



# THE CEYLON GOVERNMENT GAZETTE

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## PART II.—LEGAL.

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

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### PASSED ORDINANCES.

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

No. 48 of 1944.

L. D.—O. 48/43

An Ordinance to amend the Rubber Thefts Ordinance.

Chapter 29.  
(Vol. I. p. 637.)

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 Rubber Thefts Amendment Ordinance, No. 48 of 1944.

Short title.

2. Section 10 of the Rubber Thefts Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution, for all the words from "at any time between sunrise and sunset" to the end of that section, of the following :—

Amendment of section 10 of Chapter 29.

"at any time between 9 A.M. and 6 P.M. on any week-day other than Saturday, or between 9 A.M. and 2 P.M. on any Saturday, and to call for, inspect, and take extracts from any book required by this Ordinance to be kept on such premises; and if the licensed dealer or some other person authorised by him to produce such books for inspection is not present on the premises at the time of such inspection, or fails or refuses to produce any such book when so called for or to allow any such extract to be made, or if any entry which ought to have been made is not in any such book, or if any entry in any such book is false in any particular, such licensed dealer shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding three months :

Provided, however, that such dealer shall not be guilty of an offence by reason of the fact that any entry in any such book is false, if he proves to the satisfaction of the court that such entry was made without his knowledge or consent or through a *bona fide* mistake."

3. Section 13 of the principal Ordinance is hereby amended by the substitution, for all the words from "and whenever" to "section 10", of the following :—

Amendment of section 13 of the principal Ordinance.

"and if he is, at any time referred to in section 10, called upon so to do by any officer authorised by or under that section".

Amendment of section 15 of the principal Ordinance.

4. Section 15 of the principal Ordinance is hereby amended as follows :—

(a) by the substitution, for all the words from “ between sunrise ” to “ section 10 ”, of the following :—

“ referred to in section 10 give admittance to any officer authorised by or under that section ”; and

(b) by the substitution, for the words “ though it be after sunset and before sunrise,”, of the words “ at any time whatsoever,”.

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

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

Assented to by His Excellency the Governor the Twentieth day of December, One thousand Nine hundred and Forty-four.

H. A. C. DOBBS,  
Acting Secretary to the Governor.

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

### No. 50 of 1944.

An Ordinance to amend and consolidate the law relating to Telegraphy and Wireless Telegraphy.

HENRY MOORE.

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L.D.—O. 472/34.

**An Ordinance to amend and consolidate the law relating to  
Telegraphy and Wireless Telegraphy.**

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

## PART I.

## PRELIMINARY.

1. This Ordinance may be cited as the Telecommunications Ordinance, No. 50 of 1944, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.
2. This Ordinance shall extend to any dependency of Ceylon to which it may be applied either wholly or in part by the Governor by Order published in the *Gazette*.

Short title  
and date of  
operation.

Application.

## PART II.

REGULATION OF THE USE OF TELEGRAPHS AND  
WIRELESS TELEGRAPHS.

3. Except under the authority of a licence of the prescribed description, issued under the provisions of this Ordinance, no person shall instal, establish, maintain, or work or cause to be worked, any telegraph in any place in Ceylon, in any part of the territorial waters thereof, or in any British ship or aircraft registered in Ceylon :

Licences for  
telegraphs.

Provided that the requirements of the preceding provisions of this section as to a licence shall not apply to the establishment or conduct of telegraphic communication between separate portions of any ship or aircraft or building or between two or more places or points situated within the same curtilage and forming parts of the same property.

4. (1) Except under the authority of a licence of the prescribed description, issued under the provisions of this Ordinance, no person shall—

Licences for  
wireless  
telegraphy  
apparatus  
and complete  
wireless sets.

- (a) import into Ceylon any wireless telegraphy apparatus ;  
or
- (b) possess any complete wireless set for any purpose  
whatsoever ; or

- (c) possess any wireless telegraphy apparatus, other than a complete wireless set referred to in paragraph (b), for the purpose of sale in the course of his business in Ceylon or for the purpose of effecting repairs for fee or reward ; or
- (d) in the course of his business in Ceylon, deal in, sell, offer for sale, or demonstrate or cause to be demonstrated with a view to a sale, any wireless telegraphy apparatus, or effect any repairs to any wireless telegraphy apparatus for fee or reward ; or
- (e) instal, establish, maintain, or work or cause to be worked any complete wireless set or wireless telegraph in any premises or vehicle in Ceylon, in any part of the territorial waters thereof, or in any ship or aircraft registered in Ceylon :

Provided that the requirements of the preceding provisions of this sub-section as to a licence shall not apply in the case of any person by reason only of his working a complete wireless set in any case where such set is covered by a licence issued under the provisions of this Ordinance and is worked by such person with the permission, express or implied, or on the instructions, of the holder of the licence, and at the premises specified in the licence, being premises in the actual occupation of the holder of the licence at the time the set is so worked.

(2) If any wireless telegraphy apparatus or complete wireless set which is not covered by a licence issued for the purposes of sub-section (1) is kept or stored in any building, land, vehicle, vessel or aircraft in Ceylon or in the territorial waters thereof, then, until the contrary is proved, such wireless telegraphy apparatus shall be deemed to be possessed with a view to sale in the course of his business or for effecting repairs for fee or reward, and such complete wireless set shall be deemed to be possessed, or to be worked, by the person who is the owner or who for the time being is in exclusive possession or in effective charge or control of the building, land, vehicle, vessel or aircraft, as the case may be.

Issue of licences.

5. (1) A licence may be issued for any one of the purposes or for any prescribed combination of the purposes for which a licence is required by section-3 or section 4.

(2) Every licence shall—

- (a) be in the prescribed form and under the hand of the telecommunication authority or an officer authorised by him in that behalf ;
- (b) be issued on payment of the prescribed fee ; and
- (c) be subject to the prescribed conditions and restrictions :

Provided that no fee shall be payable in respect of any licence issued for any of the aforesaid purposes which is declared by regulations made under this Ordinance to be a purpose for which a free licence may be issued.

(3) The telecommunication authority may refuse to issue any licence for which application is made. An appeal shall lie against such refusal to the Executive Committee.

Restrictions on sale or transfer of wireless telegraphy apparatus.

6. No person shall import, possess, instal, work, sell or transfer any wireless telegraphy apparatus in contravention of the conditions and restrictions applying to his licence, or otherwise than in such manner as may be prescribed.

Power of Government to take possession of licensed telegraphs and wireless telegraphs.

7. (1) If, on the occurrence of any public emergency or in the interest of the public safety and tranquillity, it is expedient or necessary that the transmission or reception of messages by telegraph or wireless telegraph should be the exclusive right or privilege of the Government, the Governor after consulting the Executive Committee, may, by Order published in the *Gazette*, direct the telecommunication authority or any other specified officer to take possession of, and to use for the purposes of His Majesty's service, any telegraph or wireless telegraph established or installed in any place in Ceylon or in any ship in the territorial waters of Ceylon or in any vehicle or aircraft in or over Ceylon or the territorial waters thereof, and may by the same or any further Order provide for the assessment and payment of compensation to the owner of such telegraph or wireless telegraph for any damage that may have been caused thereto by or in the course of its use for the purpose of His Majesty's service.

(2) No action shall be instituted or maintained against the Government in respect of any loss or damage other than the damage specified in sub-section (1).

Power of Government to prohibit or restrict the use of telegraphs and wireless telegraphs.

8. If, on the occurrence of any public emergency or in the interest of the public safety and tranquillity, it is expedient or necessary that the transmission and reception of messages by telegraph or wireless telegraph should be prohibited or be subject to supervision and control, the Governor after consulting the Executive Committee, may, by Order made either generally and published in the *Gazette* or specially in respect

of the telegraphs or wireless telegraphs established or installed in any place in Ceylon or in any ship in the territorial waters of Ceylon or in any vehicle or aircraft in or over Ceylon or the territorial waters thereof—

- (1) where prohibition is expedient or necessary, prohibit the transmission or reception of messages by telegraph or wireless telegraph either generally or at any specified place or station or in any specified ship, vehicle or aircraft or by any specified telegraph or wireless telegraph or by any specified person or class of persons ; or
- (2) where supervision and control are expedient or necessary—
  - (a) prescribe the conditions and restrictions subject to which messages may be transmitted or received by telegraph or wireless telegraph either generally or by the owner or person in charge of any specified telegraph or wireless telegraph ; and
  - (b) make such provision as he may deem necessary for the interception or the censoring of all or any specified class or description of messages submitted for transmission by, or transmitted or received by, any telegraph or wireless telegraph.

9. If any doubt arises as to the existence of a public emergency or whether any Order made under section 7 or section 8 is in the interest of the public safety and tranquillity, a certificate signed by the Governor shall be conclusive proof on the point.

Certificate signed by Governor to be evidence.

10. No telegraph or wireless telegraph established or installed in any place in Ceylon, or in any ship whether British or foreign in the territorial waters of Ceylon, or in any vehicle or aircraft in or over Ceylon or the territorial waters thereof, shall be used by any person for the transmission or reception of messages—

Restriction on the use of telegraphs or wireless telegraphs.

- (a) otherwise than in accordance with such Orders as may be made by the Governor under section 7 or section 8 or such regulations as may be made by the Executive Committee under section 12 or such rules as may be made by the Governor or the Director under section 13 ; or
- (b) in contravention of the conditions or restrictions applying to the licence issued in respect of that telegraph or wireless telegraph.

11. (1) The telecommunication authority may at any time revoke and determine any licence granted for the purposes of section 3 or section 4, either on the breach of any of the conditions and restrictions contained therein or in the event of any default in the payment of any consideration payable thereunder or on the failure of the licensee to comply with any rule or regulation for the time being in force under the Ordinance or on such other ground as may be specified by regulation made under the Ordinance.

Power to revoke licences.

An appeal shall lie against such revocation to the Executive Committee.

(2) The licensee shall not be entitled to the payment of any compensation or damages by reason of any such revocation or determination as aforesaid.

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

Power to make regulations.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for all or any of the following purposes :—

- (a) prescribing the several purposes or combinations of the purposes set out in section 3 or section 4 for which licences may be issued, and the description of such licences ;
- (b) prescribing in respect of each such licence the form of the licence, the manner in which application for the licence is to be made, the terms, conditions and restrictions subject to which the licence may be issued, the duration of the licence, the fee payable on the issue and on the renewal of the licence, and the purposes for which a free licence may be issued ;
- (c) prescribing the cases in which any person licensed under this Ordinance or any servant of such person shall be deemed to be a telecommunication officer for the purposes of this Ordinance ;

- (d) prescribing the rates at which, the manner in which, and the conditions and restrictions subject to which, messages shall be transmitted ;
- (e) prescribing the precautions to be taken for preventing the improper interception or disclosure of messages ;
- (f) prescribing the period for which, and the conditions subject to which, telegrams and other documents belonging to or in the custody of telecommunication officers, shall be preserved ;
- (g) prescribing the fees to be charged for searching for or furnishing certified copies of messages and other documents in the custody of any telecommunication officer ;
- (h) prescribing the manner in which any wireless telegraphy apparatus may be sold or transferred by traders, dealers or repairers and by other persons ;
- (i) regulating the working or use of wireless telegraphy apparatus in any place in Ceylon at any time when an Order under section 7 or section 8 is not in force ;
- (j) prohibiting or regulating the working or use of any wireless telegraphy apparatus at any time when an Order under section 7 or section 8 is not in force,
  - (i) in any ship, whether British or foreign, while it is in the territorial waters of Ceylon ; or
  - (ii) in any aircraft, whether British or foreign, while it is in or over Ceylon or the territorial waters thereof ;
- (k) prescribing the examinations to be held and the form of the certificates of proficiency to be issued to operators of telegraphs or wireless telegraphs ;
- (l) ensuring the secrecy of any specified class or description of messages ;
- (m) regulating or controlling the use of electrical apparatus likely to cause electrical interference with the working or use of any telegraph or wireless telegraph ;
- (n) regulating and controlling the working or use of telegraphs and wireless telegraphs ;
- (o) prescribing any matter relating to telegraphs or wireless telegraphs which is required or authorised by this Ordinance to be prescribed ;
- (p) prescribing the procedure to be followed in appeals under this Ordinance.

(3) No regulation made under this section shall have effect until it is approved by the State Council and ratified by the Governor, and notification of such approval and ratification is published in the *Gazette*

Provided that in any case of urgency, the Governor may, by notification in the *Gazette*, declare that any regulation made by the Executive Committee shall, notwithstanding that such regulation may not have been approved by the State Council, come into force on such date as may be specified in the notification, and such regulation shall accordingly come into force on that date. Every regulation so declared to be in force shall forthwith be laid before the State Council, and if within forty days after the date on which the regulation is so laid, a resolution be passed by the State Council that such regulation be modified or annulled, the regulation shall thenceforth be deemed for all purposes to be modified or annulled accordingly, but without prejudice to anything done thereunder.

**Power to make rules as to conditions, restrictions and rates applicable to messages to or from foreign countries.**

13. (1) Notwithstanding anything contained in section 12, the Minister for Communications and Works may, for the purpose of giving effect to the provisions of any International Telecommunication Convention and the Regulations annexed thereto, or for the purpose of giving effect to any special arrangement between the Government of Ceylon and any territory outside Ceylon, from time to time determine and adequately notify by means of rules made by him in that behalf and published in the *Gazette*—

- (a) the conditions and restrictions subject to which messages to or from any place beyond the limits of Ceylon or India shall be transmitted or received ;
- (b) the rates at which such messages shall be transmitted ;
- (c) the precautions to be taken for preventing the improper interception or disclosure of such messages ;
- (d) the period for which and the conditions subject to which the originals of all such messages and all documents relating thereto which are in the custody of telecommunication officers shall be preserved ;
- (e) the fees to be charged for searching for or furnishing certified copies of such messages or of any documents relating thereto.

(2) Every rule made under sub-section (1) shall, upon publication in the *Gazette*, be as valid and effectual as if it were herein enacted and shall prevail over any regulation under section 12 which purports to be applicable, or would, if this sub-section had not been enacted, have been applicable to the matter or purpose to which such rule relates.

14. (1) Save as otherwise expressly provided, nothing contained in this Ordinance or in any Order, rule or regulation made thereunder, shall apply to or be deemed to affect— Exemptions.

- (a) the importation, purchase, installation or use of electrical apparatus for actuating machinery or for any purpose other than the transmission or reception of messages or other communications or signals; or
- (b) the use of wireless telegraphy apparatus by His Majesty's Naval, Military or Air Forces, in the performance of their official duties; or
- (c) the use of wireless telegraphy apparatus on board any man-of-war or aircraft in the service of any foreign state or power.

(2) The requirements of this Ordinance as to licences shall not apply—

- (a) to any telegraph or wireless telegraph imported, purchased, installed, established, maintained or worked or any apparatus used or intended to be used in connection therewith, by or by order of the Director; or
- (b) to any wireless telegraphy apparatus in any British civil aircraft registered outside Ceylon, or in any foreign civil aircraft, if such apparatus and the members of the crew of the aircraft who use such apparatus have been specially licensed in accordance with the requirements of the International Air Navigation Convention, 1919, or any other International Convention for the time being in force as to the installation or use of such apparatus in aircraft.

(3) Nothing contained in any Order made under section 8 or in any regulation made under section 12 shall apply to the working or use of wireless telegraphy apparatus for the purpose of making or answering signals of distress.

### PART III.

#### ESTABLISHMENT AND MAINTENANCE OF GOVERNMENT TELEGRAPHS AND WIRELESS TELEGRAPHS.

##### (a) *Power to place Telegraph Lines and Posts.*

15. For the purposes of the establishment and maintenance of Government telegraphs and wireless telegraphs, the telecommunication authority may from time to time place and maintain a telegraph line under, over, along, or across, and posts in or upon, any immovable property; and for that purpose it shall be lawful for any officer in the employ of Government in the Telecommunication Department, and for the servants, workmen, and labourers employed by or under such officer—

Power of telecommunication authority to place and maintain telegraph and wireless telegraph lines and posts.

- (a) at all times on reasonable notice, and with all necessary vehicles and animals and other means, to enter upon any land and to put up thereon any posts which may be required for the support of any telegraph line; and
- (b) to fasten or attach to any tree growing on such land or to any building or thing thereon any bracket or other support for such line; and
- (c) to cut down any tree or branch which may in any way injure, or which is likely to injure, impede, or interfere with any telegraph line; and
- (d) severally to do and perform all other acts, matters and things necessary for the purposes of establishing, constructing, repairing, improving, examining, altering, or removing any telegraph or wireless telegraph, or in any way connected therewith, or for performing any act, matter or thing under the provisions of this Ordinance:  
Provided that—

- (i) the telecommunication authority shall not exercise the powers conferred by this section except for the purposes of a telegraph or wireless telegraph established or maintained by the Government, or to be so established or maintained;

- (ii) the Government shall not acquire any right other than that of user only in the property under, over, along, across, in, or upon which the telecommunication authority places any telegraph line or post ;
- (iii) except as hereinafter provided, the telecommunication authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority without the permission of the Mayor or Chairman of such local authority ; and
- (iv) in the exercise of the powers conferred by this section the telecommunication authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property, shall pay reasonable compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers, provided that such persons shall make application for such compensation to the Director within thirty days after the damage was sustained.

*(b) Provisions applicable to property vested in or under the control or management of local authorities.*

Power of local authority to give permission under paragraph (iii) of proviso to section 15, subject to conditions.

16. The permission of the Mayor or Chairman of a local authority for the purposes of paragraph (iii) of the proviso to section 15 may be given subject to such reasonable conditions as that local authority thinks fit to impose as to the payment of any expenses to which that local authority will necessarily be put in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work, or as to any other thing connected with or relating to any work undertaken by the telecommunication authority under those powers.

Power of local authority to require removal or alteration of telegraph line or post.

17. When under the foregoing provisions of this Ordinance a telegraph line or post has been placed by the telecommunication authority over, along, across, in, or upon any property vested in or under the control or management of a local authority, and that local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed, or that its position should be altered, the Mayor or Chairman of the local authority may require the telecommunication authority to remove it or alter its position, as the case may be.

Power to alter position of gas or water pipes or drains.

18. The telecommunication authority may, for the purpose of exercising the powers conferred upon it by this Ordinance in respect of any property vested in or under the control or management of a local authority, alter the position thereunder of any pipe (not being a main) for the supply of gas or water, or of any line, wire, or cable for the supply of electric power, or of any drain (not being a main drain) :

Provided that—

- (i) when the telecommunication authority desires to alter the position of any such pipe, drain, line, wire, or cable, it shall give reasonable notice of its intention to do so specifying the time at which it will begin to do so, to the Mayor or Chairman of the local authority and when the pipe, drain, line, wire, or cable is not under the control of the local authority, to the person having actual control of the pipe, drain, line, wire, or cable ;
- (ii) the Mayor or Chairman of a local authority or person receiving notice under paragraph (i) may send a person to superintend the work, and the telecommunication authority shall execute the work to the reasonable satisfaction of the person so sent.

Disputes between telecommunication authority and local authorities.

19. If any dispute arises between the telecommunication authority and a local authority in consequence of the Mayor or Chairman of the local authority refusing the permission referred to in paragraph (iii) of the proviso to section 15, or prescribing any condition under section 16, or in consequence of the telecommunication authority omitting to comply with a requisition made under section 17 or otherwise in respect of the exercise of the powers conferred by this Ordinance, the dispute shall be determined by the Governor, whose decision shall be final.

*(c) Provisions applicable to other property.*

Resistance, etc., to exercise of lawful powers of telecommunication authority. Cap. 15.

20. (1) If any person resists or obstructs, or threatens or attempts to resist or obstruct, the exercise of the powers conferred on the telecommunication authority by section 15, he shall be deemed to have committed an offence under section 183 of the Penal Code.



(2) If any dispute arises concerning the sufficiency of the compensation to be paid under paragraph (iv) of the proviso to section 15, it shall, on application for that purpose by either of the disputing parties to the Court of Requests within the jurisdiction of which the property is situate, be summarily determined by that Court.

(3) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telecommunication authority may pay into the Court of Requests within the jurisdiction of which the property is situate such amount as he deems sufficient, or where all the disputing parties have in writing admitted the amount tendered to be sufficient, or the amount has been determined under sub-section (2), the amount so admitted or tendered; and the Court, after giving notice to the parties and hearing such of them as desire to be heard, shall summarily determine the persons entitled to receive the compensation, or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(4) The cost of all legal proceedings under this section shall be determined by the Court of Requests. The telecommunication authority shall not be liable to pay any costs unless there is a dispute concerning the sufficiency of the compensation to be paid under paragraph (iv) of the proviso to section 15, and in such case the telecommunication authority shall be liable to pay costs should the amount of compensation determined by the Court of Requests be more than the amount deemed sufficient by the telecommunication authority, unless the Court shall be of opinion that the claim of the applicant was so extravagant, or that he was so negligent in putting his claim before the telecommunication authority, that some deduction from his costs should be made, or that he should pay part of the costs of the telecommunication authority.

(5) The Court of Requests to which any dispute is referred under the preceding provisions of this section may determine such dispute notwithstanding any limitations imposed on the jurisdiction of a Court of Requests by any other law.

(6) Every determination of a Court of Requests under this section shall be final: Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telecommunication authority from the person who has received such compensation.

21. (1) Where, under the provisions of this Ordinance, a telegraph line or post has been placed by the telecommunication authority under, over, along, across, in, or upon any property, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to any other part of that property or to a higher or lower level or altered in form, he may require the telecommunication authority to remove or alter the line or post accordingly:

Right to request removal or alteration of telegraph line or post.

Provided that, if compensation has been paid to such person under paragraph (iv) of the proviso to section 15, he shall, when making the requisition, tender to the telecommunication authority an amount sufficient to defray the expenses of the removal or alteration.

(2) If the telecommunication authority omits to comply with the requisition within a reasonable time, the person making it may apply to the Court of Requests within the jurisdiction of which the property is situate to order the removal or alteration.

(3) A Court of Requests receiving an application under sub-section (2) may in its discretion reject such application or make an order, absolutely or subject to conditions, for the removal of the telegraph line or post to any other part of the property or to a higher or lower level, or for the alteration of its form. Every order so made shall be final.

(d) Provisions applicable to all property.

22. In any case where a telegraph line has been placed under, over, along, or across any immovable property, no person who, subsequent to the date on which such telegraph line has been so placed, plants any tree or shrub which may be likely in the future to injure, impede, or interfere with such telegraph line, shall be entitled to receive any compensation should such tree or shrub or any branch thereof be cut down under the provisions of section 15.

Planting of trees or shrubs likely to injure telegraph line.

Provisions of Ordinance extended to telegraph lines and posts established before coming into operation of Ordinance.

23. Every telegraph line or post placed before the passing of this Ordinance under, over, along, across, in, or upon any property for the purposes of a telegraph or wireless telegraph established or maintained by the Government, shall be deemed to have been placed in the exercise of the powers conferred by, and after observance of all the requirements of, this Ordinance.

(e) *Stamps.*

Stamps.

24. (1) The Governor shall cause stamps to be provided of such kinds and denoting such values as he may think necessary for the purposes of this Ordinance and of the rules and regulations made thereunder.

(2) The supply, sale and use of stamps provided under sub-section (1) shall be subject to such rules as may be made by the Governor in that behalf.

(3) All stamps provided under sub-section (1) shall be deemed to be stamps issued by the Government for the purposes of revenue within the meaning of the Ceylon Penal Code.

Cap. 15.

(f) *Liability of Government.*

Government not responsible for loss or damage.

25. The Government shall not be responsible for any loss or damage which may occur in consequence of any telecommunication officer failing in his duty with respect to the receipt, transmission, or delivery of any message; and no such officer shall be responsible for any such loss or damage unless he caused such loss or damage fraudulently or by his wilful act or default.

PART IV.

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS.

Penalty for establishing a station or working an apparatus without a licence.

26. (1) Every person who in contravention of this Ordinance or any Order, rule or regulation made thereunder—

(a) imports into Ceylon any wireless telegraphy apparatus; or

(b) possesses any complete wireless set for any purpose whatsoever; or

(c) possesses any wireless telegraphy apparatus, other than a complete wireless set referred to in paragraph (b), for the purpose of sale in the course of his business in Ceylon or for the purpose of effecting repairs for fee or reward; or

(d) in the course of his business in Ceylon, deals in, sells, offers for sale, or demonstrates or causes to be demonstrated with a view to a sale, any wireless telegraphy apparatus, or effects any repairs to any wireless telegraphy apparatus for fee or reward; or

(e) instals, establishes, maintains or works or causes to be worked any telegraph or complete wireless set or wireless telegraph in any premises or vehicle in Ceylon, in any part of the territorial waters thereof, or in any ship or aircraft registered in Ceylon,

shall be guilty of an offence, punishable with a fine not exceeding one thousand rupees, and with a further fine not exceeding five hundred rupees for every week during which such offence continues, and, in default of payment of any such fine, with imprisonment of either description for a term not exceeding six months, and the apparatus or installation in respect of which any such offence is committed shall be liable to confiscation:

Provided, however, that where the offence consists of the breach of any condition relating to possession or of possession without a licence duly issued in that behalf, the offence shall be punishable with a fine not exceeding two hundred and fifty rupees, and, in default of payment of any such fine, with imprisonment of either description for a term not exceeding six weeks, and the apparatus or installation in respect of which any such offence is committed shall be liable to confiscation:

Provided further that where the offence consists of the breach of any regulation or condition relating to a licence by a servant of the person to whom the licence was issued, the offence shall be punishable with a fine not exceeding two hundred and fifty rupees, and, in default of payment of any such fine, with imprisonment of either description for a term not exceeding six months.

(2) Upon the confiscation of any apparatus or installation under sub-section (1) it shall be deemed for all purposes to be the property of the telecommunication authority.

(3) No prosecution for an offence under this section shall be instituted except by, or except with the written consent of, the telecommunication authority.

27. If a Magistrate is satisfied by information on oath that there is reasonable ground for believing that, in contravention of the provisions of this Ordinance, or any Order, rule or regulation made thereunder, a telegraph or a complete wireless set or wireless telegraph has been installed, or established, or is maintained or worked, or that any wireless telegraphy apparatus has been imported, sold, or offered for sale, or is held in possession with a view to sale or to effecting repairs for fee or reward, or that a complete wireless set is held in possession for any purpose whatsoever, in any place or in any vehicle or on board any ship or aircraft within his jurisdiction, such Magistrate may grant a search warrant to any police officer authorising that officer to enter and inspect the place, vehicle, ship, or aircraft, and to seize any apparatus which appears to that officer to be used or intended to be used for telegraphy or wireless telegraphy or any wireless telegraph apparatus which appears to him to have been imported, sold, offered for sale or held in possession for the aforesaid purposes.

Magistrate to grant search warrant in certain cases.

28. Every person who, knowing or having reason to believe that a telegraph or wireless telegraph has been installed or established or is maintained or worked in contravention of this Ordinance, or any Order, rule or regulation made thereunder,—

- (a) transmits or receives any message by such telegraph or wireless telegraph, or
- (b) performs any service incidental thereto, or
- (c) delivers any message for transmission by such telegraph or wireless telegraph, or
- (d) accepts delivery of any message sent thereby,

shall be guilty of an offence punishable with a fine not exceeding fifty rupees, and, in default of payment of any such fine, with imprisonment of either description for a term not exceeding three months.

Penalty for using, etc., telegraph or wireless telegraph established, etc. without or contrary to the conditions of a licence.

29. Every person who—

- (a) without permission of a competent authority, enters the signal room of a telegraph office of the Government or of a person licensed under this Ordinance; or
- (b) enters a fenced enclosure round such a telegraph office in contravention of any regulation or notice prohibiting such entry; or
- (c) refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein; or
- (d) wilfully obstructs or impedes any such officer or servant in the performance of his duty,

shall be guilty of an offence punishable with a fine not exceeding one hundred rupees, and, in default of payment of any such fine, with imprisonment of either description for a term not exceeding three months.

Penalty for intruding into a telegraph office or premises or obstructing telecommunication officer.

30. Every person who does any of the acts mentioned in section 29 with the intention of unlawfully learning the contents of any message, or of committing any offence punishable under this Ordinance, shall be guilty of an offence punishable with imprisonment of either description for a term not exceeding six months in addition to the fine prescribed by section 29.

Penalty for intrusion, etc., with intent to learn contents of message.

31. (1) Every person who, with the intention of—

- (a) preventing or obstructing the transmission or delivery of any message; or
- (b) intercepting or acquainting himself with the contents of any message; or
- (c) transmitting any message which he has no authority to transmit; or
- (d) committing mischief,

damages, removes, tampers with, or touches any battery, machinery, telegraph line, post or other thing whatsoever being part of or used in or about any telegraph or wireless telegraph or in the working thereof, shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding three years, or with both such fine and such imprisonment.

Penalty for intentionally damaging or tampering with telegraph or wireless telegraph.

(2) Every person who climbs up a telegraph post or attaches anything to any telegraph line, post or other apparatus without authority, shall be guilty of an offence punishable with a fine not exceeding fifty rupees.

Penalty for altering, detaining, or divulging contents of message.

32. (1) Every holder of a licence under this Ordinance and every telecommunication officer or other person having official duties connected with any office used as a telegraph office, who—

- (a) wilfully secretes, makes away with, or alters, any message which he has received for transmission or delivery; or
- (b) wilfully, and otherwise than in obedience to an Order of the Governor or of an officer specially authorised by the Governor to make the Order, omits to transmit, or intercepts, or detains any message or any part thereof; or
- (c) otherwise than in pursuance of his official duty or in obedience to the direction of a competent court, discloses the contents or any part of the contents of any message to any person not entitled to receive such message; or
- (d) divulges the purport of any telegraphic or wireless telegraphic signal to any person not entitled to become acquainted therewith; or
- (e) makes any use whatsoever of any message, (other than time signals, musical or other programmes and messages for general reception) received by means of any wireless telegraphy apparatus; or
- (f) causes or permits any person not employed in the office, or otherwise entitled so to do, to become acquainted with the contents or any part of the contents of any message,

shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding three years, or with both such fine and such imprisonment.

(2) Notwithstanding anything contained in sub-section (1), every person who, without the general or specific consent of the claimants to the copyright in any message transmitted for general reception, reproduces or publishes or causes to be reproduced or published in the press or disseminates or causes to be disseminated by other similar means such copyright message, shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding three years, or with both such fine and such imprisonment.

(3) Nothing contained in this section shall preclude a licensee from permitting any person to listen to any message broadcast for general reception.

Transmission of unpaid messages prohibited.

33. Every telecommunication officer, or other person having official duties connected with any office used as a telegraph office, who transmits or causes to be transmitted by telegraph or wireless telegraph or delivers or causes to be delivered any message on which the charge prescribed by the Government or by a person licensed under this Ordinance, as the case may be, has not been paid, thereby intending to defraud the Government or that person, shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding three years, or with both such fine and such imprisonment.

Penalty for misconduct of a telecommunication officer.

34. Every telecommunication officer, or other person having official duties connected with any office used as a telegraph office, who is guilty of any act of drunkenness, carelessness, or other misconduct whereby the correct transmission or the delivery of any message is impeded or delayed, and every telecommunication officer who delays or loiters in the transmission or delivery of any message, shall be guilty of an offence punishable with a fine not exceeding one hundred rupees or with imprisonment of either description for a term not exceeding three months, or with both such fine and such imprisonment.

Penalty for sending false or fabricated message.

35. Every person who transmits or causes to be transmitted or tenders or causes to be tendered to any telecommunication officer for transmission by telegraph or wireless telegraph or for delivery a message which he knows to be false or fabricated, shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding three years, or with both such fine and such imprisonment. The burden of proving that he did not know any message to be false or fabricated shall lie on the person charged under this section.

Penalty for tendering obscene or indecent or seditious message.

36. Every person who by himself or by his agent or servant tenders for transmission at any telegraph office any message of an indecent, obscene, seditious, scurrilous, threatening, or grossly offensive character, shall be guilty of an offence punishable with a fine not exceeding one hundred rupees or with imprisonment of either description for a term not exceeding six months, or with both such fine and such imprisonment.

37. (1) Every person who persistently makes telephone calls without reasonable excuse and for the purpose of causing annoyance or inconvenience to any telecommunication officer or any other person, shall be guilty of an offence punishable with a fine not exceeding fifty rupees, and, in default of payment of such fine, with imprisonment of either description for a term not exceeding three months.

Penalty for causing annoyance by telephone calls.

(2) It shall be lawful for a telecommunication officer to interrupt a call of the nature referred to in sub-section (1) or to refuse to allow such a call to be made.

38. Every person who fraudulently retains, or wilfully secretes, or makes away with or detains, a message which ought to have been delivered to some other person, or, being required by a telecommunication officer to deliver up any such message, neglects or refuses to do so, shall be guilty of an offence punishable with a fine not exceeding five hundred rupees or with imprisonment of either description for a term not exceeding two years, or with both such fine and such imprisonment.

Penalty for retaining message delivered by mistake.

39. Every telecommunication officer shall be deemed to be a public servant within the meaning of sections 158, 159, 160, 161 and 162 of the Penal Code; and in the definition of "legal remuneration" contained in the said section 158 the word "Government" shall be deemed to include any person licensed under this Ordinance by whom any such telecommunication officer is employed.

Bribery.

40. Every person who, rashly or negligently, or without lawful excuse, the burden of proving which shall lie on him, does any act which causes or is likely to cause damage or injury to any telegraph line, cable, or post, or hinder or delay the transmission of any message by any telegraph or wireless telegraph, shall be guilty of an offence punishable with a fine not exceeding fifty rupees, and, in default of payment of such fine, with imprisonment of either description for a term not exceeding three months.

Penalty for negligently injuring telegraph line.

41. Whoever attempts to commit any offence punishable under this Ordinance shall be guilty of an offence and shall be punishable with the punishment herein provided for the offence.

Penalty for attempting to commit offences.

42. Where no penalty is specially provided for the breach of any rule or regulation made under this Ordinance, whoever commits any breach of such rule or regulation shall be guilty of an offence punishable with a fine not exceeding fifty rupees, and, in default of payment of such fine, with imprisonment of either description for a term not exceeding three months.

General penalties.

43. Offences under this Ordinance which by reason of the amount of the penalties with which they are punishable are not within the summary jurisdiction of a Magistrate's Court, may be tried by a District Court on committal from a Magistrate's Court, and such District Court, in cases where the punishment assigned to such offences exceeds the ordinary jurisdiction of a District Court, may award so much of the punishment assigned thereto as District Courts are by law empowered to award:

Trial of offences.

Provided that if the Attorney-General certifies that any such offence may be tried by a Magistrate's Court, it shall be competent for such Court to take cognizance of the offence, and to award in respect thereof so much of the punishment assigned thereto as Magistrate's Courts are empowered by law to award.

## PART V.

### SUPPLEMENTARY PROVISIONS.

44. The addressee of any message, on which any sum chargeable under this Ordinance or any rule or regulation made thereunder is due, shall, unless he forthwith returns it unopened, be bound to pay the sum so chargeable on his accepting delivery of the message.

Liability of addressee to pay charges.

45. If any message on which any sum chargeable under this Ordinance or any rule or regulation made thereunder is due is refused or returned as aforesaid, or if the addressee is dead or cannot be found, then the sender shall be bound to pay the sum so due.

Liability of sender to pay charges.

46. If any person refuses to pay any sum due from him under this Ordinance or any rule or regulation made thereunder in respect of any message, the sum so due may, on application made by a telecommunication officer authorised in that behalf by the written order of the telecommunication authority, be recovered for the use of His Majesty from the person so refusing as if it were a fine imposed under this

Procedure for recovery of charges.

Ordinance by any Magistrate having jurisdiction where that person may for the time being be resident; and the telecommunication authority may further direct that any other message, not being on His Majesty's service, addressed to that person shall be withheld from him until the sum so due is paid or recovered as aforesaid.

Proof of refusal, etc., of message.

47. In every proceeding for the recovery of any sum alleged to be due under this Ordinance or any rule or regulation made thereunder in respect of a message—

- (a) the production of a statement signed by a telecommunication officer that the message has been refused, or that the addressee is dead or cannot be found, shall be *prima facie* evidence of the fact so stated; and
- (b) the person from whom the message purports to have come shall, until the contrary is proved, be deemed to be the sender thereof.

Proof of sum due.

48. The production of a statement signed by a telecommunication officer that any sum specified in such statement is due in respect of any message to the telecommunication authority of Ceylon or to the telecommunication authority of the United Kingdom or of any British possession or foreign country shall be *prima facie* evidence that the sum specified as aforesaid is so due.

Interpretation.

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

“complete wireless set” means any apparatus, which, in the opinion of the telecommunication authority, is capable in itself of transmitting and receiving wireless signals or of transmitting or receiving wireless signals with or without the addition of aerials, valves, power supply, telephones, loud-speakers, or equivalent devices;

“Director” means the person for the time being holding the office of Director of Telecommunications;

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

“Local authority” includes Municipal Councils, Urban Councils, Local Boards of Health and Improvement, Sanitary Boards and Village Committees;

“message” means a communication of any nature whatsoever sent by telegraph and wireless telegraph or by telegraph or wireless telegraph, or given to a telegraph officer to be sent by telegraph and wireless telegraph or by telegraph or wireless telegraph or to be delivered and includes any signal or combination of signals used for the broadcasting of music, conversations, speeches, lectures, stage performances, writing, facsimiles, images or pictures and the like;

“person or persons” includes any limited liability company or corporation, and any local authority;

“post” means a post, pole, bracket, standard, stay, strut, or other contrivance for carrying, suspending, or supporting a telegraph line;

“prescribed” means prescribed by rules or regulations made under this Ordinance;

“telecommunication” means the making, transmitting or receiving, by means of electricity or magnetism or any mechanism, of any telegraphic or telephonic or other communication of signs, signals, writing, facsimiles, images, pictures or sounds of any kind with or without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus and includes any system or process of electrical signalling;

“telecommunication authority” means the Director of Telecommunications, and includes any officer empowered by him to perform all or any of the functions of the telecommunication authority under this Ordinance or the rules and regulations made thereunder;

“telecommunication officer” means any person employed either permanently or temporarily in connection with a telegraph or wireless telegraph established, maintained or worked—

- (a) by the Government; or
- (b) by a person licensed under this Ordinance or by such of the persons or classes of persons licensed under this Ordinance as may be prescribed, other than a person licensed to receive messages by means of wireless telegraphy or to transmit and receive messages for experimental purposes;

- “ telegraph ” means an electric, magnetic, or mechanical telegraph, including appliances, wires and apparatus or any combination thereof for making and transmitting or receiving telegraphic, telephonic or other communications, writing, facsimiles, images, pictures or sounds by means of electricity or magnetism or any mechanism or by any agency of a like nature, with the aid of wires or other continuous electrical conductors connecting the points from and at which the messages or other communications are sent and received, and includes the telephone ;
- “ telegraph line ” means a wire or wires used for the purpose of a telegraph or a wireless telegraph, with any casing, coating, tube, or pipe enclosing the same, and any appliances and apparatus connected, therewith for the purpose of fixing, insulating, protecting, or earthing the same ;
- “ telegraph office ” means any place at which a telegraph or wireless telegraph is installed and worked and includes any place at which any work incidental to or connected with the acceptance, transmission or delivery of messages is carried on ;
- “ telegraphy ” means the working or use of a telegraph ;
- “ wireless telegraphy ” means any system of communication by wireless telegraph ;
- “ wireless telegraph ” means a telegraph, worked without the aid of any wire or other continuous electrical conductor connecting the points from and at which the messages or other communications are sent and received ;
- “ wireless telegraphy apparatus ” means any apparatus, appliance, instrument or material used or capable of use in wireless communication, and includes any article which in the opinion of the telecommunication authority is a wireless telegraphy apparatus, but does not include any such apparatus, appliance, instrument or material commonly used for other electrical purposes, unless it has been specially designed or adapted for wireless communication or forms part of some apparatus, appliance, instrument or material specially designed or adapted for such purpose, nor any article which in the opinion of the telecommunication authority is not a wireless telegraphy apparatus ;
- “ working a wireless telegraph ” shall include the reception of messages by means of wires connected to a complete wireless set or to wireless telegraphy apparatus used for the purpose of relaying messages received.

50. The Telegraph Ordinance is hereby repealed :

Provided, however, that all licences granted and rules and regulations made under that Ordinance and in force on the date immediately preceding the date on which this Ordinance comes into operation, shall respectively be deemed for all purposes to be licences granted and rules and regulations made under this Ordinance and shall have effect accordingly.

Repeal.  
Cap. 147.

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

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

Assented to by His Excellency the Governor the Twentieth day of December, One thousand Nine hundred and Forty-four.

H. A. C. DOBBS,  
Acting Secretary to the Governor.

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

**No. 54 of 1944.**

**Ceylon Baptist Council Incorporation Ordinance.**

HENRY MOORE.

WHEREAS a Society called and known as the Ceylon Baptist Council has heretofore been established in Ceylon for the purpose of spreading the knowledge of the Christian religion and establishing and maintaining Christian Churches, Schools and other Institutions.

And whereas the purposes aforesaid would be more effectually prosecuted and attained by the incorporation of the said Council.

And whereas the said Council has applied to be incorporated and it will be for 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 Ceylon Baptist Council Incorporation Ordinance, No. 54 of 1944.
- Incorporation.** 2. (1) From and after the date of the commencement of this Ordinance, the members for the time being of the Ceylon Baptist Council (hereinafter referred to as "the Council") and such and so many persons as shall after that date be admitted members of the said Council, shall be and are hereby constituted a body politic and corporate (hereinafter referred to as the "Corporation") with the name of the "Ceylon Baptist Council".
- (2) The Corporation shall, in the said name and for the purposes hereinafter mentioned, have perpetual succession, and shall and may by the said name sue and be sued, plead and be impleaded, answer and be answered, in all courts and shall and may have and use a common seal with power to break, alter, and renew the same at its discretion.
- Rules.** 3. (1) It shall be lawful for the Council from time to time at any general meeting of the members, and by a majority of the members present and voting, to make such rules not inconsistent with this Ordinance, as the Council may deem expedient for all or any of the following purposes :—
- (a) the admission, withdrawal or expulsion of members ;
- (b) the powers, duties, functions and conduct of the various officers, agents and servants of the Council ;
- (c) the procedure to be observed at meetings and in convening meetings and in the transaction of the business of the Council ;
- (d) the administration and management of the property of the Council ;
- (e) the determination of the subscription payable by members and the collection of such subscription ;
- (f) generally the management of the affairs and the accomplishment of the objects of the Council.
- (2) All members of the Council shall at all times be subject to the rules for the time being of the Council.
- Alteration of Rules.** 4. No rule made by the Council at any general meeting shall be altered, amended or rescinded except by the votes of a majority of the members present and voting at any subsequent general meeting.
- Power of Corporation to hold property.** 5. The Corporation shall be able and capable in law to receive and to hold property, both movable and immovable, which may be 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 (subject to any trust attaching to such property and to the law regulating such trusts) to sell, mortgage, lease, exchange or otherwise dispose of the same.
- Vesting of property.** 6. On the coming into operation of this Ordinance, all property of the Council, both movable and immovable, whether held in the name of the Council or in the name of any person or persons in trust for the Council or for the benefit of any schools or institutions established or maintained by the Council shall be and is hereby vested in the Corporation, and such property together with all property hereafter to be acquired both movable and immovable and all subscriptions, donations, loans and other moneys received or to be received shall be held by the said Corporation for the purposes of this Ordinance and subject to the rules for the time being of the Council.
- Seal of Corporation.** 7. The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of three members of the Council, duly authorised for the purpose under the rules thereof, 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.
- Saving of rights of the Crown.** 8. 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.

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

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

Assented to by His Excellency the Governor the Twenty-third day of December, One thousand Nine hundred and Forty-four.

H. A. C. DOBBS,  
Acting Secretary to the Governor.



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

No. 56 of 1944.

L. D.—O. 7/44

An Ordinance to validate certain Proclamations issued under  
the Dried Meat Ordinance.

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 Dried Meat (Valida-  
tion of Proclamations) Ordinance, No. 56 of 1944.

Short title.

2. No Proclamation issued before the date of the com-  
mencement of this Ordinance under section 3 or section 9  
of the Dried Meat Ordinance (Chapter 337) shall be deemed—

Retrospective  
validation of  
Proclamations.

(a) to have been invalid at any time heretofore at which  
it purported to be in force, or

(b) where it purports to be in force at the date of the com-  
mencement of this Ordinance, to be invalid at any  
time hereafter,

by reason only that after the issue thereof it was not laid  
on the table of the State Council in accordance with the  
provisions of section 12 of that Ordinance.

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

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

Assented to by His Excellency the Governor the Twenty-  
third day of December, One thousand Nine hundred and  
Forty-four.

H. A. C. DOBBS,  
Acting Secretary to the Governor.

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

No. 57 of 1944.

L. D.—O. 57/43.

994/1 (CY/FSO)

An Ordinance to amend the Currency Ordinance,  
No. 21 of 1941.

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 Currency  
(Amendment) Ordinance, No. 57 of 1944.

Short title.

2. Section 14 of the Currency Ordinance, No. 21 of 1941,  
(hereinafter referred to as "the principal Ordinance"), is  
hereby amended by the substitution, for the words "one  
Ceylon rupee.", of the words "one Ceylon rupee payment of  
the equivalent of such value in sterling to the Crown Agents in  
London, if made with the prior approval of the Board, being  
deemed for this purpose to be payment to the Reserve Bank."

Amendment of  
section 14 of  
the Currency  
Ordinance,  
No. 21 of 1941.

3. Section 15 of the principal Ordinance is hereby amended  
by the substitution, for the words "one Indian rupee.", of the  
words "one Indian rupee, payment of the equivalent of that  
amount of Indian currency in sterling through the Crown  
Agents in London in any case where the Board decides to  
comply with a request for such payment, being deemed for  
this purpose to be payment in Indian currency at Bombay."

Amendment of  
section 15 of  
the principal  
Ordinance.

4. Section 17 of the principal Ordinance is hereby amended,  
in paragraph (b) of that section, by the substitution, for the  
words "and the Reserve Bank", of the words "and the  
Reserve Bank or the Crown Agents".

Amendment of  
section 17 of  
the principal  
Ordinance.

5. Section 21 of the principal Ordinance is hereby amended,  
in paragraph (a) of that section, by the substitution, for the  
words "on behalf of the Board by the Reserve Bank", of the  
words "by the Reserve Bank, and the sterling received by the  
Crown Agents, on behalf of the Board".

Amendment of  
section 21 of  
the principal  
Ordinance.

6. Section 22 of the principal Ordinance is hereby amended,  
in paragraph (a) of that section, by the substitution, for the  
words "on behalf of the Board by the Reserve Bank", of the  
words "by the Reserve Bank, and the sterling paid out by the  
Crown Agents, on behalf of the Board".

Amendment of  
section 22 of  
the principal  
Ordinance.

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

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

Assented to by His Excellency the Governor the Twenty-  
ninth day of December, One thousand Nine hundred and  
Forty-four.

H. A. C. DOBBS,  
Acting Secretary to the Governor.

## DRAFT ORDINANCES.

## MINUTE.

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

L. D.—CF. 11/42.

**An Ordinance to modify certain provisions of law relating to the registration of deaths, Inquiries into Deaths and to the burial and cremation of dead bodies in their application in the case of the deaths of persons subject to military law or of members of the armed forces of the enemy.**

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 Registration of Deaths (Emergency Provisions) Ordinance, No. of 194 .

Modification of statutory requirements relating to information and registration of deaths.

2. In the event of the death of a person subject to military law or of a member of the armed forces of the enemy, whether in consequence of war operations or otherwise—

(a) it shall not be necessary for any person subject to military law to give information concerning the death to a Registrar or to attend before the Registrar and sign the register or to deliver a certificate stating the cause of death to a Registrar or to any other person ; and

(b) a Registrar shall not register the death, unless he is directed to do so by the Registrar-General.

Modification of certain statutory requirements relating to information and inquiries and of burials and cremations in cases of deaths in consequence of war operations.

3. (1) In the event of the death of a person subject to military law or of a member of the armed forces of the enemy in consequence of war operations—

(a) it shall not be obligatory on any person to give information concerning the death to an Inquirer ; and

(b) an Inquirer shall not take any action in relation to the death.

(2) In the case of any death referred to in sub-section (1), a proper authority may cause the dead body to be buried, cremated, or otherwise disposed of, in any cemetery or burial ground or other place, as he may think fit :

Provided, however, that such body shall not be buried, cremated, or otherwise disposed of, in any cemetery or burial ground duly established or registered under the Cemeteries and Burials Ordinance for any proclaimed area, unless a certificate with respect to such body has been duly issued by proper authority in accordance with the provisions of this Ordinance.

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Disposal of bodies where deaths have occurred otherwise than in consequence of war operations.

4. In the event of the death of a person subject to military law or of a member of the armed forces of the enemy, otherwise than in consequence of war operations—

(a) an Inquirer who holds an inquiry into such death shall, on the production of a certificate with respect to the dead body of any such person duly issued by a proper authority, make his order for the burial of such body by affixing his signature in the space provided for the purpose at the foot of the Form set out in the Schedule to this Ordinance ; and

(b) the dead body of any such person may, if with respect to such body a certificate has been duly issued by a proper authority, be removed to and buried, cremated, or otherwise disposed of, in any cemetery or burial ground duly established or registered under the Cemeteries and Burials Ordinance for any proclaimed area, whether or not such death occurred within the limits of such proclaimed area.

Duty of keeper of a cemetery or burial ground.

5. The keeper or other person in charge of any cemetery or burial ground, duly established or registered under the Cemeteries and Burials Ordinance, shall, on the production of a certificate with respect to a dead body duly issued by a proper authority, permit such body to be buried, cremated, or otherwise disposed of, in such cemetery or burial ground.

Form of certificate to be issued by a proper authority.

6. A certificate with respect to a dead body issued by a proper authority under this Ordinance shall be substantially in the Form set out in the Schedule to this Ordinance, and shall contain all the particulars required to be set out in that Form :

Provided, however, that a certificate with respect to the dead body of a person who was at the time of his death a member of the armed forces of the enemy may contain only such of those particulars as are available at the time of the issue of the certificate.

7. (1) On the receipt of any record or a certified copy of, or extract from, any record kept by a proper authority containing the particulars concerning the death of any person subject to military law or of a member of the armed forces of the enemy, the Registrar-General shall forthwith issue an order for the registration of that death.

Registration of deaths on receipt of records from proper authority.

(2) On the receipt of any order for the registration of a death issued by the Registrar-General under sub-section (1), a Registrar shall, subject to such general or special directions as may be given by the Registrar-General for determining the manner in which such death is to be registered, register such death forthwith in the manner prescribed in the principal Ordinance.

Any entry made in a register of deaths by a Registrar under this section shall, for the purposes of the principal Ordinance, be deemed to have been signed by a proper authority acting as the informant required by that Ordinance.

The provisions of section 27 of that Ordinance shall not apply to the registration of any such death.

8. For the purposes of the proof of the death of any person subject to military law whose death has not been registered by a Registrar, a certificate issued by or on behalf of a proper authority stating that that person has died shall be *prima facie* evidence of the fact of such death; and any document, purporting to be such a certificate and to be signed by or on behalf of such authority shall, unless the contrary be proved, be deemed to be a certificate issued by or on behalf of such authority, and shall be received in evidence accordingly.

Proof of death.

9. This Ordinance shall be read and construed as one with the principal Ordinance and with any other written law relating to the registration of deaths, inquiries into deaths and the burial, cremation or other disposal of dead bodies:

Construction of Ordinance.

Provided, however, that in the event of any conflict or inconsistency between the provisions of the principal Ordinance or such other written law and the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

10. (1) This Ordinance shall apply during the continuance of any war in which His Majesty may be engaged.

Application of Ordinance.

(2) For the purposes of the application of this Ordinance during the continuance of the war in which His Majesty has been engaged from the third day of September, 1939—

(a) this Ordinance shall be deemed to have come into force on that day; and

(b) the war shall be deemed to terminate on such date as may be appointed by the Governor by Proclamation published in the *Gazette*.

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

Interpretation.

“a person subject to military law” includes a person subject to the naval, military, or air force law of the United Kingdom, India, a Dominion, or a British Colony or Mandated Territory, or of any foreign power allied with His Majesty, or of any foreign authority recognised by His Majesty as competent to maintain naval, military, or air forces for service in association with His Majesty's forces, but does not include—

(a) a member of the Ceylon Defence Force, the Ceylon Royal Naval Volunteer Reserve, or the Ceylon Air Defence Corps, who is absent from his unit on leave or otherwise than on duty;

(b) a member of the Ceylon Defence Force, the Ceylon Royal Naval Volunteer Reserve, or the Ceylon Air Defence Corps, who is on the Reserve of that force; or

(c) a Ceylonese member of any of His Majesty's regular forces who is absent from his unit on leave or otherwise than on duty;

“body” includes part of a body;

“Ceylonese” means a person domiciled in Ceylon and possessing a Ceylon domicile of origin;

“His Majesty's forces” includes the Ceylon Defence Force, the Ceylon Royal Naval Volunteer Reserve, the Ceylon Air Defence Corps and any force, whether regular or volunteer, of India, a Dominion, a British Colony, or Mandated Territory;

“Inquirer” includes a Magistrate;

“principal Ordinance” means the Births and Deaths Registration Ordinance;

“proclaimed area” means any town, district, or place proclaimed under section 30 of the principal Ordinance;

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“ proper authority ”—

- (a) for the purposes of the provisions of this Ordinance relating to the issue of a certificate with respect to, or to the burial of, the dead body of a person who was at the time of his death subject to military law, means the Officer Commanding the naval, military, or air force hospital at which the death of such person occurred or the registrar of that hospital, if any, or, where the death of such person occurred in a place other than such hospital, the medical officer of the unit to which such person was at the time of his death attached, or the Officer Commanding that unit ;
- (b) for the purposes of the provisions of this Ordinance relating to the issue of a certificate with respect to, or to the burial of, the dead body of a person who was at the time of his death a member of the armed forces of the enemy, means the Officer Commanding the naval, military, or air force hospital at which the death of such person occurred or the registrar of that hospital, if any, or, where the death of such person occurred in a place other than such hospital, any commissioned officer in His Majesty's forces ;
- (c) for the purposes of the provisions of this Ordinance relating to the keeping of a record containing the particulars concerning the death, or the issue of a certificate with respect to the proof of death, of a person subject to military law, means the officer-in-charge of the records of the unit to which such person was at the time of his death attached or the Officer Commanding that unit ; and
- (d) for the purposes of the provisions of this Ordinance relating to the keeping of a record containing the particulars concerning the death of a member of the armed forces of the enemy, means any commissioned officer in His Majesty's forces ;

“ Registrar ” means a registrar of Births and Deaths duly appointed under the principal Ordinance and includes any Provincial Registrar or Assistant Provincial Registrar duly appointed under that Ordinance ;

“ Registrar-General ” means the Registrar-General of Births and Deaths duly appointed under the principal Ordinance ;

“ war operations ” means—

- (a) operations of the armed forces of the enemy ; or
- (b) operations of any of His Majesty's forces, or of any forces of any foreign power allied with His Majesty, or of any forces of any foreign authority recognised by His Majesty as competent to maintain naval, military, or air forces for service in association with His Majesty's forces, while in action against the enemy or while acting in the course of their duty upon any warning of the imminence of an attack by the enemy.

*Schedule.*

*From of certificate of death.*

(Sections 3, 4, 5 and 6).

Service  
Regiment  
or corps \_\_\_\_\_  
No. \_\_\_\_\_ Rank \_\_\_\_\_  
Name (in full) \_\_\_\_\_  
Died on \_\_\_\_\_ 194 at \_\_\_\_\_  
Probable cause of death \_\_\_\_\_

\* Signature \_\_\_\_\_  
Rank \_\_\_\_\_  
Designation \_\_\_\_\_

\*\* I order burial.

\*\* Signature of Inquirer \_\_\_\_\_

\*Where the death has occurred—

- (a) in a hospital, the certificate must be signed by the Officer Commanding such hospital or the registrar of such hospital, or
- (b) in a place other than a hospital, the certificate must be signed, in any case where the deceased person was at the time of his death subject to military law, by the medical officer of the unit to which such person was at that time attached or the Officer Commanding that unit, or in any case where the deceased person was at the time of his death a member of the armed forces of the enemy, by any commissioned officer in His Majesty's forces.

\*\*Where an inquiry has been held, the order authorising burial must be signed by the Inquirer.

*Objects and Reasons.*

Certain statutory requirements relating to the registration of deaths, inquiries into deaths, and the burial and cremation of dead bodies, have, in their application in the case of the deaths of persons subject to military law or of members of the armed forces of the enemy, given rise to some difficulties. With a view to avoiding such difficulties in the future, the Service authorities in Ceylon and the civil authorities responsible for the due enforcement of those requirements have made special arrangements to deal with such cases. The object of this Bill is to give those arrangements the sanction of law.

2. As the statutory requirements referred to in paragraph 1 have not been strictly complied with since the date of the outbreak of the present war, it is proposed to give this Bill retrospective effect to cover this intervening period.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, December 27, 1944.

## MINUTE

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

L. D.—O. 11/44

**An Ordinance to amend the Batticaloa Waterworks Ordinance.**

Chapter 162  
(Volume IV.,  
page 264).

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 Batticaloa Waterworks (Amendment) Ordinance, No. of 1944.

Short title.

2. Section 5 of the Batticaloa Waterworks Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended as follows:—

Amendment of  
section 5 of  
Chapter 162.

(1) by the re-numbering of that section as sub-section (1) of section 5; and

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

"(2) There shall be exempt from the water-rate imposed under this Ordinance—

(a) all lands or buildings wholly or mainly used for religious, educational, or charitable purposes;

(b) all buildings in charge of military sentries; and

(c) all burial and cremation grounds."

3. The following new sections are hereby inserted immediately after section 6 and shall have effect as sections 6A and 6B, of the principal Ordinance:—

Insertion of  
new sections  
6A and 6B in  
the principal  
Ordinance.  
Regulations.

6A. (1) The Executive Committee of Local Administration may make all such regulations as may appear to that Committee to be necessary for the purposes of the preservation and maintenance of the said waterworks, the supervision of the supply of water and the control of the use of the water supplied from the waterworks, and the recovery of charges for the supply of water in the cases referred to in section 3 (3); and without prejudice to the generality of the powers conferred by the preceding provisions of this sub-section, regulations may be made for or in respect of all or any of the following matters:—

(a) the prevention of waste, misuse, undue consumption, or contamination of the water supplied for public or private use;

(b) the size, nature, strength, and materials, and the mode of arrangement, position, alteration, removal, renewal, and repair of the pipes, valves, cocks, cisterns, soil pans, water-closets, and other apparatus and receptacles to be used respectively for carrying, delivering, regulating, and storing water;

(c) the control of the public supply of water by stand-pipes, and the use of such water;

(d) the control of the supply of water by private services, and the materials and fittings to be used for the purpose;

(e) the control of the supply of water by measurement, and the materials, meters, appliances and fittings to be used for the purpose or in connexion therewith;

- (f) the terms and conditions subject to which water will be supplied for other than domestic purposes or to a house by a private service, and the price to be paid for the water so supplied; and
- (g) the recovery of charges due in respect of any water so supplied in the same manner as a fine.

(2) No regulation made under sub-section (1) shall have effect until it has been approved by the State Council and ratified by the Governor: nor until notification of such approval and ratification has been published in the *Gazette*.

(3) Every regulation made under sub-section (1) shall, upon publication of the notification of the approval and ratification of that regulation as provided for in sub-section (2), be as valid and effectual as if it were herein enacted.

Penalty for  
contravention  
of regulations.

6B. Every person who contravenes any regulation made under section 6A shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty rupees, and shall, in the case of a continuing offence, be liable to an additional fine not exceeding twenty-five rupees for every day during which the offence is continued after conviction or after service of a written notice from the Chairman of the Batticaloa Urban Council directing attention to such offence.

Amendment of  
section 7 of  
the principal  
Ordinance.

4. Section 7 of the principal Ordinance is hereby amended, by the substitution, for the words "constituted under the Local Government Ordinance or any Ordinance amending the same", of the following:—

"constituted under any Ordinance for the time being in force relating to the establishment of urban councils for the purposes of Local Government, and for the purposes of the application of the preceding provisions of this Ordinance to such successor—

- (a) the references in section 4 to the annual value ascertained in the manner provided by section 30 of the Local Boards Ordinance shall be construed as references to the annual value ascertained for the purposes of any rate imposed by such successor;
- (b) the references in section 4 to the manner of payment and recovery prescribed by the Police Ordinance shall be construed as references to the manner of collection and recovery of any rate by such successor; and
- (c) the reference in section 4 to the Government Agent of the Eastern Province shall be construed as a reference to such successor."

Cap. 196.

Cap. 43.

Retrospective  
effect.

5. The amendments made in the principal Ordinance by section 2 of this Ordinance shall be deemed for all purposes to have come into operation on the first day of January, 1933.

#### *Objects and Reasons.*

Under the Batticaloa Waterworks Ordinance (Chapter 162), only premises which in the opinion of the Governor are not sufficiently supplied with water from the waterworks are exempt from the water-rate imposed under that Ordinance. Under the Urban Councils Ordinance, No. 61 of 1939, lands or buildings used for religious educational or charitable purposes, buildings in charge of military sentries, and burial and cremation grounds are exempt from the property rate imposed by the Batticaloa Urban Council. It is now proposed to amend the Batticaloa Waterworks Ordinance so as to provide that such lands, buildings, and grounds will also be exempt from that water-rate (Clause 2).

As no water-rate has been collected in respect of such lands, buildings, and grounds for some years, retrospective effect is to be given, by Clause 5, to the amendments effected in the Batticaloa Waterworks Ordinance by Clause 2.

2. When the Local Board of Batticaloa owned and managed the Batticaloa waterworks, the Board had the power under section 56 of the Local Boards Ordinance to make by-laws for the purpose of preventing waste, misuse, undue consumption or contamination of the water supplied by the Board, and for the purpose of the preservation and maintenance of the waterworks. The Local Board, using that power, made by-laws for such purposes from time to time. The waterworks is to-day the property of the Government; but there is no power in the Batticaloa Waterworks Ordinance to enable any authority to make regulations for the said purposes. This Bill therefore provides for the inclusion of new provisions which will enable the Executive Committee of Local Administration to make regulations relating to the

preservation and maintenance of the Batticaloa waterworks, the supervision of the supply of water, the control of the use of the water supplied from the waterworks, and the recovery of any charges payable for the supply of water (Clause 3).

3. Under section 4 of the Batticaloa Waterworks Ordinance, the water-rate imposed under that section is to be collected or recovered in the same manner as the police tax imposed under the Police Ordinance (Chapter 43). As the water-rate is now imposed by the Batticaloa Urban Council, this Bill provides also for the amendment of section 7 of the Batticaloa Waterworks Ordinance so as to enable that rate to be collected or recovered in the same manner as the property rate imposed by the Batticaloa Urban Council (Clause 4).

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

Colombo, December 27, 1944.

#### NOTICES OF INSOLVENCY.

In the District Court of Colombo.

Insolvency In the Matter of the Insolvency of James Allanson  
Jurisdiction. Koelmeyer of Hunupitiya, insolvent.  
No. 5,676.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 26, 1945, to consider the grant of a certificate of conformity to the insolvent above named.

By order of court,

T. RAMANATHAN,  
Secretary.

Colombo, January 4, 1945.

In the District Court of Colombo.

Insolvency In the Matter of the Insolvency of Tuan Abdeen  
Jurisdiction. Amja Palle of 27, Wolfendhal street, Colombo,  
No. 5,680. insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 26, 1945, to consider the grant of a certificate of conformity to the insolvent above named.

By order of court,

T. RAMANATHAN,  
Secretary.

Colombo, January 4, 1945.

#### NOTICES OF FISCALS' SALES.

Central Province.

In the District Court of Kandy.

Thangasamy Ponniah of 22, Pussellawa road. Gam-  
pola ..... Plantiff  
No. M. B. 938. Vs. ....

(1) Meetalawwe Alutgamange Balarand of Galpaya in Dolosbage,  
(2) Lande Kotuwegedera Mohamadu Lebbe Abdul Hamid  
of Keerapone Gampola ..... Defendants.

NOTICE is hereby given that on Wednesday, January 31, 1945, commencing at 2 o'clock in the afternoon will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property mortgaged upon Bond No. 14,905 dated October 27, 1942, and attested by P. B. Illangasinghe, Notary Public, for the recovery of the sum of Rs. 740 with further interest on Rs. 600 at the rate of 15 cents per Rs. 10 per month from February 18, 1944, till May 31, 1944, and thereafter with legal interest on the aggregate amount of the decree till payment in full and the costs of this action taxed at Rs. 86 90 and poundage, viz. —

1. An undivided  $\frac{1}{2}$  share out of the land called Heennegedera-watta of 2 pelas in paddy sowing extent, situated at Meeralawwe in Dolosbage of Ganga Ihala korale in Udapalata of the District of Kandy, Central Province: and bounded on the north by Ella of Sadera's field, on the east by the limit of Sadera's garden, on the south by Wetiya of Naigalamulahena belonging to Juwamis Appu, and on the west by the tea garden called Hapugahawatta belonging to Ranhotia, together with a like share of the plantations and everything standing thereon. Registered in D 94/62.

2. An undivided  $\frac{1}{2}$  share out of the lands called Dodantennehena and Galkotuwe both adjoining each other and forming one land of 3 amunams in paddy sowing extent, situated at Meetalawwa aforesaid; and bounded on the north by Mala-ela of Ukkuthu-godahena belonging to Kirisaduwa, on the east by Gorokgaha-deniyekumbura belonging to Silindoo and Ukku, on the south by the limit of Giraulle Dureyagehena and the tingol creeper of Dodantennehena, and on the west by Galpalya of Kira Yakaduregehena, together with a like share of the plantations and everything standing thereon. Registered in D. 77/121

Valuation Rs 1,950.

Fiscal's Office,  
Kandy, January 2, 1945.

M. K. YATIGAMMANA,  
Deputy Fiscal.

#### NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Kalutara.

Order Absolute declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Bendi-  
Jurisdiction. Sattambige Arthur John Fernando, deceased, of  
No. 3,188. Beruwala.

Kalutara-patabandige Dona Anialine Reme of Bonnalagoda  
in Beruwala ..... Petitioner.

THIS matter coming on for disposal before G. M. de Silva, Esq., District Judge, of Kalutara, on November 17, 1944, in the presence of Mr S. Matugama, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner, affidavit of notary and witnesses dated November 10, 1944, and November 12, 1944, having been read along with Last Will No. 33,288 filed of record.

It is ordered that the will of Bendisattambige Arthur John Fernando, deceased, dated October 22, 1944, and numbered 33,288 be and the same is hereby declared proved.

It is further declared that the said petitioner is the executrix named in the said will and that she is entitled to have probate of the same issued to her accordingly.

G. M. DE SILVA,  
District Judge.

November 17, 1944.

In the District Court of Galle sitting at Balapitiya.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of  
Jurisdiction. Sipkaduwe Anthony Jandoris de Silva Wickrema-  
No. B 89. sooriya, Mudaliyar, late of Wickremasooriya  
Walaawe, Poromba in Ambalangoda, deceased.

Between

(1) Andarawaas Patabandige Missie de Vaas Goonewardene  
Wickremasooriya Lapaetani, of Ambalangoda, (2) Francis  
Wickremasooriya, presently of Nawalapitiya ..... Petitioners.

And

(1) Sipkaduwe Anthony Albert Paulus Wickremasooriya, (2)  
ditto Peter Lionel ditto, (3) ditto Hubert ditto, (4) ditto  
Walter ditto, (5) ditto Arnold Winnthadeva Wickrema-  
sooriya, (6) ditto Gerald Wickremasooriya, all of Ambalan-  
goda, (7) Doreen Sugatha Wickremasooriya, (8) Indrani  
Wickremasooriya, (9) Kumara Francis Wickremasooriya,  
all of Nawalapitiya, (10) Stanly Wickremasooriya of Bata-  
pola, (11) Jaganath Chandradewa Wickremasooriya of  
Talawakele, (12) Aeneas Perera, (13) Hema Perera, both of  
Dehwala, (14) Sranath Chandra Wickremadithya Fernando,  
(15) Chandrani Wijelakshmi Fernando, both of Ambalangoda,  
7th to 15th minor respondents appearing by their guardian  
*ad litem* the 2nd respondent, (16) M. D. Daniel, (17) Bomiri-  
yege James, both of Talawakele, (18) G. W. Peter Silva of  
Ambalangoda ..... Respondents.

THIS matter coming on for disposal before W. Talgodapitiya, Esq., Additional District Judge of Galle, sitting at Balapitiya, on November 24, 1944, in the presence of Mr. L. C. G. Silva, Proctor, on the part of the petitioner; and the affidavit of the petitioners dated November 6, 1944, and the affidavit of the notary and of the attesting witnesses dated November 10, 1944, having been read:

It is ordered that the will of Sipkaduwe Anthony Jandoris de Silva Wickremasooriya, Mudaliyar, of Wickremasooriya Walaawe in Peremba in Ambalangoda, deceased, dated August 30, 1939, and now deposited in this court be and the same is hereby declared proved, unless the respondents above named or any other person or persons interested shall, on or before January 11, 1945, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioners are the executors named in the said will and that they are entitled to have probate of the same issued to them accordingly, unless the respondents or any other person or persons interested shall, on or before January 11, 1945, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent above named is the uncle of the 7th to 10th and 12th to 15th minor respondents and father of 11th minor respondent and that he is hereby appointed guardian *ad litem* over the said minor respondents, unless the respondents or any other person or persons interested shall, on or before January 11, 1945, show sufficient cause to the satisfaction of this court to the contrary.

W. TALGODAPITIYA,  
Additional District Judge.

December 15, 1944.

In the District Court of Matara.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Kulasekera Gamage Dona Asencina Hamine, late of Akurugoda, deceased.

No. 4,240. Kuruppu Arachchige David Ratnasekera of Akurugoda. Petitioner.

Vs.

(1) Kuruppu Arachchige Merciana Ratnasekera of Suluthanagoda, (2) ditto Don Aberan Ratnasekera of Akurugoda, (3) ditto Dona Kathirina Ratnasekera of ditto, (4) ditto Dona Gimara Ratnasekera of ditto, (5) ditto Dona Ceciliyana Ratnasekera of Matara, (6) ditto Carlina Ratnasekera of Talaramba, (7) ditto Francina Ratnasekera of Akurugoda, (8) ditto James Ratnasekera of Akurugoda, (9) ditto Emaliya Susana Ratnasekera of ditto, (10) ditto Susana Ratnasekera of ditto Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Matara, on November 18, 1944, in the presence of Mr. A. P. Daluwatte, Proctor, on the part of the petitioner above named; and the affidavit of (1) the petitioner dated August 21, 1944, (2) attesting Notary and witnesses dated October 12, 1944, having been read:

It is ordered that the last will and testament of Kulasekera Gamage Dona Asencina Hamine, deceased, the original of which has been deposited in this court be and the same is hereby declared proved, and that the petitioner above named is one of the executors named in the will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before January 8, 1945, show sufficient cause to the satisfaction of this court to the contrary.

K. D. DE SILVA,  
District Judge.

November 18, 1944.

In the District Court of Jaffna, held at Point Pedro.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Sinnathamby Suppiramaniam of Tellippalai, No. 261/PT. deceased.

Muttammah, widow of Suppiramaniam of Tellippalai. Petitioner.

Vs.

(1) Suppiramaniam Ampikapathy, (2) Suppiramaniam Vidyandan, (3) Kalavally, daughter of Suppiramaniam, (4) Suppiramaniam Thirunavukkara, (5) Suppiramaniam Thayanithy, (6) Panumathy, daughter of Suppiramaniam, (7) Inthumathy, daughter of Suppiramaniam, (8) Rathithevy, daughter of Suppiramaniam, (9) Suppiramaniam Thevakkecharapathy, (10) Suppiramaniam Arunampathy, (11) Suppiramaniam Kunanithy, all of Tellippalai, (12) Dr. T. Rajasingam Nitchingam of Kankesanthurai. Respondents.

THIS matter coming on for disposal before E. Wijeyawardene, Esq., Additional District Judge, on December 8, 1944, in the presence of Mr. K. Sinnathamby, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 4, 1944, having been read:

It is ordered that the 12th respondent be appointed guardian *ad litem* over the 2nd to 11th respondents, minors, for the purpose of representing them in these proceedings, unless the respondents or any person shall, on or before January 19, 1945, show sufficient cause to the satisfaction of this court to the contrary.

It is ordered that the will of Sinnathamby Subramaniam, deceased, dated July 26, 1933, and now deposited in this court be and the same is hereby declared proved, unless the respondents shall, on or before January 19, 1945, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner 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 shall, on or before January 19, 1945, show sufficient cause to the satisfaction of this court.

December 22, 1944.

E. WIJEWARDENE,  
Additional District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Estate of the late Nagamaniam Vinasithamby of Usan, deceased.

No. 340.

Nagamaniam Kirishnasamy of Usan. Petitioner.

Vs.

(1) Mylvaganam Rajakarai and wife (2) Sinnathamby of Usan, (3) Ponnachchy, daughter of Vinasithamby of Usan, (4) Ponnampalam, son of Vinasithamby of Usan, (5) Theivannaipillai, widow of Vinasithamby of Usan. Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge, Jaffna, on November 21, 1944, in the presence of Mr. R. Kanagaratnam, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated November 1, 1944, having been read:

It is ordered that the said 5th respondent be appointed guardian *ad litem* over the 3rd and 4th respondents and that the said Nagamaniam Kirishnasamy, the petitioner, be declared entitled to have letters of administration over the estate of the above-named deceased, and the same be issued to him accordingly, unless the respondents or others shall, on or before January 22, 1945, show sufficient cause to the satisfaction of this court to the contrary.

November 20, 1944.

H. A. DE SILVA,  
District Judge.

In the District Court of Jaffna.

*Notice.*

Testamentary Jurisdiction. In the Matter of the Estate of AR. AR. SM. Soma-sundram Chettiar, deceased.

No. 5,408.

To the creditors of the above estate.

TAKE notice that the administrator of the above estate is applying to this court for leave to sell the under-mentioned rubber estates for a sum of Rs. 18,000, to Muthiah Conar Perumal of Sea street, Colombo, and Yakkalakankanang-Don Piyadasa of Thalawiyala, Matara.

Any creditor desiring to show cause against the said application for sale is required to appear in person or by his Proctor before this court on January 19, 1945, at 10 A.M.

By order of the court,

Jaffna, December 12, 1944.

S. THILLAI,  
Acting Secretary.

- (1) Sunderavmayake estate—situated in the villages of Waraka pitiya and Akurugoda in Weligam korale in the District of Matara.  
Extent—97 A. 3 R. 26 P.  
Planted in Rubber—90 acres.
- (2) Kanapathy estate—situated in the villages of Ihala Keembiya, Waduramba and Ihala Kelwala in Gangaboda pattu in the District of Galle.  
Extent 48 A. 0 R. 9 P.  
Planted in Rubber—48 acres.