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PART II.—LEGAL.

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PASSED ORDINANCES.

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

No. 12 of 1945.

L. D.—O 14/39

An Ordinance to amend and consolidate the law relating to the establishment, jurisdiction and powers of Village Tribunals and to make provision for matters connected therewith.

[Assented to by His Majesty the King: See Proclamation dated June 22, 1945, published in Government Gazette No. 9,425 of June 29, 1945.]

HENRY MOORE.

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FIRST SCHEDULE.

SECOND SCHEDULE

An Ordinance to amend and consolidate the law relating to the establishment, jurisdiction and powers of Village Tribunals and to make provision for matters connected therewith.

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 Village Tribunals Ordinance, No. 12 of 1945, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

PART I.

Constitution of Village Tribunals.

2. (1) The Governor may, by Proclamation published in the *Gazette*, establish a Village Tribunal for any Chief Headman's Division, or for any part of a Chief Headman's Division, or for any combination of the whole or of parts of two or more Chief Headmen's Divisions, specified or defined in the Proclamation.

(2) Every Village Tribunal established or deemed to have been established under any Ordinance repealed by this Ordinance, and in existence on the day immediately preceding the appointed date, shall be deemed to be a Village Tribunal established under this Ordinance, and shall have, possess, and exercise all the rights, powers, privileges, and jurisdiction conferred on a Village Tribunal by the provisions of this Ordinance or of any other written law for the time being in force.

3. (1) The Governor may appoint any person to be or to act as—

- (a) President of a Village Tribunal established or deemed to be established under this Ordinance;
- (b) Additional President or one of the Additional Presidents of any such Village Tribunal.

Short title and date of operation.

Power of Governor to establish Village Tribunals.

Appointment of Presidents and Additional Presidents.

(2) The Governor may, by Order published in the *Gazette*, delegate to the Legal Secretary or to any other public officer named in the Order or described therein by reference to his office, subject to such conditions or limitations as may be prescribed in the Order, the power of the Governor under subsection (1) to appoint any person to act as the President or as an Additional President of any Village Tribunal established or deemed to be established under this Ordinance.

(3) The salary of every President or Additional President of a Village Tribunal shall be paid out of the general revenue.

(4) Every Additional President shall sit separately, and shall have, possess and exercise all the rights, powers, privileges and jurisdiction, shall perform and discharge all the duties and functions and be subject to all the responsibilities and liabilities of a President.

(5) Every President and Additional President appointed or deemed to have been appointed under any Ordinance repealed by this Ordinance shall be deemed to be appointed under this Ordinance, and shall, accordingly have, possess, and exercise all the rights, powers, privileges, and jurisdiction, and shall perform and discharge all the duties and functions and be subject to all the responsibilities and liabilities of a President appointed under this Ordinance.

4. Every President or Additional President, appointed after the date on which this Ordinance comes into operation shall, before he begins to execute the duties of his office, take and subscribe the oath of allegiance and the judicial oath prescribed by the Promissory Oaths Ordinance.

5. A President or Additional President may at any time be removed from his office by the Governor, and, where he is so removed on the ground of any misconduct, shall be disqualified for appointment to any office in the public service except with the prior approval of the Governor.

6. The Governor may, by Proclamation published in the *Gazette*—

(a) curtail the area forming the local jurisdiction of a Village Tribunal by excluding therefrom such part thereof as may be specified or defined in the Proclamation, or

(b) extend the area forming the local jurisdiction of a Village Tribunal—

(i) where that area consists of the entirety of a Chief Headman's Division or of two or more Chief Headmen's Divisions, by adding thereto such part of any other Chief Headman's Division as may be specified or defined in the Proclamation; or

(ii) where that area consists of or includes any part of a Chief Headman's Division, by adding thereto such other part of the same Chief Headman's Division or such part of any other Chief Headman's Division, as may be so specified or defined:

Provided that where by a Proclamation under paragraph (a) of this section any area previously forming part of the local jurisdiction of a Village Tribunal is excluded therefrom, and any action, prosecution or other proceeding pending in that Tribunal at the date on which the Proclamation takes effect ceases to be within the jurisdiction of the Tribunal by reason only of the exclusion of that area, such action, prosecution or proceeding may, notwithstanding anything in any other written law, be heard and determined or continued and completed by that Tribunal in like manner as if such area had not been so excluded from the local jurisdiction of that Tribunal.

7. The Governor may, by Proclamation published in the *Gazette*, abolish any Village Tribunal, and may, by the same or any subsequent Proclamation under this section, give directions for the transfer of the actions, prosecutions or other proceedings pending in that Village Tribunal at the time of such abolition to any other Village Tribunal, and all such other directions as to him may seem necessary for the determination or adjustment of any question or matter, arising from such transfer or connected therewith, for which no provision is otherwise made by this Ordinance.

PART II.

Jurisdiction of Village Tribunals.

8. A Village Tribunal shall, subject to the express provisions of this Ordinance, have both civil and criminal jurisdiction as hereinafter set out:

Provided that the Governor may, by Proclamation published in the *Gazette*, restrict any Village Tribunal either solely to criminal jurisdiction or solely to civil jurisdiction or impose

Oaths to be taken by President and Additional President.

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Power of Governor to remove President or Additional President from office.

Power of Governor to vary the local jurisdiction of Village Tribunals.

Power of Governor to abolish any Village Tribunal and to give directions as to pending cases.

Jurisdiction of Village Tribunals to be both civil and criminal.

such limits on the criminal or civil jurisdiction of any Village Tribunal as he may think fit, and such Village Tribunal shall not have or exercise any jurisdiction other than the jurisdiction to which it is so restricted or in excess of the limits so imposed.

Extent of civil jurisdiction.

9. (1) Subject as hereinafter provided, the civil jurisdiction of a Village Tribunal shall extend to the trial of—

- (a) all actions in which the debt, damage or demand does not exceed one hundred rupees, and in which either the party defendant is resident within the local jurisdiction of the Tribunal, or the cause of action shall have arisen wholly or in part within the local jurisdiction; and
- (b) all actions in which title to, interest in, or right to the possession of, any land or immovable property is in dispute, but only if the value of such land or immovable property, or of the particular share, right, or interest in dispute in such action, does not exceed one hundred rupees, and the land or any part thereof is situate within the local jurisdiction of the Village Tribunal:

Provided, however, that no Village Tribunal shall permit the institution of, or have or exercise jurisdiction in, any action or proceedings of any class or description included for the time being in the First Schedule to this Ordinance, irrespective of the amount of the demand or the damage claimed or of the value of the subject matter.

(2) The Governor may from time to time, by Proclamation published in the *Gazette*, enlarge the civil jurisdiction of any Village Tribunal specified in the Proclamation by directing that the pecuniary limit of the civil jurisdiction of that Village Tribunal shall, in lieu of the amount of one hundred rupees mentioned in sub-section (1), be such higher amount as may be prescribed in the Proclamation; and so long as the Proclamation is in force, sub-section (1) and section 19 in their application to that Village Tribunal, shall have effect as if all references therein to the amount of one hundred rupees were references to the higher amount so prescribed by the Governor:

Provided, however, that the civil jurisdiction of any Village Tribunal shall not be enlarged under the preceding provisions of this sub-section, unless the State Council has by resolution declared that such jurisdiction should be so enlarged.

Extent of criminal jurisdiction.

10. The criminal jurisdiction of a Village Tribunal shall extend to the trial of such of the following offences as may have been committed within the local jurisdiction of the Tribunal:—

- (a) all offences consisting of breaches of by-laws made or deemed to be made under the Village Communities Ordinance;
- (b) the offences for the time being included in the Second Schedule to this Ordinance, that is to say, such of the offences under the provisions of law enumerated in the first column of that Schedule as are specified or described in the corresponding entries in the second column of that Schedule, but subject in the case of each of those offences to any limitations, restrictions or conditions set out in respect of that offence in the third column of that Schedule; and
- (c) all offences in respect of which jurisdiction is expressly conferred on a Village Tribunal by this Ordinance or by any other Ordinance, whether passed before or after the appointed date.

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Jurisdiction in cases to which a person domiciled outside Ceylon or India is a party.

11. Where any of the parties to any criminal case, other than a case in respect of a breach of any by-law made or deemed to be made under the Village Communities Ordinance, or any of the parties to a civil case, is a person domiciled outside Ceylon or India, a Village Tribunal shall have no jurisdiction to try such case unless such party gives, in such manner as may be prescribed, his consent to the trial of such case by the Tribunal:

Provided that, notwithstanding anything in this section contained, any public officer or any officer of any society established in Ceylon for the prevention of cruelty to animals may, irrespective of his domicile, at his discretion prosecute before any Village Tribunal any offence otherwise within the jurisdiction of such Tribunal.

Jurisdiction to be exclusive.

12. Subject to any special provision relating to jurisdiction contained in this or any other Ordinance, the jurisdiction conferred by this Ordinance on Village Tribunals shall be exclusive, and cases within that jurisdiction shall not be entertained, tried or determined by any court established under the provisions of the Courts Ordinance:

Provided that nothing in this section contained shall preclude a public officer from prosecuting before a Magistrate's

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Court any offence which, but for the provisions of this Ordinance, would be cognizable by such Magistrate's Court, and any prosecution commenced in a Village Tribunal in respect of any such offence shall not be continued after the institution of proceedings in such Magistrate's Court.

13. Where in any case, whether civil or criminal, instituted before any Court established under the Courts Ordinance, it appears to such Court at any stage of the proceedings that the case is one within the exclusive jurisdiction of a Village Tribunal, the Court shall stop the further progress of the case and refer the parties to such Village Tribunal, and, where such case is a civil case, may make such order as to costs as may seem just:

Provided that any action, prosecution or other proceedings commenced in a competent court before the date on which this Ordinance comes into operation, in respect of any matter in which exclusive jurisdiction is conferred on a Village Tribunal by this Ordinance, shall, notwithstanding anything in the preceding provisions of this section, be continued and determined or completed in that court in like manner as if such exclusive jurisdiction had not been conferred on the Village Tribunal.

14. Whenever any question arises between a Commissioner of a Court of Requests or a Magistrate on the one part and a President of a Village Tribunal on the other part as to the jurisdiction to hear and determine any case, it shall be the duty of the Commissioner, Magistrate, or President; as the case may be, before whom the case was instituted or sought to be instituted, to embody the ascertained facts in a statement and to transmit the statement to the District Judge having appellate jurisdiction over the Village Tribunal in question. The District Judge shall thereupon decide whether the Court or the Tribunal should try the case, and the case shall be tried and determined by the Court or the Tribunal in accordance with the decision of the District Judge. The decision of the District Judge on every such question shall be final:

Provided that where, in any judicial district, the Commissioner or Magistrate is also the District Judge, the aforementioned statement shall be transmitted to, and the powers conferred on the District Judge by this section shall be exercised by, such District Judge of an adjoining judicial district as the Commissioner or Magistrate may determine.

15. In the case of—

- (a) any offence which, but for the provisions of this Ordinance, would be cognizable by a Magistrate's Court; or
- (b) any offence which consists of a breach of a by-law made or deemed to be made under the Village Communities Ordinance, and which is also an offence under any other Ordinance,

it shall be lawful for the Attorney-General or for the District Judge having appellate jurisdiction over the Village Tribunal which would otherwise have jurisdiction to try the offence, if he considers that such offence may more appropriately be tried before a Magistrate's Court, to direct such offence to be tried before the Magistrate's Court having jurisdiction to try the offence, and, if necessary, to stay all further proceedings in respect of such offence before the Village Tribunal; and such Magistrate's Court shall accordingly try such offence.

16. Where it is made to appear to the District Judge having appellate jurisdiction over any Village Tribunal that any specified civil action instituted in that Village Tribunal may be more appropriately tried before the Court of Requests having local jurisdiction, the District Judge shall have power to call for and inspect the record or journal of that action and to stay the proceedings in the Village Tribunal and to make order declaring that the Court of Requests shall have jurisdiction to hear and determine the matters in dispute in that action. Upon the making of such order, the proceedings in the Village Tribunal shall be discontinued, and the Court of Requests shall, notwithstanding anything in any other provision of this Ordinance, have jurisdiction to hear and determine the matter.

17. Where it is made to appear to any Village Tribunal—

- (a) in regard to any prosecution for any offence pending before the Tribunal, that in the circumstances of the case the offence cannot adequately be punished by any penalty which the Tribunal is authorised by this Ordinance or any other law to impose; or
- (b) in regard to any civil action pending before the Tribunal, that the action may more appropriately be tried before a Court of Requests,

Duty of Courts in cases within exclusive jurisdiction of Village Tribunals.

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Determination of question as to jurisdiction over remitted case.

Power to direct offence to be tried by Magistrate's Court.

Power of District Judge to confer jurisdiction on a Court of Requests in civil actions.

Village Tribunal to report case more appropriately triable elsewhere to District Judge with a view to transfer.

it shall be the duty of the Tribunal to suspend the further hearing of the prosecution or action, and to report it to the District Judge having appellate jurisdiction over the Tribunal, with a view to obtaining an order under either of the last two preceding sections.

Duty to refer case beyond jurisdiction to competent court.

18. Where it appears in the course of the proceedings in any action, prosecution or other matter before a Village Tribunal, that the matter is not within the jurisdiction of the Tribunal, it shall be the duty of the Tribunal forthwith to stay the proceedings and to refer the party by whom the proceedings were instituted to the competent court.

Jurisdiction in actions involving title to land.

19. (1) The jurisdiction of a Village Tribunal to try any case in which the title to or interest in or right to the possession of any land or immovable property is in dispute shall not be exclusive, notwithstanding that the value of the land or immovable property or the particular share, right or interest in dispute does not exceed one hundred rupees.

(2) At the hearing of any case of the description referred to in sub-section (1), it shall be the duty of the Village Tribunal to inquire of the defendant whether he objects to the jurisdiction of the Tribunal to hear and determine the case.

(3) Where the defendant, on being questioned by the Tribunal under sub-section (2), does not raise any objection to the jurisdiction, it shall not be competent to him to raise any such objection at any subsequent stage of the proceedings or on appeal.

(4) Where the defendant, on being questioned by the Tribunal under sub-section (2), raises any objection to the jurisdiction and the Tribunal is satisfied that there are good grounds for the objection, the Tribunal shall forthwith stay the proceedings and refer the party instituting the case to the competent court.

PART III.

Procedure before Village Tribunals.

Mode, time and place of sittings.

20. (1) Every Village Tribunal shall hold its sittings in public at such time and at such places, whether within or outside the limits of the local jurisdiction of the Village Tribunal, as may be specified from time to time in written directions issued by the District Judge having appellate jurisdiction over the Tribunal or as may be determined by the President in the absence of such directions.

(2) Where any Village Tribunal has, with the approval of the District Judge having appellate jurisdiction over the Tribunal, set apart a building for use as a court-house, it shall be the duty of the District Judge to notify in the *Government Gazette* that such building is the court-house of that Village Tribunal.

Language of proceedings.

21. The proceedings of a Village Tribunal shall be conducted in such language as may be determined in the case of each area by the District Judge having appellate jurisdiction over the Tribunal, but the record thereof shall in every case be kept in English.

Representation of parties.

22. No advocate, proctor, agent, or other person shall be entitled or be permitted to appear on behalf of any party in any case before a Village Tribunal:

Provided, however, that the prohibition contained in this section shall not apply to the appearance in a Village Tribunal—

- (a) of a husband, on behalf of his wife; or
- (b) of a guardian or curator, on behalf of the person or persons for whom he acts as such; or
- (c) of an agent resident within the jurisdiction of the Village Tribunal, on behalf of a principal who is not so resident; or
- (d) of any person (not being an advocate or proctor) expressly authorised thereto by the President of the Village Tribunal, on behalf of a minor who is not represented by any person legally entitled to represent him or on behalf of any other party in the special circumstances of any case.

Power to administer oaths.

23. For the purposes of any proceedings before a Village Tribunal, the President shall have power to administer oaths in manner authorised by any written law for the time being in force in that behalf.

Duty of Village Tribunal to endeavour to conciliate parties.
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24. In every civil action, and in every prosecution instituted in a Village Tribunal for any offence, other than an offence which under the Criminal Procedure Code is not compoundable or is compoundable only with the sanction of the Attorney-General, it shall be the duty of the Village Tribunal by all lawful means to endeavour to bring the parties to an amicable settlement, and to remove, with their consent, the real cause of grievance between them; and for this purpose the Tribunal shall have power, on the application of

the parties, to refer the matter in issue to arbitration, and to give judgment in accordance with the finding of the arbitrator. Every judgment given in accordance with the finding of an arbitrator under this section shall be final, and not subject to appeal.

25. The President of a Village Tribunal may receive complaints and issue summonses in respect of any offence within the criminal jurisdiction of the Tribunal at any place in which he may be sitting, notwithstanding that such place may be outside the limits of the local jurisdiction of the Tribunal.

Power of President to receive complaints and issue summonses outside his local jurisdiction.

26. Subject to the provisions of this Part, all actions, prosecutions and other proceedings in a Village Tribunal shall be instituted, conducted, heard, determined and completed, in accordance with the rules of civil procedure or of criminal procedure, as the case may be, made, or declared for the time being to be in force, under this Ordinance.

Rules of procedure.

PART IV.

Penalties that may be imposed by Village Tribunals.

27. (1) A Village Tribunal, in the exercise of its criminal jurisdiction, may sentence any person convicted of an offence by the Tribunal—

General penalties.

- (a) to imprisonment of either description for a period not exceeding fourteen days or to a fine not exceeding fifty rupees, and
- (b) in the case of a continuing offence, to a further fine not exceeding ten rupees for each day such offence is continued after notice is given to the offender that such offence is being committed by him or after he is once convicted of such offence, and

in the event of default in payment of any fine so imposed may—

- (i) whatever the amount of the fine, sentence the offender to detention as provided in section 6 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. 49 of 1938;
- (ii) where the amount of the fine exceeds four rupees but does not exceed seven rupees and fifty cents, sentence the offender to imprisonment of either description for a term of seven days;
- (iii) where the amount of the fine exceeds seven rupees and fifty cents, sentence the offender to imprisonment of either description for a term not exceeding fourteen days;

Provided that a Village Tribunal shall not sentence any person to imprisonment for a term which is less than seven days:

And provided further that—

- (i) where the sole punishment prescribed by the written law whereby any offence is made punishable is a fine, the imprisonment to which a Village Tribunal may sentence any person convicted of the offence, in the event of default in payment of any fine imposed on him, shall be simple imprisonment only; and
- (ii) where the punishment so prescribed for any offence is less severe than the penalties set out in this section, the punishment to which a Village Tribunal may sentence any person convicted of the offence shall not be in excess of the punishment so prescribed.

(2) Whoever attempts to commit an offence punishable under this Ordinance, and in such attempt does any act towards the commission of the offence, or abets the commission of or an attempt to commit any such offence, shall be liable to the same punishment as if he had committed such offence.

(3) Where any person is charged before a Village Tribunal with an offence punishable under this Ordinance, and the Tribunal thinks that the charge is proved, but is of opinion that, having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment, or any other than a nominal punishment, the Tribunal may order such person—

- (a) to be discharged after such admonition as may be necessary; or

(b) if he is under the age of sixteen years, to be delivered to his parent or to his guardian or nearest adult relative, or such parent, guardian or relative executing a bond, with or without a surety or sureties as the Tribunal may require, that he will be responsible for the good behaviour of such person for any period not exceeding twelve months.

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(4) In lieu of ordering any male person under the age of sixteen years to be fined or imprisoned as aforesaid, a Village Tribunal may order such person to be whipped in accordance with the provisions of the Corporal Punishment Ordinance and section 319 of the Criminal Procedure Code.

Provided that no Village Tribunal shall have power to order more than six strokes with a rattan to be inflicted on any such person.

(5) (a) Where a person has been sentenced to a fine and to imprisonment in default of payment of the fine, a Village Tribunal may do all or any of the following things:—

- (i) allow time for the payment of the fine;
- (ii) direct payment of the fine to be made by instalments
- (iii) direct that the person liable to pay the fine shall be at liberty to give to the satisfaction of the Village Tribunal a bond, with or without a surety or sureties, for the payment of the fine or any instalment thereof.

(b) Where a fine is directed to be paid by instalments and default is made in the payment of any one instalment the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

(6) Where the written law applicable to any offence for the time being included in the Second Schedule to this Ordinance confers power on the court by which such offence is tried to make any special or supplementary order as to any forfeiture, confiscation or additional punishment or the disposal of any articles used in the commission of the offence or to determine any other matters in issue at the trial or to rectify any error or omission, the jurisdiction conferred by this Ordinance on a Village Tribunal shall be deemed to authorise the Tribunal to exercise only such of those powers as are specified in respect of that offence in the fourth column of that Schedule, and subject always to such limitations and conditions as may be specified therein.

Penalty for
false or
frivolous
prosecution.

28. (1) Where it appears to any Village Tribunal that any prosecution has been instituted before it falsely or maliciously, or upon frivolous or vexatious grounds, it shall be lawful for such Tribunal to sentence the party instituting such prosecution to a fine not exceeding twenty rupees, and in default of payment, to detention or imprisonment in accordance with the provisions of section 27 (1).

(2) Before sentence is passed on any party under subsection (1), the Tribunal shall record and consider any objections that such party may have to urge against the sentence, and, where the Tribunal passes such sentence, it shall record the reasons for so doing.

Penalty for
misconduct
while a
Village
Tribunal
is sitting.

29. Any person who, while a Village Tribunal is sitting—

- (a) uses any violent, insulting, abusive or threatening language in the presence or within the hearing of such Village Tribunal; or
- (b) makes use of any violent, indecent, or unbecoming gestures in the presence or within the view of such Village Tribunal; or
- (c) wilfully interrupts or obstructs any proceedings of such Village Tribunal; or
- (d) does any other act in the presence of such Village Tribunal in disrespect of the authority of the Village Tribunal,

shall be guilty of an offence punishable by such Village Tribunal with imprisonment of either description for a period not exceeding fourteen days or with a fine not exceeding fifty rupees, or in default of payment of such fine with detention or imprisonment in accordance with the provisions of section 27 (1).

Penalty for
default in
appearing
as witness.

30. Every person who, being summoned to appear as a witness before a Village Tribunal, wilfully makes default in compliance with the summons or having attended departs without having obtained the permission of the President,

shall be guilty of an offence triable by such Tribunal and shall on conviction be liable to a fine not exceeding five rupees, or in default of payment to detention or imprisonment in accordance with the provisions of section 27 (1).

PART V.

Enforcement of Process.

31. Every Village Tribunal shall, for the purposes of the exercise of its jurisdiction, have power to issue summonses, warrants and other processes in such form and in such circumstances and in such manner as may be prescribed.

Power to issue process.

32. (1) It shall be the duty of all police officers, and of all headmen authorised by the Government Agent to perform police duties, to aid and assist a Village Tribunal in the exercise of the powers and jurisdiction or the performance of the duties conferred or imposed by this Ordinance.

Duty of police officers and headmen to assist in carrying out Ordinance.

(2) Every police officer or headman who fails to comply with the requirements of sub-section (1) shall be guilty of an offence punishable after summary trial by a Magistrate with a fine not exceeding fifty rupees.

33. Any summons or warrant issued by the President of a Village Tribunal under the provisions of this Ordinance may be directed for service to any person or persons named therein, and may be served or executed by such person or persons or any police officer or headman at any place in Ceylon.

Power to direct processes for service to any person.

34. (1) When a warrant is to be executed outside the limits of the local jurisdiction of the Village Tribunal by which it is issued, the Tribunal may, instead of directing such warrant to any specified person, despatch it by post or otherwise to any Village Tribunal or Magistrate's Court having jurisdiction over the place where it is to be executed.

Warrant for service outside jurisdiction.

(2) The President of the Village Tribunal or the Magistrate of the Court to which any warrant is despatched under sub-section (1) shall endorse his name thereon, and, if practicable, cause it to be executed within the limits of his local jurisdiction.

35. When a warrant is executed outside the limits of the local jurisdiction of the Village Tribunal by which it was issued, the person arrested shall be taken at the earliest opportunity before the Village Tribunal or the Magistrate's Court having jurisdiction over the place where the arrest was made, and the President of such Tribunal or the Magistrate of such Court shall, if the person arrested appears to be the person intended by the Tribunal which issued the warrant, direct his removal in custody to such last-mentioned Tribunal:

Procedure on arrest outside jurisdiction.

Provided that if the offence specified in the warrant is a bailable offence under the provisions of the Criminal Procedure Code and the person arrested is ready and willing to give bail to the satisfaction of the President or Magistrate before whom he is taken, such President or Magistrate shall admit him to bail and forward the bail bond to the Village Tribunal which issued the warrant.

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36. (1) Every Fiscal or Deputy Fiscal shall, either by himself or his officers, within the province or district, as the case may be, in which he is empowered to act—

Duty of Fiscals.

- (a) execute all sentences and serve and execute all writs and processes, in civil and criminal cases, which he may lawfully be required or directed by any Village Tribunal to execute or serve;
- (b) make due return to such writs or processes, and certify the execution thereof, to such Tribunal; and
- (c) take into custody, and give into the charge of the Superintendent or jailer of a prison, all such persons as may by such Tribunal be committed to his custody.

(2) The provisions of sections 2 and 87 of the Prisons Ordinance, and of sections 311 and 311A of the Criminal Procedure Code shall apply for the purposes of the execution of warrants of commitment issued by Village Tribunals under the authority of this Ordinance, in like manner as if every reference therein to a court included a reference to a Village Tribunal and every reference to a Judge or Magistrate included a reference to the President of a Village Tribunal.

Cap. 44.

Cap. 16.

37. (1) Any police officer or a headman authorised by the Government Agent to perform police duties may without a warrant arrest any person for such of the offences punishable by a Village Tribunal as may be prescribed by rules under section 53. The powers hereby conferred on such police officer or headman shall be in addition to the powers of arrest conferred by the provisions of the Criminal Procedure Code.

Powers of police officers and headmen to arrest persons without a warrant.

(2) Any police officer or headman who arrests or causes to be arrested without a warrant any person for an offence punishable by a Village Tribunal shall, if the offence is a bailable offence under the provisions of the Criminal Procedure Code, have power to release the person arrested upon the execution by that person, in such form as may be prescribed, and with or without sureties as the police officer or headman may in his discretion require in the circumstances of each case, of a bond for the appearance of that person before a Village Tribunal.

(3) Every police officer, and every headman below the rank of muhandiram, korala, or udayar who effects an arrest without a warrant and does not release under sub-section (2) the person so arrested, shall take such person to one of the following officers, namely, the President of a Village Tribunal, the officer in charge of a police station, or a headman not below the rank of muhandiram, korala, or udayar.

(4) The officer before whom the person arrested is produced, or a headman not below the rank of muhandiram, korala, or udayar who has himself effected an arrest or caused an arrest to be effected, shall, if the offence for which the person was arrested is a bailable offence under the provisions of the Criminal Procedure Code, release the person arrested upon the execution by that person, in such form as may be prescribed, and with or without sureties as the officer or headman may in his discretion require in the circumstances of each case, of a bond for the appearance of that person before a Village Tribunal. In default of the execution of such a bond the person arrested may be detained in custody, but shall be taken at the earliest opportunity before the Village Tribunal having jurisdiction to deal with the offence.

Cap. 16.

Procedure on forfeiture of bond.

38. (1) Whenever it is proved to the satisfaction of a Village Tribunal that a bond given under the provisions of this Ordinance has been forfeited, the President shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty due thereunder, or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid, the President may proceed to recover such penalty by issuing a warrant addressed to the Fiscal for the attachment and sale of the movable or immovable property belonging to such person.

(3) A warrant under sub-section (2) issued by the President of a Village Tribunal may be executed within the limits of the local jurisdiction of the Tribunal, and it shall be deemed to authorise the attachment and sale of any movable or immovable property belonging to such person outside such limits when it is endorsed by the District Judge or Magistrate having jurisdiction over the place where such property is found or situate.

(4) In every case where immovable property is sold under this section the provisions of section 411A of the Criminal Procedure Code shall apply.

(5) If the penalty due under a bond is not paid and cannot be recovered by attachment and sale under sub-sections (2) and (3), the President by whom the warrant of attachment was issued may sentence the person bound by the bond to simple imprisonment for a term not exceeding fourteen days.

(6) A Village Tribunal may at its discretion remit any portion of the penalty due under a bond and enforce payment of the remaining portion thereof.

Cap. 16.

Reward to informer or person apprehending an offender.

PART VI.

Application of fines and penalties.

39. Subject to any special provision of law relating to the payment of rewards to informers and police officers, it shall be lawful for a Village Tribunal before which any offender is convicted, to order at its discretion that any part not exceeding one-half of the fine or penalty recovered from such offender be paid over to, or applied for the use and benefit of, the person who shall first have given information against or been active in the apprehending of such offender, or shall appear otherwise deserving of reward in the matter:

Provided that where such person is a headman appointed in writing by the Government Agent, the amount so awarded shall be paid into a general fund for the reward of such headmen to be regulated in such manner as the Governor may from time to time direct:

Provided further that no order made under this section shall take effect or be carried out until the expiry of the period within which an appeal against the conviction or sentence may be preferred under this Ordinance, or, where an appeal is preferred; until the confirmation of the conviction or sentence in appeal.

40. (1) It shall be lawful for a Village Tribunal to order such proportion, as it may deem fit, of any fine recovered from an offender to be paid to the complainant or person aggrieved by the act or omission in respect of which such fine was imposed, and such other proportion thereof, as it may deem fit, to such person or persons as may be employed to do the work which ought to have been done, or to repair the mischief done, by the offender.

Award of portion of fine to person aggrieved.

(2) Where a party instituting any false or frivolous prosecution is sentenced by a Village Tribunal to a fine under section 28, the Tribunal may award the whole or any part of the fine recovered to the party aggrieved by such prosecution.

(3) No payment shall be made in pursuance of any order under sub-section (1) or award under sub-section (2) until the expiry of the period within which an appeal against the conviction or sentence may be preferred under this Ordinance, or, where an appeal is preferred, until the confirmation of the conviction or sentence in appeal.

(4) A person who accepts payment of any sum ordered under sub-section (1) or awarded under sub-section (2) shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of the act or omission or the false or frivolous prosecution in respect of which the fine or award of which that sum forms part was imposed or made.

41. (1) All fines, penalties, forfeitures and other sums recovered by a Village Tribunal shall, subject to the provisions of sections 39 and 40, be deposited with the Government Agent by the President or such other person as may be authorised by him in that behalf, and at such times and in such manner as may be prescribed.

Deposit and disposal of fines, &c., recovered.

(2) Of the fines, penalties, forfeitures and other sums deposited with the Government Agent under sub-section (1), such part as may be payable under the Village Communities Ordinance into the communal fund of any village area within the jurisdiction of the Village Tribunal shall be credited by the Government Agent to that communal fund and the balance shall be credited by him to the general revenue.

PART VII.

Appeal, Revision and Control of Proceedings.

42. (1) Any person aggrieved by any final order or sentence of a Village Tribunal may within fourteen days (exclusive of Sundays and public holidays) of the date on which such order or sentence is made or passed, appeal by written petition to the District Judge having appellate jurisdiction over the Tribunal.

Appeal and revision.

For the purposes of this sub-section "final order" means any order having the effect of a final judgment.

(2) Upon any such appeal the District Judge may—

- (a) affirm, reverse, or vary the order or sentence appealed from ; or
- (b) direct further inquiry, or the taking of further evidence ;
or
- (c) order a new trial of the matter in issue ; or
- (d) grant such further or other relief as the circumstances may require :

Provided that nothing in this section shall be deemed to authorise the District Judge to enhance any sentence or to reverse or in any way interfere with any order of acquittal made by a Village Tribunal.

(3) The form of appeals and the manner of the filing, the hearing and the disposal of appeals shall be in accordance with such rules of procedure as may be made under section 53.

(4) No party to an appeal shall be entitled or be permitted to appear, either by himself or by agent or representative, before a District Judge on any appeal under this section.

(5) No appeal shall lie to the Supreme Court or to any other authority from the decision of a District Judge on any appeal under this section :

Provided that on a question of law arising out of any appeal, the District Judge may, if he thinks fit, state a case for the opinion of the Supreme Court after giving notice thereof to the parties ; and where the opinion of the Supreme Court, or of such number of Judges thereof as the Chief Justice may determine is communicated to the District Judge, he shall make his order upon the appeal in accordance with that opinion and not otherwise.

(6) The District Judge may, at any time, of his own motion call for and examine the record of any case, whether pending trial before or already tried by a Village Tribunal, for the purpose of satisfying himself as to the propriety of the proceedings or of any order, decision or sentence made or passed thereon by the Tribunal, and, upon consideration of such case, issue any directions which to the District Judge may appear necessary or make any order which the District Judge might have made under sub-section (2) if the case had come before him in due course of appeal.

(7) It shall be the duty of the Village Tribunal to comply with all directions issued, and give effect to all orders made, by the District Judge under the preceding provisions of this section.

District Judge having appellate jurisdiction.

43. For the purposes of this Ordinance, every Judge and Additional Judge of the District Court having local jurisdiction over the area, for which any Village Tribunal is established or deemed to be established, shall have, and is hereby authorised to exercise, appellate jurisdiction over that Village Tribunal; and accordingly, the expression "District Judge having appellate jurisdiction", in relation to that Village Tribunal, shall be deemed to include every Judge and Additional Judge of that Court:

Provided that where the area for which a Village Tribunal is established or deemed to be established falls within the local jurisdiction of two or more District Courts, every Judge and Additional Judge of the District Court which is nominated in that behalf by the Governor, by Order published in the *Gazette*, shall have and exercise appellate jurisdiction over that Village Tribunal to the exclusion of the Judges of the other District Court or Courts.

PART VIII.

Stamps.

Stamp duty on civil cases.

44. The party plaintiff in every civil case instituted, or referred by consent of parties for trial, before a Village Tribunal shall, at the time of the institution or reference of the case, forthwith supply the President of such Tribunal with stamps in payment of duty at the following rates:—

- (a) Where the subject matter of the case does not exceed twenty rupees in value—a duty of ten cents;
- (b) Where the subject matter of the case exceeds twenty rupees in value and does not exceed fifty rupees in value—a duty of fifty cents;
- (c) Where the subject matter of the case exceeds fifty rupees in value—a duty of two rupees.

Duty of President to affix and cancel stamps.

45. It shall be the duty of the President of a Village Tribunal to affix to the plaint in each civil case instituted or referred for trial the stamps supplied in payment of duty on that case, and to cancel such stamps by writing his initials across the stamps, together with the true date of cancellation.

No right to sue *in forma pauperis*

46. No suitor in any case instituted in or referred to a Village Tribunal shall be allowed to sue *in forma pauperis*.

Proceedings in civil matters not to commence until stamps are supplied.

47. No plaint shall be accepted nor shall any proceedings be commenced in any matter by a Village Tribunal in the exercise of its civil jurisdiction, until the stamps prescribed by this Ordinance for a matter of that class or description have been supplied by the party plaintiff.

Stamp duty on appeals.

48. Every person preferring an appeal against any order of a Village Tribunal shall affix to his petition of appeal stamps to the value of one rupee, and no such petition of appeal shall be entertained unless it is so stamped.

PART IX.

Costs.

Power to award costs to successful plaintiff.

49. Every Village Tribunal shall have power upon the determination of any civil case to award to a successful plaintiff, as costs to be paid by the party defendant, the value of the stamps supplied by the plaintiff.

Value of stamps returnable if appeal successful or reasonable.

50. The value of the stamps affixed to a petition of appeal shall be returnable to the appellant—

- (a) if the appeal is successful; or
- (b) if the District Judge is of opinion that there was reasonable ground for the appeal and makes order directing that the value of the stamps shall be returned to the appellant.

PART X.

General.

51. It shall be the duty of the President of every Village Tribunal—

Duty of President as to books, returns and records.

- (a) to keep such registers, books and accounts as may be prescribed,
- (b) to furnish to the District Judge having appellate jurisdiction over the Tribunal or to any other prescribed officer, in the prescribed form and at the prescribed intervals, returns and statements of the prosecutions, actions and other proceedings instituted, pending or heard and determined in the Village Tribunal;
- (c) upon request made by any District Judge, to transmit for inspection the records or journals of any proceedings in the Village Tribunal.

52. The Governor may, from time to time, by Proclamation published in the *Gazette*, amend the First Schedule or the Second Schedule to this Ordinance in any manner which to him may seem expedient.

Power of Governor to amend First and Second Schedules.

53. (1) The Governor may make all such rules as may be necessary for prescribing—

Power of Governor to make rules.

- (a) the procedure to be observed in the institution, conduct and disposal of prosecutions in criminal matters, actions in civil matters and all other proceedings before Village Tribunals;
- (b) the nature and form of the processes to be issued by Village Tribunals, the circumstances in which such processes may be issued and enforced, and the mode of serving or executing such processes;
- (c) the procedure to be observed in the execution of judgments, the seizure and sale of movable and immovable property, the disposal of claims to property seized in execution, and the recovery of fines, penalties and forfeitures;
- (d) the offences triable before a Village Tribunal for which a police officer or a headman authorised by the Government Agent to perform police duties, may, in accordance with the provisions of such rules, arrest offenders without a warrant;
- (e) the manner in which, and the officer by whom, the proceedings fixed before a Village Tribunal for any date may be postponed to any other date, in the event of the illness or the unforeseen absence of the President from any other cause;
- (f) the form of appeals under Part VII. and the procedure to be observed in the filing, hearing and disposal of such appeals;
- (g) the form and mode of giving consent to the exercise of jurisdiction under section 11 and in cases not ordinarily triable by Village Tribunals;
- (h) the procedure to be observed and the fees payable for obtaining certified copies of or extracts from records, journals or documents from Village Tribunals;
- (i) all matters required or authorised by this Ordinance to be prescribed;
- (j) all other matters necessary to give effect to the provisions of this Ordinance.

(2) Every rule made under sub-section (1) shall be published in English and in the Sinhalese and Tamil languages in the *Gazette*, and when so published shall have the force of law.

(3) Every rule made under sub-section (1) shall be laid before the State Council as soon as conveniently may be after the publication thereof; and if at any time within forty days of the date on which such rule is so laid before the Council, or at any of the three meetings of the Council next succeeding such date, a resolution be passed by the Council praying that the rule be rescinded or amended, the rule shall be rescinded or amended accordingly, but without prejudice to anything that may have been done thereunder before the date of that resolution.

54. (1) Any District Court or Court of Requests in which any case is pending from any area in which a Village Tribunal is established, shall have power—

Reference of issues by District Court and Court of Requests.

- (a) with the written consent of all the parties to the case but not otherwise, to refer to such Village Tribunal any issue of disputed boundary or encroachment.

or any case in which an inspection of the premises and examination of witnesses on the spot are likely to conduce to the ends of justice ;

- (b) to require the Village Tribunal to inquire into such issue or case and report thereon to such court ; and
- (c) on receipt of such report with the evidence upon which it is founded, to proceed to determine and decide such case, with or without further evidence, as to it shall seem expedient.

(2) A Village Tribunal shall not be bound to inquire into or report on any such issue or case unless the District Court or Court of Requests forwards to the President a sum sufficient to cover the travelling or other expenses of the President.

Power of District Judge to punish acts or conduct in disrespect of the authority of Village Tribunals.

55. (1) Whenever it is brought to the knowledge of the District Judge having appellate jurisdiction over a Village Tribunal that any person has, in disrespect of the authority of the Village Tribunal, done any act or been guilty of any conduct (other than such act or conduct as is punishable under section 29) which in relation to any court established under the Courts Ordinance would amount to contempt of court, the District Judge shall have full power and authority to take cognizance of and to punish such act or conduct, and for that purpose—

- (a) to issue, in accordance with the provisions of the Criminal Procedure Code which are applicable to District Courts, such processes as the District Judge may deem necessary to secure the attendance before him of that person and of any other person who has or is believed to have knowledge of such act or conduct ;
- (b) to call upon the first-mentioned person to show cause why he should not be punished for such act or conduct, and to hold such inquiry in the matter as the District Judge may deem necessary ; and
- (c) where good cause is not shown by such person, to sentence him to imprisonment of either description for a period not exceeding fourteen days or to a fine not exceeding fifty rupees.

(2) Every order made or sentence imposed by a District Judge under sub-section (1) shall be carried out or executed in accordance with the provisions of the Criminal Procedure Code in like manner as an order made or sentence imposed by a District Court under that Code.

(3) No appeal shall lie to the Supreme Court or any other authority from any order or sentence of the District Judge under sub-section (1).

Interpretation.

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

- “ appointed date ” means the date appointed under section 1 as the date on which this Ordinance is to come into operation ;
- “ Chief Headman's Division ” means the area which for administrative and revenue purposes is under the supervision of a ratemahatmaya, mudaliyar, adigar, maniagar or vanniya or a Divisional Revenue Officer ;
- “ Court ” means any court established or deemed to be established under the Courts Ordinance ;
- “ District Judge ” includes an Additional District Judge ;
- “ Fiscal ” includes a Deputy Fiscal within the Province for which the Fiscal is appointed ;
- “ Government Agent ” includes the Assistant Government Agent of a district ;
- “ local jurisdiction ”, in relation to any Village Tribunal, means the Chief Headman's Division or the specified part of a Chief Headman's Division for which that Tribunal has been established ;
- “ prescribed ” means prescribed by rule under section 53 ;
- “ Village Communities Ordinance ” means the Village Communities Ordinance (Chapter 198 of the Revised Edition of the Legislative Enactments) as consolidated and reprinted in August, 1939, under section 9 of the Revised Edition of the Legislative Enactments (Annual Supplements) Ordinance, No. 15 of 1939.

Cap. 6.

Repeal and savings.

57. Sections 64 to 128 (both inclusive) of the Village Communities Ordinance and the Fourth Schedule to that Ordinance are hereby repealed :

Provided that such of the rules made under the provisions of law hereby repealed, in respect of any of the matters

specified in section 53, as are in force on the day preceding the appointed date, and are not inconsistent with any of the provisions of this Ordinance, shall continue to be in force as if they were rules made under this Ordinance and may be varied, altered, amended, rescinded or replaced accordingly; and for the purposes of the application of such rules all references to the repealed provisions of the Village Communities Ordinance therein contained shall be deemed to be references to the corresponding provisions of this Ordinance.

58. (1) No prosecution, action or other proceeding pending before a Village Tribunal on the day immediately preceding the appointed date, and no appeal preferred to the Government Agent or to the Governor and pending on that day, shall be deemed to have abated by reason only of the repeal of the provisions of law referred to in section 57. Transitional provisions.

(2) Notwithstanding the repeal of the provisions of law referred to in section 57, every appeal preferred under those provisions and pending before the Government Agent or the Governor on the day immediately preceding the appointed date may be determined and disposed of in like manner as if those provisions were in fact in force.

(3) Any references in any of the provisions of sections 1 to 63 of the Village Communities Ordinance to any of the provisions of that Ordinance which have been repealed by section 57 shall be deemed to be a reference to the corresponding provisions of this Ordinance.

FIRST SCHEDULE.

Actions excluded from the jurisdiction of Village Tribunals.

(1) Any action concerning an act or order purporting to be done or made by the Governor or concerning an act purporting to be done by any person by order of the Governor.

(2) Any action concerning an act purporting to be done by any person in pursuance of a judgment or order of a court or of a judicial officer acting in the execution of his office.

(3) Any action concerning an act or order purporting to be done or made by any officer of Government in his official capacity.

(4) Any action for the partition of immovable property.

(5) Any action by a mortgagee of immovable property for the enforcement of the mortgage or for the sale of the property, or by a mortgagor of immovable property for the redemption of the mortgage.

(6) Any action to restrain waste.

(7) Any action to recover from a person to whom compensation has been paid under the Land Acquisition Ordinance, the whole or any part of the compensation.

(8) Any action for the specific performance or rescission of a contract.

(9) Any action for the rectification or cancellation of an instrument.

(10) Any action to obtain an injunction.

(11) Any action relating to a trust, including an action to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and any action by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution.

(12) Any action for a declaratory decree other than a decree for the declaration of title to land.

(13) Any action for property which the plaintiff has conveyed while insane.

(14) Any action to contest an award made by an arbitrator.

(15) Any action upon a foreign judgment as defined in the Civil Procedure Code or upon a judgment obtained in any court in Ceylon.

(16) Any action to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets.

(17) Any action for a legacy or for the whole or a share of a residue bequeathed by a testator, or for the whole or a share of the property of an intestate.

(18) Any action—

(a) for a dissolution of partnership or for the winding up of the business of a partnership after its dissolution;

(b) for an account of partnership transactions; or

(c) for a balance of partnership-account.

(19) Any action for an account of property administered under a decree or order of any court.

(20) Any other action for an account, including an action by a mortgagor, after the mortgage has been satisfied, to recover surplus collections received by the mortgagee, and any action for the profits on immovable property belonging to the plaintiff which have been wrongfully received by the defendant.

(21) Any action for a general average loss or for salvage.

(22) Any action for compensation in respect of collision between ships.

(23) Any action on a policy of insurance or for the recovery of any premium paid under any such policy.

- (24) Any action for compensation or damages—
- (a) for loss resulting from the death of a person caused by actionable wrong ;
 - (b) for wrongful arrest ;
 - (c) for malicious prosecution ;
 - (d) for wrongful restraint or confinement ;
 - (e) for defamation ;
 - (f) for adultery or seduction ;
 - (g) for breach of contract of betrothal or promise of marriage ;
 - (h) for inducing a person to break a contract made with the plaintiff ;
 - (i) for obstruction to or interference with the enjoyment of any servitude or the exercise of any right over property.
- (25) Any action by a Muslim for the recovery of mahr.
- (26) Any action for the custody of a minor.
- (27) Any action for a divorce or a judicial separation.
- (28) Any action relating to maintenance.
- (29) Any action for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer.
- (30) Any action by one of several joint mortgagors of immovable property for contribution in respect of money paid by him for the redemption of the mortgaged property.
- (31) Any action against the Government or a local authority to recover money paid under protest in satisfaction of a claim made on account of any tax or rate.
- (32) Any action which is excluded from the jurisdiction of a Village Tribunal by any written law (other than this ordinance) for the time being in force.

SECOND SCHEDULE.

Offences within the jurisdiction of Village Tribunals.

1 Ordinance and section thereof by which the offence is declared or made punishable.	2 Description of offence.	3 Limitations, restrictions or conditions.	4 Additional powers.
Chapter 15—The Penal Code—			
Section 157	Affray, as defined in section 156 of that Code.		
Section 270	Fouling the water of a public spring or reservoir.		
Section 287	Singing obscene songs in public.		
Section 314	Voluntarily causing hurt, as defined in section 312 of that Code.		
Section 332	Wrongful restraint, as defined in section 330 of that Code		
Section 343	Assault or use of criminal force, as defined respectively in sections 342 and 341 of that Code.		
Section 349	Assault or use of criminal force (defined as aforesaid) on grave and sudden provocation.		
Section 367	Theft, as defined in section 366 of that Code.	A Village Tribunal shall have jurisdiction only in cases where the property stolen does not exceed twenty rupees in value and the theft is not accompanied by violence to person.	
Section 394	Receiving or retaining stolen property.	A Village Tribunal shall have jurisdiction only in cases where the possession of the property has been transferred by theft and the value of the property does not exceed twenty rupees.	
Section 409	Mischief, as defined in section 408 of that Code.	A Village Tribunal shall have jurisdiction only in cases where the estimate of the damage caused does not exceed fifty rupees.	

1 Ordinance and section thereof by which the offence is declared or made punishable.	2 Description of offence.	3 Limitations, restrictions or conditions.	4 Additional powers.
Chapter 15—The Penal Code— <i>contd.</i>			
Section 433	Criminal trespass, as defined in section 427 of that Code	A Village Tribunal shall have jurisdiction only in cases where the offence intended to be committed is an offence within the criminal jurisdiction of a Village Tribunal.	
Section 484	Intentional insult with intent to provoke a breach of the peace		
Section 488	Misconduct in public by a drunken person.		
Chapter 26—The Vagrants Ordinance—			
Section 2	Behaving in a riotous or disorderly manner in a public street.		
Section 3	Offences causing a person to be deemed an idle and disorderly person.		
Section 4	Offences causing a person to be deemed a rogue and vagabond.		
Chapter 31—The Prevention of Juvenile Smoking Ordinance—			
Section 3	Selling tobacco to persons under the age of sixteen years		
Chapter 43—The Police Ordinance—			
Section 64 (b)	Riding or training cattle on a public road to the danger of passers-by		
Section 64 (j)	Indecent exposure of person		
Section 70 (1)	Being found drunk and incapable in public places or riotous conduct in licensed premises and taverns.		
Section 70 (2)	Riotous behaviour in a public place while drunk or being drunk while in charge of vehicle or animal on a thoroughfare.		
Section 88	Taking elephants along thoroughfares during prohibited hours.		
Chapter 94—The Births and Deaths Registration Ordinance—			
Section 18 (2)	Registration of birth after prescribed time limit otherwise than in the manner required by the section.		In the circumstances set out respectively in section 18 (1) (d) and in section 28 the President of a Village Tribunal shall be entitled to exercise the powers conferred on a Magistrate by those sections.
Section 27 (2)	Registration of death otherwise than in the manner required by the section.		
Section 32 (b)	Burial or cremation of body otherwise than in the manner required by the section.		

1 Ordinances and section thereof by which the offence is declared or made punishable.	2 Description of offence.	3 Limitations, restrictions or conditions.	4 Additional powers.
Chapter 94—The Births and Deaths Registration Ordinance— <i>contd.</i>			
Section 33 (4)	Disposal of bodies of still-born children otherwise than in the manner required by the section.		
Section 49 (a)	Refusing or omitting to give information required by the Ordinance.		
Section 49 (b)	Wilfully giving false answer or false information to the Registrar.		
Chapter 139—The Firearms Ordinance—			
Section 15 (3)	Transfer of gun otherwise than in the manner required by the section.		
Section 20 (6)	Repairing a gun in contravention of the section.		
Section 22 (3)	Possession of gun by a person who is not the holder of a licence.		
Section 28 (3)	Failure to deliver up and deposit gun upon default in obtaining licence or renewal or upon withdrawal of licence.		
Section 31 (2)	Failure to report loss or destruction of gun		
Chapter 148—The Thoroughfares Ordinance—			
Section 68	Causing injury to thoroughfares.		
Section 69	Disobeying order prohibiting use of road.		
Section 71	Nuisances on thoroughfares.		
Chapter 155—The Vehicles Ordinance—			
Section 19	Breach of regulation made under section 16.		
Section 34	Demanding coolie hire in excess of rates prescribed by section 33.		
Section 35	Failure to deliver within twenty-four hours any goods sent by cart.		
Section 41	All offences described in the section.		
Section 45	Misbehaviour of person in charge of vehicle.		
Chapter 173—The Quarantine and Prevention of Diseases Ordinance—			
Section 4	Breach of regulation made under the Ordinance, or obstructing officer acting under the Ordinance.		

In the circumstances set out in section 71 (2), a Village Tribunal shall be entitled to exercise the powers conferred on a Magistrate's Court by the proviso to that section.

1 Ordinance and section thereof by which the offence is declared or made punishable.	2 Description of offence.	3 Limitations, restrictions or conditions.	4 Additional powers.
Chapter 179—The Vaccination Ordinance—			
Section 8	Washing out lymph or interfering with vaccine vesicles.		
Section 13	Default in complying with the requirements of the Ordinance, or breach of the regulations made thereunder.		
Section 16	Failure to assist in the carrying out of the Ordinance.		
Chapter 180—The Nuisances Ordinance—			
Section 2	Committing any of the nuisances described in the section.		
Section 9	Breach of by-laws made under the Ordinance.		
Chapter 182—The Wells and Pits Ordinance—			
Section 13	Breach of any obligation imposed by the Ordinance or a breach of any rule proclaimed thereunder.		
The Urban Councils Ordinance, No. 61 of 1939—			
Section 98	Causing injury or damage to thoroughfares.		
Section 101	Permitting trees to overhang thoroughfares.		
Section 103	Nuisances on thoroughfares.		
Section 105	Interference with cattle-seizers.		
Section 128	Use of unsuitable latrines.		
Chapter 307—The Plant Protection Ordinance—			
Section 6	Contravention of the provisions of the Ordinance or of regulations made thereunder, or molesting, obstructing or impeding officers acting under the Ordinance or the regulations.		
Chapter 308—The Water Hyacinth Ordinance—			
Section 5	All offences described in the section which relate to the water hyacinth or to any other noxious weed or plant to which the provisions of the Ordinance are extended by Proclamation of the Governor.		
Chapter 312—The Irrigation Ordinance	Breaches of rules under that Ordinance triable under Part V thereof		A Village Tribunal shall exercise jurisdiction only on receipt of a written order in that behalf under the hand of the Government Agent having jurisdiction under the Irrigation Ordinance to try the case.

1 Ordinance and section thereof by which the offence is declared or made punishable.	2 Description of offence.	3 Limitations, restrictions or conditions.	4 Additional powers.
Chapter 329—The Buffaloes Protection Ordinance— Section 5	Breach of rules made under section 3 or contravention of Proclamation made under section 4 of the Ordinance.		
Chapter 331—The Cattle Trespass Ordinance— Section 12A Sections 13 and 13A	Unlawful removal of any cattle from custody of person entitled to keep or detain such cattle. Causing animals to trespass.		
Chapter 333—The Rabies Ordinance— Section 13	The offences described in paragraphs (1), (2) and (4) of that section.		
Chapter 334—The Dog Registration Ordinance— Section 11	Possession of unregistered dogs.		

Passed in Council the Eighth day of March, One thousand Nine hundred and Forty-five.

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

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

No. 13 of 1945.

L. D.—O. 14/39.

An Ordinance to amend the Ordinance intituled "An Ordinance to amend and consolidate the law relating to the establishment, jurisdiction and powers of Village Tribunals and to make provision for matters connected therewith".

[Assented to by His Majesty the King : See Proclamation dated June 22, 1945, published in Government Gazette No. 9,425 of June 29, 1945.]

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 Village Tribunals Amendment Ordinance, No. 13 of 1945.

Short title.

2. In the event of the Bill intituled "An Ordinance to amend and consolidate the law relating to the establishment, jurisdiction and powers of Village Tribunals and to make provision for matters connected therewith" receiving the assent of His Majesty and taking effect as an Ordinance upon the signification of such assent by Proclamation published in the *Gazette*, that Ordinance shall, on and after the date of the publication of such Proclamation, have effect with the amendments specified in the Schedule hereto; and the Clerk of the State Council shall, as soon as may be after that date, cause that Ordinance to be printed by the Government Printer with all the aforesaid amendments duly made therein.

Village Tribunals Bill to be amended in the event of that Bill becoming law.

SCHEDULE.

Amendments to the Ordinance referred to in section 2.

1. For the Long Title, there shall be substituted the following :—

"An Ordinance to provide for the establishment of Rural Courts: to declare existing Village Tribunals to be Rural Courts: to define the jurisdiction and powers of Rural Courts, and to make provision for all matters connected with or incidental to the aforesaid matters."

2. In section 1, for the words " Village Tribunals ", there shall be substituted the words " Rural Courts ".

3. In each of the following, that is to say—

- (1) in the headings to the several Parts of the Ordinance ;
- (2) in the marginal notes to the several sections ;
- (3) in section 2 (1), sections 3 to 10, and sections 12 to 56 ; and
- (4) in the headings to the First and the Second Schedules, and in the provisions of those Schedules,

wherever the words " Village Tribunal " or the word " Tribunal " may occur, there shall be substituted the words " Rural Court " ; and wherever the words " Village Tribunals " may occur, there shall be substituted the words " Rural Courts ".

4. In sections 2 (1) and 6, wherever the words " Chief Headman's Division " may occur, there shall be substituted the words " Revenue Division ".

5. In section 2 (2)—

- (1) for the words " Village Tribunal " where they occur for the second time and the third time, there shall be substituted the words " Rural Court " ; and
- (2) for the words " and shall have," there shall be substituted the words " and shall accordingly adopt that designation and have,".

6. In section 3 (5), for all the words from " Every President " to " deemed to be appointed under this Ordinance ", there shall be substituted the words—

" Every President or Additional President of a Village Tribunal, appointed or deemed to have been appointed under any Ordinance repealed by this Ordinance and holding office on the date on which this Ordinance comes into operation, shall be deemed to be the President or Additional President, as the case may be, of the Rural Court of the area for which the Village Tribunal was established,".

7. Section 11 shall be repealed.

8. In section 14, for all the words from " The District Judge shall " to " with the decision of the District Judge ", there shall be substituted the words—

" The District Judge shall thereupon decide the question as to jurisdiction, and the case shall be tried and determined by the Court specified in his decision."

9. In section 56—

- (1) the definitions of " Chief Headman's Division " and of " Court " shall be omitted ;
- (2) in the definition of " local jurisdiction ", for the words " Chief Headman's Division ", in both places where they occur, there shall be substituted the words " Revenue Division " ;
- (3) immediately after the definition of " prescribed ", there shall be inserted the following new definition :—

" " Revenue Division " means a Divisional Revenue Officer's Division within the meaning of the Headmen (Change of Designation) Ordinance, No. 11 of 1941 ;".

10. In section 58, immediately after sub-section (1), there shall be inserted the following new sub-section :—

" (1A) Every prosecution, action or other proceeding referred to in sub-section (1) may be heard, continued and determined by the Rural Court of the area for which the Village Tribunal was established, in all respects as if such prosecution, action or other proceeding had been instituted in or commenced by such Rural Court."

11. Sections 12 to 58, amended as hereinbefore provided, shall be re-numbered as sections 11 to 57, respectively, and every reference in the Ordinance to any of those sections shall accordingly be amended by the substitution of the new number of that section for the original number.

12. The following new section shall be inserted immediately after the renumbered section 57, and shall have effect as section 58 of the Ordinance :—

Construction and amendment of other laws containing references to Village Tribunals. " 58. With effect from the appointed date every reference to a Village Tribunal contained in any written law other than this Ordinance shall, unless the context otherwise requires, be read and construed as a reference to a Rural Court ; and at the next subsequent reprinting of such law every such reference shall be amended by the substitution of the words " Rural Court " for the words " Village Tribunal " or any grammatical or other variation thereof."

Passed in Council the Eighth day of March, One thousand Nine hundred and Forty-five.

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

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

No. 14 of 1945.

L.D.—O. 42/42.

Chapter 221.
(Vol. V., p. 650).

An Ordinance to amend the British Soldiers' and Sailors' Institute of Colombo Ordinance.

HENRY MOORE.

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

Short title.

1. This Ordinance may be cited as the British Soldiers' and Sailors' Institute of Colombo (Amendment) Ordinance, No. 14 of 1945.

Amendment of section 3 of Chapter 221.

2. Section 3 of the British Soldiers' and Sailors' Institute of Colombo Ordinance is hereby amended in sub-section (1), by the substitution, for the words "a person to be appointed by the Governor to represent His Majesty's Naval and Military Forces," of the words "three persons appointed by the Governor to represent, respectively, His Majesty's Naval Forces, His Majesty's Military Forces and His Majesty's Air Force,".

Saving of rights of the Crown.

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

Passed in Council the Thirtieth day of May, One thousand Nine hundred and Forty-five.

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

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

J. A. MULHALL,
Acting Secretary to the Governor.

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

No. 15 of 1945.

L.D.—O. 17/44.

M.L.A.—B. 1487.

Cap. 93.
(Vol. III.,
page 77).

An Ordinance to amend the Auctioneers and Brokers Ordinance.

HENRY MOORE.

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

Short title.

1. This Ordinance may be cited as the Auctioneers and Brokers (Amendment) Ordinance, No. 15 of 1945.

Amendment of section 4 of Chapter 93.

2. Section 4 of the Auctioneers and Brokers Ordinance is hereby amended in sub-section (1), by the substitution in the proviso to that sub-section, for paragraph (a), of the following new paragraph :—

"(a) in the case of Municipal towns—

	Rs.	c.
Auctioneer and broker	..	250 0
Auctioneer	..	200 0
Broker	..	200 0."

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

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

Assented to by His Excellency the Governor the Twenty-fifth day of June, One thousand Nine hundred and Forty-five.

J. A. MULHALL,
Acting Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O. 45/34.

Chapter II.
(Vol. I., p. 115)**An Ordinance to amend the Evidence Ordinance.**

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

1. This Ordinance may be cited as the Evidence Amendment Ordinance, No. of 1945. Short title.

2. Section 45 of the Evidence Ordinance is hereby amended, by the substitution, for the words "finger impressions", wherever they occur in that section, of the words "finger impressions, palm impressions or foot impressions". Amendment of section 45 of Chapter II.

3. Section 73 of the Evidence Ordinance is hereby amended in sub-section (3) thereof, by the substitution, for the words "finger impressions", of the words "finger impressions, palm impressions and foot impressions". Amendment of section 73 of Chapter II.

Objects and Reasons.

In a recent judgment (46 N. L. R., page 49) the Supreme Court held that the presence of an accused person at the scene of an offence could be established by evidence that his foot prints were found at the scene and that the evidence of an expert witness is admissible for the purpose of proving the identity of the foot prints. This judgment was based on an interpretation of section 45 of the Evidence Ordinance, but previous decisions do not fully support the interpretation.

The object of this Bill is to give statutory effect to the recent interpretation by including express provision in section 45 to the effect that the opinion of an expert is admissible to prove the identity or genuineness of palm impressions and foot impressions.

The existing legal provision under which the finger impressions of an accused person can be taken are contained in section 73 of the Ordinance. That section, however, does not enable palm impressions or foot impressions to be taken against the wishes of an accused person. The object of Clause 3 of this Bill is to amend section 73 so as to empower a Court to direct palm impressions or foot impressions to be taken.

2. The judgment of Howard C. J. indicates that the Courts now recognise that in Ceylon, as in other parts of the world, the knowledge and experience gained from research conducted on scientific lines is such that the comparison of palm impressions and foot impressions can safely be used for purposes of identification. The stage has, therefore, been reached when the statute law should enable an expert witness to give evidence as to the identity of such impressions.

M. W. H. DE SILVA,
Legal Secretary.

Colombo, 15th June, 1945.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Western Circuit, will be holden at the Court-house at Hulftsdorp on Tuesday, July 10, 1945, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Colombo, June 20, 1945.

N. A. W. DE SILVA,
for Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Kandy.

Notice.

In the Matter of the Insolvency of Kawanna Ena Mohamed Meera of Katugastota, insolvent.
No. I. 19.

WHEREAS the above-named Kawanna Ena Mohamed Meera of Katugastota had been adjudged an insolvent in the above case and whereas the said insolvent had applied that the said adjudication be annulled and the said application having been consented to by the petitioning creditor and the only proved creditor

the Mortgage creditor and Assignee appointed in this case. It is hereby ordered and declared that the said adjudication is cancelled and annulled.

Kandy, June 26, 1945.

T. J. W. FERNANDO,
Secretary.

NOTICES OF FISCALS' SALES.
Central Province.

In the District Court of Kandy.

S. Anthon Fernando of 292, Trincomalee street, Matale. Plaintiff.

No. MS. 1,175. Vs.

N. Juliano of Udupihilla, Matale. Defendant.

NOTICE is hereby given that on Saturday, July 21, 1945, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,928.50, with legal interest thereon from May 19, 1945, till payment in full and costs, viz:—

The land called Gabadegewatta of 4 acres in extent, situated at Udupihilla in the Kottawela Division of Matale in the District of Matale, Central Province and bounded on the east by agala or Gansabhiwara road, south by Gurunnehelgewatta and Lindagawawatta, west by stone fence and north by Thalawala-gewatta, together with the tiled house and the plantations standing thereon. Registered in B 106/4.

Property valued at Rs. 5,000.

Deputy Fiscal's Office,
Matale June 27, 1945.

D. E. M. WIJESURIYA,
Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of the Jurisdiction. late Gaspar Anthony Gomez alias Gaspar Gomez of No. 10,189. Havelock Town in Colombo, deceased.

Cruz Pillai Ammal Corera alias Mary Cruz nee Corera of 2, Anderson road, Havelock Town, in Colombo (now dead) Original Petitioner.

Michael Peter Gomez of 2, Anderson road, Havelock Town, Colombo New Petitioner.

Vs.

(1) Ruby Gomez, wife of Joseph-Louis Corera of Dickman's lane, Colombo, (2) Lucy Gomez, wife of Alex Gaitan Gomez of Negombo, (3) Mercy Gomez, wife of J. M. B. Roche-Victoria of Anderson road, Colombo, (4) Manuel Xavier Gomez of Anderson road, Colombo, and (5) Joseph Louis Corera of Dickman's lane, Colombo, guardian *ad litem* over the 4th respondent Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 23, 1945, in the presence of Mr. G. R. Motha, Proctor, on the part of the new petitioner above named; and the affidavit of the said petitioner dated May 19, 1945, having been read:

It is ordered that the 5th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minor; the 4th respondent above named and the new petitioner above named be and he is hereby declared entitled, to have letters of administration *de bonis non cum testamento* issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before July 5, 1945, show sufficient cause to the satisfaction of this court to the contrary.

June 20, 1945.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of the late Mudalidewage Emily Pavistina No. 11,292. Fernando of Moratumulla in Moratuwa, deceased.

Warnakulasuriya Mahapatābendi Lindamulage Henry Solomon de Silva of Moratumulla in Moratuwa Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on April 16, 1945, in the presence of Mr. C. C. Stumbo, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 21, 1945, the affidavit of the attesting notary dated February 22, 1945, and the affidavit of the attesting witnesses dated February 19, 1945, having been read:

It is ordered that the last will and testament of Mudalidewage Emily Pavistina Fernando, deceased, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and the petitioner is the executor named in the said last will and he is hereby declared entitled, to have probate of the said will issued to him accordingly, unless any person or persons interested shall, on or before May 31, 1945, show sufficient cause to the satisfaction of this court to the contrary.

April 24, 1945.

V. E. RAJAKARIER,
Additional District Judge.

The date of showing cause against the foregoing *Order Nisi* is extended to July 5, 1945.

June 2, 1945.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Wanakuwatta Waduge Vincent Henry Fernando No. 11,364. of Willorawatta, Moratuwa, deceased.

Warnakulasuriya Wadumestrige Sommie Maraya Mendis of Willorawatta, Moratuwa Petitioner.

Vs.

(1) Wanakuwattawaduge Tissa Fernando of Willorawatta, minor by his guardian *ad litem*, (2) ditto Titus Martin Fernando ditto Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on April 23, 1945, in the presence of Mr. L. S. Fernando, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 8, 1945, having been read:

It is ordered and decreed that the 2nd respondent above named be and he is hereby declared appointed guardian *ad litem* over the minor the 1st respondent above named and the petitioner above named be hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before June 7, 1945, show sufficient cause to the satisfaction of this court to the contrary.

May 17, 1945.

V. E. RAJAKARIER,
Additional District Judge.

The date for showing cause is extended to July 5, 1945.

June 7, 1945.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Late Jurisdiction. Makewitige Edmund Perera Samarasinghe of No. 11,395. Gampaha in Ragam Pattu of Alut Kuru Korale, deceased.

Wickrema Aratchige Enerin Garnet Samarasinghe nee Perera of Gampaha aforesaid Petitioner.

Vs.

(1) Makewitige Danarath Samarasinghe and (2) Makewitige Sunethra Naling Samarasinghe, both of Gampaha aforesaid, minors by their guardian *ad litem* the 3rd respondent, (3) Wickrema Aratchige Owen Arthur Perera of Batuwatta in the Ragam Pattu aforesaid Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 11, 1945, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated March 18, 1945, having been read:

It is ordered that the 3rd respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st and 2nd respondent above named and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before July 5, 1945, show sufficient cause to the satisfaction of this court to the contrary.

May 4, 1945.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Willam Arnold Joseph of Colombo, deceased. No. 11,405.

Annie Irene Ethel Joseph of Colpetty Petitioner.

Vs.

(1) Heene Marguerite Mauro nee Joseph, presently of Japanese Internment Camp, Ajmar, India, (2) William Arnold Joseph of Kadawatta, (3) Ivor Bertram Joseph, presently of the C. M. F., (4) Ronald Edwin de Meuron Joseph of Timbiringasyaya, (5) Euchariste Harold Joseph of Kadawatta, (6) Aubrey Shelton Joseph of Nugegoda, (7) Marjorie Ethel Babapulle of Colpetty, (8) Marshal Law Joseph of Timbiringasyaya, (9) Dorothy Clare Beling nee Joseph of Nuwara Eliya Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 18, 1945, in the presence of Mr. A. H. Abeyaratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 16, 1945, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before July 5, 1945, show sufficient cause to the satisfaction of this court to the contrary.

May 24, 1945.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Palihawadena Aratchige Pelis Perera of No. 11,406. Boralessgomuwa, deceased.

Palihawadenaaratchige Valentine Perera Kulatileke of 88, Kesbawa road, Boralessgomuwa Petitioner.

Vs.

(1) Revd. Boralessgomuwa Pannawansa Thero of Paramashamma Niwasa Pirivena, Boralessgomuwa, (2) Palihawadenaaratchige Edgine Perera Kulatileke of Maharagama, (3) Palihawadenaaratchige Antony Perera Kuletileke of 88, Kesbawa road, Boralessgomuwa, (4) Galhenage Georgiana Perera of 88, Kesbawa road, Boralessgomuwa Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., District Judge of Colombo, on May 18, 1945, in the presence of Mr. A. H. Abeyaratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 28, 1945; and the affidavit of the attesting witnesses dated January 7, 1945, having been read:

It is ordered that the last will and testament of Palihawadenaaratchige Pelis Perera of Boralessgomuwa, deceased, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved and the petitioner is the executor named in the said will and he hereby declared entitled, to have probate of the said will issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before July 5, 1945, show sufficient cause to the satisfaction of this court to the contrary.

May 25, 1945.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. the late Wannu Aratchige Simon Fonseka of
No. 11,412. 314, Kalubowila, deceased.

Wannu Aratchige Maria Fonseka of Kalubowila Petitioner.

Vs.

Wannu Aratchige Roslin Fonseka of Kalubowila . . . Respondent.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 22, 1945, in the presence of Mr. H. E. Wijetunga, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner, dated April 17, 1945, the affidavit of the attesting notary and one of the witnesses dated April 17 and 18, 1945, having been read:

It is ordered that the last will and testament of Wannu Aratchige Simon Fonseka of 314, Kalubowila, deceased, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and the petitioner is the executrix named in the said will and she is hereby declared entitled, to have probate of the said will issued to her accordingly, unless the respondent above named or any person or persons interested shall, on or before July 12, 1945, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

May 25, 1945.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Dr. Don Adrian Jayasinghe of Ja-ela, deceased.
No. 11,417.

Buwankabahan Chitrage Menik Hamy Jayasinghe of
Ja-ela Petitioner.

And

(1) Dona Rukmani Jayasinghe, (2) Walter Bepin Chandra Jayasinghe, (3) Lionel Harisoma Jayasinghe, (4) Dona Beatrice de Sampayo, all of Ja-ela Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, with Messrs. Jayasekera & Jayasekera, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 24, 1945, having been read: It is ordered that the 4th respondent above named be and she is hereby declared appointed guardian *ad litem* over the minors the 1st, 2nd and 3rd respondents above named and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before July 19, 1945, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

June 13, 1945.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Beatrice Mary de Sampayo, deceased.
No. 11,422.

Rosamond M. Gomes of 106, Bonjean road, Kotahena,
Colombo Petitioner.

Vs.

Dr. J. A. S. de Sampayo of Passara Respondent.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 29, 1945, in the presence of Mr. D. J. B. Gonsalves Proctor, on the part of the petitioner and the affidavit of the said petitioner dated May 29, 1945, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as the sister and an heir of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondent above named or any person or persons interested shall, on or before July 19, 1945, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

June 20, 1945.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Will of Elwitigalage Dona
Jurisdiction. Sopayana of Pita Kotte, deceased.
No. 11,425.

Kahawitige Vincent Perera of Pita Kotte Petitioner.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 7, 1945, in the presence of Mr. M. D. Goonetilleka, Proctor, on the part of the petitioner above named; and the affidavits of the said petitioner dated May 29, 1945, and of the attesting notary dated May 29, 1945, having been read:

It is ordered that the will of Elwitigalage Dona Sopayana, the deceased above named, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved and the petitioner is the executor named in the said will and he is hereby declared entitled to have probate of the said will issued to him accordingly, unless any person or persons interested shall, on or before July 19, 1945, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

May 18, 1945.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Percy Reginald Penrose Miers, late of Marylands,
No. 11,428. Ridgway road, Herne, Herne Bay in the County
of Kent and care of Lloyds Bank Limited (Cox's
and King's Branch) 6, Pall Mall in the County of
London, a Lieutenant Colonel in His Majesty's
Army (Royal Artillery), deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 2, 1945, in the presence of Bertram Kaikhushroo Billimoria of Colombo, Proctor, on the part of the petitioner, Geoffrey Thomas Hals of Colombo; and the affidavit of the said petitioner dated May 30, 1945. An Exemplification of Probate of the Last Will and Testament of the above-named deceased, power of attorney in favour of the petitioner and Supreme Court's order dated May 18, 1945, having been read: It is ordered that the will of the said deceased dated February 21, 1934, of which an Exemplification of Probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is one of the Attorneys of the sole executrix named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before July 19, 1945, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

June 15, 1945.

In the District Court of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament and
Jurisdiction. Codicil of William Kennedy Moffat of Auchencheyne,
No. 11,429. Moniaive, Dumfriesshire, Scotland,
deceased.

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

NOTICE is hereby given that after the expiry of twenty one days from the date hereof application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the Sealing of a Certified Copy of the Scotch Confirmation of the Last Will and Testament and Codicil of William Kennedy Moffat of Auchencheyne, Moniaive, Dumfriesshire, Scotland, deceased, granted by the Sheriff Court of Dumfriesshire on March 12, 1942.

G. T. HALE,

Attorney for Francis Nicholson Moffat Gourlay, William McCall and Arthur Brye-Duncan three of the Executors of the Last Will and Testament and Codicil of William Kennedy Moffat, deceased.

Colombo, June 1, 1945.

In the District Court of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Lilian Augusta Fowler of Crookham End, Brompton,
No. 11,435. near Reading, in the County of Berks,
England, spinster, deceased.

And

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

NOTICE is hereby given that after the expiry of fourteen days from the date hereof application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of the probate of the last will and testament of Lilian Augusta Fowler of Crookham End, Brompton near Reading, in the County of Berks, England, Spinster, deceased, granted by the District Probate Registry at Oxford of His Majesty's High Court of Justice in England on March 26, 1941.

F. J. & G. DE SARAM,

Proctors for the Public Trustee, of The Public Trustee Office, Kingsway, in the County of London, W. C. 2, England, proving Executor of the will.

June 29, 1945.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament or
Jurisdiction. trust disposition and settlement and two codicils
No. 11,441. of James Curle formerly of Priorwood, Melrose,
Roxburghshire, Scotland, and late of Saint
Cuthberts, Melrose aforesaid LL.D., Writer to the
Signet, deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 15, 1945, in the presence of F. J. & G. de Saram, Proctors, on the part of the petitioner Leigh Matthews of Colombo; and (1) the affidavit of the said petitioner dated June 9, 1945, (2) the power of attorney dated December 15, 27 and 29, 1944, and (3) the order of the Supreme Court dated May 31, 1945, having been read: It is ordered that the will of the said James Curle, deceased, dated August 13, 1942, and two codicils thereto dated August 13, 1942, and January 8, 1944, a certified copy of which under the seal of the Lords of Council and Session at Edinburgh has been produced and is now deposited in this

court, be and the same is hereby declared proved; and it is further declared that the said Leigh Matthews is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will and two codicils annexed) issued to him accordingly, unless any person or persons interested shall, on or before July 12, 1945, show sufficient cause to the satisfaction of this court to the contrary.

June 20, 1945.

V. E. RAJAKANIER,
Additional District Judge.

In the District Court of Negombo.

Order Nisi.

No. 3,325. In the Matter of the Intestate Estate of the late Pabilinu Aloysius de Coonghe of Pallansena North, deceased.

Pabilinu Charles de Coonghe of Pallansena North Petitioner.

Vs.

(1) Peduru Maria Fernando, (2) Pabilinu Alexcia de Coonghe, both of Pallansena North Respondents.

THIS matter coming on for disposal before Herbert S. Roberts, Esq., District Judge of Negombo, on June 13, 1945, in the presence of Mr. F. W. Goneratne, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated June, 1945, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before July 9, 1945, show sufficient cause to the satisfaction of this court to the contrary.

June 13, 1945.

H. S. ROBERTS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of the late Samykurukkal Subramania Kurukkal of Maviddapuram, deceased.

(1) Subramama Kurukkal Thuraiamykurukkal, (2) Peethamparakurukkal Iyasamykurukkal, both of Maviddapuram Petitioners.

Vs.

(1) Venukuchambai widow of Samykurukkal Subramaniakurukkal of Maviddapuram, (2) Thiagarajakurukkal Cumarassamykurukkal and wife, (3) Annammah of Keerimalai, (4) Sorannammah, wife of Iyasamykurukkal of Maviddapuram, (5) Peethamparakurukkal Sithanthakurukkal of Keerimalai, (6) Sachchidananda Iyer, (7) Bahavani Ammal, (8) Ledchumy Ammal, (9) Ragnaswamy Iyer Padmanaba Iyer . . . Respondents.

THIS matter of the petition of the above-named petitioners praying that the above-named 9th respondent be appointed guardian *ad litem* over the minors, 6th, 7th and 8th respondents, and that the last will and testament of the above-named deceased No. 12098 dated March 17, 1922, and attested by T. S. Thuraiappah, Notary Public, be proved and that probate be issued to the petitioners as executors named in the said will, coming on for disposal before H. A. de Silva, Esq., District Judge, Jaffna, on January 26, 1945, in the presence of S. Nadarajah, Proctor, for petitioners; and the affidavit of the 1st petitioner and that of the witnesses and the petition of the petitioners having been read:

It is ordered that the said 9th respondent be appointed guardian *ad litem* over the minors, 6th, 7th and 8th respondents, and that the last will and testament of the said deceased dated March 17, 1922, and attested by T. S. Thuraiappah, Notary Public, under No. 12098, be proved and that probate be issued to the petitioners as executors appointed by the said will, unless the said respondents or any other persons shall appear before this court on March 23, 1945, and show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 9th respondent do produce the said minors in court on the said date.

January 26, 1945.

H. A. DE SILVA,
District Judge.

Order Nisi extended returnable May 31, 1945.

H. A. DE SILVA.

Order Nisi extended returnable July 12, 1945.

S. J. C. SCHOEMAN,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testy. No. 334. In the Matter of the Estate of the late Kandar Velanthampillai of Mirusuvil, deceased.

Ampalavanai Kandar of Mirusuvil Petitioner.

Vs.

(1) Appapillai Pennampalam, (2) Sinniah Sadasivam and wife, (3) Puthumachchi, all of Mirusuvil Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge, on October 26, 1944, in the presence of Mr. V. Canagasabai, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the petitioner be declared entitled to have letters of administration to the estate

of the said intestate, as his lawful father and one of the heirs, unless the respondents shall appear before this court, on December 1, 1944, and state objection or show cause to the contrary.

October 26, 1944.

E. WIJEYAWARDENE,
A. D. J.

Time to show cause extended to March 26, 1945.

H. A. DE SILVA,
District Judge.

Time to show cause extended to June 20, 1945.

S. J. C. SCHOEMAN,
District Judge.

Time to show cause extended to July 10, 1945.

S. J. C. SCHOEMAN,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Kanthe Jurisdiction. Subramaniam of Karainagar, deceased.

No. 343.

Supramaniam Nalliah of Karainagar North Petitioner.

Vs.

(1) S. Nadarajah of F.M.S., (2) S. Rasiah, Manager, Sittampalam Theatre, Anuradhapura, minor, (3) Thangamuttu, widow of Ambalavanar Kasinather of Karainagar North . . . Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge, Jaffna, on November 1, 1944, in the presence of Mr. W. B. Canagaratna, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that the above-named 3rd respondent be appointed guardian *ad litem* over the 2nd respondent and that letters of administration to the estate of the above-named deceased be granted to the petitioner unless the respondents shall appear before this court on January 22, 1945, and show cause to the satisfaction of this court to the contrary.

November 21, 1944.

H. A. DE SILVA,
District Judge.

Order Nisi extended to March 20, 1945.

H. A. DE SILVA,
District Judge.

Order Nisi extended to May 30, 1945.

H. A. DE SILVA,
District Judge.

Order Nisi extended to July 10, 1945.

S. J. C. SCHOEMAN,
District Judge.

In the District Court of Jaffna.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament of the late Emmanuel Joseph of Jaffna Town, deceased.

No. 354.

Anthony Wilfred Joseph of Jaffna Town, now of Colombo Petitioner.

THIS matter coming on for final disposal before H. A. de Silva, Esq., District Judge of Jaffna, on February 3, 1945, in the presence of Mr. W. B. Canagaratna, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner and of the witnesses to the last will having been read: It is ordered that the petitioner as Sole Legatee of the above-named deceased be declared entitled to have probate of the last will and testament of the deceased and directing that such probate be and it is hereby issued to the petitioner accordingly.

February 3, 1945.

H. A. DE SILVA,
District Judge.

In the District Court of Puttalam.

Amended Order Nisi.

Testy. In the Matter of the Intestate Estate of Mohamedo Segu Juris. Meera Wawa Saibu Lebba Mohamedo Pattany Meera No. 783. Natchiya, wife of Seinadeen Maraikar, deceased.

Mohamedo Segu Meera Wasa Saibu Lebba Jabir Lebba of Mudalapaly in Akkaraipattu Petitioner.

And,

(1) Sinne Thamby Maraikar Seinadeen Maraikar of Mudalapaly, (2) Mohamedo Segu Meera Wawa Saibu Lebba Segu Alaudeen Lebba *alias* Yousuf Wawa Saibu Lebba (minor) aged 18 years of Mudalapaly by his proposed guardian *ad litem*, (3) Lebba Thamby Maraikar Mohamedo Abusalihu Lebba of Teh Respondents.

THIS matter coming on for disposal before V. H. Wijeyaratna, Esq., District Judge of Puttalam, on May 21, 1945, in the presence of Messrs. Anthonippillai & Sangarapillai, Proctors, on the part of the petitioner and Mr. S. M. M. Cassim, Proctor, on the part of the 1st respondent.

It is ordered that the 3rd respondent be appointed guardian *ad litem* of the 2nd respondent above named (minor) for the purpose of watching his interests in this action.

It is further ordered that the 1st respondent be declared entitled to have letters of administration to this estate issued to him unless the respondents above named or any other person or persons interested in the matter of this application shall on or before June 11, 1945, show sufficient cause to the contrary.

May 21, 1945.

V. H. WIJAYARATNE,
District Judge.

Time extended to show cause against the *Order Nisi* for July 3, 1945.

June 11, 1945.

V. H. WIJAYARATNE,
District Judge.

In the District Court of Chilaw.
Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Senerath Dassanayaka Appuhamillage Migel Appuhamy of Etiyawala, deceased.
No. 2,340.

THIS action coming on for disposal before V. H. Wijeyaratne, Esq., District Judge of Chilaw, on April 18, 1945, in the presence of Mr. A. S. Goonesekera, Proctor, on the part of the petitioner, Tammahetti Mudalige Poralentinahamy of Etiyawala; and the affidavit of the said petitioner dated April 18, 1945, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the mother of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents: (1) Senerath Dassanayaka Appuhamillage Luwis Appuhamy, (2) ditto Marthelis Appuhamy, both of Etiyawala, (3) Heenkenda Mudalige Hewa Henry *alias* Robert Siriwardena of Pahalagama, Gampaha, (4) ditto Malini Siriwardhena of Etiyawala, (5) Senerath Dassanayaka Appuhamillage Indrananda, and (6) Hetti Pathirannehelage Danawathie Gunawardhena, both of Dummaladeniya, or any other person or persons interested shall, on or before May 23, 1945, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent be appointed guardian *ad litem* over the minors, the aforesaid 3rd and 4th respondents, (6) that 6th respondent be appointed guardian *ad litem* over the said minor, the 5th respondent, to represent them for all the

purposes of this action, unless the respondents or any other person or persons interested shall, on or before May 23, 1945, show sufficient cause to the satisfaction of this court to the contrary.

April 18, 1945.

V. H. WIJAYARATNE,
District Judge.

Time for showing cause against the *Order Nisi* is extended to June 20, 1945.

V. H. WIJAYARATNE,
District Judge.

Time for showing cause against the *Order Nisi* is extended to July 18, 1945.

V. H. WIJAYARATNE,
District Judge.

In the District Court of Ratnapura.
Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Dassanayake Mudiyansele Karunaratne of Gangalagamuwa, deceased.
No. 1,178.

Amaratunga Arachchige Edmund Perera of Gangalagamuwa Petitioner.

Vs.

(1) Dassanayake Mudiyansele Dhadrawathie, and (2) Rupahinge Ranmenike, both of Gangalagamuwa Respondents.

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge, Ratnapura, on June 12, 1945, in the presence of Mr. P. Marapana, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner above named dated May 16, 1945, having been read: It is ordered that Amaratunga Arachchige Edmund Perera of Gangalagamuwa, the petitioner above named, as the son-in-law of the deceased above named, is entitled to have letters of administration to the estate of the deceased above named issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before July 19, 1945, show sufficient cause to the satisfaction of this court to the contrary.

June 12, 1945.

C. J. C. JANSZ,
District Judge.