and not up to the date on which the amount of the refund is paid, and shall be calculated in the same manner as compound interest on the contributions made under this Ordinance by a contributor during his bachelorhood is calculated for the purposes of the computation of the pension in consideration of the contributions so made."

Calculation of compound interest for the purposes of sections 38B and 39B.

26. Section 44 of the principal Ordinance is hereby amended as follows :—

Amendment of section 44 of the principal Ordinance.

(1) in sub-section (1) of that section—

- (a) by the substitution, for the words "are entitled to, shall," of the following :—  
"are entitled, shall";

and

- (b) by the substitution, for all the words from "computable and payable" to the end of that sub-section, of the following :—

"computable and payable—

- (a) for the period ending on the thirty-first day of December, nineteen hundred and nineteen, according to the tables in Schedule II ;
- (b) for the period commencing on the first day of January, nineteen hundred and twenty, and terminating on the day before the appointed date, according to the tables sanctioned by the Governor on the twenty-seventh day of February, nineteen hundred and twenty-two ; and

(c) for the period commencing on the appointed date, according to the tables sanctioned by the Governor on the 3rd day of August, nineteen hundred and forty-five :

Provided, however, that the computation of the variation to be effected, as a result of any variation of the contribution on or after the appointed date, in the pension payable under this Ordinance in respect of any contributor appointed to be a public officer after the fourteenth day of March, nineteen hundred and six, but before the appointed date, and the computation of the pension payable under this Ordinance in respect of any such contributor who for the first time marries on or after the appointed date, shall be in accordance with the tables sanctioned by the Governor on the 3rd day of August, nineteen hundred and forty-five, or the tables so sanctioned on the twenty-seventh day of February, nineteen hundred and twenty-two, whichever may produce the larger ultimate pension :

Provided further that, notwithstanding the provisions of Rule 1 (a) set out in Schedule I, in the case of a public officer who has been appointed after the fourteenth day of March, nineteen hundred and six, and who has commenced to be a contributor while a bachelor, compound interest on the contributions made by him during his bachelorhood shall, for the purposes of the computation of the pension in consideration of those contributions, be calculated—

(a) in respect of any period terminating on or before the thirty-first day of December, nineteen hundred and nineteen, at 6 per centum per annum ;

(b) in respect of any period commencing on or after the first day of January, nineteen hundred and twenty, and terminating before the appointed date, at 8 per centum per annum ; and

(c) in respect of any period commencing on or after the appointed date, at 6 per centum per annum.” ;

and

(2) in sub-section (3) of that section, by the substitution, for the words “ All such pensions as aforesaid ”, of the following :—

“ All pensions payable under the preceding provisions of this section in respect of public officers appointed after the fourteenth day of March, nineteen hundred and six, and all amounts to be refunded and all interest to be paid under this Ordinance to such officers or to their legal representatives or heirs, ”.

Insertion of new section 44A in the principal Ordinance.

“ Actuarial investigation of scheme of paying pensions in respect of public officers referred to in section 40.

Non-application of the principal Ordinance in the case of certain retired Muslim public officers.

27. The following new section is hereby inserted immediately after section 44, and shall have effect as section 44A, of the principal Ordinance :—

44A. An investigation of the scheme of paying pensions under this Ordinance in respect of public officers referred to in section 40 shall be made, at such times as the Governor may determine, by an actuary approved by the Governor.”.

28. The provisions of the principal Ordinance shall not be deemed to have applied or to apply to any retired Muslim public officer who was on the first day of September, nineteen hundred and twenty-eight, receiving a pension from the Government of the Island in respect of his services as such officer.



29. All contributions purporting to have been made under the principal Ordinance prior to the date on which this Ordinance comes into operation by any person while holding on probation any permanent office referred to in paragraph (b) of the definition of "Public officer" contained in section 2 of the principal Ordinance shall, if those contributions have not been refunded to him, be deemed to have been duly made by him as though he had been at all material times a public officer to whom the principal Ordinance applied.

Contributions purporting to have been made under the principal Ordinance by a probationer.

30. All contributions purporting to have been made under the principal Ordinance prior to the date on which this Ordinance comes into operation by any non-Muslim public officer legally entitled to have more than one wife shall, if those contributions have not been refunded to him, be deemed to have been duly made by him as though he had been at all material times a public officer to whom the principal Ordinance applied, and any pension purporting to have been granted under the principal Ordinance in respect of those contributions shall be deemed to have been validly granted.

Contributions purporting to have been made under the principal Ordinance by non-Muslim public officer legally entitled to have more than one wife.

31. Where any of the existing marriages of a public officer having two or more wives has been deemed, under the Widows' and Orphans' Pension Fund (Muslim Public Officers) Ordinance, to be a valid marriage for the purposes of the principal Ordinance, that marriage shall, notwithstanding anything in the provisions of section 15A of the principal Ordinance, be deemed for those purposes to be a valid marriage and not any other of those existing marriages.

Validity of a marriage which has been deemed to be valid under Chapter 297.

Cap. 297.

32. Where a person has become a contributor under the principal Ordinance after the first day of September, nineteen hundred and twenty-eight, his contributions under that Ordinance shall, notwithstanding that his appointment as a public officer within the meaning of that Ordinance may have been made on or before the fourteenth day of March, nineteen hundred and six, be credited to the general revenue of the Island and not to the Fund established under that Ordinance; and the amount of such contributions shall not be assessable for military contribution under the Defence Contribution Ordinance.

Contributions of a person who has become a contributor after September 1, 1928.

Cap. 294.

33. The Widows' and Orphans' Pension Fund (Muslim Public Officers) Ordinance is hereby repealed.

Repeal of Chapter 297.

Passed in Council the Eighteenth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

No. 12 of 1947.

**An Ordinance to provide for the Execution of Trust Receipts in conformity with Prescribed Requirements and for the Registration and Effect of Trust Receipts so executed.**

HENRY MOORE.

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 Trust Receipts Ordinance, No. 12 of 1947, and shall come into operation on such date as may be appointed by the Governor by Proclamation published in the *Gazette*

Short title and date of operation.

2. (1) Where any person, being the consignee of any goods imported into Ceylon or a person at whose instance any goods are imported into Ceylon, is not entitled, under the terms of any contract relating to the goods or to payment therefor or otherwise, to obtain possession of the goods or of the documents of title relating thereto, except upon payment of a sum of money or upon an undertaking to hold the goods in trust, and such person or any other person—

Trust Receipts for imported goods.

(a) obtains possession of such goods or documents upon the execution, in favour of any approved credit agency by which the goods or documents are actually

released, of a document in respect of the goods which complies with the provisions of sub-section (2) or sub-section (3) (which document is hereinafter referred to as "a trust receipt for imported goods"); or

- (b) obtains a loan from any approved credit agency for the purpose of making the payment necessary to enable him to obtain possession of such goods, or documents, upon the execution in favour of such agency of a document in respect of those goods which complies with the provisions of sub-section (2) or sub-section (3) (which document is hereinafter referred to as "a trust receipt for imported goods"), the provisions of section 4 shall be applicable in relation to that trust receipt and the goods to which it relates.

(2) In order to comply with the provisions of this sub-section, a document which is executed by any person in the circumstances mentioned in sub-section (1) must contain the following undertakings on the part of that person in respect of the goods to which it relates:—

- (i) an undertaking to hold those goods in trust for the agency in favour of which it is executed, to mark the goods or packages or cases containing them in a specified manner, and to keep the goods in specified premises until the sale thereof;
- (ii) an undertaking to pay to the agency from time to time as received, the proceeds of the sale of those goods or a specified proportion of such proceeds;
- (iii) an undertaking not to sell those goods or any of those goods except for cash;
- (iv) an undertaking to deliver such of those goods as may for the time being be unsold, to, or to the order of, the agency upon demand made in writing in that behalf;
- (v) an undertaking to permit the agency, without prior notice, from time to time to enter and inspect the premises in which those goods are kept and to take stock of such of those goods as may be in the premises.

(3) In order to comply with the provisions of this sub-section, a document which is executed by any person in the circumstances mentioned in sub-section (1) must contain the following undertaking on the part of that person in respect of the goods to which it relates, that is to say:—an undertaking to hold the goods in trust for the agency in favour of which it is executed, and to store them in a specified warehouse in the name of the agency.

(4) Nothing in sub-section (2) or sub-section (3) shall be deemed to prevent the inclusion in the document of any undertakings, conditions or stipulations in addition to the undertaking specified in either of those sub-sections.

**Trust Receipt  
for goods for  
exportation.**

3. (1) Where, upon a statement made to any approved credit agency by any person, that he proposes to purchase goods for the purpose of exportation from Ceylon, such person, for the purpose of making payment for the goods and of meeting expenditure in connection with the exportation and preparation for exportation thereof, obtains from such agency advances by way of loan, overdraft or otherwise, upon the execution in favour of such agency, of a document which complies with the provisions of sub-section (2) (which document is hereinafter referred to as "a trust receipt for goods for exportation"), the provisions of section 4 shall be applicable in relation to that trust receipt and the goods to which it relates.

(2) In order to comply with the provisions of this sub-section, a document which is executed by any person in the circumstances mentioned in sub-section (1) must contain the following undertakings on the part of that person in respect of the goods to which the document relates—

- (i) an undertaking to hold those goods in trust for the agency in favour of which it is executed, to mark the goods or the packages or cases containing them in a specified manner, and to keep the goods in specified premises until the exportation thereof;
- (ii) an undertaking, upon the exportation from Ceylon of those goods, to deliver to the agency the bills of lading and other shipping documents relating to such goods;
- (iii) an undertaking not to sell those goods to any other person in Ceylon except with the consent of the agency, and in the event of any such sale with such consent to deliver the proceeds of sale from time to time as received to the agency;

- (iv) an undertaking, in the event of those goods not being exported from Ceylon within a specified period, to deliver the goods to, or to the order of, the agency upon demand made in writing in that behalf;
- (v) an undertaking to permit the agency, without prior notice, from time to time to enter and inspect the premises in which those goods are kept and to take stock of such of those goods as may be in the premises.

(3) Nothing in sub-section (2) shall be deemed to prevent the inclusion in the document of any undertakings, conditions or stipulations in addition to the undertakings specified in that sub-section.

4. (1) Where a trust receipt for imported goods, or a trust receipt for goods for exportation, has been executed by any person in conformity with the provisions of section 2 or section 3 and the trust receipt is registered under the Registration of Documents Ordinance as a bill of sale affecting the goods to which it relates, the following provisions shall apply during such time as any moneys stated in the trust receipt to be due or to become payable thereunder to the agency remain due and unpaid :—

Legal effect of trust receipts to which this Ordinance applies.

- (i) The Agency shall, in the event of the seizure of the goods by any other person in execution of any decree of any court, be entitled, upon application made to that Court in the action in the course of which the seizure was effected, to an order directing that the goods shall be delivered to the agency and shall be sold, either by public auction by an auctioneer selected by the agency and approved by the Court, or in such manner as the Court may direct, and in accordance with such directions as may be issued by the Court.

Upon the sale of such goods the agency shall be entitled to retain out of the proceeds of sale the amount due under the trust receipt, and the balance, if any, of the proceeds of sale shall be paid into Court and be deemed to be proceeds of the sale of the goods in execution of the decree under which they were seized.

- (ii) The agency shall, in the event of the insolvency of the person by whom the trust receipt is executed, be entitled to obtain from the Court in which the proceedings upon such insolvency are pending, an order directing that the goods to which the trust receipt relates shall be delivered to the agency and shall be sold either by public auction by an auctioneer selected by the agency and approved by the Court, or in such other manner as the Court may direct, and in accordance with such directions as may be issued by the Court.

Upon the sale of such goods, the agency shall be entitled to retain out of the proceeds of sale the amount due under the trust receipt, and the balance, if any, of the proceeds of sale shall be paid into Court to the credit of the assignee of the estate of the insolvent.

- (iii) Where any goods are delivered to the agency in compliance with any undertaking referred to in paragraph (iv) of section 2 (2) or in paragraph (iv) of section 3 (2), the agency may sell the goods so delivered, whether after removal thereof, or at the premises in which the goods are kept if the person executing the trust receipt consents to a sale at such premises.

The agency shall be entitled to retain, out of the proceeds of sale of the goods, the amount due to it under the trust receipt, and the balance, if any, shall be paid to the person by whom the trust receipt was executed.

- (iv) The person by whom the trust receipt was executed shall, if he commits a breach or fails to comply with any undertaking referred to in sub-section (2) or sub-section (3) of section 2, or in sub-section (2) of section 3, as the case may be, being an undertaking contained in the trust receipt, be guilty of an offence and shall, on conviction be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding five hundred rupees or to both such imprisonment and fine.

(2) The provisions of this Ordinance relating to the payment to, or the recovery by, an approved credit agency, of the amount due under a trust receipt shall be in addition to, and not in substitution or derogation of, the provisions of any written or other law under which any right or remedy is available to the agency for the purpose of the recovery of that amount, or where any part of that amount has already been paid or recovered, of the balance remaining due.

Approved  
credit  
agencies.

5. (1) In this Ordinance, "approved credit agency" means—

- (a) any banking company as defined in section 330 of the Companies Ordinance, No. 51 of 1938, which is declared by the Director of Commerce and Industries, by notification published in the *Gazette*, to be an approved credit agency for the purposes of this Ordinance;
- (b) the Ceylon State Mortgage Bank, the Agricultural and Industrial Credit Corporation, the Loan Board, the Ceylon Savings Bank, and the Local Loans and Development Commissioners; or
- (c) any other company, firm, institution or individual for the time being declared by the Director of Commerce and Industries, by notification published in the *Gazette*, to be an approved credit agency for the purposes of this Ordinance.

(2) Nothing in this Ordinance shall be deemed or construed to authorise any institution mentioned in paragraph (b) of sub-section (1) to make loans or afford any credit facilities in consideration of the execution of trust receipts, if the power to make such loans or to afford such facilities is not conferred on such institution by the Ordinance providing for the establishment, powers and functions of such institution.

Passed in Council the Eighteenth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

**No. 13 of 1947.**

Vol. III  
page 211.

**An Ordinance to amend the Registration of Documents Ordinance (Chapter 1C1).**

HENRY MOORE.

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

Short title  
and date of  
operation.

1. This Ordinance may be cited as the Registration of Documents (Amendment) Ordinance, No. 13 of 1947, and shall come into operation on such date as may be appointed by the Governor by proclamation published in the *Gazette*.

Amendment  
of section 11  
of Chapter 101.

2. (1) Section 11 of the Registration of Documents Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended by the repeal of sub-section (5) of that section.

(2) Where a *lis pendens* is duly registered at the date on which this Ordinance comes into operation, such registration shall continue in force until such time as it is cancelled under section 33 of the principal Ordinance.

Amendment  
of section 17  
of the principal  
Ordinance.

3. Section 17 of the principal Ordinance is hereby amended as follows :—

- (a) in sub-section (1) of that section, by the substitution, for the words "includes a pledge, conventional hypothecation," of the words "includes any";
- (b) in sub-section (2) of that section by the omission of all the words from "or any other documents" to "thereby represented".

Replacement of  
section 18 of the  
principal  
Ordinance

4. Section 18 of the principal Ordinance is repealed and the following new section is hereby substituted therefor :—

Pledge, mortgage  
or bill of sale  
ineffectual unless  
property  
delivered  
or instrument  
registered

18. No pledge, mortgage or bill of sale of movable property shall be of any force or effect in law or give the pledgee, mortgagee or transferee any lien, charge, claim right or priority to, over or in respect of such property unless—

- (a) such property is actually delivered into the possession and custody of the pledgee, mortgagee or transferee or of some person (other than the pledgor, mortgagor or transferor) on behalf of the pledgee, mortgagee or transferee, and continues to remain

actually, ostensibly and *bona fide* in such possession and custody from the date of the pledge, mortgage or bill of sale until such time as the pledgee, mortgagee or transferee seeks to enforce his rights as such to, over, or in respect of such property ; or

- (b) such pledge, mortgage or bill of sale is created by an instrument in writing signed by the person effecting the same, or by some person thereto lawfully authorised by him, and unless such writing shall, within twenty-one days (exclusive of Sundays and public holidays) from the date thereof, have been duly registered in the office of the Registrar of Lands for the district in which such property shall be at the time of such pledge, mortgage or bill of sale, or in the office of the said Registrar for each of such districts, when such property is at the time of such pledge, mortgage or bill of sale in more than one district.

5. Section 22 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following new sub-sections :—

Amendment of section 22 of the principal Ordinance.

- “(3) Every Registrar shall prepare and keep a separate book for the registration of instruments creating a pledge or mortgage of book debts.
- (4) Every Registrar shall prepare and keep a separate book for the registration of instruments creating a pledge or mortgage of the entirety of the goods which are or may be in any specified premises or which constitute or may at any time constitute the entirety of the stock in trade of the business carried on in any specified premises.”
- “(5) Every Registrar shall prepare and keep a separate book for the registration of trust receipts for imported goods and trust receipts for goods for exportation executed in conformity with the provisions of the Trust Receipts Ordinance No. of 1947.”

6. The following new section is hereby inserted immediately after section 23 of the principal Ordinance and shall have effect as section 23A of that Ordinance :

Insertion of new section 23A in the principal Ordinance.

23A. Where an assurance or mortgage of any land and a pledge, mortgage or bill of sale of any movable property situated on such land is effected by the same instrument—

- (a) the preceding provisions of this Chapter shall apply to such instrument in so far as a pledge, mortgage, or bill of sale of such movable property is effected or purported to be effected thereby ;
- (b) the preceding provisions of this Chapter shall not in any way affect such instrument in so far as an assurance or mortgage of the land is effected or purported to be effected thereby.

7. Section 24 of the principal Ordinance is hereby amended by the repeal of sub-section (2) of that section.

Amendment of section 24 of the principal Ordinance.

(2) The repeal of sub-section (2) of section 24 of the principal Ordinance shall not affect the operation of that section in relation to any assurance or mortgage of land, or to any pledge, mortgage or bill of sale executed before the date on which this Ordinance comes into operation.

8. Section 19, 21, 22 (i), 23, 25 and 41 of the principal Ordinance are hereby amended by the substitution, for the expressions “ bill of sale ” and “ bills of sale ”, wherever they occur in any of those sections, of the expressions “ pledge, mortgage or bill of sale ” and “ pledges, mortgages or bills of sale ”, respectively.

Consequential amendments of principal Ordinance.

9. Section 30 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution, for all the words from “ registration of the priority notice ” to the end of that sub-section, of the words “ registration of the priority notice.”

Amendment of section 30 of the principal Ordinance.

Passed in Council the Eighteenth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

No. 14 of 1947.

**An Ordinance to Incorporate the Post and Telegraph  
Benefit Association.**

HENRY MOORE.

Preamble.

WHEREAS an Association consisting of persons employed in the service of the Ceylon Post and Telegraph Department and called "The Post & Telegraph Benefit Association" (hereinafter referred to as the "said Association"), was established in the year One Thousand Nine Hundred and Twenty-four, for the objects of promoting thrift and of giving relief to its members in times of sickness or need, and ultimately of giving accumulated savings to its members on retirement from the Public Service, or, in the event of the death of such members to their nominees or heirs-at-law, together with a donation:

And whereas the said Association has heretofore successfully pursued the objects for which it was founded, and has applied to be incorporated, and it will be for the public advantage to grant the application:

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

Short title.

1. This Ordinance may be cited as the Post and Telegraph Benefit Association (Incorporation) Ordinance, No. 14 of 1947.

Post & Telegraph Benefit Association Incorporated.

2. On and after the passing of this Ordinance, such and so many persons as are now members of the said Association or shall hereafter be admitted members of the Association and whose names shall be inscribed in the register mentioned in section 8 hereof shall be and become a Corporation with continuance for ever under the name of "The Post & Telegraph Benefit Association" (hereinafter referred to as "The Corporation") and by that name shall sue and be sued in all courts, and shall have full power and authority to have and to use a common seal and to change and alter the same at their will and pleasure.

General Objects.

3. The general objects for which the Corporation is constituted are hereby declared to be to promote thrift, to give relief to its members in times of sickness or need, to give to any member on retirement, resignation or dismissal from the Public Service or withdrawal from membership, his accumulated savings, or on or after the death of any member, to his nominee or nominees or heirs-at-law, his accumulated savings and such donation, if any, as may be authorised by the rules of the Corporation made as hereinafter provided.

Committee of Management.

4. (1) The affairs of the Corporation shall be administered subject to the provisions of this Ordinance and the rules for the time being of the Corporation, by a Committee of Management to be elected in accordance with rules which the Corporation shall make hereunder.

(2) The first Committee of Management shall consist of the President, the Honorary Secretary, the Honorary Treasurer and the other members of the Committee of Management holding office at the time of the coming into operation of this Ordinance.

Powers of Committee.

5. The Committee shall, subject to the provisions of the Ordinance and of any rules in force from time to time, have full power and authority generally to govern, direct and decide all matters whatsoever connected with the appointment and dismissal of officers, agents, and servants and with the administration of the affairs of the Corporation and the accomplishment of the objects thereof, and to defray out of the funds of the Corporation all expenses necessary for the purposes of such appointment and administration:

Provided that the said Committee shall not exercise any powers which are by this Ordinance or by any rules in force from time to time declared to be exercisable by the Corporation in general meeting:

Provided further that no rule made by the Corporation in general meeting shall invalidate any prior act of the said Committee which would have been valid if such rule had not been made.

Vacancies how filled.

6. (1) On the death, resignation, transfer from Colombo or absence from the Island of the President or the Secretary or the Treasurer or of any elected member of the Committee, or in the event of any of them either absenting himself from three consecutive meetings of the Committee without reasonable excuse forwarded in writing addressed to the President and accepted by the Committee, or ceasing to be a member

of the Corporation under the rules in force from time to time it shall be lawful for the remaining members of the Committee to elect as his successor any member of the Corporation who is eligible for election under the rules of the Corporation and the member so elected shall continue in office until the annual general meeting of the Corporation next following his election.

(2) This section shall apply to the Secretary or Treasurer only so long as no full time paid Secretary or Treasurer is appointed by the Corporation under any rule for the time being in that behalf.

7. Every person holding an appointment in the service of the Post and Telegraph Department of Ceylon who fulfils the requirements of the rules shall be eligible for admission as a member, and may, in the discretion of the said Committee, be admitted a member.

Membership.

8. (1) The Committee of Management shall cause a register to be kept in which every person who at the date of the passing of this Ordinance is a member of the said Association, and every person thereafter duly admitted a member of the Corporation shall have his name inscribed therein.

Register of Members.

(2) The register shall contain the following particulars :—

- (a) The name, age on admission, address and official designation of each member.
- (b) The date on which the name of any person was inscribed in the register as a member.
- (c) The date on which any person commenced or ceased to be a member.
- (d) Such other information as the Committee of Management from time to time may decide that the register should contain.

(3) All members of the said Association at the date of the coming into operation of this Ordinance and whose names shall be duly inscribed in the register shall be deemed to have been members of the Corporation from the said date.

9. The Committee of Management shall also cause proper books of account to be kept, which shall be open at all reasonable times to the inspection of members of the Corporation, and of any person or persons whom the Governor may at any time appoint to examine the same.

Books of Account.

10. It shall be lawful for the Corporation, by resolution passed at any general meeting, to remunerate the services of any member or members of the Committee of Management and of the Auditor to be elected in accordance with this Ordinance and the rules of the Corporation and from time to time to fix the amount of such remuneration, and to require such security from such member or members of the Committee of Management so remunerated as may be deemed sufficient.

Remuneration to member or members of Committee and Auditor.

11. (1) It shall be lawful for the Corporation from time to time at any general meeting of the members, and by a majority of votes, without prejudice to the generality of the powers hereby conferred, to make rules for any of the following purposes and for giving effect to the provisions of this Ordinance: provided that until such rules are made, the relevant rules of the said Association in force at the date of the coming into operation of this Ordinance shall continue to be in force :—

Rules.

- (a) The admission, withdrawal or expulsion of members.
- (b) The determination and collection of contributions or other calls payable by members and the payment of monies due to them.
- (c) The imposition of penalties and forfeitures for breaches of rules.
- (d) The election, the powers, conduct and duties of the Committee of Management and of the various officers, agents, and servants of the Corporation.
- (e) The procedure in the transaction of business.
- (f) The withdrawal or refunding of any contributions.
- (g) The regulation of extraordinary loans to be given to members under section 22 (b) and the prescribing of the conditions of such loans including the nature and situation of the immovable property that may be accepted as security.
- (h) Generally for the management of the affairs of the Corporation and the accomplishment of its objects.

(2) Such rules when made may at a like meeting be altered, added to, amended or cancelled, subject however to the requirements of section 18 hereof:

Provided that no rule or alteration, addition, amendment, or cancellation of any rule shall have effect until the same is confirmed by the Governor.

(3) Notice of such confirmation shall be published in the *Government Gazette* and thereupon the same shall be as valid and effectual as if it had been herein enacted.

General  
Meetings.

**12.** (1) The Secretary, upon the request of the Committee of Management, or upon the written requisition of twenty or more members of the Corporation, shall call a special general meeting.

(2) No special general meeting or annual general meeting shall be held unless the quorum of members prescribed by section 15 hereof be present, and unless at least fourteen days' notice, specifying the time and place of such meeting and the purpose for which it is to be held, has been given by advertisement in two or more of the local newspapers or by notice to members sent either by post or through the medium of the Ceylon Post Office Circular, and no business shall be brought before or transacted at such meeting other than the business specified in such notice.

Annual General  
Meeting.

**13.** (1) An annual general meeting of the members of the Corporation shall be held in Colombo not later than the 31st day of January each year when there shall be submitted—

- (a) a report of the Committee on the working of the Corporation during the twelve months ending on the preceding thirtieth day of September;
- (b) a balance sheet containing a statement of assets and liabilities of the Corporation on the preceding thirtieth day of September and a statement of income and expenditure of the Corporation during the twelve months ending on the said thirtieth day of September;
- (c) the Auditor's Report.

The balance sheet and the aforesaid statement of income and expenditure shall be prepared by the Treasurer and shall be duly examined by the Auditor who shall also certify to the correctness of the said balance sheet and statement. The report of the Auditor shall include references to any irregularities that he may have discovered and to any loans which may have been granted contrary to the rules of the Corporation.

(2) Copies of the documents referred to in (a) and (b) of sub-section (1) of this section shall be forwarded by the Secretary in triplicate to the Governor through the Patron of the Corporation appointed under the rules and to the Financial Secretary within one month of the annual general meeting.

(3) If any Auditor duly elected is unable to act as such through death or any other cause, or refuses or neglects to perform his duties, the Committee may elect an Auditor in his stead.

(4) Every Auditor elected by the Committee shall receive such remuneration for his services as may be fixed by the Committee at the time of his election.

(5) If no election of an Auditor is made as aforesaid, the Governor may, on the application of any member of the Corporation, appoint an Auditor or Auditors for the purposes of this Ordinance and fix the remuneration to be paid to him or them by the Corporation and such remuneration shall be paid accordingly.

(6) At every annual general meeting, all business shall be transacted of which due notice has been given and there shall also be elected the President, and the Secretary and the Treasurer (until such time as a full time Secretary or Treasurer or Secretary and Treasurer is appointed by the Committee under the rules) and the members of the Committee and the Auditor who shall respectively hold office as such until the next annual general meeting.

(7) No person shall be appointed Auditor unless he is—

- (a) the Auditor-General to the Ceylon Government; or
- (b) a member of the Institute of Chartered Accountants of England and Wales or of any Society incorporated by Royal Charter whose members are entitled to use the designation "Chartered Accountant"; or
- (c) a member of the Society of Incorporated Accountants and Auditors of Great Britain; or
- (d) a public auditor appointed under section 18 of the Societies Ordinance; or
- (e) a member of the Corporation who is stationed in Colombo.

Who shall  
preside at  
general  
meetings.

**14.** The President of the Corporation shall preside at all annual general meetings and special general meetings of the Corporation, and in his absence, the members present shall elect a Chairman for the occasion. The President, or in his absence the Chairman, shall have a casting vote, in addition to his original vote.



15. The quorum of members required to constitute any annual general meeting or special general meeting shall be twenty.

Quorum for General Meetings.

16. No member of the Corporation who is two months in arrears with his monthly contribution under the rules of the Corporation shall be entitled to vote at any general meeting of the Corporation, or if he is a member of the Committee at any meeting of that body.

Voting.

17. No decision arrived at by an annual general meeting or a special general meeting shall be reconsidered at a special general meeting within a period of twelve months unless the Committee agrees that it is a matter of importance and urgent necessity that such decision should be superseded.

Time limited for reconsideration of decision of General Meetings.

18. No rule passed and no decision come to by the Corporation in general meeting shall be altered, added to, amended, or cancelled, except by at least a majority of three-fourths of the members present and voting at any subsequent general meeting.

Mode in which rule or order once made may be subsequently altered, added to, amended or cancelled.

19. The rules of the Corporation for the time being shall bind the Corporation and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name thereto and there were contained in such rules a covenant on the part of himself, his nominees, his heirs, executors, and administrators to conform thereto subject to the provisions of this Ordinance.

Rules to bind Members

20. It shall be lawful for the Committee of Management to require security to be given by any of the officers, agents, or servants appointed by them, and to determine the nature and value of such security.

Security from Officers, Agents and Servants.

21. All debts and liabilities of the said Association existing at the time of the coming into operation of this Ordinance shall be paid by the Corporation hereby constituted and all debts due to and subscriptions, contributions, fines, and amounts of loans and advances payable to the said Association shall be paid to the said Corporation for the purposes of this Ordinance.

Debts due by and payable to Corporation.

22. The funds of the Corporation shall be placed in the name of the Corporation in one or more of the local banks, and it shall be lawful for the Committee of Management from time to time to invest such part of the said funds as is not required for loans, withdrawals, advances and other current expenses—

Funds of the Corporation, how to be kept and invested.

- (a) in fixed deposits in one or more of the local banks, or in debentures, stock, or other securities of the Government of Ceylon, or of the Government of the United Kingdom, or of the Government of India, or of any British Colony, or in securities issued by any Municipality in Ceylon; or
- (b) in extraordinary loans to members of the Corporation to be secured by mortgage of immovable property situated within such limits as may be prescribed by rules of the Corporation; or
- (c) in such other manner as may from time to time be approved by the Governor.

23. All cheques and orders against the said funds shall be signed by at least two of the persons authorized by the rules of the Corporation in that behalf.

Funds of the Corporation, how operated on

24. The Committee of Management may from time to time under the common seal of the Corporation appoint such officer or officers, agent or agents, servant or servants as they may consider necessary for recovering all dividends, interest, or other revenue to be derived from investments, or for otherwise carrying out the provisions of this Ordinance; and all persons so appointed shall hold office during the pleasure of, and shall be entitled to such remuneration as may be determined by, the said Committee.

Powers of Committee relating to certain officers.

25. The seal of the Corporation shall not be affixed to any instrument whatsoever, except in the presence of any two of the persons authorised for the purposes of section 23, 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.

Seal of Corporation how affixed.

26. The Corporation shall be able and capable in law to take and hold any property movable or immovable which may become vested in it by virtue of any grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Corporation for the purposes of this Ordinance.

Corporation may hold property movable or immovable.

Corporation  
may demise  
lands or lease.

27. It shall be lawful for the Corporation to demise any land vested in it for any term not exceeding ninety-nine years, reserving the best yearly or monthly rental procurable for the same, and with the ordinary covenants for re-entry in case of non-payment of rent, breach of covenant, or otherwise.

Corporation  
may not sell,  
exchange or  
mortgage lands  
without leave  
of Court.

28. (1) It shall not be lawful for the Corporation to sell, exchange or mortgage any of the lands vested in it without the leave of the District Court of Colombo, which leave shall be applied for by petition addressed to the said court setting out the facts and reasons for which the Corporation desires to sell, exchange or mortgage such lands, and praying for an order of the said court in that behalf.

(2) If the said court shall be of opinion that it will be for the general advantage of the Corporation to grant the prayer of the petition, an order may be made to that effect and if the court decline to grant the prayer of the petition, it shall be competent for the petitioner to appeal to the Supreme Court.

(3) Any land sold or exchanged or any land which, having been mortgaged, is sold in execution under a mortgage decree obtained from a competent court, shall be held by the purchaser or person taking the same in exchange free of the trusts created or implied in this Ordinance or otherwise.

Doubt or  
ambiguity  
how decided.

29. In case any doubt or ambiguity shall arise, and any controversy shall take place among the members of the Corporation and of the Committee of Management, or either of them, as to the interpretation of this Ordinance or as to the powers of the Committee, the same shall be referred to the Governor whose decision shall be final and conclusive.

Saving of  
rights of  
the Crown.

30. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate or of any other persons except such as are mentioned in the foregoing provisions of this Ordinance and those claiming by, from or under them.

Passed in Council the Nineteenth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor, the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

No. 15 of 1947.

A 447/45.

An Ordinance to incorporate the General Committee of the Baadhi Beeya Association, Kahataowita.

HENRY MOORE.

WHEREAS an Association known as the Baadhi Beeya Association was formed in the village of Kahataowita, Udugaha Pattu, Siyane Korale, after the death of His Holiness Shaik Abdulla Bin Omar Baadhib Mowlana, to spread his teachings and to preserve and maintain the Thakkiya established by him :

AND WHEREAS the affairs of the said Association have for some time past been managed by its General Committee :

AND WHEREAS the said Association has applied for the incorporation of the aforesaid General Committee, and it will be to the public advantage to grant such application.

Be it therefore 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 General Committee of the Baadhi Beeya Association, Kahataowita (Incorporation) Ordinance, No. 15 of 1947.

Incorporation.

2. From and after the passing of this Ordinance the persons whose names appear in the First Schedule hereto and their successors elected in the manner provided in the rules set out in the Second Schedule hereto, or such other rules as may be in force at the date of their appointment shall be and become a corporation with perpetual succession under the

name and style of "The General Committee of the Baadhi Beeya Thakkiya" (hereinafter referred to as the "Corporation" and by that name shall sue and be sued with full power and authority to have and use a common seal and to change the same at pleasure.

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

Objects of the Corporation.

- (a) the promotion of the study of the Islamic faith and the teaching of its principles and practices, and in particular the teaching of those principles and practices as expounded and preached by His Holiness Shaik Abdulla Bin Omar Badhib Mowlana (hereinafter referred to as the "Mowlana");
- (b) the maintenance and development of the Thakkiya established by him and the preservation of all property both movable and immovable belonging to the said Thakkiya;
- (c) the regular conduct of the following religious ceremonies, that is to say, the Mowlood, Rathib, Manaqib, Nazar-Kanduri, Hisbu and Fithara, in the manner and form laid down by the said Mowlana or as may be prescribed and ordered from time to time by the Executive Committee;
- (d) the establishment and the maintenance, in the village of Kahataowita, of religious and educational institutions for the instruction of Muslim children in general, and Muslim children resident in the said village in particular; and
- (e) generally the carrying on of all such work as may be necessary to attain the aforesaid objects.

4. The rules set out in the Second Schedule shall, for all purposes, be the rules of the Baadhi Beeya Association (hereinafter referred to as the "Association"):

Rules.

Provided, however, that nothing herein contained shall be held or construed to prevent the Association at a general meeting and by a majority which is not less than two-thirds of the number of members present and voting at such meeting from making fresh rules or from altering, amending, adding to or cancelling any of the rules set out in the Second Schedule or any rule that may hereafter be made under this Ordinance.

5. Subject to and without prejudice to any special rule that may be made in that behalf the Corporation shall have full power to acquire purchase take hold and enjoy movable and immovable property of every description and to sell or exchange or to mortgage let lease or otherwise dispose of the property belonging to the Corporation and to invest the proceeds in other property and to utilise its property for the objects specified in section 3.

Power to hold and dispose of property.

Provided that every disposition of property shall have the consent of at least two-thirds of the members of the General Committee present at a duly convened meeting for that purpose.

6. It shall be lawful for the Corporation after defraying all the expenses of the Thakkiya to spend for the establishment and maintenance of religious and educational institutions referred to in section 3 (d), any portion of the funds income or revenue of the said Thakkiya.

Expenses on educational and religious institutions.

7. The seal of the Corporation shall not be affixed to any instrument whatever except in the presence of the Secretary and Managing Trustee and two other members who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signing of any persons as witnesses.

Seal of the Corporation.

8. Nothing in the Ordinance contained shall prejudice or affect the rights of His Majesty the King His Heirs and Successors or of any body politic or corporate or any other person except such as are mentioned in this Ordinance and those claiming by from or under them.

Saving as to the rights of the Crown and others.

#### FIRST SCHEDULE.

##### *The General Committee.*

1. M. A. R. Mohammad Haniffa Alim Sahib.
2. A. M. Mohamed Lebbe.
3. M. H. M. Mashood Alim Sahib
4. A. L. Mahamood Alim.
5. E. M. Mahamood Lebbe.
6. A. L. M. Mansoor.
7. M. M. A. Azeez.
8. R. M. Abdul Cafoor Alim.
9. M. M. Abdul Rahman Lebbe,
10. A. L. Ahamedo Ali Lebbe.
11. R. O. M. Saheed Lebbe.
12. E. L. Salahudeen.
13. M. A. Sihabudeen.
14. N. A. M. Sirajideen.

15. M. K. M. Thayib.
16. N. A. A. Jamaldeen.
17. K. M. A. Jalal Lebbo Katheeb.
18. Y. L. M. Jahufar.
19. M. L. M. Jamaldeen.
20. M. M. Junaid Lebbo.
21. M. A. M. Naeem Alim Mowlavi.
22. M. L. M. Naleer.
23. M. K. M. Noordeen.
24. M. K. M. Nhascer.
25. M. S. M. Nascer.
26. O. L. M. Ibrahim.
27. A. L. M. Rafi.
28. A. K. M. Riyal.
29. A. L. M. Haniffa.
30. M. E. M. Hidur Mohamed.
31. M. L. M. Falcel.
32. A. L. M. Zakariya.

## SECOND SCHEDULE.

*Rules.*

1. Every Muslim over the age of 16 years residing in or in the neighbourhood of the village of Kahataowita may become a member of the Association—

(a) on application to the Secretary of the Executive Committee ;  
and

(b) on subscribing to an undertaking to abide by the provisions of this Ordinance and the rules made thereunder.

2. The persons whose names are specified in the First Schedule shall constitute the first General Committee under this Ordinance and shall hold office until the election of the next General Committee.

3. The General Committee which succeeds the General Committee referred to in rule 2 and each succeeding General Committee thereafter shall consist of 32 members elected at the annual general meeting of the Association.

4. The persons whose names are specified in column I of the list appearing hereunder shall constitute the first Executive Committee under this Ordinance and shall hold the offices specified in the corresponding entries in column II. of that list until the election of the next Executive Committee.

List.	
I.	II.
1. A. M. Mohamed Lebbe ..	President
2. M. A. R. Mohammad Haniffa Alm..	Vice-President and Managing Trustee
3. M. M. A. Azeez ..	Secretary
4. R. O. M. Saheed Sahib ..	Assistant Secretary
5. N. A. A. Jamaldeen ..	Treasurer
6. M. K. M. Thayib ..	Auditor
7. M. H. M. Mashood Alim (Khalifa) ..	Member
8. M. A. M. Naeem Alim Mowlavi (Khalifa)	Member
9. A. L. Mahamood Alim ..	Member
10. R. M. Abdul Caffoor Alm ..	Member
11. M. M. Abdul Rahaman Lebbe ..	Member
12. A. L. Ahamedo Ali Lebbe ..	Member
13. O. L. M. Ibrahim ..	Member
14. M. E. M. Hidur Mohamed ..	Member
15. A. L. M. Rafi ..	Member

5. The Executive Committee which succeeds the Executive Committee referred to in rule 4 and each succeeding Executive Committee thereafter shall consist of the following 15 persons, that is to say, a President, a Secretary, an Assistant Secretary, a Treasurer, a Managing Trustee, an Auditor and 9 other members, and such persons shall be elected from among the members of the General Committee at a meeting of that Committee held within 14 days of its appointment.

6. The General Committee at a meeting shall elect 2 Khalifas who shall hold office for life.

7. The members of each General Committee and Executive Committee, and each office-bearer of the Association and those Committees except the two Khalifas shall hold office until the election of their successors in accordance with the provisions of these rules.

8. Each member of the General Committee and the Executive Committee and each office-bearer of the Association and those Committees shall be eligible for re-election.

9. The affairs of the Corporation shall, subject to this Ordinance or any of these rules or any rule made under the Ordinance, be administered by the Executive Committee under the supervision of the General Committee.

10. The proceedings of every meeting of the General Committee and of the Executive Committee shall be entered in the appropriate minute books by the Secretaries. Those books shall be kept in the premises of the Thakkiya and shall not be removed therefrom.

11. At the annual General Meeting of the Association the following business shall be transacted :—

(a) the presentation of the Annual Report of the General Committee, the audited accounts of the income and expenditure and a balance sheet;

- (b) the election of the members of the General Committee and an auditor ;  
 (c) any other business of which 14 days notice had been given.

12. A Special General Meeting of the Association shall be convened by the General Committee or at the request of 10 members thereof. Notice of such meeting specifying the nature of the business to be brought forward shall be given to the members.

13. A meeting of the Executive Committee shall be held as often as business requires.

14. The quorum and the necessary notice for the several meetings shall be as follows :—

	Notice.	Quorum.
Annual General Meeting	.. 15 days	.. 40 Members
Special General Meeting	.. 7 days	.. 15 Members
Executive Committee Meeting	.. 3 days	.. 5 Members

15. The President of the Executive Committee shall preside at all its meetings and have a casting vote in addition to his original vote.

16. The General Committee shall determine the duties of the several officers, and the procedure to be followed at meetings, and shall inquire into complaints.

17. It shall be lawful for the General Committee in all cases not provided for by this Ordinance to act in such manner as may appear to that Committee to promote the welfare of the Association.

18. The General Committee shall cause to be kept a register of members in which shall be inscribed the names, addresses, and dates of admission, of all the members of the Association, and any other information relating to such members which the General Committee may deem necessary for the purposes of this Ordinance. The register shall be renewed and corrections made every year.

19. Proper account books of all income and expenditure shall be kept by the Treasurer and a monthly balance shall be struck.

20. There shall be kept a full and true list of all property movable and immovable belonging to the Thakkiya signed and authenticated by the Managing Trustee and verified every year.

21. A meeting of the General Committee shall be held once at least every year. Notice of such meeting shall be given to the members thereof 20 days at least before the date of such meeting.

Passed in Council the Nineteenth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor, the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
 Secretary to the Governor.

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

No. 16 of 1947.

L. D.—O. 45/45  
 M. L. A.—BA. 650.

An Ordinance to amend the Housing and Town Improvement Ordinance.

Cap. 199  
 Vol. V.,  
 page 422.

HENRY MOORE.

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 Housing and Town Improvement (Second Amendment) Ordinance, No. 16 of 1947.

2. Section 3 of the Housing and Town Improvement Ordinance is hereby amended in paragraph (a) thereof, by the substitution, for the words "District Council", of the words "Urban Council, Town Council,".

Passed in Council the Twentieth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor, the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
 Secretary to the Governor.

Short title.

Amendment of  
 section 3 of  
 Chapter 199.

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

No. 17 of 1947.

L. D.—O. 7/47

M. L. A.—G 27

(Chapter 198,  
Supplement  
Vol. I., page  
122).

**An Ordinance to amend the Village Communities  
Ordinance.**

HENRY MOORE.

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 Village Communities  
(Amendment) Ordinance, No. 17 of 1947.

Amendment of  
section 5 of  
Chapter 198.

2. Section 5 of the Village Communities Ordinance (herein-  
after referred to as "the principal Ordinance") is hereby  
amended, as follows :—

- (1) in paragraph (b) (i) of sub-section (1) thereof, by the  
omission of the word and figures "section 44,"; and
- (2) in paragraph (b) (i) of sub-section (2) thereof, by the  
omission of the word and figures "section 44,".

Repeal of  
section 44 of  
the principal  
Ordinance.

3. Section 44 of the principal Ordinance is hereby repealed.

Amendment of  
section 45 of  
the principal  
Ordinance.

4. Section 45 of the principal Ordinance is hereby amended  
as follows :—

- (1) in sub-section (1), by the substitution, for all the words  
from "In addition" to "a land tax", of the words  
"A land tax";
- (2) by the repeal of sub-section (2);
- (3) in sub-section (7), by the omission of the words and  
figure "in the manner required by sub-section (2)";  
and
- (4) by the substitution, for the marginal note thereto,  
of the following new marginal note :—  
"Authority to levy land tax."

Amendment of  
section 48 of  
the principal  
Ordinance.

5. Section 48 of the principal Ordinance is hereby amended,  
in paragraph (b) thereof, by the substitution, for the word  
and figures "sections 44, 45," of the word and figures  
"sections 45,".

Amendment of  
section 49 of  
the principal  
Ordinance.

6. Section 49 of the principal Ordinance is hereby amended,  
in sub-section (2) thereof, by the omission of paragraph (iii)  
of that sub-section.

Amendment of  
section 55 of  
the principal  
Ordinance.

7. Section 55 of the principal Ordinance is hereby amended,  
in sub-section (1) thereof, by the substitution, for all the  
words from "receipt thereof," to the end of that sub-section,  
of the words "receipt thereof."

Amendment of  
section 59 of  
the principal  
Ordinance.

8. Section 59 of the principal Ordinance is hereby amended,  
in sub-section (1) thereof, by the omission of paragraph (f)  
of that sub-section.

Passed in Council the Twentieth day of February, One  
thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor, the Thirteenth  
day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

No. 18 of 1947.

L. D.—O. 48/46.

**An Ordinance to amend the Thoroughfares Ordinance.**

HENRY MOORE.

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 Thoroughfares  
(Amendment) Ordinance, No. 18 of 1947.

Amendment of  
section 62A  
of Chapter  
148.

2. Section 62A of the Thoroughfares Ordinance (herein-  
after referred to as the "principal Ordinance"), is hereby  
amended as follows :—

- (1) in sub-section (1) thereof by the substitution, for the  
words "to erect any building", of the words "except  
under the authority of a licence granted by the  
District Committee of the district, to erect any  
building";

(2) in sub-section (2) thereof—

(a) by the re-lettering of paragraph (a) as paragraph (aa) and by the substitution therein, for the words "No licence", of the words "No licence for the re-erection of, or for any addition to, any building, boundary wall or gateway";

(b) by the insertion, immediately before the re-lettered paragraph (aa), of the following new paragraph :—

" (a) No licence for the erection of any building, boundary wall or gateway shall be granted under sub-section (1) by the Chairman of any District Committee unless he is satisfied that the foregoing prohibition against the erection of any building, wall or gateway within the building limit will cause serious hardship to the owner of the land on which such building, wall or gateway is to be erected, and unless the written consent of the Director of Public Works to the grant of the licence is obtained. The Director shall not give such consent unless he is satisfied, having regard to the width of the road, the visibility available for traffic and the proper upkeep of the road, that the enforcement of the aforesaid prohibition is not for the time being essential. " ;

(c) by the re-lettering of paragraph (b) as paragraph (bb) and by the substitution therein, for all the words from " shall be the value thereof " to the end of the paragraph, of the words " shall be determined in accordance with the provisions of section 62D " ;

(d) by the insertion, immediately before the re-lettered paragraph (bb) of the following new paragraph :—

" (b) It shall be a condition of any licence granted by the Chairman of a District Committee under sub-section (1) for the erection of any building, boundary wall or gateway within the building limit, that no compensation shall be payable—

(i) in respect of such building, wall or gateway or part thereof within such limit if possession for the public use is taken at any time under section 7 of this Ordinance of the land on which such building, wall or gateway is situated, or if such land is acquired under the Land Acquisition Ordinance, or

(ii) after the severance or removal of such building, wall or gateway or part thereof within such limit, in respect of any improvement or adaptation of the remaining part of such building, wall or gateway for any purpose whatsoever. " ;

Cap. 203.

(3) in sub-section (3) thereof by the substitution, in paragraph (a), for the words " shall be entered ", of the words " and the value thereof shall be entered ".

3. Section 62c of the principal Ordinance is hereby amended as follows :—

(1) by the renumbering of that section as sub-section (1) of section 62c ; and

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

" (2) Without prejudice to the provisions of sub-section (1), the Chairman of the District Committee may by order in writing served on any person who has contravened any of the provisions of section 62A, require such person to demolish or remove or as the case may be, to restore to its original condition, the building, boundary wall or gateway

Amendment of section 62c of the principal Ordinance.

in respect of which the contravention was committed, within such time as may be specified in the order, and if such person fails to comply with the requirements of the order within the time specified therein, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty rupees and to a further fine not exceeding fifty rupees for each day during which he suffers or allows such building, wall or gateway to remain in contravention of such order. No order shall be made under this subsection except with the written consent of the Director of Public Works."

Replacement of section 62D of the principal Ordinance.

Compensation in respect of land developed by buildings.  
Cap. 203.

4. Section 62D of the principal Ordinance is hereby repealed and the following new section is substituted therefor:—

62D. Where any building, boundary wall or gateway which has been re-erected or added to under the authority of a licence under section 62A is situated on any portion of land of which possession for the public use is taken under section 7 of this Ordinance, or which is acquired under the Land Acquisition Ordinance, the determination of the compensation payable in such case shall, notwithstanding anything to the contrary in that Ordinance, be subject to the following provisions:—

- (a) Where the whole of the building or of any boundary wall or gateway is situated within the building limit, the value assigned to the building, boundary wall or gateway as distinct from the land acquired shall be the value entered in the register under section 62A (3) or the market value of the building, boundary wall or gateway at the time of the acquisition, whichever is the less, and for the purpose aforesaid, such market value shall be the difference between the market value of the building, boundary wall or gateway together with the land attached thereto, at the time of the acquisition, and the market value at that time of the land so attached as distinct from the building, boundary wall or gateway ;
- (b) where only a part of the building or of any boundary wall or gateway is situated within the building limit and the value entered in the register under section 62A (3) is the value of the entire building, boundary wall or gateway in accordance with sub-section (2) (a) of section 62E, the value assigned to that part of the building, boundary wall or gateway, as distinct from the land acquired, shall be the value so entered or the market value of the entire building, boundary wall or gateway at the time of the acquisition, whichever is the less, and for the purpose aforesaid, such market value shall be the difference between the market value of the entire building, boundary wall, or gateway together with the land attached thereto, at the time of the acquisition, and the market value at that time of the land so attached as distinct from the entire building, boundary wall or gateway ;
- (c) where only a part of the building or of any boundary wall or gateway is situated within the building limit and the value entered under section 62A (3) is the value of that part in accordance with sub-section (2) (b) of section 62E, the value assigned to that part of the building, boundary wall or gateway, as distinct from the land acquired, shall be the value so entered in the register or the value of the part of the building, boundary wall or gateway within the building limit at the time of the acquisition, whichever is the less, and for the purpose aforesaid, such value shall be the aggregate of—
  - (i) the estimated cost of the severance and removal of that part of the building, boundary wall or gateway at that time ; and
  - (ii) the estimated cost, in the case of a building, of adapting at that time the part of the building which will then remain to the purpose for which the building is used at that time, and in the case of a boundary wall or gateway, of completing at that time such additions or repairs as may be necessary ;



- (d) no compensation shall be allowed in respect of any building, wall or gateway erected, after the fifteenth day of February, 1943, within the building limit whether or not such erection was made under the authority of a licence under section 62A, or in respect of any re-erection or addition made or effected thereto in contravention of that section,
- (e) the value assigned to the land as distinct from the buildings thereon shall be the market value of the land at the time of the acquisition.

5. Section 62E of the principal Ordinance is hereby amended as follows :—

Amendment  
of section  
62E of the  
principal  
Ordinance.

- (1) in sub-sections (1) and (2) thereof, by the substitution for the word and figures "section 62A (2)" of the words and figures "sub-sections (2) and (3) of section 62A";
- (2) by the addition, immediately after sub-section (2), of the following new sub-section :—

"(3) Every award or agreement made or entered into, as the case may be, under sub-section (1) in respect of the value of any building, boundary wall or gateway or part thereof, shall specify the particular paragraph or paragraphs of sub-section (2) in accordance with which the value aforesaid was fixed or determined."

Passed in Council the Twentieth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor, the Thirteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

**No. 19 of 1947.**

L. D.—O 20/45.

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

HENRY MOORE.

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. 19 of 1947.

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.

Passed in Council the Twentieth day of February, One thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor, the Fifteenth day of March, One thousand Nine hundred and Forty-seven.

J. A. MULHALL,  
Secretary to the Governor.

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

**No. 20 of 1947.**

L. D.—O 21/45.

**An Ordinance to amend the Vagrants Ordinance.**

HENRY MOORE.

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 Vagrants (Amendment) Ordinance, No. 20 of 1947.

**Amendment of  
section 25  
of Cap. 26.**

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."

Passed in Council the Twentieth day of February, One  
thousand Nine hundred and Forty-seven.

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

Assented to by His Excellency the Governor, the Fifteenth  
day of March, One thousand Nine hundred and Forty-  
seven.

J. A. MULHALL,  
Secretary to the Governor.

**DRAFT ORDINANCES.**

**MINUTE.**

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

A 56/47

**An Ordinance to incorporate the Ceylon Railway  
Uniform Staff Benevolent Fund.**

**Preamble.**

WHEREAS an Association called and known as "The Ceylon Railway Uniform Staff Benevolent Fund", (hereinafter referred as the said Association) has hitherto been established at Colombo for the purpose of effectually carrying out and transacting all matters connected with the said Association according to the rules agreed to by its members :

And whereas the said Association has heretofore successfully carried out the objects for which it was established and it is now desirable that the said Association should be incorporated :

Be it therefore enacted by the Governor of Ceylon by and with the advice and consent of the State Council thereof as follows :

**Short title.**

1. This Ordinance may be cited as the Ceylon Railway Uniform Staff Benevolent Fund (Incorporation) Ordinance, No. of 1947, and shall come into operation on such date as may be appointed by the Governor by Proclamation in the *Gazette*.

**Incorporation.**

2. From and after the passing of this Ordinance the President and such and so many persons as are now Members of the said Association or shall hereafter be admitted Members of the Corporation hereby constituted shall be and become a Corporation with continuance for ever under the Name of "The Ceylon Railway Uniform Staff Benevolent Fund" (hereinafter referred to as the Corporation) and by that name shall and may be sued in all Courts and shall have full power and authority to have and use a common seal, and change and alter the same at their will and pleasure.

**General objects.**

3. The General Objects for which the Corporation is constituted are hereby declared to be—

(a) To promote thrift among its members,

(b) To give relief to its members in times of distress,

(c) To pay to each member on his retirement, resignation or dismissal from the *Public Service* such portion of his contribution to the Funds of the Corporation and such Donation, if any, as may be authorised by the rules of the Corporation made as hereinafter provided; and

(d) In the event of Death of any member prior to his ceasing to be a *Public Servant* to pay to his nominee appointed in accordance with the rules of the Corporation or, in the absence of a properly appointed nominee, to his heirs at Law such portion of his contribution to the Funds of Corporation and such Donation, if any, as may be authorised by the rules of the Corporation.

4. (1) The affairs of the Corporation, shall subject to the rules of the Corporation be administered by a committee of management consisting of the following :—

Committee of Management.

(a) *Ex officio* Members :—

- (i.) The President of the Corporation (hereinafter referred to as "The President") elected each year by the members of the Corporation from among their own number or from among the officers of the Ceylon Government Railway Department at the Annual General Meeting of the Corporation, and
- (ii.) Two Vice-Presidents elected each year by the members of the Corporation from among their own number at the Annual General Meeting of the Corporation ;

(b) Elected Members :—

Twelve persons elected each year by the Members of the Corporation from among their own number at the Annual General Meeting of the Corporation.

(2) The first Committee of Management shall consist of the President, the two Vice-Presidents, the Secretary and Treasurer and the members of the Committee of Management of the said Association holding office at the time of the coming into operation of this Ordinance, and shall function until the first general meeting of the Corporation.

5. The Committee of Management shall, subject to the provision of this Ordinance and of any rules made under section 16 have full power and authority :

Powers of the Committee of Management.

(a) To govern, direct and decide all matters whatsoever connected with—

- (i.) The appointment and dismissal of officers, agents and servants of the Corporation ;
- (ii.) The administration of the affairs of the Corporation ;
- (iii.) The accomplishment of the objects of the Corporation ; and

(b) To defray out of the Fund of the Corporation all expenses necessary for the purpose of such appointment and dismissal and of such administration and accomplishment provided that the said committee shall not exercise any powers which are by this Ordinance or by the rules made under section 16 declared to be exercisable by the Corporation in General Meeting :

Provided also that no rule made by the Corporation in General Meeting will invalidate any prior act of the said committee which would have been valid if such rules had not been made.

6. (1) The Committee of Management shall select a person from among the members of the Corporation for appointment to the joint office of Secretary and Treasurer of the Corporation.

Secretary and Treasurer.

(2) The appointment of such person as Secretary and Treasurer of the Corporation shall be subject to the approval of the Governor and after such approval has been obtained he shall be seconded for service as the Secretary and Treasurer of the Corporation and appointed as such by the said Committee on such terms and condition as may be agreed upon from time to time between the Government and the said Committee.

(3) If at any time the said Committee be of opinion that it is not possible to appoint a suitable person to the joint office of Secretary and Treasurer from among the person in accordance with sub-section (1) and (2) it shall be lawful for the said Committee subject to the approval of the Governor to appoint any suitable person to the said office.

(4) If at any time it is necessary provisionally to fill the Joint Office of Secretary and Treasurer of the Corporation any person may be appointed in that capacity for a period of three months by the said Committee.

- Duties of Secretary and Treasurer.**
7. The person appointed to the Joint Office of Secretary and Treasurer of the Corporation (in this Ordinance and in the rules made thereunder referred to as "The Secretary and Treasurer") shall receive and keep account of all monies and Funds of the Corporation and shall act as Secretary of the Committee of the Management and shall, subject to the provision of section 22, (2) pay all claims, loans, advances and expenses authorised by the said committee. He shall also prepare and submit monthly to the said committee an account of the transactions of the Corporation and generally act under the direction of the *ex officio* Members of the said Committee.
- Committee Meetings**
8. (1) (a) Meetings of the Committee of Management for the dispatch of business shall be held at least once a month.  
 (b) It shall be lawful for the President to convene a special meeting of the said committee whenever he shall consider it desirable.  
 (c) It shall be incumbent upon the President to convene a special meeting of the said committee whenever so requested by 5 or more members thereof.  
 (2) Any member of the Committee of Management who does not attend 3 successive meetings thereof shall cease to be a member of the said committee.
- Who shall preside at Committee Meetings.**
9. The President shall if present preside at Meetings of the Committee of Management. In the absence of the President one of the Vice-Presidents who will be elected for the purpose by the members of the committee present at the meeting shall preside. In the absence of the President and both the Vice-Presidents, such member as may be elected for the purpose by the members present at the meeting shall preside.
- Powers of the Committee vested in the quorum.**
10. All acts whatsoever authorised or required by this Ordinance and the rules made under this Ordinance to be done by the Committee of Management shall be decided upon and done by the majority of the members present at a duly convened meeting thereof, such members being not less than seven.  
 Provided that when the votes of members present in regard to any question shall be equally divided, the person presiding at the meeting shall, besides his own vote as a member, have a casting vote.
- Vacancies in the Committee of Management how filled.**
11. In event of death or resignation of any member of the Committee of Management or in the event of any member ceasing to be a member of the Committee of Management under section 8 (2) it shall be lawful for the remaining members of the said committee to elect a member of the Corporation in his place, and the member so elected shall continue in office until the Annual General Meeting of the Corporation next following his election.
- Membership.**
12. Every person holding an appointment in the service of the Ceylon Government Railway who fulfils the requirements of the rules made under section 16 shall be eligible for admission as a member of the Corporation and may in the discretion of the Committee of Management be admitted a member.
- Register of Members.**
13. (1) The Committee of Management shall cause to be kept a register in which every person who at the date of the passing of this Ordinance is a member of the said Association and every person thereafter duly admitted a member of the Corporation hereby constituted, shall have his name inscribed.  
 (2) The Register shall contain the following particulars :—  
 (a) The name, age at admission, address and occupation of each member.  
 (b) The date on which the name of any person was inscribed in the register as a member.  
 (c) The date on which any person commenced to be a member.  
 (d) The date on which any person ceased to be a member.  
 (3) All members of the said Association whose names are inscribed in the Register shall be deemed to have been members of the Corporation from the date referred to in sub-section (1).
- Books of Account.**
14. The Committee of Management shall cause proper books of account relating to the Funds of the Corporation to be kept. The said books of account shall be open at all reasonable times to the inspection of the members of the Corporation and of any person or persons whom the Governor may at any time appoint to examine the same.

15. It shall be lawful for the Corporation by resolution passed at any General Meeting to remunerate the services of any member or members of the Committee of Management, and from time to time fix the amount of such remuneration and to require such security from such member or members so remunerated as may be deemed sufficient.

Remuneration  
to members.

16. It shall be lawful for the Corporation from time to time at any General Meeting of the members and by a majority of votes to make rules for the admission, withdrawal, or expulsion of members, for the imposition of fines and forfeitures for breaches of rules, for the conduct of the duties of the Committee of Management and of the various officers, agents and servants of the Corporation, for the procedure in the transaction of business, for the regulation of the extraordinary loans to be given to members under section 22 and for prescribing the conditions of such loans including the nature and situation of the immovable property that may be accepted as security, and otherwise generally for the management of the affairs of the Corporation and the accomplishment of its objects. Such rules when made may at a like meeting be altered, amended, or cancelled, subject however to the requirements of section 21

Rules.

Provided that no rule or alteration, amendment, or cancellation of any rule shall have effect until the same is confirmed by the Governor. Notice of such confirmation shall be published in the Government Gazette and thereupon the same shall be as valid and effectual as if it had been herein enacted.

17. (1) The Secretary and Treasurer upon the request of the Committee of Management, or upon the written requisition of 50 or more members of the Corporation shall call a general meeting of the members of the Corporation.

General  
Meetings.

(2) No general meeting shall be held unless the quorum of members prescribed by the rules be present, and unless at least 7 days notice, specifying the time and place of such meeting and the purpose for which it is to be held, has been given by advertisement in two or more of local newspapers, or in such other manner as may be required by any rule made by the Corporation, and no business shall be brought before or transacted at such meetings other than the business specified in such notice.

18. (1) An Annual General Meeting of the members of the Corporation shall be held not later than the 31st day of March of each year, at which there shall be submitted a balance sheet, containing a statement of assets and liabilities of the Corporation on the preceding 31st day of October and an account of income and expenditure of the Corporation during the 12 months ending on the 31st day of October of the preceding year.

Annual General  
Meeting.

(2) The said balance sheet and account shall—

(a) be prepared by the Secretary and Treasurer, and

(b) be duly examined and audited and the correctness thereof certified, prior to the Annual General Meeting at which the same are submitted, by one or more Auditors elected for that purpose by the members of the Corporation at the preceding Annual General Meeting, and

(c) be forwarded in duplicate to the General Manager of Railways within one month of the Annual General Meeting.

(3) If no Auditor is elected under sub-section 2 (b), or if any Auditor elected under that sub-section is unable to perform his duties, through death or any other cause or refuses or neglects to perform his duties, the Committee of Management may elect an Auditor, who shall be deemed to have been duly elected under sub-section 2 (b).

(4) Every Auditor elected by the members of the Corporation or by the Committee of Management shall receive such remuneration for his services as may be fixed by the members of the Corporation or by the Committee as the case may be at the time of his election.

(5) If no election of an Auditor or Auditors is made aforesaid, the Governor may, on the application of any member of Corporation appoint an Auditor or Auditors for the purpose of examining and auditing any such balance sheet, statement, and account as aforesaid and may fix the remuneration to be paid to him or them by the Corporation, and such remuneration shall be paid accordingly. Any Auditor or Auditors so appointed shall be deemed to have been duly elected under sub-section 2 (b).

(6) At every such Annual General Meeting all business of which due notice has been given shall be transacted and there shall also be elected the President, the Vice-Presidents and

the required number of members of the Committee of Management, who shall respectively hold office as such until the next subsequent Annual General Meeting.

(7) No person shall be appointed Auditor under this section unless he is—

- (a) A member of the Institute of Chartered Accountants in England and Wales, or of any similar society incorporated by Royal Charter whose members are entitled to use the designations "Chartered Accountant".
- (b) A member of the Society of Incorporated Accountants and Auditors of Great Britain, or
- (c) A public auditor appointed under section 18 of the Societies Ordinance, 1891.

Who shall preside at General Meetings.

19. The President shall preside at the General Meeting of the Corporation and in his absence one of the Vice-Presidents elected for the purpose by the members present shall preside. If the President and both the Vice-Presidents are absent members present shall elect one of the members present to be the Chairman for the occasion. Whoever presides at a General Meeting shall have a casting vote in addition to his own vote as a member.

Security from Officers and Agents.

20. It shall be lawful for the Committee of Management to require security to be given by any of the officers, agents or servants appointed by them, and to determine the nature and value of such security.

Mode in which rule or order once made may be subsequently altered or cancelled.

21. No rule passed and no decision come to by the Corporation in General Meeting shall be altered amended or cancelled except by at least a majority of two thirds of the members present and voting at a subsequent General Meeting.

Property vested in the Corporation.

22. (1) On the coming into operation of this Ordinance, all property belonging to the said Association whether held in the name of the said Association or in the name of any person or persons in trust for the said Association, shall be and the same are hereby vested in the Corporation hereby constituted and the same, together with all after acquired property and all subscriptions, contributions, donations, fines, amounts of loans and advances received or to be received, shall be held by the said Corporation for the purposes of this Ordinance.

Debts due by and payable to Corporation.

(2) All debts and liabilities of the said Association existing at the time of coming into operation of this Ordinance shall be paid by the Corporation hereby constituted and all debts due to and subscriptions, contributions, fines and amounts of loans and advances payable to the said Association shall be paid to the Corporation for the purposes of this Ordinance.

Funds of the Corporation how to be kept, paid out and invested.

23. (1) The Funds of the Corporation shall be placed in the name of the Corporation at one or more of the Local Banks, and it shall be lawful for the Committee of Management from time to time to invest such part of the said fund as is not required for loans advances and other current expenses :—

- (a) in fixed deposits in one or more of the local banks or in Indian Government Securities or in securities of the Government of the United Kingdom or of any British Colony including Ceylon, or
- (b) in extraordinary loans to members of the Corporation to be secured by mortgage of immovable property situated within 8 miles of Municipal limits of Colombo, or
- (c) in such other manner as the Governor may from time to time approve.

(2) All cheques and orders against the said Fund shall be signed by at least two of the following four persons :—

- (a) The 3 *ex officio* members of the Committee of Management, and
- (b) The Secretary and Treasurer of the Corporation.

Appointment of officers, agents, &c.

24. The Committee of Management may from time to time under the common seal of the Corporation appoint such officer or officers, agent or agents, as they may consider necessary for recovering dividends interest or other revenue to be derived from investment or for otherwise carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of and shall be entitled to such remuneration as may be determined by the said Committee.

Seal of the Corporation how to be fixed to instruments.

25. The Seal of the Corporation shall not be affixed to any instruments whatsoever except in the presence of at least two of the four persons mentioned in section 23 (2), who shall sign their names to the instruments in token of their presence and such signing shall be independent of the signing of any person as a witness.

26. The Corporation shall be able and capable in law to take and hold any property movable or immovable which may become vested in it by virtue of any grant, gift, testamentary disposition, or otherwise, and all such property shall be held by the Corporation for the purposes of this Ordinance.

Corporation may hold property movable or immovable.

27. It shall be lawful for the Corporation to demise any of the lands vested in it for building or other purposes, on lease for any term not exceeding ninety-nine years, reserving the best yearly or monthly rental procurable for the same and with the ordinary covenants for re-entry in case of non-payment of rent, breach of covenants, or otherwise.

Corporation may demise lands on lease.

28. (1) It shall not be lawful for the Corporation to sell, exchange, or mortgage any of the lands vested in it without the leave of the District Court of Colombo, which leave shall be applied for by petition addressed to the said Court setting out the fact and reasons for which the Corporation desires to sell, exchange, or mortgage such lands, and praying for a decree of the said Court.

Corporation may not sell, exchange or mortgage lands without leave of court.

(2) A copy of every such petition shall be served on the Attorney-General at least fourteen days before the hearing of the petition.

(3) The Attorney-General may oppose the prayer of the petition, and if, after hearing him upon such opposition, the said court shall be of opinion that it will be for the general advantage of the Corporation to grant the prayer of the petition, a decree may be made to that effect, and if the Court declined to grant the prayer of the petitioner it shall be competent for the petitioner to appeal to the Supreme Court; and any land so sold or exchanged or any land which, having been mortgaged is sold in execution under a mortgage decree obtain from competent court shall be held by the purchaser or person taking the same in exchange free of the trusts created by this Ordinance.

29. In case doubt or ambiguity shall arise, and any controversy shall take place among the members of the Corporation and of the Committee of Management, or either of them, as to the interpretation of this Ordinance or as to the powers of the said Committee the same shall be referred to the Governor in Executive Council whose decision shall be final and conclusive.

Doubts or ambiguities how decided.

30. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King; His Heirs and Successors or of 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 of rights of the Crown.

#### *Objects and Reasons.*

The object of this Bill is to incorporate the Ceylon Railway Uniform Staff Benevolent Fund Association which was established for the several purposes detailed in Clause 3 of this Bill.

H. W. AMARASURIYA,  
Mover of the Bill.

February 28, 1947.

### MINUTE.

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

**NUGEGODA YOUNG MEN'S BUDDHIST ASSOCIATION.**

#### **An Ordinance to incorporate the Nugegoda Young Men's Buddhist Association, Nugegoda.**

WHEREAS an association, called and known as "The Nugegoda Young Men's Buddhist Association", has heretofore been established at Nugegoda for the purpose of effectively carrying out and transacting all matters connected with the said Association according to the rules agreed to by its members:

And whereas the said association has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated, and it will be 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 Nugegoda Young Men's Buddhist Association Ordinance.

Short title.

2. From and after the passing of this Ordinance the President, Vice-President, and members of the Committee of Management for the time being of the said Young Men's Buddhist Association, Nugegoda, and such and so many

Incorporation of the Young Men's Buddhist Association, Nugegoda.

persons as now are members of the Young Men's Buddhist Association, Nugegoda, or shall hereafter be admitted members of the Corporation hereby constituted, shall be and become a corporation with continuance for ever under the style and name of "The Nugegoda Young Men's Buddhist Association", and by that name shall and may sue and be sued in all Courts, with full power and authority to have and use a common seal and alter the name at their pleasure.

General Objects of the corporation.

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

- (a) the study and propagation of Buddhism.
- (b) the encouragement of the practical observance of Buddhism.
- (c) the promotion of co-operation and unity among members.
- (d) the advancement of the physical, intellectual, and social welfare of the members.
- (e) Engaging in Social Welfare Work.

Committee of Management.

4. (1) The affairs of the corporation shall, subject to the rules in force for the time being of the corporation as hereinafter provided, be administered by a Committee of Management consisting of the President, five Vice-Presidents, two Honorary Joint Secretaries, and Honorary Treasurer respectively of the corporation and not less than 20 other members, to be elected respectively in accordance with the rules for the time being of the corporation.

(2) All members of the corporation shall be subject to the rules in force for the time being of the corporation.

(3) The first Committee of Management shall consist of :—

President	..	H. Leelananda Caldera
Vice-Presidents	..	V. de S. Rajakaruna Muhandiram A. M. Dias Amaratunge W. L. Gunawardena O. D. Perera D. W. Rupasinghe
Hony. Jt. Secretaries	..	W. D. Piyasena Perera M. L. A. Perera
Hony. Treasurer	..	W. A. Perera
„ Asst Treasurer	..	L. H. A. Perera
Business Manager	..	K. A. Mihindukulasuriya W. H. Edirisinghe D. C. Jayakody A. P. Gunaratne M. A. William Silva P. M. Dabare R. A. Gunatilake P. M. Karunaratne K. A. C. Mihindukulasuriya Martin Madurapperuma S. M. V. Perera L. A. V. Perera D. T. Tillakaratne D. N. W. Dias K. Herbert de Silva M. D. G. Basnayake B. P. Jayawardena C. E. Perera U. L. P. Somakirti D. C. Kuragama G. D. William Asoka Peiris

Power to make rules.

5. It shall be lawful for the corporation from time to time at any general meeting of the members, and by a majority of votes to make rules for the admission, withdrawal or expulsion of members; for the conduct of the duties of the Committee of Management and of the various officers, agents, and servants of the corporation; for the procedure in the transaction of business; and otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects. Such rules when made may, at a like meeting be altered, added to, amended or cancelled, subject, however, to the requirements of section 7.

Rules in the Schedule to be the rules of the corporation.

6. Subject to the provisions in the preceding section contained, the rules set forth in the Schedule shall for all purposes be the rules of the corporation: Provided, however, that nothing in this section shall be held or construed to prevent the corporation at all times hereafter from making fresh rules, or from altering, amending, adding to, or cancelling any of the rules in the Schedule or to be hereafter made by the corporation.



7. No rule in the Schedule, nor any rule hereafter passed at a general meeting, shall be altered, added to, amended, or cancelled, except by a vote of two-thirds of the members present at a general meeting of the association, provided that such amendment shall have been previously approved by the Committee of Management.
8. On the coming into operation of this Ordinance all and every the property belonging to the said Nugegoda Young Men's Buddhist Association, whether held in the name of the said Nugegoda Young Men's Buddhist Association, or in the name or in the names of any person or persons in trust for the said Nugegoda Young Men's Buddhist Association, shall be and the same are hereby vested in the Corporation hereby constituted, and the same, together with all after acquired property, both movable and immovable, and all subscriptions, contributions, donations, amounts of loan, and advances received or to be received, shall be held by the said Corporation for the purposes of this Ordinance and subject to the rules in force for the time being of the said Corporation.
9. All debts and liabilities of the said Nugegoda Young Men's Buddhist Association, existing at the time of the coming into operation of this Ordinance shall be paid by the Corporation hereby constituted, and all debts due to and subscriptions and contributions payable to the said Nugegoda Young Men's Buddhist Association," shall be paid to the said Corporation for the purposes of this Ordinance.
10. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of two of the members of the Committee of Management, 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.
11. The Corporation shall be and capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition, or otherwise, and all such property shall be held by the Corporation for the purposes of this Ordinance and subject to the rules for the time being of the said Corporation, with full power to serve, mortgage, lease, exchange or otherwise dispose of the same.
12. Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King His Heirs, and successors, or of 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.

Procedure for amendment of rules.

Property vested in Corporation.

Debts due by and payable to the Corporation.

How the seal of the Corporation is to be affixed.

Corporation may hold property, movable and immovable.

Saving of the rights of the Crown and others.

#### SCHEDULE.

##### *The Young Men's Buddhist Association, Nugegoda.*

1. *Name.*—The association shall be called "The Nugegoda Young Men's Buddhist Association".

2. *Objects.*—The objects of this Association shall be :

1. Study and propagation of Buddhism.
2. The encouragement of the observance of Buddhist practices.
3. The promotion of Co-operation and unity among members.
4. The advancement of the physical, intellectual and social welfare of members.
5. Engaging in social welfare work.

3. *Membership.*—Men not less than 18 years of age having any or all of above objects in view are eligible for membership. Members shall be classified as Active, Associate, or life members.

Active members shall pay a subscription of one rupee a month or ten rupees yearly in advance. Any member who pays ten years subscription in advance or any person who makes a donation of an amount not less than rupees hundred (Rs. 100); may be elected a life member. Associate members shall pay a subscription of fifty cents monthly or five rupees yearly in advance. No Associate member shall be entitled to forward a resolution or to vote at a General Meeting or to be elected as an Office bearer.

Every application for membership shall be countersigned by two active members and shall be forwarded to the Hon'y. Joint Secretaries, who shall submit it to the Committee of Management at its next meeting.

The Committee of Management reserves the right to accept or reject such applications.

4. *Office-bearers.*—Office-bearers of this Association shall consist of a Patron from among the Sangha, a Patron from the

laity, President, five Vice-Presidents, two Honorary Joint Secretaries, an Honorary Treasurer, an Honorary Assistant Treasurer, an Auditor and a Business Manager.

5. *Committee of Management.*—The affairs of the Association shall be administered by a committee of management consisting of the President, Vice-Presidents, two Joint Secretaries, two Treasurers, a Business Manager and not exceeding twenty-five other members who shall be elected at the Annual General Meeting of the Association.

A meeting of the Committee of Management shall be held at least once a month on the first Sunday; in case of any emergency the Hony. Joint Secretaries have the power to call a meeting upon the written requisition of 12 members of the Committee of Management, the Secretaries shall call a meeting of the Committee.

The Committee of Management reserves to itself the right to remove from the Committee any member absenting himself at 4 consecutive Committee Meetings without informing the Hony. Secretaries in writing.

The Committee of Management shall also be empowered to fill any such vacancy temporarily.

6. *Meetings of the Committee.*—Seven members shall form the quorum at all meetings of the Committee of Management.

7. *Board of Trustees.*—The board of Trustees shall consist of the President, one of the two Joint Secretaries who shall be elected at an annual general meeting, Treasurer and four other members who are not office-bearers and who shall be elected at an annual general meeting.

Four members shall form the quorum at all meetings of the Board of Trustees.

8. It shall be the duty of the Hony. Secretaries to inform any member whose subscription is in arrears, at least a month prior to the motion of removal of his name off the register of members at the Committee Meeting.

9. Every notice of motion to be moved at a committee meeting or at a general meeting of the Association shall be in writing. Unless such notice is received by the Hony. Joint Secretaries seven days before the meeting, the motion shall not be included in the agenda.

10. *General Meeting of the Association.*—The annual general meeting of the association shall be held in the month of February, at which the report of the Committee of Management and of the Treasurer shall be presented. The Hony. Joint Secretaries shall convene a general meeting of the Association at the request of the Committee of Management, or upon the requisition of not less than 20 members of the association.

11. *Funds of the Association.*—The funds of the Association shall be invested in the Ceylon Savings Bank in the Bank of Ceylon or in any other bank duly approved by the Committee of Management.

*Withdrawals.*—The Committee of Management has the power to sanction whenever necessary, the withdrawal of any sum of money not exceeding Rs. 500. Any sum of money exceeding Rs. 500 should have the prior approval of the Board of Trustees, in addition to the sanction of the Committee of Management.

Whenever the approval is sought from the Board of Trustees to withdraw a sum of money exceeding Rs. 500, it shall be necessary to submit for their information an audited statement of Accounts showing the financial position of the Society.

All withdrawals of money should be on the signatures of the President, Hony. Treasurer, and either of the Joint Secretaries.

12. *Income and Expenditure Statements.*—A monthly statement of Income and Expenditure duly certified by the Hony. Auditor shall be submitted to the monthly meeting of the Committee of Management. Similarly, the Income and Expenditure Statement in respect of the preceding year, duly certified by the Hony. Auditor, shall also be presented at the Annual General Meeting.

13. *Adoption of Rules and Regulations.*—The repeal or amendment of an existing regulation or the adoption of a new rule shall be vested solely in the annual general meeting. However, the Committee of Management shall be empowered to repeal, amend or adopt any rule or regulation temporarily, pending the holding of the Annual General Meeting. The Constitution can be amended only by a vote of two-thirds of those present at the general meeting of the Association, provided that such amendment shall have been previously approved by the Committee of Management.

A fortnight's notice shall be given to the members of any proposed alteration of the rules.

#### *Objects and Reasons.*

The object of this Bill is to incorporate the Nugegoda Young Men's Buddhist Association.

This association was established for the purpose detailed in Clause 3 of the Bill.

THOMAS AMARASURIYA,  
Mover of the Bill,

March 4, 1947.

## MINUTE.

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

L. D.—O. 11/47.—M. L. A.—BB. 1099.

**An Ordinance to make special provision to enable the members of the Jaffna Urban Council, whose term of office is due to expire on the thirty-first day of December, 1947, to continue in office until the thirty-first day of December, 1948.**

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 Jaffna Urban Council (Term of Office) Ordinance, No. of 1947. Short title.

2. The term of office of the members of the Jaffna Urban Council, which, under section 2 of the Jaffna Urban Council (Term of Office) Ordinance, No. 10 of 1946, is due to expire on the thirty-first day of December, 1947, is hereby extended to and shall expire on the thirty-first day of December, 1948. Extension of term of office.

*Objects and Reasons.*

The term of office of the members of the Jaffna Urban Council was extended for one year by Ordinance No. 10 of 1946, as it was thought that a municipality would be constituted for the town of Jaffna from January 1, 1948.

As the Bill consolidating the law relating to Municipal Councils is not likely to become law until May, 1947, it has been decided to constitute the municipality for the town of Jaffna from January 1, 1949. The object of this Bill is to extend the term of office of the members for a further year until the date of the constitution of the Municipal Council.

It is also proposed to constitute municipalities from January 1, 1949, for the towns of Nuwara Eliya and Kurunegala and to extend the term of office of the members of those Councils for a further year. No reference has been made to these two Councils in the Bill as the object in view can be achieved by an Order under section 16 of the Urban Councils Ordinance as amended by the Local Authorities Elections Ordinance, No. 53 of 1946.

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

Colombo, 14th March, 1947.

## MINUTE.

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

L. D. —O. 29/45./M. L. A.—BA. 636.

**An Ordinance to amend the Land Acquisition 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 Land Acquisition (Amendment) Ordinance, No. of 1947. Chapter 203.  
(Volume V.,  
page 507).

2. Section 12 of the Land Acquisition Ordinance (hereinafter referred to as "the principal Ordinance") is hereby repealed and the following new section substituted therefor:— Amendment of  
section 12 of  
Chapter 203.

12. (1) At any time after the Governor is notified that an award under section 9 or a reference to court under section 11 has been made by the Government Agent in respect of any land, the Governor may, by Order published in the *Gazette*, direct the Government Agent, or any other officer of the Crown authorised in that behalf by the Government Agent, to take possession of the land for and on behalf of His Majesty; and with effect from the date of the publication of the Order the land shall, by virtue of the Order, vest absolutely in His Majesty free from all encumbrances; and thereupon, possession may be taken of the land by the Government Agent or such authorised officer: Order for  
taking  
possession  
of land.

Provided, however—

- (i) that where it has become necessary to obtain immediate possession of any land, for the purpose of repairing or preventing any slip or accident which has occurred or is apprehended to any cutting, embankment or other work connected with any railway constructed or being constructed by or on behalf of the Ceylon Government, or for the purpose of maintaining traffic on such railway, an Order under the preceding provisions of this

sub-section may be made by the Governor at any time after the publication by the Government Agent of a notice under section 6 in respect of such land ; and

- (ii) that where it has become necessary to obtain immediate possession of any land on the ground of any other urgency, an Order may be made by the Governor under the preceding provisions of this sub-section at any time after the expiry of a period of twenty-one days next succeeding the date of publication by the Government Agent of a notice under section 6 in respect of such land.

(2) No officer acting under the authority of any Order made in respect of any land in the circumstances set out in paragraph (i) of the proviso to that sub-section shall take possession of any building or part of a building standing on the land unless he has given the occupier thereof at least forty-eight hours' notice of his intention to do so or such longer notice as may be reasonably sufficient to enable such occupier to remove his movable property from such building or part thereof without unnecessary inconvenience.

(3) Every officer acting under the authority of any Order made under sub-section (1) in respect of any land in the circumstances set out in either of the paragraphs of the proviso to that sub-section, shall, at the time of taking possession of the land, offer to the persons interested therein compensation for any standing crops and trees on the land and for any other damage sustained by them by reason of the sudden dispossession, not being damage excepted by section 22 ; and in the event of such offer not being accepted, the value of such crops and trees and the amount of such other damage shall be allowed in awarding compensation under the provisions in this Ordinance contained.

Insertion of new section 12A in the principal Ordinance.

Order of court for delivery of possession.

3. The following new section is hereby inserted immediately after section 12. of the principal Ordinance and shall have effect as section 12A of that Ordinance :—

12A. (1) Where any officer authorised by or under this Ordinance to take possession of any land for and on behalf of His Majesty is unable or apprehends that he will be unable to do so by reason of any obstruction or resistance that has been or is likely to be offered, such officer shall, on his making an application in that behalf to the Magistrate's Court having jurisdiction in the area within which the land is situated, be entitled to an order of Court directing the Fiscal to deliver possession of such land to such officer.

(2) The Fiscal shall execute the order forthwith upon the receipt thereof and shall make a written return to the Court of the manner in which he has executed the order.

(3) For the purpose of executing the order, the Fiscal or any person authorised in that behalf by the Fiscal may use such force as may be necessary to enter the land, to eject any person in occupation of the land and to deliver possession of the land to the officer authorised to take such possession for and on behalf of His Majesty.

Amendment of section 43 of the principal Ordinance.

4. Section 43 of the principal Ordinance is hereby amended by the substitution for the words, " unless the land has been taken possession of by the Government under section 12.", of the following words :—

" unless an order made under section 12 (1) in respect of the land has been published as required by that section."

Repeal of Schedule to the principal Ordinance.

Savings for pending acquisition proceedings

5. The Schedule to the principal Ordinance is hereby repealed.

6. (1) For the purposes of each case, in which any step for the acquisition of a land has been commenced under the principal Ordinance before the date on which this Ordinance comes into operation, and in which the sanction or direction required by the principal Ordinance for taking possession of the land has been given before that date, the provisions of the principal Ordinance which are repealed or amended by the preceding sections of this Ordinance shall continue to have effect in all respects as if they had not been so repealed or amended.

(2) Nothing in sub-section (1) shall be construed or deemed to exclude the operation of the new section 12A, inserted in the principal Ordinance by section 3 of this Ordinance, in any case to which that sub-section applies.

*Objects and Reasons.*

The object of this Bill is to make certain amendments in the Land Acquisition Ordinance (Chapter 203), which experience in the administration of the Ordinance has shown to be necessary.

2. Section 12 of the Ordinance provides that title to land shall vest in the Crown on an officer of the Crown signing a certificate to the effect that he has taken possession of the land for and on behalf of the Crown. No such certificate is required by the corresponding Acts in India and Australia, and in view of the delay which the Crown has experienced recently in obtaining possession of land under the Ordinance, it is proposed to dispense with that requirement and to replace that section by a new section which provides that title to land shall vest in the Crown with effect from the date of the publication in the Gazette of an Order made by the Governor directing that possession of the land shall be taken for and on behalf of the Crown (Clause 2).

3. The Ordinance, unlike the corresponding Acts in India and Australia, does not contain special provision to enable possession of land to be delivered to the Crown in any case where the Crown is unable to obtain possession by reason of any resistance or obstruction by person in occupation of the land. Such cases have occurred recently, and due to the absence of such provision, the Crown has experienced considerable delay in obtaining possession of land. As it is felt that such delay is not in the public interest, it is proposed that, in such cases, possession of land should be delivered to an officer of the Crown by the Fiscal under the authority of an order issued by the Magistrate's Court on application in that behalf made by such officer (Clause 3). A similar provision appears in the Land Development Ordinance (Chapter 320).

4. Clauses 4 and 5 of the Bill make certain consequential amendments in the Ordinance which are rendered necessary by the amendments set out in Clauses 2 and 3.

5. It is made clear by Clause 6 of the Bill that the amendments to the Ordinance set out in Clauses 2, 4 and 5 are not to apply to acquisition proceedings pending at the date of the amendments.

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

Colombo, 20th March 1947.

**DISTRICT AND MINOR COURTS NOTICES.**

UNDER the provisions of section 19 of the Rural Courts Ordinance, No. 12 of 1945, I hereby notify that Rural Court sittings at Damana in Wewgam pattu, Batticaloa District, will hereafter be held at Bt/Damana Government Sinhalese Mixed School at Damana, monthly, on a Saturday to be specified by the President, Rural Courts, Akkara, Panama and Wewgam pattu.

The District Court,  
Batticaloa, March 13, 1947.

T. Q. FERNANDO,  
District Judge.

**NOTICES OF FISCALS' SALES.****Western Province.**

In the Court of Requests of Colombo.

T. Wickremasinghe of 141, Egoda Kolonnawa, Wellampitiya ..... Plaintiff.  
No. 2,793. Vs.

W. P. Perera of 16, Old Kolonnawa road, Dematagoda ..... Defendant.

NOTICE is hereby given that on Friday, April 18, 1947, at 2.30 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 100, with legal interest thereon from July 18, 1946, till payment in full and Rs. 16.75 being taxed costs, viz:—

All that land and premises bearing assessment No. 16, Old Kolonnawa road, called Sinhapura, and comprised of the following two contiguous allotments of land and now forming one property, viz:—

(a) All that portion of the land called Etambagahawatta, situated at Old Kolonnawa within the Municipality and District of Colombo, Western Province; and bounded on the north by another portion of the same garden marked B now separated from it, east by Old Kolonnawa road, south by another part of the same garden marked lot C being the lot hereinafter described, and west by cinnamon garden, containing in extent 34 perches.

(b) All that portion of the land called Etambagahawatta, situated at Old Kolonnawa aforesaid; and bounded on the north by a part of the same land being the lot above described, east by Old Kolonnawa road, south by a portion of this land now separated from it, and west by cinnamon garden, containing in extent 7 perches and held and possessed by the defendant under and by virtue of deed No. 495 dated November 23, 1937, and attested by T. T. Fernando of Colombo, Notary Public—subject to the life interest of Wilorage Roslin Perera.

Fiscal's Office,  
Colombo, March 19, 1947.

G. M. CHINNATAMBY  
Deputy Fiscal.

In the District Court of Awissawella.

Baladara Hakuruge Adonis of Hunguralakanda ..... Plaintiff.  
No. 4,335. Vs.

(1) Watte Wahumpurage Enga and another of Hinguralakanda ..... Defendant.

NOTICE is hereby given that on Friday, April 18, 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. 438.92, with legal interest on Rs. 315 from November 19, 1942, till payment in full.

The land called Walamingegama, situated at Hinguralakanda in Panawal korale of three korales in the District of Kegalla, Province of Sabaragamuwa; and bounded on the north by Mala dola separating the land belonging to Singotchiya and Galkona, east by Kehelwalaela, south and west by Nawagomuwalage Gamima; and containing in extent about five bushels of paddy sowing Valuation Rs. 1,250

Fiscal's Office,  
Awissawella, March 17, 1947.

A. V. P. SAMARANAYAKA,  
Deputy Fiscal.

**Northern Province.**

In the Court of Requests of Point Pedro.

Murugan Andy of Thondamanar ..... Plaintiff.  
No. 1,245. Vs.

(1) Selvathiraviam, daughter of Ramalingam Ponniah of Thankkaracurichy, minor, appearing by her guardian *ad litem*, Mr. K. Philip, Chief Clerk of the Court of Requests of Point Pedro, (2) Ponniah Suntheralingam of Thankkaracurichy, minor, appearing by his guardian *ad litem*, Vyaivipillai Sina-thurai of Thankkaracurichy ..... Defendants.

NOTICE is hereby given that on Saturday, April 12, 1947, at 10 o'clock in the forenoon, will be sold by public auction at this office the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 122.50, with interest on Rs. 100 at the rate of 10 per cent. annum from July 31, 1946, till September 16, 1946, and thereafter on the aggregate amount at 9 per cent. per annum from September 16, 1946, until payment in full and costs Rs. 27.08 and poundage and charges, viz:—

The right, title, interest, claim and demand whatsoever of the defendants as heirs of Sinnathamby Veluppillai of Thankkaracurichy in, to, out of and upon the deed No. 338/18.11.42 executed by the said Sinnathamby Veluppillai in favour of Chellachy, widow of V. W. Chinniah Rasaratnam of Thankkaracurichy, for a re-transfer of the lands described below on

payment of Rs. 1,687 and interest at 7 per cent. per annum, but if interest is paid annually at 6 per cent. per annum, at any time within 5 years from the date of the said deed and attested by K. Sinnathamby, Notary Public, on November 18, 1942.

*Schedule of property referred to above.*

1. Land situated at Thanakkarachichy in Uduppiddy Parish, Vadamurachy Division of the Jaffna District, N. P., called "Palamoddaivadakku", in extent 50 lachams p.c. is bounded on the east by water-course, north by Achehmuttu, wife of Kandiah, and others, west by Appukuddy Sinnathamby and others, and south by Eledchumppillai, widow of Pomuah, and others: of the whole hereof an undivided  $\frac{1}{2}$  share.
2. Land situated at ditto called "Kottampalai" thoddam, (2) ditto 12 $\frac{1}{2}$  lachams varagu culture, ditto 40 $\frac{1}{2}$  lachams varagu culture, total extent is 55 lachams varagu culture and 16 $\frac{1}{2}$  kulies; of this according to possession after excluding an extent of 6 lachams varagu culture, on the west, the remainder is in extent 49 lachams varagu culture and 16 $\frac{1}{2}$  kulies, of this a  $\frac{1}{2}$  share on the north out of the northern half share is in extent 18 lachams varagu culture and 12 and 15/16 kulies, of this a divided extent of 14 lachams varagu culture and 3 and 15/16 kulies, on the east is bounded on the east by cattle path, north by road, west by Eledchumppillai, wife of Muruguppillai, and south by Sinnachchy, wife of Sinnathurai, of the whole hereof an undivided one-half share and the share thereto of the well lying within the entire land and the right of way and water-course.
3. Land situated at ditto called "Kottampalai" thoddam, (2) ditto 12 $\frac{1}{2}$  lachams varagu culture, ditto 40 $\frac{1}{2}$  lachams varagu culture, total extent is 55 lachams varagu culture and 16 $\frac{1}{2}$  kulies, of this according to possession excluding an extent of 6 lachams varagu culture, on the west, the remainder is in extent 49 lachams varagu culture and 16 $\frac{1}{2}$  kulies; of this the southern half share in extent 24 lachams varagu culture and 17 $\frac{1}{2}$  kulies is bounded on the east by cattle path, north by road, west by Sinnachchy, wife of Sinnathurai, and south by Arumugam Veeragaththy and others, of the whole hereof an undivided one half share and the share thereto of the well situated to the north within the entire land and the right of way and water-course.

Fiscal's Office,  
Jaffna, March 11, 1947.

K. C. CHELLAPPAH,  
for Fiscal,

**North-Western Province.**

In the District Court of Kurunegala.

Manuel Durage Jamis Silva of Kalubowila road, No. 374,  
Dehiwala . . . . . Plaintiff.  
No. 3,227. . . . . Vs.

Siyambalapitiye Aratchuge Lily, Perera of Bamunegedara  
now of 62/5, Pallewalpola, Negombo road, Kurunegala  
Defendant.

NOTICE is hereby given that on Wednesday, May 14, 1947, at 3 o'clock in the afternoon, will be sold by public auction at the premises commencing from the 1st land the right, title, and interest of the said defendant in the following property mortgaged with the plaintiff by bond No. 2060 dated October 28, 1944, and attested by D. N. Wiratunga, N. P., and declared specially bound and executable under decree dated February 26, 1946, and ordered to be sold by order of court dated February 20, 1947, for the recovery of the sum of Rs. 1,359.62, to wit, Rs. 1,180 being the aggregate amount of the principal and interest and Rs. 179.62 being cost of suit and thereafter with legal interest on the aggregate amount from November 5, 1945, to date of decree February 26, 1946, and thereafter with legal interest at 9 per cent. per annum till payment in full, viz. —

1. An undivided 2/6th share of Mailagahamulahena, containing in extent about one seer kurakkan sowing, situated at Bamunegedara in Kudagalboda korale of Weudawilli hatpattu in the District of Kurunegala, North-Western Province, and bounded on the north by the chena called Bogahamulahena, south by the limit of Ukkuhamy's field, east by the limit of Marthinu's field, west by the fence of the land of Kuna Mana Poriyakaruppan Chetty and exclusive of the house standing thereon and which said land is now bearing assessment No. 16.

2. An undivided 2/6th share of the land called Mailagahapillewa now bearing assessment No. 17 of about one seer kurakkan sowing in extent, situate at Bamunegedara aforesaid; and bounded on the north by the limitary ridge of Ranmenika's field, south by the limit of the field of Ukku Menika, east by the limit of the field of Marthinu, and west by the limit of the garden of Periyakaruppan Chetty and which said two lands now form one property called Mailagahamulahena and Mailagahapillewa now garden according to plan No. 249 dated September 22, 1944, made by Mr. N. R. Outschoon, Licensed Surveyor, is bounded on the north by the fence of the garden of Periyakaruppan Chetty, east by the fence of the field of Marthinu, south by the fence of the field of Ukkuhamy, west by the fence of the garden of Periyakaruppan Chetty; and containing in extent 2 acres and 3 roods. Valued at Rs. 2,500.

Fiscal's Office,  
Kurunegala, March 13, 1947.

W. D. M. PERERA,  
Deputy Fiscal.

**North-Central Province.**

In the District Court of Anuradhapura.

Maradankadawala Co-operative Stores Society, Ltd., Maradankadawala . . . . . Plaintiffs.  
No. Co-op. 8 (AS/57-Award) . . . . . Vs.  
S. M. T. Jinadasa of Maradankadawala . . . . . Defendant.

NOTICE is hereby given that on Saturday, April 19, 1947, commencing at 9 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 a sum of Rs. 2,276.90 and poundage, viz. —

1. All that field called Helambagahakumbura in Godapantiya, situated at Toruwewa in Toruwewa Tulana in Mamuniya korale in Kalagam palata in the District of Anuradhapura of the North-Central Province, and bounded on the north by Wagalepantiya wella, south by wella, east by lands belonging to Kapuralage Neele Ettam, and others, and west by field belonging to Puchiappuge Malhamy; containing in extent 5 lachas paddy by the laha holding 7 seers

2. All that field called Siyambalagaha kumbura in Godapantiya aforesaid; and bounded on the north by Wagalepantiya wella, south by wella, east by fields belonging to U. Suddahamy and others, and west by fields of Mohotti V. V. and others; containing in extent 10 lachas of paddy by the aforesaid laha

3. All that field called Pinkumbura in Godapantiya aforesaid; and bounded on the north by the boundary of Wagalepantiya, south by Wanola, east by field of T. M. Puchi Banda, and west by field of W. Kapurala; containing in extent 15 lachas of paddy by the aforesaid laha.

4. All that field called Siyambalagahakumbura in Godapantiya aforesaid; and bounded on the north by Wagalepantiya wella, south by jungle, east by fields of U. Tikurala and others, and west by fields of S. P. M. Dingiri Banda; containing in extent 5 lachas paddy by the aforesaid laha.

5. All that field called Godapantiyakumbura in Godapantiya aforesaid; and bounded on the north by Wagalepantiya boundary, south by jungle, east by fields of Ukku Banda and others, and west by field of Menik Ettana; containing in extent 5 lachas of paddy by the aforesaid laha.

6. All that field called Gambirigahakumbura in Wagalepantiya in Toruwewa aforesaid; and bounded on the north by jungle, south by wella, east by field of T. Mudiyanse V. V. and west by fields of Mohotti V. V. and others; containing in extent 10 lachas of paddy by the aforesaid laha.

7. All that field called Talakolaketupantiya in Toruwewa aforesaid; and bounded on the north by jungle, south by field of A. Ranmenika, east by field of G. M. Dharmadassa, and west by fields of A. Ranmenika and others; containing in extent 5 lachas of paddy by the aforesaid laha.

8. All that field called Talakolaketupantiya in Toruwewa aforesaid; and bounded on the north by jungle, south by field of W. Ram Menika, east by field of S. Nachchi Ettana, and west by field of G. M. Dharmadassa; containing in extent 5 lachas of paddy by the aforesaid laha.

9. All that field called Welkotupantiya in Toruwewa aforesaid; and bounded on the north by wella, south by fields of P. Puchi Banda and others, east by fields of Udayare and others, and west by fence; containing in extent 5 lachas of paddy by the aforesaid laha.

10. All that field called Ellapathkumbura in Welkotupantiya aforesaid; and bounded on the north by fields of P. Puchi Banda and others, south by tank bund, east by fields of Udayare V. V. and others, and west by fence; containing in extent 10 lachas of paddy by the aforesaid laha.

11. All that field called Accaraidama in Welkotupantiya aforesaid; and bounded on the north by lease land of S. M. T. Jinadasa, south by fence of Wagalepantiya, east by lease land, and west by field of T. Mudiyanse; containing in extent 15 lachas of paddy by the aforesaid laha.

12. All that field called Palugahakumbura in Pahalapanguwa in Nochehikulama in Mamuniyawa, and bounded on the north by fields of Kalu Banda and others, south by fields of K. Dingiri Ettana, east by jungle, and west by Welweta; containing in extent 7 $\frac{1}{2}$  lachas of paddy by the aforesaid laha.

13. An undivided  $\frac{1}{3}$  share of the land called Watudama in Toruwewa aforesaid; and bounded on the north by land of W. Ran Menika, south by Tank bund, east by Welweta, and west by the lands of W. Kapurala and others; containing in extent 1 acre with two tiled rooms and the plantations standing thereon.

14. All that field called Kumbukgahakumbura in Puranawela in Tamannagama; and bounded on the north by Accarawela, south by jungle, east by fields of U. Suddahamy and others, and west by field of K. G. Kapuruhamy; and containing in extent 5 lachas paddy by the aforesaid laha.

15. All that field called Siyambalagaha kumbura in Puranawela aforesaid; and bounded on the north by Accarawela, south by jungle, east by field of K. B. Udayare, and west by field of P. Malhamy; containing in extent 3 lachas of paddy by the aforesaid laha

Fiscal's Office,  
Anuradhapura, March 18, 1947.

K. B. DORANEGAMA,  
for Fiscal.

**NOTICES IN TESTAMENTARY ACTIONS.**

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction Napelyyanage Dharmasena of 50, Kolonnawa road, No. 12,317. . . . . deceased

Napelyyanage Elpu Singho of 50, Kolonnawa road, Kolonnawa . . . . . Petitioner.

Vs.  
Madanayakago Rosalina of 50, Kolonnawa road, Kolonnawa . . . . . Respondent,

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on February 3, 1947, in the presence of Mr. Fred G. de Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 31, 1947, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the father of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondent above named or any person or persons interested shall, on or before March 27, 1947, show sufficient cause to the satisfaction of this court to the contrary.

February 17, 1947.

N. SINNATAMBY,  
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 Walter Wilfred Wickremasinghe o  
No. 12,347. Egerton, Wasala road, in Colombo, deceased.

Maria Barbara Wickremasinghe of Egerton, Wasala road, in  
Colombo . . . . . Petitioner.

THIS matter coming on for disposal before N. Sinnathamby, Esq., Additional District Judge of Colombo, on February 25, 1947, in the presence of Mr. P. M. de S. Seneveretna, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 10, 1947, and the affidavit of the attesting notary and witnesses dated February 10 and 24, 1947, having been read:

It is ordered that the last will and testament of Walter Wilfred Wickremasinghe, the deceased above named, the original of which has been produced and is now deposited in this court, be and the same is hereby declared, proved, and the petitioner is the executrix named in the said will and the said petitioner be and she is hereby declared entitled to have probate of the said will issued to her accordingly, unless any person or persons interested shall, on or before May 15, 1947, show sufficient cause to the satisfaction of this court to the contrary.

March 7, 1947. N. SINNETAMBY,  
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. Trust Disposition and Settlement of Major  
No. 12,361. James Kennedy Tullis, D.L., J.P., Leather  
Merchant, sometime of 13, Park Circus place,  
Glasgow, and late of Bangle Bras, Tullibody,  
Clackmanshire, Scotland, deceased.

THIS matter coming on for disposal before N. Sinnathamby, Esq., Additional District Judge of Colombo, on March 6, 1947, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Alexander Godfrey Donn, care of The Mercantile Bank of India, Limited, Colombo; and (1) the affidavit of the said petitioner dated February 19, 1947, (2) the Power of Attorney dated September 1, 1946, and (3) the order of the Supreme Court dated January 30, 1947, having been read: It is ordered that the will of the said Major James Kennedy Tullis, deceased, dated January 14, 1930, a certified copy of which under the seal of the Keeper of the Registers and Records of Scotland 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 Alexander Godfrey Donn is the attorney in Ceylon of the executrix 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 May 22, 1947, show sufficient cause to the satisfaction of this court to the contrary.

March 12, 1947. N. SINNETAMBY,  
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. Ellen Marion Green of The Home Estate, Gam-  
No. 12,356. paha, in the Island of Ceylon, widow, deceased.

THIS matter coming on for disposal before V. L. St. C. Swan, Esq., Additional District Judge of Colombo, on March 3, 1947, in the presence of Messrs. F. J. & G. de Saram, Colombo, Proctors, on the part of the petitioner, Cecil Albert Knowles care of the Imperial Bank of India, Colombo; and (1) the affidavit of the said petitioner dated February 19, 1947, (2) the power of attorney dated December 18, 1946, and (3) the affidavit of the attesting Notary dated February 21, 1947, having been read: It is ordered that the will of the said Ellen Marion Green, deceased, bearing No. 2285 dated July 17, 1938, and attested by James Aubrey Martensz 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 Cecil Albert Knowles 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 May 22, 1947, show sufficient cause to the satisfaction of this court to the contrary.

March 12, 1947. N. SINNETAMBY,  
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. Thomas Forbes Robertson of 1800 El Encanto  
No. 12,365. road, Santa Barbara, California, United States  
of America, deceased.

THIS matter coming on for disposal before N. Sinnathamby, Esq., Additional District Judge of Colombo, on March 7, 1947, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, James Robert Norman Shirreff care of the Mercantile Bank of India, Limited, Colombo; and (1) the affidavit of the said petitioner dated February 14, 1947, (2) the Power of Attorney dated January 20, 1947, having been read: It is ordered that the will of the said Thomas Forbes Robertson, deceased, dated February 24, 1941, a certified copy of which under the seal of the Superior Court of the County of Santa Barbara, State of California, 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 James Robert Norman Shirreff is the attorney in Ceylon of the executrices 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 May 22, 1947, show sufficient cause to the satisfaction of this court to the contrary.

March 13, 1947. N. SINNETAMBY,  
Additional District Judge.

In the District Court of Panadura.

*Order Nisi.*

Sampathawaduge Solostina Silva of Panadura . . . . . Petitioner.  
No. 65 (Testy.)

Vs.

(1) Beminahomnodge Solostina Fernando, (2) Pinnaduwayge  
Cecilia Silva, (3) ditto Salamon Silva, (4) ditto Josalire  
Silva, all of Panadura . . . . . Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Panadura, on February 5, 1947, in the presence of Mr. D. R. de Silva, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 30, 1946, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of Pinnaduwayge Abraham Silva of Panadura, deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before March 26, 1947, show sufficient cause to the satisfaction of this court to the contrary.

February 5, 1947. K. D. DE SILVA,  
District Judge.

In the District Court of Panadura.

*Order Nisi.*

Hettikankanange Aaron Perera Wijesekera of  
Molligoda . . . . . Petitioner.  
No. 66 (Testy.)

Vs.

(1) Hettikankanango Podnoma Perera of Ratmalana, (2)  
ditto Joslin Perera of Attidiya, (3) ditto Emalinona Peperera of  
Bekkegama, (4) Galpottage Welmina Perera of Malamulla,  
(5) ditto Carolis Perera of Attidiya, (6) Kahawitige Dona  
Roshni Nona of Nanduwa, (7) Hettikankanange David  
Perera of Thalpitaya, (8) ditto Somawathie Perera of Rat-  
malana, (9) ditto Teeman Perera of Thalpitaya, (10) ditto  
Samie Perera of Thalpitaya, (11) ditto Engalaina Perera of  
Mahawila, (12) ditto Dondris Perera, (13) ditto Limoris Perera,  
(14) ditto Buddhadasa Perera, (15) ditto Punyawathie Perera,  
(16) ditto Somajeeva Perera, (17) ditto Premawathie Perera,  
(18) ditto Ariyadasa Perera, (19) ditto Nandawathie Perera,  
(20) ditto Thilakanatha Perera, (21) ditto Lionel Perera, all  
of Thalpitaya, 17th, 18th and 21st respondents, minors, by  
their guardian *ad litem*, the 16th respondent . . . . . Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Panadura, on February 5, 1947, in the presence of Mr. D. R. de Silva, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated January 8, 1947, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as nephew of Hettikankanange Arthur Perera, deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 26, 1947, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 16th respondent above named be and he is hereby appointed guardian *ad litem* over the 17th, 18th and 21st respondents, minors, unless the respondents above named or any other person or persons interested shall, on or before March 26, 1947, show sufficient cause to the satisfaction of this court to the contrary.

February 5, 1947. K. D. DE SILVA,  
District Judge.

In the District Court of Panadura

*Order Absolute declaring Will proved.*

No. 67 (Testy.) In the Matter of the Last Will and Testament of  
Mahawaduge Aldie Caroline Perera of Moratuwa,  
deceased.

Telge Joseph Solomon Peiris of 697, Moratumulla in Mora-  
tuwa . . . . . Petitioner.

THIS matter coming on for final determination before K. D. de Silva, Esq., District Judge of Panadura, on February 5, 1947, in the presence of Mr. D. R. de Silva, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated August 10, 1946, and the affidavit of the Notary and attesting witness dated October 8, 1946, having been read:

It is ordered that the will of the above-named deceased, bearing No. 203 dated September 5, 1945, and attested by J. V. de Silva, Notary Public, now deposited in this court, be and the same is hereby declared proved:

It is further declared that the petitioner is the executor named in the said last will and it appearing to this court that he has established his right thereto it is further ordered that he is entitled to have probate of the same issued to him accordingly.

February 5, 1947. K. D. DE SILVA,  
District Judge.

In the District Court of Panadure.  
*Order Absolute in the First Instance.*

Testamentary In the Matter of the Joint Mutual Last Will and  
Jurisdiction. Testament of Lewishennedige Jacovis Fernando,  
No. 73. deceased, and wife, Mahamarakkalapatābendige  
Nanny Liyanora Fernando *nee* Dias of  
"Jayante", Wekada, Panadure.

Mahamarakkalapatābendige Nanny Liyanora Fernando *nee*  
Dias of "Jayante", Wekada, Panadure . . . . . Petitioner

THIS matter coming on for final disposal before K. D. de Silva,  
Esq., District Judge of Panadure, on March 12, 1947, in the presence  
of Mr. J. H. Sri Chandrasekera, Proctor, on the part of the petitioner,  
Mahamarakkalapatābendige Nanny Liyanora Fernando *nee* Dias of  
"Jayante", Wekada, Panadure; and (1) the affidavit of the said  
petitioner dated March 7, 1947, and (2) the affidavit dated March 7,  
1947, of the sole surviving witness to the last will, having been read:

It is ordered that the Joint Mutual Last Will and Testament of  
the said Lewishennedige Jacovis Fernando, deceased, and the said  
Mahamarakkalapatābendige Nanny Liyanora Fernando *nee* Dias  
bearing No. 156 dated May 29, 1921, and attested by C. S. Perera of  
Panadure, Notary Public (the original of which said last will 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  
Mahamarakkalapatābendige Nanny Liyanora Fernando *nee* Dias  
is the sole executrix named in the said last will and that she is  
entitled to have probate thereof issued to her accordingly subject  
to her tendering the usual oath.

March 12, 1947.

K. D. DE SILVA,  
District Judge.

In the District Court of Negombo.

*Order Nisi.*

No. 3,399/T. In the Matter of the Intestate Estate of Kachcha-  
kaduge Charlis Fernando of Dandugama, deceased  
Pitipānaga Lucia Fernando of Kēpungoda . . . . . Petitioner.

Vs.

(1) Kachchakaduge John Fernando, (2) ditto Gracia Fernando,  
(3) ditto Maria Fernando, (4) ditto Aloysius Fernando, (5)  
ditto Rogues Fernando, (6) ditto Remegius Fernando, (7)  
ditto Leonard *alias* Lenny Fernando, all of Dandugama,  
(8) ditto Joseph Fernando of Kēpungoda . . . . . Respondents.

THIS matter coming on for disposal before Leonard B. de Silva,  
Esq., District Judge of Negombo, in the presence of Mr. R. J.  
Ederisinghe, Proctor, on the part of the petitioner above named;  
and the affidavit of the petitioner dated November 6, 1946, having  
been read:

It is ordered and decreed that the petitioner above named, be  
and she is hereby declared entitled, as the wife 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.

November 21, 1946.

LEONARD B. DE SILVA,  
District Judge.

Time for showing cause has been extended for March 21, 1947.

In the District Court of Negombo

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the late  
Jurisdiction. Wickramasinghe Alugolle Appuhamillage The-  
No. 3,408. manus Appuhamy of Waradala, deceased.

Wickramasinghe Alugolle Appuhamillage Marthelis Appu-  
hamy of Waradala . . . . . Petitioner.

Vs.

(1) Wickramasinghe Alugolle Appuhamillage Menchi Nona  
Hamine of Udawela, (2) Wickramasinghe Alugolle Appu-  
hamillage Jane Nona-Hamine of Elbichehiya, (3) Pathiraja  
Mudalige Punchappuhamy, (4) Pathiraja Mudalige Herath  
Banda, (5) Pathiraja Mudalige Maglin Nona, all of Mura-  
thenge . . . . . Respondents.

THIS matter coming on for disposal before Leonard B. de Silva,  
Esq., District Judge of Negombo, on January 30, 1947, in the  
presence of Messrs. Sriwardana & Samaratunga, Proctors, on  
the part of the petitioner, above named; and the affidavit of the  
petitioner dated November 25, 1946, having been read:

It is ordered that the petitioner above named, be and he is hereby  
declared entitled, as brother of the deceased above named, 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 February 25, 1947,  
show sufficient cause to the satisfaction of this court to the contrary.

January 30, 1947.

LEONARD B. DE SILVA,  
District Judge.

Date for showing cause against this *Order Nisi* is extended to  
March 25, 1947.

March 25, 1947

LEONARD B. DE SILVA,  
District Judge.

In the District Court of Negombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of the late  
Jurisdiction. Dona Charlotte Ranasinghe *nee* Jayasinghe of  
No. 3,409. Yatiyana, Minuwangoda, deceased.

Piyasena Perera Ranasinghe, Proctor, Negombo . . . . . Petitioner.

Vs.

(1) Don Walter Jayasinghe of Regina Casa, Baseline road, Dema-  
tagoda, (2) Don Henry Jayasinghe of Arbutnut road, Borella,  
(3) Mrs. E. N. Perera of Wijeyaratne Town, Dematagoda,

(4) Mrs. Willie Weerasekera of Edward lane, Bambala-  
pitiya, (5) Don Reginald Jayasinghe, (6) Dona Lily Wijeratne,  
(7) D. Shelton Jayasinghe, (8) Dona Irish Wijeyewardane, all  
of Regina Casa, Baseline road, Dematagoda . . . . . Respondents.

THIS matter coming on for disposal before Leonard B. de Silva,  
Esq., District Judge of Negombo, on February 5, 1947, in the  
presence of Messrs. Sriwardana & Samaratunga, Proctors, on the  
part of the petitioner above named; and the affidavit of the petitioner  
dated February 5, 1947, having been read:

It is ordered that the petitioner above named be and he is hereby  
declared entitled, as the husband of the deceased above named, 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 March 6, 1947, show  
sufficient cause to the satisfaction of this court to the contrary

February 5, 1947

L. B. DE SILVA,  
District Judge.

Time for showing cause against this *Order Nisi* is hereby extended  
to April 17, 1947.

March 6, 1947.

L. B. DE SILVA,  
District Judge.

In the District Court of Kalutara

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Hengedera  
Jurisdiction. Hawage Edwin deceased of Kevitiya-  
No. 3,296. gala

(1) Kamburawala Vithanage Asslin Nona of Kambura-  
wela . . . . . Petitioner

THIS matter coming on for disposal before J. H. V. S. Jaya-  
wickrema, Esq., District Judge, Kalutara, on December 11, 1946,  
in the presence of Mr. D. S. Kulasekera, Proctor, on the part of the  
petitioner; and the affidavit of the above-named petitioner dated  
November 12, 1946, having been read:

It is ordered that the petitioner be declared entitled to claim  
letters of administration, as the widow of the deceased, and the same  
be issued to her unless the respondents or any person or persons  
interested in the estate shall, on or before February 21, 1947, show  
sufficient cause to the satisfaction of this court to the contrary.

December 11, 1946

V. S. JAYAWICKREMA,  
District Judge.

*Order Nisi* extended for March 28, 1947.

M. C. SANSONI,  
District Judge.

In the District Court of Kalutara.

*Order Nisi*

Testamentary In the Matter of the Intestate Estate of the late  
No. 3,301. Abdu Uduma Lebbe Marikar Omerdeen Marikar  
of Alakandupitiya, deceased, of Alutgama.

Abubacker Marikkar Mohamed Sanoosi Marikar of Alutgam  
Weediya, Alutgama . . . . . Petitioner.

Vs.

(1) Abdu Uduma Lebbe Marikar Ahamadu Marikar, (2) Abdu  
Uduma Lebbe Marikar Juwariath Umma, both of Alakandu-  
pitiya, Alutgama, (3) Abdu Uduma Lebbe Marikar Umma  
Kuludum Natchia, of Katukurunda, Kalutara, (4) Ismail  
Lebbe Marikar Ummu Habiba, (5) Abubaker Marikar Daulath  
Umma, (6) Abubaker Marikar Naumath Umma, (7) Abu-  
baker Marikar Mohamed Naem, (8) Abubaker Marikar  
Mohamed Ashroff, (9) Abubaker Marikar Akeel Bacha, (10)  
Abubaker Marikar Unaise, all of Alakandupitiya,  
Alutgama . . . . . Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq.,  
District Judge of Kalutara, on January 22, 1947, 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 January 22,  
1947, having been read:

It is ordered that the petitioner be declared entitled, as nephew  
of the deceased, to claim letters of administration to the estate of the  
deceased, unless the respondents or person or persons interested in  
the estate shall, on or before March 7, 1947, show sufficient cause to  
the satisfaction of this court to the contrary.

It is further declared that the said petitioner is entitled to have  
letters of administration and that the same be issued to him accord-  
ingly, unless the respondents or others interested in the estate shall,  
on or before March 7, 1947, show sufficient cause to the satisfaction  
of this court to the contrary.

January 22, 1947.

*Order Nisi* extended to April 18, 1947.

M. C. SANSONI,  
District Judge.

M. C. SANSONI,  
District Judge.

In the District Court of Kalutara.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Soloman  
Jurisdiction. Alfred Gunawardana, deceased, of Kalutara.  
No. 3,305.

Lilian Charlotte Gunawardana of Dorvilla, Kalutara . . . . . Petitioner.

Vs.

(1) Nihal Wijitha Gunawardana, (2) Ranjit Laksiri Gunawar-  
dana, (3) Sinnika Daya Dari Gunawardana, (4) Janaki  
Chulangani Gunawardana (minors), guardian *ad litem* (5)  
George de Silva Seneviratna, all of Dorvilla, Kalu-  
tara . . . . . Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq.,  
District Judge of Kalutara, on March 1, 1947, 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 September 10, 1946, having been read:

It is ordered that the petitioner be and she is hereby declared, as widow of the deceased, to have letters of administration issued to her, unless the respondents or any person or persons interested in the estate shall, on or before April 18, 1947, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 5th respondent be appointed guardian *ad litem* over the minors, 1st to 4th 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 April 18, 1947, show sufficient cause to the satisfaction of this court to the contrary.

March 1, 1947.

M. C. SANSONI,  
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Estate of the late Ranatunga  
Jurisdiction. Lyanage Don Dines Appuhamy of Owitigamuwa,  
No. 4,325. deceased.

Between

Don Peter Ranatunga of Owitigamuwa ..... Petitioner.

And

(1) Leelawathie Ranatunga, minor by her proposed guardian  
*ad litem*, (2) Jayasekera Aratchige Barton of Kirinda Magin.  
Pahala ..... Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Matara, on October 15, 1946, in the presence of Mr. S. Ratnasinkam, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated September 13, 1946, having been read:

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

October 15, 1946.

K. D. DE SILVA,  
District Judge.

Extended for February 3, 1947.

November 25, 1946.

K. D. DE SILVA,  
District Judge.

Extended for April 21, 1947.

February 3, 1947.

C. J. C. JANSZ,  
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Kehel  
Jurisdiction. watte Dahanekrallage Dingiri Appuhamy, late  
No. T 616. of Danture, deceased.

Samarakoone Mudiyansele Punchi Menika of Danture  
in Medapalata of Yatnuwera ..... Petitioner.

And

(1) Kehelwatte Dahanekrallage Dassanayake, (2) ditto Podi  
Menika, (3) ditto Bisso Menika, (4) ditto Kiri Banda, all  
of Danture in Medapalata of Yatnuwera ..... Respondents.

THIS matter coming on for disposal before H. A. De Silva, Esq., District Judge, Kandy, on August 13, 1946, in the presence of Messrs. De Silva and Karunaratne, Proctors, on the part of the petitioner, Samarakoone Mudiyansele Punchi Menika of Danture in Medapalata of Yatnuwera, and the affidavit of the said petitioner dated August 6, 1946, having been read:

It is ordered that the petitioner be and she is hereby declared entitled to as the widow of the above-named deceased issued to her unless, the respondents above named or any other person or persons interested shall, on or before December 12, 1946, show sufficient cause to the satisfaction of this Court to the contrary.

It is further ordered that the 4th respondent be appointed guardian *ad litem* over the 1st to 3rd respondents, unless the respondents or any other person or persons interested shall, on or before December 12, 1946, show sufficient cause to the satisfaction of this Court to the contrary.

November 12, 1946.

H. A. DE SILVA,  
District Judge.

The date for showing cause is extended for January 9, 1947.

December 12, 1946.

W. RICHARD DE SILVA,  
District Judge.

Date for showing cause is extended for February 20, 1947.

January 9, 1947.

W. RICHARD DE SILVA,  
District Judge.

Date for showing cause is extended for March 24, 1947.

February 20, 1947.

W. RICHARD DE SILVA,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the Late Chellappa  
Jurisdiction. David Singaretnam of Kopay, Jaffna, deceased.  
No. 648.

K. S. C. Thurairetnam of Kopay, Jaffna ..... Petitioner.

Vs.

(1) C. R. Wardsworth and, (2) wife, Mercy Thangaretnam, (3)  
K. Gunaretnam and (4) wife Mangalanayagam and, (5)  
C. S. Ariyaratnam all of Kopay, Jaffna ..... Respondents.

THIS matter of the petition coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on February 7, 1947, in the presence of Mr. R. R. Nalliah, Proctor, on the part of the petitioner and the petition and affidavit of the petitioner having been read: it is ordered that the petitioner be granted letters of Administration to the estate of the late Chellappa David Singaretnam under the respondents shall, show sufficient cause to the satisfaction of this Court to the contrary on or before March 14, 1947.

February 7, 1947.

R. R. SELVADURAI,  
District Judge.

Extended and re-issued for March 26, 1947.

R. R. SELVADURAI,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Swampillai  
Jurisdiction. Sebastiampillai of 2nd Cross street, Jaffna, who  
No. 663. died in General Hospital, Colombo, deceased.

Jane Estherrance Chellamman, widow of Swampillai Sebastiam-  
pillai of 2nd Cross street, Jaffna ..... Petitioner.

Vs.

(1) Esther Juanitta Jayamalarkanthi Sebastiampillai of 2nd  
Cross street, presently of Medical College, Vellore, North Arcot,  
South India; (2) Benitta Mathivathani Sebastiampillai; (3),  
Nancy Khanthumathi Sebastiampillai, (4), Sirius Dharmas-  
enanen Sebastiampillai, (5), Lionel Gnanaselan Sebastiampillai,  
(6), Harold Alakesan Sebastiampillai, (7), Christine Amybelle  
Navaranatham Sebastiampillai, (8), Ida Myrtle Shulangani  
Sebastiampillai (minors), all of 2nd Cross street, Jaffna; (9) Dr.  
S. C. Thurasarajah, Medical Officer of Health, Jaffna ..... Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on February 28, 1947, in the presence of Mr. I. W. A. Samuel, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner above named having been read:

It is ordered that the above-named 9th respondent be and he is hereby appointed guardian *ad litem* over the minors, the above-named 2nd to 8th respondents for the purpose of watching their interests in these testamentary proceedings, unless the respondents or any other person or persons interested in the subject matter shall appear before this court on March 28, 1947, and show cause to the satisfaction of this court to the contrary.

And it is further ordered that letters of administration to the estate of the said deceased be granted to the petitioner as widow of the said deceased, unless the respondents shall, appear before this court on March 28, 1947, and show cause to the satisfaction of this court to the contrary.

And it is further ordered that the 9th respondent do produce before court the aforesaid minor respondents on the said date.

February 28, 1947.

R. R. SELVADURAI,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Louisa  
Jurisdiction. Eledchumtamma, widow of S. Chinnappa Arnold  
No. 671. of Navaly, deceased.

Josiah Visuvasa Jayasundaram Arnold of Navaly ..... Petitioner

Vs.

Eurotas Arasaratnam Arnold of 45, Elie lane, Mutwal ..... Respondent.

THIS matter coming on for disposal before R. R. Selladurai, Esq., District Judge, on February 25, 1947, in the presence of Mr. A. E. Murugesampillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated February 24, 1946, having been read:

It is ordered that letters of administration to the estate of the said deceased be granted to the petitioner as one of the heirs unless the respondent or any other person shall, appear before this court on March 27, 1947, show sufficient cause to the satisfaction of this court to the contrary.

March 5, 1947.

R. R. SELLADURAI,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of Thiru-  
Jurisdiction. mankalam, wife of Navaratnam, late of Karainagar  
No. 670. West, deceased.

Sithamparappillai Navaratnam of Karainagar West ..... Petitioner.

Vs.

(1) Ambalavaner Rajaratnam of Karainagar West, (2) Ambala-  
vanar Gobalappillai of ditto, (3) Ambalavanar Thrunavukkka-  
rasu of ditto (4) Savupakkiam, daughter of Ambala-  
vanar of ditto (5) Sarasvathy, daughter of Ambalavanar of  
ditto ..... Respondents.

The 3rd, 4th and 5th respondents are minors, appearing by their guardian *ad litem* the 1st respondent.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on February 21, 1947, in the presence of Mr. P. Casipillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated February 18, 1947, having been read:

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the above-named minors, the 3rd, 4th and 5th respondents, and that letters of administration to the estate of the above-named deceased be issued to the petitioner, unless the respondents or others shall appear before this Court on or before March 31, 1947, and show sufficient cause to the satisfaction of this court to the contrary. The 1st respondent is further ordered to appear in person before this court on March 31, 1947, and to bring the said minors, 3rd, 4th and 5th respondents to court on the said date.

R. R. SELVADURAI,  
District Judge.

February 21, 1947.

In the District Court of Jaffna.

Order *Nisi* declaring will *Proved*.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the Late Kauder Arumugam of Karainagar East, deceased.

Sinnakuddy, widow of Kauder Arumugam of Karainagar East . . . . . Petitioner.

Vs.

(1) Arumugam Kumarasamy, (2) Arumugam Kumarasamy, (3) Ponnammah, daughter of Arumugam, (4) Arumugam Tharmalingam, (5) Ofellammah, daughter of Arumugam and (6) Arumugam Balasingam all of Karainagar East, the 4th, 5th and 6th respondents are minors appearing by their guardian *ad litem* the 2nd respondent. . . . . Respondents.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on February 26, 1947, in the presence of Mr. A. Kanagasabai, Proctor, on the part of the petitioner, and the affidavit of the above-mentioned petitioner dated January 28, 1947, and an affidavit of the witnesses to the last will dated February 23, 1947, having been read.

It is ordered that the will of the above-named deceased, dated September 26, 1946, and numbered 10,508 and attested by A. Kanagasabai, Notary Public, be and the same is hereby declared proved and it is further declared that the said 2nd respondent, be appointed guardian *ad litem* over the minors, the 4th, 5th and 6th respondents and that the said petitioner be declared entitled to have probate of the last will and testament of the deceased, as executrix mentioned in the said will and probate be issued to her accordingly, unless the respondents or other person or persons interested shall, on or before March 28, 1947, show sufficient cause to the satisfaction of this Court to the contrary.

February 26, 1947. R. R. SELVADURAI,  
District Judge

In the District Court of Kurunegala.

Order *Nisi* declaring Will *proved*.

Testamentary Jurisdiction. In the Matter of the Estate of the late Warnakulasuriya Joseph Fernando of Marawila, deceased.

Madurusinghe Mudiyansele Monikhamy of Udubaddawa in Katugampola Korale south . . . . . Petitioner.

And

(1) Nissanka Woerasuriya of Marawila a minor by his guardian *ad litem*, (2) Warnakulasuriya Emmanuel Fernando of Marawila . . . . . Respondents.

THIS matter coming on for disposal before T. P. P. Goonetilleke, Esq., District Judge, of Kurunegala, on February 20, 1947, in the presence of Messrs. Perera and Perera, Proctors, on the part of the petitioner, Madurusinghe Mudiyansele Monikhamy of Udubaddawa; and the affidavit of the above-named petitioner dated December 25, 1946, having been read:

It is further ordered that the will of Warnakulasuriya Joseph Fernando of Marawila, deceased dated May 25, 1946, and now deposited in this court be and the same is hereby declared proved; unless the respondents or any other persons on whom the court directs the order to be served shall, on or before March 28, 1947, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said Madurusinghe Mudiyansele Monikhamy of Udubaddawa is the executrix named in the said will and that she is entitled to have probate of the same issued to him accordingly, unless the respondents or any other person or persons on whom the court directs the order to be served shall, on or before March 28, 1947, show sufficient cause to the satisfaction of this court to the contrary.

February 20, 1947. T. P. P. GOONETILLEKE,  
District Judge.

In the District Court of Kurunegala.

Order *Nisi*.

Testamentary Jurisdiction. In the Matter of the Estate of the late Suppraya Pillai William Dharmaratnam *alias* Dewanesum, deceased of Yantampalawa.

Between

Muttiah Pillai Sugirtham Kanagambal of Yantampalawa, Kurunegala . . . . . Petitioner

And

(1) Vincent Kanagaratnam, (2) Florence Sugirthaetchimi, (3) Rita Ponithavathy, (4) Victorine Wijayaetchimi, (5) Wilson Jayaratnam, (6) Irene Thangamalar, (7) Shelton Yagaratnam, all of Yantampalawa, Kurunegala by their guardian *ad litem*, (8) Sundoram Pillai Ratnam of Namunkula in Badulla District . . . . . Respondents.

THIS matter coming on for disposal before A. Jayaratne, Esq., Additional District Judge of Kurunegala, on February 28, 1947, in the presence of Messrs. Ratnayake and Perera, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated November 8, 1946, and the Notary Public dated November 8, 1946, having been read:

It is ordered that the will of Suppraya Pillai William Dharmaratnam *alias* Dewanesum, deceased, dated October 6, 1942, now deposited in this court be and the same is hereby declared proved, unless the respondents or any person on whom the court directs the order to be served shall, on or before March 28, 1947, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Muttiah Pillai Sugirtham Kanagambal of Yantampalawa, Kurunegala, is the executrix named in the said will and that she is entitled to have probate of the same issued to her accordingly, unless the respondents or any person on whom the court directs the order to be served shall, on or before March 28, 1947, show sufficient cause to the satisfaction of this court to the contrary.

A. JAYARATNE,  
District Judge.

Kurunegala, February 28, 1947.

In the District Court of Chilaw.

Order *Nisi*.

Testamentary. No. 2,389. In the Matter of the Intestate Estate of the late Samarappuli Aratchige Menuhamy Etana, (deceased) of Mahawewa

Ratnayake Mudiyansele Singhappuhamy of Mahawewa . . . . . Petitioner

And

(1) Marthelis Appuhamy Senanayake, (2) Allis Appuhamy Senanayake, (3) Podinonahamy Senanayake all of Mahawewa, (4) Herath Mudiyansele Rusirunayake of Gal-muruwa . . . . . Respondents.

THIS matter coming on for disposal before E. Wijeyewardene, Esq., District Judge of Chilaw, on February 12, 1947, in the presence of Mr. Albert F. Peries, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated January 29, 1947, having been read:

It is ordered that the petitioner above named as the husband of the said deceased be and he is hereby declared entitled to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any other person or persons interested therein shall, on or before March 27, 1947, show sufficient cause to the satisfaction of this court to the contrary.

February 12, 1947. E. WIJEWWARDENE,  
District Judge.

In the District Court of Kegalla.

Order *Nisi* declaring Will *proved*.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Liyana Mudiyansele Haramanis Appuhamy, retired Gan Arachchi, deceased of Penihela in Keeraweli pattu.

Liyana Mudiyansele Don Piyadasa of Hewagam estate, Padukka . . . . . Petitioner.

Vs.

(1) Samarakoon Perumbudi Aracige Nonohamy, (2) Liyana Mudiyansele Somawathie, (3) ditto Srisena, (4) ditto Alpinona Dharmawathie, (5) ditto Ratnawathie, (6) ditto Kularatne Samarakoon all of Penihela . . . . . Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq., District Judge of Kegalla, on December 19, 1946, in the presence of Mr. J. H. Fernando, Proctor, on the part of the petitioner, and the affidavit of the above-mentioned petitioner dated December 19, 1946, having been read:

It is declared that the said 3rd respondent be appointed guardian *ad litem* over the 6th respondent and that the said Liyana Mudiyansele Don Piyadasa of Hewagam estate, Padukka, petitioner is entitled to have letters of administration issued to him accordingly, unless the respondents or others shall, on or before February 21, 1947, show sufficient cause to the satisfaction of this court to the contrary.

December 19, 1946. L. W. DE SILVA,  
District Judge.

The date for showing cause is extended to March 26, 1947.

February 21, 1947. L. W. DE SILVA,  
District Judge.

In the District Court of Kegalla.

Order *Nisi*.

Testamentary Jurisdiction. In the matter of the Intestate estate of the late Ekanayaka Mudiyansele Mudalhamy, deceased of Dombemada.

Ekanayaka Mudiyansele Ukkubanda of Dombemada . . . . . Petitioner.

Vs.

(1) Ekanayaka Mudiyansele Puchi Banda, (2) ditto Kirubanda, both of Dombemada, (3) ditto Ranbanda *alias* Gnandanda of Pothuhera, (4) ditto Dingiri Menika of Dombemada . . . . . Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq., District Judge, Kegalla, on December 20, 1946, in the presence of Mr. E. Abeyawickrama, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated December 12, 1946, having been read:

It is further declared that the said Ekanayaka Mudiyansele Ukkubanda of Dombemada, the petitioner be and he is hereby declared, as elder son of the deceased, to have letters of administration issued to him accordingly, unless the respondents or others shall on or before February 21, 1947, show sufficient cause to the satisfaction of this court to the contrary.

December 21, 1946. L. W. DE SILVA,  
District Judge.

The date for showing cause in the above case Order *Nisi* is extended to March 26, 1947.

February 21, 1947. L. W. DE SILVA,  
District Judge.