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PART I.—General: Minutes, Proclamations, Appointments,
and General Government Notifications.

PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Land Settlement.

PART V.—Mercantile, Marine, Municipal, Local, &c.

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

Part II.—Legal and Judicial.

	PAGE		PAGE
Passed Ordinances	—	Notices in Testamentary Actions	147
Draft Ordinances	143 & 156	Notices in Insolvency Cases	152
Notices from Supreme Court Registry	—	Notices of Fiscals' Sales	153
Notices from Council of Legal Education	—	Notices from District and Minor Courts	155
Notifications of Criminal Sessions of Supreme Court	—	Lists of Articled Clerks	—
Lists of Jurors and Assessors	—		

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to prevent the spread of Epidemic Diseases among Labourers.

Preamble.

WHEREAS it is expedient to provide measures to prevent the spread of epidemic diseases among labourers upon agricultural estates and other places: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and commencement.

1 This Ordinance may be cited as "The Epidemic Diseases (Labourers) Ordinance, No. of 1912," and it shall come into operation on such date as the Governor, by Proclamation in the "Government Gazette," may appoint.

Definitions.

2 In this Ordinance—

"Epidemic disease" means any disease of an infectious or contagious character.

"Superintendent" means any person in the immediate charge of any agricultural estate.

"Prescribed" means prescribed by rules made under this Ordinance.

"Labourer" includes kangany and female labourer, and any child or other relative of any labourer resident upon the same estate.

Application of Ordinance.

3 This Ordinance shall apply to all agricultural estates of which ten acres or more are cultivated.

Provided that in any case in which a district medical officer is satisfied that any epidemic disease in fact prevails upon an agricultural estate with a lesser area of cultivation, he may, by written notice under his hand addressed to the owner or superintendent of the estate, direct that the provisions of this Ordinance shall apply to such estate, and upon the service of such notice upon the owner or superintendent the said provisions shall apply accordingly.

Provided further that in any case in which the Governor in Executive Council is satisfied that the labourers employed by any Government Department or by any employer of labour other than a superintendent are housed under such conditions that the provisions of this Ordinance are capable of application to their residential quarters, he may, by Order in Council notified in the "Government Gazette," apply the provisions of this Ordinance to the residential quarters of such labourers with such modifications as may be necessary for the purpose.

Notification by superintendent of prevalence of epidemic disease.

4 (1) Where any superintendent has reason to believe that any epidemic disease exists among the resident labourers of his estate, he may give notice in writing in the prescribed manner to the district medical officer and request his assistance in the treatment of the disease.

(2) Where such superintendent has reason to believe that the disease exists in a severe form, it shall be his duty to give such notice.

Inspection of infected estate by district medical officer.

5 Where a district medical officer receives a notice under the last preceding section, or where he has otherwise reason to believe that any epidemic disease is prevalent upon an estate, he may enter upon the estate and inspect all the labourers and the sanitary condition of the coolie lines of the estate, and give such directions as he may consider necessary for the treatment of the disease.

Treatment of labourers on infected estate.

6 In any such case the district medical officer may—

(a) Require any labourer to be removed to hospital ;

(b) Require the superintendent to treat the labourers in the prescribed manner in such convenient batches as he may indicate ;

(c) By notice in writing require the superintendent to treat in the prescribed manner all the labourers of the estate—

and it shall be the duty of the superintendent to carry out all such requirements.

Exceptional measures where disease prevalent to aggravated extent.

7 (1) Where the Principal Civil Medical Officer is satisfied that any epidemic disease prevails upon an estate to such an extent or under such conditions that it cannot be effectively treated under the provisions of the last preceding section, he may by written order under his hand authorize a medical officer of his department to inspect the estate.

(2) In any such case the medical officer so authorized shall be entitled, on the production of the written order of the Principal Civil Medical Officer, to enter upon the estate and inspect the labourers, coolie lines, latrines, bathing places, and water supply, and to do all things necessary to enable him to report to the Principal Civil Medical Officer as to the measures to be taken for the treatment of the disease upon the estate.

(3) The Principal Civil Medical Officer upon receiving the said report may thereupon, by a notice in writing, require the superintendent to carry out such measures, not being measures provided for by section 9, as in the opinion of the Principal Civil Medical Officer are necessary for the purpose aforesaid, and it shall thereupon become the duty of the superintendent to carry out all such measures accordingly :

Provided that where the expense involved by any such notice exceeds an amount of two rupees per acre of the estate per annum, an appeal shall lie to the Governor in Executive Council.

Power of Governor to carry out such measures at expense of estate.

8 (1) If within three months from the date of the receipt of the said notice the superintendent shall not have carried out the measures required by the said notice to the satisfaction of the Principal Civil Medical Officer, it shall be lawful for the Governor, on receiving a report to that effect from the Principal Civil Medical Officer, to cause the said measures to be effectively carried out upon the estate.

(2) The cost of any such measures so carried out shall be a debt to the Crown recoverable from the owner of the estate, and if the owner is not resident in Ceylon, from the superintendent personally, and shall constitute a charge on the estate.

Power of Governor to condemn insanitary cooly lines.

9 (1) In any case in which any medical officer charged with the duty of the inspection of estates shall report that any set of cooly lines is constructed in such a position or under such conditions that any epidemic disease prevalent or liable to become prevalent therein cannot be effectively controlled, and that the said set of cooly lines is not capable of adaptation for its effective control, it shall be lawful for the Governor to condemn such set of cooly lines, and to order its reconstruction to his satisfaction upon such site and under such conditions as shall be suitable for the purpose of the prevention of the spread of the disease, and it shall be the duty of the superintendent to carry out such order.

(2) If within three months of the communication of such order to the superintendent, or such further time as may be directed in the order, the superintendent shall not have complied therewith, it shall be lawful for the Governor to carry out the measures directed by such order, and the expenses thereof shall be a debt to the Crown recoverable from the owner of the estate, or if the owner is not resident in Ceylon, from the superintendent personally, and shall constitute a charge upon the estate.

Superintendent may require labourers and others to submit to treatment.

10 (1) A superintendent may require—

- (a) Any labourer employed upon his estate, whether resident upon the estate or otherwise;
- (b) Any person resident in the immediate vicinity of the cooly lines of his estate and certified as infected with any epidemic disease by any medical officer visiting the estate in pursuance of this Ordinance—

to submit to any treatment prescribed or otherwise lawfully directed under this Ordinance.

(2) It shall be the duty of every such labourer, when so required by the superintendent, to attend at all reasonable times and places and to submit to such treatment.

(3) It shall be the duty of every person so resident, when so required by the superintendent, to attend at all reasonable times and places for examination by any such medical officer, and, if certified as infected, to attend as aforesaid, and to submit to such treatment.

Rules.

11 The Principal Civil Medical Officer, with the approval of the Governor, may make rules for the whole Colony, or for any portion of the Colony, for the treatment of epidemic diseases under this Ordinance, and for the sanitation of cooly lines with a view to the prevention of the spread of epidemic diseases, and in particular for the following purposes :

- (a) For the location of new cooly lines.
- (b) For the provision and regulation of latrines.
- (c) For the daily removal and disposition of excreta.
- (d) For the provision of a surrounding area round each set of cooly lines clear of vegetation at least 30 feet in width.
- (e) For the drainage of cooly lines and their surrounding area.
- (f) For the proper construction and drainage of bathing places.
- (g) For the provision of water supply.

Consultation of Medical Wants Committee.

12 There shall be submitted to the Medical Wants Committee for consideration and advice—

- (a) All rules proposed to be made under the Ordinance;
- (b) All appeals to the Governor in Executive Council under section 7.

Offences.

13 (1) Any person who without reasonable excuse, the proof whereof shall lie upon such person, shall—

- (a) Make default in the performance of any obligation imposed upon him by this Ordinance, or any rule or order made under this Ordinance;
- (b) Wilfully obstruct any medical officer or any person lawfully acting under his direction in discharge of the duties of such medical officer under this Ordinance, or any rule or order made under this Ordinance—

shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees, or to imprisonment of either description not exceeding one month.

(2) Such fine shall be recoverable before a Police Magistrate, notwithstanding any limitation of jurisdiction contained in the Criminal Procedure Code.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, February 28, 1912.

HUGH CLIFFORD,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance was originally drawn as Anchylostomiasis Ordinance, to give effect to the recommendations of the Anchylostomiasis Committee. It was however determined, on the unanimous advice of the Medical Wants Committee, to generalize it, and to make its provisions applicable to all epidemic diseases.

2. The Ordinance aims at the protection of labourers, who are housed together in definite localities, in such circumstances that any infectious disease which may break out among them is liable to assume an epidemic character. It extends in the first instance only to agricultural estates of which ten acres or more are cultivated, but is capable of further extension—

- (a) To smaller estates in which disease has actually broken out.
- (b) To labourers employed by any other employer, or a Government Department, if housed under such conditions that the Ordinance is capable of application to their residential quarters.

As, however, the general scheme of the Ordinance is devised for agricultural estates, power is reserved in the latter case to the Governor in Council to direct the modifications necessary to adapt the Ordinance to the circumstances to which it is to apply.

3. The scheme of the Ordinance is that where any infectious or contagious disease breaks out upon any estate in a severe form, the estate is to be visited by a District Medical Officer, who is to give the necessary directions for the treatment of the labourers either on the estate or in hospital. If exceptional measures are necessary, a special inspection may be ordered, and upon a report from the inspecting medical officer, the Principal Civil Medical Officer is empowered to direct the carrying out of any special measures required by the situation, subject to an appeal to the Governor in Council when the expense involved exceeds a certain limit. If the required measures are not carried out, the Governor may have them carried out at the expense of the estate.

4. If any set of coolie lines on any estate is in such a condition or situation that they can only be made sanitary by reconstruction on the same or another site, the Governor in Council may order this measure to be carried out, or in default have it carried out at the expense of the estate.

5. As in some cases the danger of the infection of an estate comes not merely from labourers arriving at or resident upon the estate, but also from non-resident labourers, or from persons resident in the immediate vicinity of the coolie lines, powers are provided by section 10 to cause these persons (as well as the general labour force) to submit to the treatment necessary for the protection of the estate.

6. Clause 12 contains rule making powers of a general character for the prevention of the spread of epidemics on estates and for their proper sanitation. The object of the provision of a space round the lines clear of vegetation is to prevent the deposit of excreta in proximity to dwellings, which is the chief cause of the spread of anchylostomiasis.

7. Clause 12 is designed to secure to the Planting Community a voice in the administration of the Ordinance by providing for the consultation of the Medical Wants Committee.

8. Clause 13 provides for penalties and their summary recovery.

Colombo, February 15, 1912.

ANTON BERTRAM,
Attorney-General.

MINUTE.

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

An Ordinance to amend "The Forest Ordinance, 1907."

Preamble.

WHEREAS it is expedient to amend in certain particulars "The Forest Ordinance, 1907" (hereinafter referred to as "the principal Ordinance"): Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Forest (Amendment) Ordinance, No. of 1912," and shall be read and construed as one with the principal Ordinance.

Addition of a section.

2 The following new section shall be added to the principal Ordinance and numbered 52 A :

52 A. Any forest offence other than an offence under section 47 shall be triable by a Police Court, and such court shall have power to inflict the full penalty prescribed for any such offences, notwithstanding any limitation of its ordinary jurisdiction contained in the Criminal Procedure Code. Provided that nothing herein contained shall be deemed to derogate from the jurisdiction of any other court to try any such offence.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, February 28, 1912.

HUGH CLIFFORD,
Colonial Secretary.

Statement of Objects and Reasons:

THE object of this Ordinance is to allow forest offences to be tried summarily, notwithstanding the fact that in certain cases the maximum penalty exceeds the ordinary limit of Police Court jurisdiction.

2. Most offences of this character are exceedingly trivial, and it is inconvenient that the District Courts should be burdened with all of them, merely because a high penalty may be awarded in an extreme case.

3. The concurrent jurisdiction of the superior courts is at the same time preserved.

4. Offences under section 47 are excluded, as these are of a specially serious nature, and punishable with two years' imprisonment.

Attorney-General's Chambers,
Colombo, February 26, 1912.

ANTON BERTRAM,
Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Thelge Paul Peiris of No. 4,137, Rawatawatta in Moratuwa, deceased, Class III. executed jointly with his wife Warusahennedige Engelthina Soysa.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on January 23, 1912, in the presence of Mr. J. P. Rodrigo, Proctor, on the part of the petitioner Warusahennedige Engelthina Soysa *nee* Peiris of Moratuwa; and the affidavits (1) of the said petitioner dated December 8, 1911, and (2) of the attesting notary and witnesses dated December 11, 1911, having been read: It is ordered that the will of the said Thelge Paul Pieris, deceased, dated March 21, 1911, of which the original with its translation 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 Warusahennedige Engelthina Soysa is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless any person or persons interested shall, on or before February 29, 1912, show sufficient cause to the satisfaction of this court to the contrary.

January 23, 1912.

L. M. MAARTENSZ,
Additional District Judge.

The day for showing cause is extended till March 28, 1912.

February 29, 1912.

L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Abdul Carim Abdul Rahim, late of No. 4,166, Messenger street, Colombo, deceased.

Neina Marikar Abdul Carim of Messenger street, in Colombo.....Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of

Colombo, on February 7, 1912, in the presence of Mr. D. E. Wanigesooria, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated January 26, 1912, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the father and an heir of the above-named deceased, to have letters of administration to his estate issued to him, unless any person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 7, 1912.

L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of Sammarappulige Harmanis No. 4,152. Fernando of No. 27/283, Dean's road, Maradana, in Colombo, deceased.

Deduwalagey Emo Nona Fernando of Kollupitiya, Colombo.....Petitioner.

And

Samarappulige Charles Fernando of No. 27/283, Dean's road, Maradana, Colombo, guardian of Samarappulige Singhone Fernando of No. 27/283, Dean's road, Maradana, Colombo...Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on February 8, 1912, in the presence of Messrs. Pereira and Akbar, Proctors, on the part of the petitioner Deduwalagey Emo Nona Fernando; and the affidavit of the said petitioner dated January 18, 1912, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow and an heir of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondent or any other person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 8, 1912.

L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

2 Testamentary Jurisdiction. In the Matter of the Estate and Effects of the late Rajapakse Patirage Don Negeris Appu of Demaladuwa, in the Palle pattu of Salpiti korale, in the District of Colombo. No. 4,171.

Matara Achchi Vidanelage Ensina Hamy of Demaladuwa, in the Palle pattu of Salpiti korale, in the District of Colombo Petitioner.

And

(1) Rajapakse Patirage Dona Mary Nona, (2) Rajapakse Patirage Dona Baby Nona, (3) Rajapakse Patirage Don Arnolis, all of Demaladuwa aforesaid, (4) Gulawattege Don Seadoris Appuhamy of Panadure Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on February 16, 1912, in the presence of Mr. J. A. Perera, Proctor, on the part of the petitioner Matara Achchi Vidanelage Ensina Hamy; and the affidavit of the said petitioner dated February 16, 1912, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow and an heir of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents or any other person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 16, 1912. L. M. MAARTENSZ, Additional District Judge.

In the District Court of Colombo.

Order Nisi.

1 Testamentary Jurisdiction. In the Matter of the Joint Last Will and Testament of Weerahennedige Thomme Fernando of Rawatawatta in Moratuwa, deceased, and Wannekawattewadugey Selestina Fernando, also of Rawatawatta aforesaid. No. 4,183.

Wannekawattewadugey Selestina Fernando of Rawatawatta aforesaid Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on February 27, 1912, in the presence of Mr. C. A. Rodrigo, Proctor, on the part of the petitioner Wannekawattewadugey Selestina Fernando of Rawatawatta, in Moratuwa; and the affidavit of (1) the petitioner dated January 10, 1912, and (2) the affidavit of Davith Fernando Wickremesinghe Karunaratne and Balapuwadugey Wickremesinghe John Mendis, the Notary, and one of the attesting witnesses having been read:

It is ordered that the will of the said Weerahennedige Thomme Fernando of Rawatawatta, deceased, dated May 13, 1897, which has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the petitioner Wannekawattewadugey Selestina Fernando is the executrix named in the said will, and that she is entitled to have probate issued to her accordingly, unless any person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 27, 1912. L. M. MAARTENSZ, Additional District Judge.

In the District Court of Colombo.

Order Nisi.

1 Testamentary Jurisdiction. In the Matter of the Estate and Effects of Mary Elizabeth Mutukisna of New Chetty street in Colombo, deceased. No. 4,197.

Roscius Philip Henry Mutukisna of New Chetty street, Colombo Petitioner.

And

(1) Ernest Lionel Mutukisna, (2) Irene Mutukisna, (3) Oliver Granville Mutukisna, (4) Glenville Edgar Mutukisna, (5) Clarence Everard Mutukisna of New Chetty street in Colombo Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo,

on March 13, 1912, in the presence of Messrs. Rajaratnam and Vandergert, Proctors, on the part of the petitioner Roscius Philip Henry Mutukisna; and the affidavit of the said petitioner dated March 5, 1912, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a son and heir of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents or any other person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 13, 1912. L. M. MAARTENSZ, Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of Wadinambi Arachchige Dona Sarah, late of Kalubowila, deceased. No. 4,188.

Nawalage Joranis Cooray of Kittanpahuwa in Ambatalenpahalala of Alutkuru Korale, South Petitioner

And

(1) Wadinambi Arachchige Dona Bastiana, wife of (2) Weerawickramatantrige Don Joranis of Berendiawatta, (3) Wadinambi Arachchige Don Louis, (4) Wadinambi Arachchige Dona Catherine, wife of (5) Attidiyage Don Thomas of Kandana, (6) Wadinambi Arachchige Don Ranis of Kandana, (7) Wadinambi Arachchige Don Velun of Berendiawatta, (8) Wadinambi Arachchige Dona Johana of Kittanpahuwa, (9) Wadinambi Arachchige Dona Sengina of Berendiawatta, (10) Wadinambi Arachchige Don Peter of Kandana, (11) Wadinambi Arachchige Don Thomas of Kandana, (12) Wadinambi Arachchige Don Marshal of Kandana, (13) Wadinambi Arachchige Don Salamon of Kandana, (14) Wadinambi Arachchige Don Sarnelis, (15) Wadinambi Arachchige Dona Engelina, (16) Wadinambi Arachchige Dona Josalina, (17) Wadinambi Arachchige Dona Tasselena, and (18) Wadinambi Arachchige Don Gabriel, all of Berendiawatta in Ambatalenpahalala Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on March 1, 1912, in the presence of Mr. D. E. Wanigesooria, Proctor, on the part of the petitioner Nawalage Joranis Cooray; and the affidavit of the said petitioner dated January 30, 1912, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the brother-in-law and an heir of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents or any other person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 1, 1912. L. M. MAARTENSZ, Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Joint Estate and Effects of Kurrupuachige Don Daniel and his wife, Happutantrige Dona Mary Elizabeth Hamy, both late of Diagama, in the Udu-gaha pattu of Salpiti korale, deceased, No. 4,189.

Illeperumachige Don Charles of Ambalangoda Petitioner.

And

(1) Kurrupuachige Dona Missiana Hamy of Ambalangoda, (2) Kurrupuachige Dona Charlo Nona and her husband (3) Nawallage Abraham Cooray, both of Diagama aforesaid, (4) Kurrupuachige Don Hendrick, (5) Kurrupuachige Dona Ceciliana, and (6) Kurrupuachige Dona Aeliana, all of Diagama Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on March 2, 1912, in the presence of Mr. S. R. de

Fonseka, Proctor, on the part of the petitioner Illeperumachige Don Charles of Ambalangoda; and the affidavit of the said petitioner dated February 19, 1912, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as the son-in-law and an heir of the above-named deceased, to have letters of administration to their estate issued to him, unless the respondents or any other person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

March 2, 1912.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Junoos Lobbe Rahamath Umma. No. 4,198.

Iyne Abdul Hamid of No. 4, Wekanda, Slave Island, Colombo Petitioner.

And

Junoos Lebbe of No. 4, Wekanda, Slave Island, Colombo Respondent.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on March 12, 1912, in the presence of Mr. Christie Seneviratne, Proctor, on the part of the petitioner Iyne Abdul Hamid of Wekanda, Slave Island, Colombo; and the affidavit of the said petitioner dated March 4, 1912, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband and an heir of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondent or any other person or persons interested shall, on or before April 25, 1912, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

March 12, 1912.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament and Codicil of Alice Emma Wilkinson, late of West Gate on Sea, in the County of Kent, England, widow, deceased. No. 4,200 C.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on March 15, 1912, in the presence of Mr. O. P. Mount, Proctor, on the part of the petitioner Ernest Reed Williams of Colombo; and the affidavit of the said petitioner dated March 15, 1912, power of attorney in favour of the petitioner, and Supreme Court order dated March 13, 1912, having been read:

It is ordered that the will and codicil of the said Alice Emma Wilkinson, deceased, dated December 29, 1906, and January 13, 1909, respectively, of which an exemplification 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 Ernest Reed Williams is the attorney of the executors named in the said will, and that he is entitled to have letters of administration, with copy of the will and codicil annexed, issued to him accordingly, unless any person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

March 15, 1912.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of William Lindsay Brase of Binrock, Dundee, deceased. No. 4,208.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on March 19, 1912, in the presence of Mr. Frederick John de Saram,

Proctor, on the part of the petitioner Leslie William Frederick de Saram of Colombo; and the affidavit of the said petitioner dated March 13, 1912, having been read:

It is ordered that the will of the said deceased dated December 30, 1907, an extract whereof with the confirmation of executors in the said will named under the seal of the Commissariat of Forfar (Dundee District) is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Leslie William Frederick de Saram is the attorney of the executors named in the said will, and that he is entitled to have letters of administration, with the said will annexed, issued to him accordingly, unless any person interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

March 19, 1912.

In the District Court of Colombo.

Order Nisi granting Letters of Administration.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Henry Thomas Charles Louis Molyneux Seel of Wallawe, Balangoda, in the Island of Ceylon, and of the Sports Club, St. James's, in the County of Middlesex, England, deceased. No. 4,209.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on March 19, 1912, in the presence of Messrs. F. J. and G. de Saram, Proctors, on the part of the petitioner James John Park of Colombo; and the affidavit of the said petitioner dated March 4, 1912, having been read:

It is ordered that the said James John Park, is the attorney of Louisa Ann Caroline Amelia Molyneux-Seel, Louis Edmund Harrington Molyneux-Seel, Alexander Young Crawshaw Mainwaring Spearman, and Charles Edward Spearman, the heirs-at-law of the said deceased, and that he is entitled to have letters of administration issued to him accordingly, unless any person interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

March 19, 1912.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Harold Armstrong of 3, Avondale road, Hoylake, in the County of Chester, England, formerly of Riveralta Beni-Bolivia, in South America, merchant, deceased. No. 4,210.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on March 19, 1912, in the presence of Messrs. F. J. and G. de Saram, Proctors, on the part of the petitioner Charles Aubrey Percy; and the affidavit of the said petitioner dated March 5, 1912, having been read:

It is ordered that the will of the above-named Harold Armstrong, deceased, dated March 21, 1911, the probate whereof under the seal of the High Court of Justice in England, has been produced, and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Charles Aubrey Percy is the attorney of the executor named in the said will, and that he is entitled to have letters of administration, with the said will annexed, issued to him accordingly, unless any person or persons interested shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

March 19, 1912.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Hettige Dona Jane Nona Hamine of Galpatha, deceased. No. 715.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Kalutara, on February 22, 1912, in

the presence of Mr. A. de Abrew, Proctor, on the part of the petitioner Henadirage Podineris Perera, Vel-Vidane of Galpatha; and the affidavit of the said petitioner dated January 17, 1912, having been read:

It is ordered that the petitioner Henadirage Podineris Perera, Vel-Vidane of Galpatha, be and he is hereby declared entitled to administer the estate of the said deceased as husband of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents—(1) Henadirage Emi Nona Perera, minor, by her guardian, (2) Henadirage Babbu Simmo Perera, both of Galpatha—shall, on or before March 7, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 22, 1912.

T. B. RUSSELL,
District Judge.

To show cause against the above *Order Nisi* is extended till March 29, 1912.

T. B. RUSSELL,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Don Thomas Wijesinghe
No. 723. Kannangara of Bandaragama, deceased.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Kalutara, on March 4, 1912, in the presence of Mr. L. D. Perera, Proctor, on the part of the petitioner Don Hendrick Wijesinghe Kannangara of Bandaragama; and the affidavit (1) of the petitioner dated February 29, 1912, and (2) of the attesting witnesses dated February 29, 1912, having been read:

It is ordered that the will of the said Don Thomas Wijesinghe Kannangara, deceased, dated November 15, 1911, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Don Hendrick Wijesinghe Kannangara of Bandaragama is the executor named in the said will, and that he is entitled to have probate issued to him accordingly, unless any person or persons interested shall, on or before April 2, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1912.

T. B. RUSSELL,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Dona Carlina Artigalle
No. 724. Hamine of Undugoda, deceased.
Class I.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Kalutara, on March 11, 1912, in the presence of Mr. E. W. von Hagt, Proctor, on the part of the petitioner Jeronimus Aron Kottalawala of Undugoda; and the affidavit (1) of the said petitioner dated February 26, 1912, and (2) of the attesting witnesses and the notary dated February 26, 1912, having been read: It is ordered that the will of the said Dona Carlina Artigalle Hamine of Undugoda, deceased, dated May 8, 1898, the original of which has been produced, and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Jeronimus Aron Kottalawala of Undugoda is the executor named in the said will, and that he is entitled to have probate issued to him accordingly, unless any person or persons interested shall, on or before April 18, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 11, 1912.

T. B. RUSSELL,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Cecilia De Silva Sirimane of Ampitiya,
No. 2,893. deceased.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge of Kandy, on February 29,

1912, in the presence of Mr. W. A. de Silva, Proctor, on the part of the petitioner Don Martin Sirimane of Orwell estate in Gampola; and the affidavit of the said petitioner dated January 23, 1912, having been read: It is ordered that the petitioner Don Martin Sirimane of Gampola be and he is hereby declared entitled to letters of administration to the estate of Cecilia de Silva Sirimane of Ampitiya, deceased, as the husband of the said deceased, unless (1) Ka e Letitia Sirimane, (2) Theresa Sirimane, (3) Jerath Baldwin Sirimane, (4) Tudor Theobald Sirimane, all of Ampitiya, by their guardian *ad litem* Don Cornelis Sirimane of Gampola shall, on or before March 28, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 29, 1912.

FELIX R. DIAS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Thellaiamma, wife of Sapapathy Kateresa-
No. 2,495. pillai of Vaddukkoddai East, deceased.
Class I.

Sapapathy Katheresapillai of Vaddukkoddai
East Petitioner.

Vs.

(1) Katheresapillai Sampantar of Vaddukkoddai,
(2) Kathiresapillai Namasivayam of ditto, the
2nd respondent is a minor, and appears by his
guardian *ad litem* the 1st respondent. Respondents.

THIS matter of the petition of Sapapathy Kateresapillai of Vaddukkoddai East praying for letters of administration to the estate of the above-named deceased Thellaiamma, wife of Sapapathy Kathiresapillai, coming on for disposal before M. S. Pinto, Esq., District Judge, on March 6, 1912, in the presence of Mr. S. Sittampalam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated December 18, 1911, having been read: It is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before March 27, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 6, 1912.

M. S. PINTO,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of Suppara-
Jurisdiction. maniapillai Ponnampalapillai of Vannar-
No. 2,509. ponnai, Jaffna, late of Kuala Lumpur,
Class I. in Federated Malay States, deceased.

Mailvaganampillai Thatparanantapillai of Van-
narponnai East Petitioner.

Vs.

(1) Sanmuga Suntharam, widow of Ponnampala-
pillai of Vannarponnai East, (2) Sinnamma,
daughter of Ponnampalapillai of ditto, the 2nd
respondent is a minor, and appears by her
guardian *ad litem* the 1st respondent. Respondents.

THIS matter of the petition of Mailvaganampillai Thatparanantapillai of Vannarponnai East, praying for letters of administration to the estate of the above-named deceased Supparamaniapillai Ponnampalapillai, coming on for disposal before M. S. Pinto, Esq., District Judge, on March 8, 1912, in the presence of Messrs. Casippillai & Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated February 7, 1912, having been read: It is declared that the petitioner is the brother-in-law of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before April 1, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 8, 1912.

M. S. PINTO,
District Judge.

Rs. 4/-
296254
 In the District Court of Galle.

296254
 Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late Jurisdiction. Kariyawassen Haputantri Gamage Eyappu *alias* Adirian, late of Niyagama, deceased.

THIS matter coming on for disposal before B. Constantine, Esq., District Judge, Galle, on June 1, 1911, in the presence of Mr. H. Dias, Proctor, on the part of the petitioner Kariyawassen Haputantri Gamage Isan de Silva; and the affidavit of the petitioner dated June 1, 1911, having been read:

It is ordered and declared that the said Kariyawassen Haputantri Gamage Isan de Silva is a son of the deceased, and that he is as such entitled to have letters of administration issued to him accordingly, unless the respondents—(1) Baddegama Ruppege Francina, widow of Kariyawassen Haputantri Gamage Eyappu *alias* Adirian, deceased, (2) Haputantri Gamage Isan, (3) ditto Theneris, all of Miyagama, (4) Haputantri Gamage Agostina, wife of (5) Nagoda Vitanage Davith, both of Gonalagoda, (6) Haputantri Gamage Dinora, wife of (7) Gammeddegoda Epage Cornelis, both of Gammeddegoda, (8) Haputantri Gamage Elesina, wife of (9) Mapolagama Manage Appusinnu, both of Niyagama, (10) Haputantri Gamage Carlina, wife of (11) Weerasingha Theberis, both of Rekadahena—shall, on or before July 13, 1911, show sufficient cause to the satisfaction of this court to the contrary.

F. H. DE VOS,
 District Judge.

June 1, 1911.

Rs. 4/-
296197
 In the District Court of Galle.

296197
 Order Nisi.

Testamentary In the Matter of the Estate of Aruma Jurisdiction. Badaturuge Christian *alias* Luwis, No. 4,126. deceased.

THIS matter coming on for disposal before F. J. Smith, Esq., District Judge, Galle, on February 15, 1912, in the presence of Mr. A. D. Jayasundera, Proctor, on the part of the petitioner and Ahangama Ganhewage Punchi Hamy; and the affidavit of the petitioner dated February 7, 1912, having been read: It is ordered that the 6th respondent be appointed guardian *ad litem* of the 7th respondent:

It is further declared that the said Ahangama Ganhewage Punchihamy is the widow of the deceased, and that she is as such entitled to have letters of administration issued to her accordingly, unless the respondents—(1) Aruma Badaturuge Punchi Nona, wife of (2) Fransikku Badaturuge Luwis Silva, (3) Aruma Badaturuge Andris Hamy *alias* Luwis Appu, (4) Manikku Badaturuge James Appu, (5) Manikku Badaturuge Simon Appu, (6) Manikku Badaturuge Mathes *alias* Semanis Appu, all of Ahangama, (7) Punchi Hewage Allis Appu of Katalowa shall, on or before March 25 1912, show sufficient cause to the satisfaction of this court to the contrary.

F. J. SMITH,
 District Judge.

February 15, 1912.

Rs. 4/-
296050
 In the District Court of Matara.

296050
 Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Manawaduge Subandiris de Silva, No. 1,879. deceased, of Dondra.

Gardiye Punchihewage Dona Carlina Gunawardana of Dondra Petitioner.

Vs.

(1) Jane Milia Gunawardana of Dondra, (2) Denister Gunawardana of ditto, (3) Merenchige Don Cornelis de Silva of Ahangama. Respondents.

THIS matter coming on for disposal before G. F. R. Browning, Esq., District Judge of Matara, on February 1, 1912, in the presence of Messrs. Gunaratna and Abeysuriya, on the part of the petitioner Gardiye Punchihewage Dona Carlina Gunawardana of Dondra; and the affidavit of the petitioner aforesaid dated December 12, 1911, having been read: It is ordered that the petitioner Gardiye Punchihewage Dona Carlina Gunawardana of Dondra, be and she is hereby declared entitled to have letters of administration

to the estate of the deceased Manawaduge Subandiris de Silva, late of Dondra, issued to her, unless the respondents above named shall, on or before March 4, 1912, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 3rd respondent be and he is hereby appointed guardian *ad litem* of the 1st and 2nd minor respondents, unless the respondents shall, on or before March 4, 1912, show sufficient cause to the satisfaction of this court to the contrary.

G. F. R. BROWNING,
 District Judge.

February 6, 1912.

Extended till March 28, 1912, to show cause.

Rs. 4/-
 In the District Court of Matara.

2960
 Order Nisi.

Testamentary In the Matter of the Estate and Effects of No. 1,880. the deceased Hettihewage Dineshami, late of Mirissa.

Kanakkahewage Podihamy of Mirissa. Petitioner.

Vs.

(1) Hettihewage Baba of Mirissa, (2) ditto Babunona of ditto, (3) ditto PUNCHINONA of ditto, (4) ditto Arnolis Appu of ditto. Respondents.

THIS matter coming on for disposal before G. F. R. Browning, Esq., District Judge of Matara, on February 1, 1912, in the presence of Messrs. Gunaratna and Abeysuriya, on the part of the petitioner Kanakkehewage Podihamy of Mirissa, on the part of the respondents; and the affidavit of the petitioner aforesaid dated December 19, 1911, having been read: It is ordered that the petitioner Kanakkehewage Podihamy of Mirissa be and she is hereby declared entitled to have letters of administration to the estate of the deceased Hettihewage Dineshami issued to her, unless the respondents shall show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the 1st respondent be and he is hereby appointed guardian *ad litem* over the 2nd, 3rd, and 4th minor respondents, unless the respondents shall, on or before March 4, 1912, show sufficient cause to the satisfaction of this court to the contrary.

G. F. R. BROWNING,
 District Judge.

February 1, 1912.

Extended and re-issued till March 28, 1912, to show cause.

Rs. 4/-
 In the District Court of Matara.

296268
 Order Nisi.

Testamentary. In the Matter of the Estate of Don Teodoris 1,883. Ranaweera, late of Wilpita, deceased.

Waragoda Mudalige Francina of Wilpita. Petitioner.

Vs.

(1) Dona Ciciliana Ranaweera of Narandeniya, wife of Samarasingha Gunasekera Leanagey Samel of ditto, (2) Edwin Ranaweera of Wilpita, (3) Abraham Ranaweera of ditto, (4) Lucie Ranaweera of ditto, (5) James Ranaweera of ditto, (6) Emelie Ranaweera of ditto, of whom the last five are minors, by their guardian Waragoda Mudalige Siman Perera of Talaramba. Respondents.

THIS matter coming on for disposal before G. F. R. Browning, Esq., District Judge of Matara, on February 23, 1912, in the presence of Messrs. Keuneman, on the part of the petitioner Waragoda Mudalige Francina of Wilpita; and the affidavit of the petitioner above named, dated January 24, 1912, having been read: It is ordered that the petitioner Waragoda Mudalige Francina of Wilpita be and she is hereby declared entitled to have letters of administration to the estate of Don Teodoris Ranaweera, deceased, of Wilpita, issued to her, unless the respondents shall, on

or before March 29, 1912, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that Waragoda Mudalige Siman Perera of Talaramba be and he is hereby appointed guardian *ad litem* over the 2nd, 3rd, 4th, 5th, and 6th respondents, minors, unless the respondents shall, on or before March 29, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 19, 1912. G. F. R. BROWNING,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Isabela Fernando Ramanathan Pulle, No. 892. deceased, of Otara Tambarawila.

THIS matter coming on for disposal before T. R. E. Loftus, Esq., District Judge, Chilaw, on March 4, 1912, the petitioner Jayakodiarchehige Don Davit Appuhami of Otara Tambarawila, being absent; and the affidavit of the said petitioner dated February 9, 1912, having been read:

It is ordered that the petitioner be appointed administrator of the estate of the said Isabela Fernando Ramanathan Pulle, deceased, unless any person interested shall, on or before March 29, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1912. T. R. E. LOFTUS,
District Judge.

In the District Court of Ratnapura. *So 41*

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of Welegedarawatte Acharige Dingiri Appu, deceased, No. 605. of Ihalagama, Kendangomawa.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Ratnapura, on February 27, 1912, in the presence of Mr. Arthur Wijetilaka, Proctor, on the part of the petitioner Welegedarawatte Acharige Arnolishamy; and the affidavit of the petitioner dated January 12, 1912, having been read:

It is ordered that the will of Welegedarawatte Acharige Dingiriappu, deceased, dated September 12, 1911, be and the same is hereby declared proved, unless (1) Manoratne Acharige Mesohamy, (2) Welegedara Acharige Cornelishamy, (3) ditto Odirishamy, (4) ditto Manuelhamy, (5) ditto Podinona, all of Bulugahapitiya, the respondents, shall on or before March 30, 1912, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Welegedarawatte Acharige Arnolishamy is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless the said respondents shall, on or before March 30, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 27, 1912. W. H. B. CARBERY,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,424. In the matter of the insolvency of C. A. Gunawardene of Ferry street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 2, 1912, for the grant of a certificate of conformity to the insolvent.

By order of court,

Colombo, March 14, 1912. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,447. In the matter of the insolvency of W. John Perera of the Pettah, Colombo.

NOTICE is hereby given that the above-named insolvent has been refused a certificate of conformity.

By order of court,

Colombo, March 18, 1912. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,458. In the matter of the insolvency of Rathuwaduge Don Alwis of Chatham street, Fort, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 25, 1912, for the appointment of an Auditor.

By order of court,

Colombo, March 16, 1912. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,462. In the matter of the insolvency of Deekiri-kewagey Don Paul of Bopitiya, in the Ragam pattu of Alutkuru Korale South.

NOTICE is hereby given that the adjudication of insolvency made on July 28, 1911, in the above matter has been annulled.

By order of court,

Colombo, March 14, 1912. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,471. In the matter of the insolvency of Philip Jury Paul Pulle of Peliyagoda, in the District of Colombo.

NOTICE is hereby given that the above-named insolvent has been allowed a certificate as of the third class.

By order of court,

Colombo, March 16, 1912. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,475. In the matter of the insolvency of Charles de Silva of No. 27, Wasala road, Kotahena, Colombo.

NOTICE is hereby given that the above-named insolvent has been allowed a certificate as of the third class.

By order of court,

Colombo, March 18, 1912. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,483. In the matter of the insolvency of Edward William Hoseason of Colpetty, in Colombo.

WHEREAS the above-named Edward William Hoseason has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by B. S. Perera, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Edward William Hoseason insolvent accordingly; and that two public sittings of the court, to wit, on April 25, 1912, and May 9, 1912, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

Colombo, March 13, 1912. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,484. In the matter of the insolvency of George Frederick Potger of Dawson street, Slave Island, Colombo.

WHEREAS the above-named George Frederick Potger has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by O. Don Juanis Appuhamy, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said George Frederick Potger insolvent accordingly, and that two public sittings of the court, to wit, on April 25, 1912, and on May 9, 1912, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,
D. M. JANSZ,
Secretary.
Colombo, March 16, 1912.

In the District Court of Colombo.

No. 2,485. In the matter of the insolvency of P. M. Nayna Mohammado of the Pettah in Colombo.

WHEREAS the above-named P. M. Neyna Mohammado has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by P. A. P. Venatheithan Chetty, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said P. M. Neyna Mohammado insolvent accordingly, and that two public sittings of the court, to wit, on April 25,

1912, and on May 9, 1912, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,
D. M. JANSZ,
Secretary.
Colombo, March 16, 1912.

In the District Court of Kalutara.

No. 141. In the matter of the insolvency of Baron Mendis Sudusinghe of Desastra Kalutara.

NOTICE is hereby given that the sitting of this court in the above matter is adjourned to March 22, 1912, for assignee's report.

By order of court,
C. B. PAULICKPULLE,
Secretary.
Kalutara, March 8, 1912.

In the District Court of Negombo.

No. 94. In the matter of the insolvency of Kawanna Rawanna Rawther Neina Lebbe of Mirigama.

NOTICE is hereby given that the first sitting of this court in the above matter is adjourned to April 23, 1912.

By order,
N. PARANAWITANA,
Secretary.
March 18, 1912.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Rawanna Mana Muna Runa Murugappa Chetty of Sea street, in Colombo Plaintiff.
No. 31,192. Vs.

(1) B. Haramanis Fernando, (2) B. Francina Fernando and her husband (3) H. S. Fernando, all of Lumen Cottage, Wellawatta, in Colombo. Defendants.

NOTICE is hereby given that on Friday, April 19, 1912, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 1,330-45, with interest on Rs. 1,250 at 18 per cent. per annum from July 24, 1910, till September 26, 1910, and thereafter at 9 per cent. per annum till payment in full and costs, viz. :—

All that allotment of land called Kongahawatta and numbered 246 in registered plan No. 2, situated at Wellawatta, within the Municipality of Colombo; and bounded on the north by lots Nos. 245 and 246A, on the south by lot No. 247, on the east by lot No. 248, and on the west by lot No. 246A and the high road; containing in extent 2 roods and 30 perches according to the survey dated March 25, 1891, authenticated by Francis Day, Acting Surveyor-General, excluding therefrom a portion in extent 3 50/100 perches sold to Bentotage Romanis Fernando, under deed No. 8,853, dated December 4, 1897, and attested by D. R. Jayamane, Notary Public.

Fiscal's Office, N. WICKREMESINGHE,
Colombo, March 19, 1912. Deputy Fiscal.

In the District Court of Colombo.

(1) James Matheison of Glasgow, (2) James Anderson of Colombo, administrator with the will annexed of the late James McLaren, deceased. Plaintiffs.

No. 33,121. Vs.
Charles Bertram Brodie of Maligakanda, Colombo Defendant.

NOTICE is hereby given that on Thursday, April 18, 1912, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the following mortgaged property, declared bound and executable under the decree entered

in the above action, for the recovery of the sum of Rs. 25,000, with interest thereon at 8 per cent. per annum from January 1, 1911, to date of decree (September 12, 1911), and thereafter at the rate of 9 per cent. per annum on the aggregate amount of principal and interest from date of decree till payment in full and costs of suit, viz. :—

All that divided portion of land marked letters B and C, with the buildings standing thereon bearing assessment No. 256, situated at Dematagoda, within the Municipality of Colombo, Western Province; bounded on the north by the property of Samsie Lebbe Marikar Meera Lebbe Marikar, on the east by the property of Isanatchia, wife of Packeer Bawa, and the property of Packeer Bawa Seka Marikar, bearing assessment No. 255, on the south by Dematagoda road, and on the west by the divided portion of the same land marked letter A in the plan and the property of Sekadi Marikar Madar Lebbe; containing in extent 3 roods and 17 perches.

Fiscal's Office, N. WICKREMESINGHE,
Colombo, March 19, 1912. Deputy Fiscal.

In the District Court of Negombo.

Heeralupatirennhelage Samaneri Appuhami of Heapugahagama Plaintiff.
No. 8,077. Vs.

Wijayatpatirennhelage Velun Appuhami of Barawawila Defendant.

NOTICE is hereby given that on April 27, 1912, commencing at 10 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, viz. :—

1. An undivided $\frac{1}{2}$ share of the field called Galwale-kumbura, situate at Barawawila in Dunagaha pattu of Alutkuru korale; and bounded on the north by the field of Joranis Appu, east by the water-course, south by the field of Don Peiris Sinno, and west by field of Kandappu Vidanarala and others; containing in extent about 3 bushels of paddy sowing soil.

2. An undivided $\frac{1}{2}$ share of the field called Agare-kumbura, situate at ditto; and bounded on the north by field of Thelenis Appu, east by the cart road, south by field of Punchappu Vedarala, and west by ela and land belonging to the defendant, W. Velun Appuhami; containing in extent about 3 bushels of paddy sowing soil.

3. An undivided $\frac{1}{2}$ share of the field called Kohilawewa-kumbura, situate at ditto; and bounded on the north by land of Thelenis Appu, east by land of W. Velun Appuhani, the defendant, south by the land of Carolis Appu, and west by the cart road; containing in extent about 2 bushels of paddy sowing soil.

4. An undivided $\frac{1}{2}$ share of the residing land of the defendant and the house standing thereon, situate at ditto; and bounded on the north by the field of Thelenis Appu, east by the land of Isacc, Police Headman, south by land of Mudiyanse Appu, and west by land of Nonohami; containing in extent about 7 acres.

Amount to be levied Rs. 1,305, with interest thereon at 9 per cent. per annum from July 26, 1910, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, March 18, 1912. Deputy Fiscal.

Central Province.

In the Court of Requests of Matale.

Samuel Welupillai Rajasingham of Almond Hill,
Matale Plaintiff.
No. 21,221. Vs.

M. Muhammadu Saibo's son Meera Saibo of
Rattota, in Pallesiya pattu of Matale and
another Defendants.

NOTICE is hereby given that on April 10, 1912, at 1 o'clock in the afternoon, will be sold by public auction at the spot the following property, viz. :—

The land called Pahalawatta of about 15 acres 2 roods and 2 perches in extent, situate at Rattota, in Pallesiya pattu of Matale; and bounded on the east by Walawwewatta and the land of Assen Meera Lebbe, south by the land claimed by villagers, west by the land belonging to Mutua and the Town Arachchi, and on the north by the Trincomalee road, with the buildings and plantations standing thereon, having an extent of 2 roods marked A, B in the plan annexed to the Fiscal's transfer No. 16,314.

Amount of writ, Rs. 7,141.29 and interest.

Fiscal's Office, W. T. SOUTHORN,
Matale, March 13, 1912. Deputy Fiscal.

Southern Province.

In the District Court of Matara.

Siman Abewardana Wickremasinha of Kirinda.... Plaintiff.
No. 5,246. Vs.

William Perera Wijetunga and two others of
Kotuwegoda, in Matara..... Defendants.

NOTICE is hereby given that on the under-mentioned dates will be sold by public auction at the premises in given order the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 4,433.07, with further interest on Rs. 4,422 at 9 per cent. per annum from August 7, 1911, until payment in full, viz. :—

On Wednesday, April 24, 1912, at 12 noon.

1. The land called Weligamagewatta *alias* Kamarangagahawatta of about 2 acres in extent, save and except the rail road passing through the same, situate at Weligama Hettiwidiya, in the Weligam korale of the Matara District, Southern Province; and bounded on the north by Pelaketiya and Pinkumbura, east by Sahabanduwalawwewatta, south by high road, and west by Wijewatta and Ganhalawatta.—Rs. 6,000.

On Friday, April 26, 1912, commencing at 12 noon.

2. The combined land called Rukattanahena, Bogahena, Buluwagawahena, Halgaunnehena, Murutehena, Ganegottennehena *alias* Gamagehena, Belpagodagamagetennehena, Pandandeniyehehena, Weerasinggetennehena *alias* Kotagalayahena, Galendehena, and Samaheragehena, containing in extent 75 acres 1 rood and 33 perches, situate at Gombaddala, in the Kandaboda pattu of the Matara District, Southern Province; and bounded on the north by Weeragodakumbura claimed by Weeragodage Heen Appu and others, Udadepelakumbura claimed by Singakkaranekatige Andirise and others, Berawainnepolatukatuhippabokka claimed by the said Andirise and others, Polatukatuhippabokka claimed by

Liyanatantirigamage Dingi Appu and others, east by Hippabokkedola, Polgahahenakoratuwa claimed by Did-denipotawattege Don Bastian, Rukkantanahena claimed by the said Don Bastian, Maragahawatta claimed by Liyanage Don Luwis, Udameddegehena claimed by Liyanage Don Andris and others, Belpagodagamagetennehena claimed by Belpagodagamage Don Dines and others, Pandandeniya claimed by Samarasinge Don Siman, Belpagodagamagetennehena claimed by Belpagodagamage Don Dines and others, Udameddegehena claimed by Liyanage Don Andris and others, Crown land Nawalahena, Welihenewatta claimed by Siman Abewardana Wickremasinge, Crown land Wiyangodayawatta, Kongahadeniyewatta claimed by Suriyage Luwis and others, Crown land Kotagalayahena, Kongahadeniyewatta claimed by Suriyage Luwis and others, and Crown land Bombuketiyehena, south by Galendewila claimed by Jayaweera Danoris and others, Galendehenewatta claimed by Siman Abewardana Wickremasinha, Crown land Galendekumbura, Galendewila claimed by Jayaweera Danoris and others, Crown land Samaherage-wila, Crown land Medagodahena, and Kempitiyawila claimed by Rajapaksa Don Andris, and west by Dorakadadeniyadola, Crown land Dorakadadeniya, Crown land Kempitiyawila, Diwelwatta, Crown land Doladegodahena, Crown land Meegahahena, Crown land Halgaunnehena, Welikadadola, Wekadekumbura claimed by Singakkaranekatigewattuwa and Weragodakumbura claimed by Weeragodage Heen Appu and others.—Rs. 1,500.

3. The combined land called Halgasawahena and Nawatagodahena, containing in extent 6 acres 3 roods and 20 perches, situate at Gombaddala in ditto; and bounded on the north by Ihalagangodakumburuyaya and Crown land Kongahawiladeniya, east by Crown land Hiddiyehena, south by Pallewilakumbura claimed by Welpagodagamage Andiris Appu and others, and west by Ihalagangodakumburuyaya claimed by Welpagodagamage Andiris Appu and others.—Rs. 98.

4. The land called Batehena of 6 acres 3 roods and 31 perches in extent, situate at Kudahena in ditto; and bounded on the north by lots Nos. 6 and 7b in P. P. No. 128, and on all other sides by lot No. 6 in P. P. No. 128.—Rs. 96.

5. The land Maragastenna of 7 acres 1 rood and 17 perches, situate at Gombaddala in ditto; and bounded on the north and west by lot No. 41 in P. P. No. 127, east by lots Nos. 7, 6, and 23 in P. P. No. 127, and south by reservation along the road and lot No. 41 in P. P. No. 127.—Rs. 99.

6. The land Bogahawatta of 13 acres 2 roods and 32 perches, situate at Gombaddala in ditto; and bounded on the north by lots Nos. 34 and 33a and 14 in P. P. No. 127, and land described in T. P. No. 227,741, east by a water-course, lot No. 41 in P. P. No. 127, south by lots No. 77 and 41a in P. P. No. 127, and west by lots 41a and 34 in P. P. No. 127.—Rs. 160.

7. The land Galgodehena of 1 acre 1 rood and 20 perches, situate at Gombaddala in ditto; and bounded on the north by the land described in T. P. No. 231,297, and on all other sides by lot No. 41 in P. P. No. 127.—Rs. 15.

Deputy Fiscal's Office, P. B. HERAT,
Matara, March 12, 1912. Deputy Fiscal.

In the District Court of Tangalla.

Kataluwe Totahewage Bais Appu of Tangalla.... Plaintiff.
No. 872. Vs.

Martin de Sa Abesekara of Gandara..... Defendant.

NOTICE is hereby given that on Saturday, April 20, 1912, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, mortgaged with the plaintiff, for the recovery of Rs. 5,298.77, viz. :—

At Nalagama, at 10 A.M.

1. The field called Berawatotakumbura; bounded on the north by Karamane and Iriconduwelaimiyara, east by Elhenekanatta, south by Welbeduwetiya, and west by Pottakumbura.

At Ranna, at 2 P.M.

2. One-half share of the field called Welagawabaddiwela; bounded on the north by Hadukumbura, south-east by Mulanekumbura, south by Helambagahairiconda, and west by Mallamagane.

At Netolpitiya, at 4 P.M.

3. The field called Dewaniyamulanewewa; bounded on the north-west and north by Bakmigahamulana, north-east and east by Talakoratuwa, south-east by Lamapuligewatta, and south-west by Kongahapanguwa.

Deputy Fiscal's Office, J. E. SENANAYAKA,
Tangalla, March 13, 1912. Deputy Fiscal.

22.11.50
Eastern Province.

In the District Court of Trincomalee.

(1) Katiramamatamby Katiravalupillai of No. 5 division, Trincomalee, (2) Sangarapillai Seganathapillai of division No. 8, Trincomalee. . . . Plaintiffs.
No. 453. Vs.

(1) Kanapatipillai Vallipurampillai and his wife (2) Vallipillai Nayakam of division No. 1, Trincomalee. . . . Defendants.

NOTICE is hereby given that on Monday, April 15, 1912, at 11 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following mortgaged properties, viz. :—

(a) A piece of land situated at division No. 1, Trincomalee, with coconut trees and other plantations, well, well-sweep, and posts, and all appurtenances relating to this property; bounded on the north by the land of the heirs of the deceased S. Konamalai, on the west by the land of the heirs of the deceased Arumugam Coomaru, on the south by land belonging to at present to Ponnaiya Tangaturai, and on the east by the land described herein below as the 2nd (belonging to the defendants); containing in extent on the north 160 chains, on the south 138 chains, on the east 243 chains, and on the west 259 chains.

(b) A piece of land situated at division No. 1, Trincomalee, with a tiled house, coconut trees, and other plantations, and all appurtenances relating to this property; bounded on the north-east by road, on the south-east by land belonging to at present to Ponniah Tangaturai, on the south-west by the aforesaid land (belonging to the defendants), and on the north-west by the land of K. Konamalai, owned once by Jacob Peter; containing in extent 14½ fathoms in length and 6½ fathoms in breadth.

On Wednesday, April 17, commencing at 11 o'clock in the forenoon.

(d) A paddy field called Konankulam Munmari, lot No. W 168, situated at Kandalkadu in Kinniyai, Tanglegam pattu, Trincomalee; bounded on the south-east by the land herein below mentioned as the 5th (belonging to the defendants); on the north-east by the land of Sinnampillai Kasim, and on the south-west and north-west by land of M. M. Subramaniam and defendants; containing in extent 13 acres 1 rood and 17 perches.

(e) A paddy field called Konankulavayal, lot No. X 198, situated at Kandalkadu, Kinniya, Tanglegam pattu, Trincomalee; bounded on the north-west by the land mentioned aforesaid as the 4th (belonging to the defendants), on the south-west and south-east by jungle, and on the north-east by the land of Sinnampillai Kasim and defendants; containing in extent 25 acres 2 roods and 29 perches.

(f) A paddy field, lot No. II. 198, marked P, situated at Kandalkadu in Kinniyai, Tanglegam pattu, Trincomalee; bounded on the north by the land mentioned in plan No. 139,507, on the north-east by Crown land and land mentioned in plan No. 108,534, east by lands mentioned in

plans Nos. 106,956 and 108,534, on the south-east and south by land mentioned in plan No. 108,534, on the south-west by lands mentioned in plans Nos. 108,534 and 106,953 and defendants' land, and on the west by land mentioned in plan No. 139,523; containing in extent 14 acres 2 roods and 3 perches.

(h) A paddy field called Sinnakkiran, lots Nos. 2,350/76,047 and 76,048, situated at Kinniyai in Tanglegam pattu, Trincomalee; bounded on the north by Crown land and lot 8,844 mentioned in plan No. 3,106, on the east by land reserved for road, and on the south and west by Crown land; containing in extent 8 acres 2 roods and 21 perches.

On Monday, April 22, 1912, at 11 o'clock in the forenoon.

(c) A field called Tamothariathadduvayal, No. F 156, situated at Periyakulam in Nilaveli, in Kaddukulam pattu, Trincomalee; bounded on the north-east by land mentioned in plan No. 80,854, on the south-east by land mentioned in plan No. 80,856, and on all other sides by Crown land; containing in extent 10 acres 2 roods and 25 perches.

On Wednesday, April 24, 1912, at 11 o'clock in the forenoon.

(g) A paddy field called Valankulavayal, surveyed as lot No. T 299, situated at Tiriya in Kaddukulam pattu, Trincomalee; bounded on the north by tank bund and on all other sides by Crown land; containing in extent 11 acres and 7 perches.

On Tuesday, April 23, 1912, at 2 o'clock in the afternoon.

(i) A paddy field called Periya Samanturai, lot No. W 298, situated at Kuchchaveli in Kaddukulam pattu, Trincomalee, bounded on all the four sides by Crown land; containing in extent 8 acres 3 roods and 24 perches.

(j) A field called Kuthukkalladyvaddaikadu, lot No. 2,958/87,685, situated at Kuchaveli in Kaddukulam pattu, Trincomalee; bounded on all the four sides by Crown land; containing in extent 13 acres 1 rood and 8 perches.

Writ amount, Rs. 4,715.53.

Deputy Fiscal's Office,
Trincomalee, March 16, 1912.

S. RAJU,
Deputy Fiscal.

North-Western Province.

In the District Court of Chilaw.

Nena Muna Mohideen Pitche of Tharakudivillu. . Plaintiff.
No. 4,281. Vs.

Sena Muna Mohideen Pitche of Tharakudivillu. . Defendant.

NOTICE is hereby given that on Tuesday, April 23, 1912, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property, viz. :—

The garden belonging to Nena Muna Mohideen Pitche, with the plantations standing thereon, situated at Tharakudivillu in Anaivilundan pattu, Pitigal Korale North, in the District of Chilaw; and bounded on the north by the fence of the garden of Migel Mudalali, east by Crown jungle, south by the fence of the garden belonging to Migel Mudalali and others, and west by Waunpana; containing in extent about 30 acres (subject to the lease and mortgage).

Amount to be levied Rs. 1,094.73 and poundage.

Deputy Fiscal's Office,
Chilaw, March 18, 1912.

A. V. HERAT,
Deputy Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that a suit has been instituted in the Court of Requests, Matale, by Avan Cangany and five other coolies, late of Gonamada estate, in Cowdepelelle, against the proprietors of Gonamada estate, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 49.

Court of Requests,
Matale, March 11, 1912.

GERALD E. DE ALWIS,
Chief Clerk.

In the Police Court of Colombo.

WHEREAS 2 spanners, 1 grease pump, 1 sparking plug, 1 pair of gloves, 1 motor wrench, and 1 square-tapered punch were found at Galle Face on February 14, 1912, and produced before this court by the Inspector of Police of Kollupitiya; and whereas no owner of the said articles can be traced: Notice is hereby given that, six months hence, the said articles will be sold by public auction, unless no claimant shall appear before this court and establish his claim to the said articles.

By order of court,

THOS. ABEYWARDENE,
Chief Clerk.

March 19, 1912.

DRAFT ORDINANCES.

(Continued from page 147.)

MINUTE.

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

An Ordinance to provide for the Introduction of an Excise System.

Preamble.	W HEREAS it is expedient to consolidate and amend the law relating to the import, export, transport, manufacture, sale, and possession of intoxicating liquor and of intoxicating drugs : Be it therefore enacted by the Governor of Ceylon, by and with the advice of the Legislative Council thereof, as follows :
	<i>I.—Preliminary and Definitions.</i>
Short title. Commencement.	1 This Ordinance may be cited as " The Excise Ordinance, No. of 1912," and it shall come into operation on such date as the Governor shall appoint by Proclamation in the " Government Gazette."
Repeal of enactments.	2 From the date on which this Ordinance comes into force the Ordinances specified in the schedule hereto annexed shall be repealed to the extent specified in the third column of the said schedule.
Interpretation.	3 In this Ordinance, unless there be something repugnant in the subject or context—
Excise revenue.	(1) " Excise revenue " means revenue derived or derivable from any duty, fee, tax, fine (other than a fine imposed by a court of law), or confiscation imposed or ordered under the provisions of this Ordinance or of any other law for the time being in force relating to liquor or intoxicating drugs.
Excise officer.	(2) " Excise officer " means a Government Agent or any officer or other person appointed or invested with powers under section 7.
Excise Commissioner.	(3) " Excise Commissioner " means the officer appointed by the Governor under section 7 (a).
Toddy.	(4) " Toddy " means fermented or unfermented juice drawn from any coconut, palmyra, kitul, or other kind of palm tree.
Spirit.	(5) " Spirit " means any liquor containing alcohol obtained by distillation, whether it is denatured or not.
Denatured.	(6) " Denatured " means effectually and permanently rendered unfit for human consumption.
Beer.	(7) " Beer " includes ale, stout, porter, and all other fermented liquors made from malt.
Liquor.	(8) " Liquor " includes spirits of wine, spirit, wine, toddy, beer, and all liquid consisting of or containing alcohol ; also any substance which the Governor may by notification declare to be liquor for the purposes of this Ordinance.
Country liquor.	(9) " Country liquor " means any liquor manufactured in Ceylon on which duty of excise has not been levied or is not leviable at the full rate of duty chargeable on like liquor imported into Ceylon from foreign countries by sea.
Foreign liquor.	(10) " Foreign liquor " includes all liquor other than country liquor. Provided that, in any case in which doubt may arise, the Governor may by notification declare, whether for the purposes of this Ordinance or any rules made thereunder, any particular liquor shall be deemed to be " country liquor " or " foreign liquor."

- Intoxicating drug. (11) "Intoxicating drug" includes—
- (a) Cocaine, ganja, bhang, and every preparation and admixture of the same, and every intoxicating drink or substance prepared from any part of the hemp plant (*Cannabis sativa* or *indica*), from grain, or from other material, and not included in the term "liquor," but does not include opium or anything included within the meaning of that word as defined in "The Opium Ordinance, 1910."
- (b) Any other substance which the Governor may specify by notification, together with every preparation and admixture of the same. The Governor may by notification declare what shall be deemed to be ganja, bhang, or other substance specified as an intoxicating drug.
- Sale or selling. (12) "Sale" or "selling" includes any transfer otherwise than by way of gift.
- Excisable article. (13) "Excisable article" means and includes any liquor or intoxicating drug as defined by this Ordinance.
- Import. (14) "Import" means to bring into Ceylon from sea or from foreign territory.
- Export. (15) "Export" means to take out of Ceylon to sea or to foreign territory.
- Transport. (16) "Transport" means to move from one place to another within Ceylon.
- Manufacture. (17) "Manufacture" includes every process, whether natural or artificial, by which any excisable article is produced or prepared, and also re-distillation, and every process for the rectification, flavouring, blending, or colouring of liquor.
- Bottling. (18) To "bottle" means to transfer liquor from a cask or other vessel to a bottle or other receptacle for the purpose of sale, whether any process of manufacture be employed or not, and includes re-bottling.
- Place. (19) "Place" includes a house, building, shop, tent, and vessel.
- Limits of sale. 4 The Governor may by notification declare, with respect either to the whole Island or to any local area, and as regards purchasers generally or any specified class of purchasers, and generally or for any specified occasion, what quantity of any excisable article shall, for the purposes of this Ordinance, be the limit of sale by retail and sale by wholesale respectively.
- Saving of military and naval canteens. 5 Nothing contained in this Ordinance shall apply to any canteen, shop, or tavern opened or kept under military or naval regulations, and subject to the supervision of military or naval officers.

II.—Establishment and Control.

- The collection of the excise revenue to lie with the Government Agent. 6 Except as otherwise provided by this Ordinance, the collection of the excise revenue shall be under the charge of the Government Agent.
- The Governor may appoint an officer to control the administration of the Excise Department. 7 The Governor may by notification applicable to the whole Island or to any district or local area in which this Ordinance is in force—
- (a) Appoint an officer who shall, subject to the orders of Government, if any, have the control of the administration of the Excise Department and of the collection of the excise revenue.
- (b) Appoint any person other than the Government Agent to exercise all or any of the powers and to perform all or any of the duties of a Government Agent in respect of the excise revenue, either concurrently with or in exclusion of the Government Agent, subject to such control as the Governor may direct.
- (c) Appoint officers or persons to perform the acts and duties mentioned in sections 32, 34, and 45 (a).
- (d) Appoint officers of the Excise Department of such classes and with such designations, powers, and duties under the Ordinance as the Governor may think fit.
- (e) Order that all or any of the powers and duties assigned to any officer under clauses (c) and (d) of this section shall be exercised and performed by any Government officer or any person.
- May appoint persons other than the Government Agent to exercise all or any of his powers. May appoint officers to take action under sections 32, 34, and 45 (a) and other officers. May appoint any Government officer or other person to act as above.

- May delegate any of his powers to any excise officer. (f) Delegate to any excise officer all or any of his powers under the following sections of this Ordinance:— Sections 7 (d), 11, 13, 18, 19, 23, 24, 26, 29, and 31, save and except his powers under sub-sections (2) (a) and (2) (c) of section 31.
- May withdraw powers. (g) Withdraw from any officer or person any or all of the powers conferred or imposed upon him by or under this Ordinance.
- And may permit delegation of powers. (h) Permit the delegation by the Excise Commissioner or by Government Agents of any powers conferred by this Ordinance, or exercised in respect of excise revenue under any Ordinance for the time being in force.

Government Agent to be subject to control of Excise Commissioner.

8 (1) The Government Agent shall in all proceedings under this Ordinance be subject to the control of the Excise Commissioner, and all orders passed by a Government Agent under this Ordinance shall be appealable to the Excise Commissioner in manner provided by the rules made under section 31 (2) (c).

(2) All orders passed by the Excise Commissioner shall be appealable to the Governor in Executive Council in manner provided by the above-mentioned rules.

III.—Import, Export, and Transport.

Import of excisable articles.

9 No excisable article which is liable to the payment of duty under this Ordinance, or under "The Customs Ordinance, 1869," or any other law for the time being in force relating to the duties of customs on goods imported into Ceylon, shall be imported, unless the duty prescribed by such law has been paid.

Export of excisable articles.

10 No excisable article which has been manufactured in Ceylon shall be exported, unless the duty, if any, leviable under this Ordinance or under "The Customs Ordinance, 1869," has been paid, or a bond executed for the payment of such duty.

Prohibition of import, export, and transport of excisable articles.

11 The Governor in Executive Council may by notification prohibit the import or export of any excisable article, and may permit the import or export of any excisable article subject to such conditions and to the payment of such duty as he may think fit, and may prohibit the transport of any excisable article from any local area into any other local area.

Pass required for import, export, or transport of excisable articles.

12 No excisable article exceeding such quantity as the Governor may prescribe by notification, either generally for the whole Island or for any local area, shall be imported, exported, or transported, except under a pass issued under the provisions of the next following section. Provided that in the case of duty paid foreign liquor other than denatured spirit, such passes shall not be necessary, unless the Governor shall by notification otherwise direct with respect to any local area.

Passes for import, export, or transport.

13 Passes for the import, export, or transport of excisable articles may be granted by the Government Agent. Such passes may be either general for definite periods and kinds of excisable articles, or special for specified occasions and particular consignments only. Passes granted under this section shall be in such form, and shall contain such particulars, and be granted to such persons as the Governor may by notification prescribe.

IV.—Manufacture, Possession, and Sale.

Manufacture of excisable articles prohibited except under provisions of this Ordinance.

- 14 (a) No excisable article shall be manufactured ;
 (b) No hemp plant (*Cannabis sativa* or *indica*) shall be cultivated or collected ;
 (c) No toddy-producing tree shall be tapped ;
 (d) No toddy shall be drawn from any tree ;
 (e) No distillery, brewery, or warehouse shall be worked ;
 (f) No person shall use, keep, or have in his possession any materials, still, utensil, implement, or apparatus whatsoever for the purpose of manufacturing any excisable article other than toddy ;
 (g) No liquor shall be bottled for sale ;

except under the authority and subject to the terms and conditions of a license granted in that behalf by the Government Agent, or under the provisions of section 19.

Establishment of distilleries, breweries, and warehouses.

15 (i.) The Excise Commissioner may—

- (a) Establish or authorize the establishment of distilleries and breweries in which liquor may be manufactured under a license granted under section 14 on such conditions as the Governor deems fit to impose;
- (b) Discontinue any such distillery or brewery;
- (c) Establish or authorize the establishment of warehouses wherein any excisable article may be deposited and kept without payment of duty; and
- (d) Discontinue any such warehouse.

(ii.) No distillery, brewery, or warehouse as aforesaid shall be established or worked except by, or under the authority of, the Excise Commissioner.

Possession of excisable articles in excess of the quantity prescribed by Government prohibited.

16 No person not being a licensed manufacturer or vendor of any excisable article shall have in his possession any quantity of any excisable article in excess of such quantity as the Governor under section 4 may declare to be the limit of sale by retail, unless under a permit granted by the Government Agent in that behalf.

Provided that—

No fee to be charged for permit for possession for private consumption. Proviso as regards foreign liquor.

- (1) No fee shall be charged for any such permit granted for the possession of such excisable article for *bona fide* private consumption or use.
- (2) Nothing in this section extends to any foreign liquor other than denatured spirit in the possession of any common carrier or warehouseman as such, or purchased by any person for his *bona fide* private consumption and not for sale.

Provided further, that—

Prohibition of possession in certain cases.

- (3) The Governor in Executive Council may by notification prohibit the possession by any person or class of persons, either throughout the whole Island or in any local area, of any excisable article, either absolutely or subject to such conditions as he may prescribe.

Sale of excisable articles without license prohibited.

17 No excisable article and no portion of the hemp plant shall be sold without a license from the Government Agent; provided that—

- (1) A person having the right to the toddy drawn from any tree may sell the same without a license to a person licensed to manufacture and sell toddy under this Ordinance.
- (2) A license for sale in more than one district of a Province shall be granted by the Government Agent of the Province, and not by the Assistant Government Agent.
- (3) A license for sale in more than one Province shall be granted by the Excise Commissioner.
- (4) Nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease.

Exclusive privileges of manufacture, &c., may be granted.

18 The Governor may grant to any person on such conditions and for such period as he may deem fit the exclusive privilege—

- (1) Of manufacturing, or of supplying by wholesale, or of both; or
- (2) Of selling by wholesale or by retail; or
- (3) Of manufacturing, or of supplying by wholesale, or of both, and of selling by retail any country liquor or intoxicating drug within any local area.

No grantee of any privilege under this section shall exercise the same until he has received a license in that behalf from the Government Agent.

Grantee of toddy privileges may grant license.

19 When any exclusive privilege of manufacturing and selling toddy has been granted under section 18, the Governor may declare that the written permission of the grantee to draw toddy shall have the same force and effect as a license from the Government Agent for that purpose under section 14.

Grantee may let or assign.

20 Subject to any conditions imposed by section 18, any grantee of any exclusive privilege may let or assign the whole or any portion of his privilege; but no lessee or assignee of such privilege shall exercise any rights as such unless and until the grantee shall have applied to the Government Agent for a license to be given to such lessee or assignee, and such lessee or assignee shall have received the same.

V.—Duty.

Duty on excisable articles.

21 A duty at such rate or rates as the Governor in Executive Council shall direct may be imposed, either generally or for any specified local area, on any excisable article—

- (a) Permitted to be imported or exported in accordance with the provisions of section 10 or section 11; or
- (b) Permitted to be transported; or
- (c) Manufactured under any license granted in respect of clauses (a), (b), (c), (d), and (e) of section 14; or
- (d) Manufactured in any distillery or brewery established under section 15.

Explanation.—Duty may be imposed under this section at different rates according to the places to which any excisable article is to be removed for consumption.

How duty may be levied.

22 Subject to such rules regulating the time, place, and manner of payment as the Governor in Executive Council may prescribe, such duty may be levied in one or more of the following ways:

- (a) With reference to clause (a) of the foregoing section—
 - (i.) By payment of duty either at the port of import or at the port of export; or
 - (ii.) By payment upon issue for sale from a warehouse established under section 15 (c) or licensed under section 14 (e).
- (b) With reference to clause (b) of the foregoing section—
 - (i.) By payment in the district from which the excisable article is to be transported; or
 - (ii.) By payment upon issue for sale from a warehouse established under section 15 (c) or licensed under section 14 (e).
- (c) With reference to clauses (c) and (d) of the foregoing section—
 - (i.) By duty to be charged in the case of spirit or beer, either on the quantity produced in, or issued from, the distillery or brewery, as the case may be, or issued from a warehouse established under section 15 (c) or licensed under section 14 (e), or in accordance with such scale of equivalents calculated on the quantity of materials used, or by the degree of attenuation of the wash or wort, as the case may be, as the Governor may prescribe.
 - (ii.) In the case of toddy, by a tax on each tree from which toddy is drawn.

Payment for privileges.

23 Instead of, or in addition to, any duty leviable under this chapter, the Governor may accept payment of a sum in consideration of the grant of any exclusive privilege under section 18.

VI.—Licenses, &c.

Form and conditions of licenses, &c.

24 Every license, permit, or pass granted under this Ordinance shall be granted—

- (a) On payment of such fees, if any;
- (b) For such period;
- (c) Subject to such restrictions and on such conditions; and
- (d) Shall be in such form and contain such particulars as the Governor may direct, either generally or in any particular instance in this behalf.

Counterpart agreement to be executed by licensee.

25 Every person taking out a license under this Ordinance may be required to execute a counterpart agreement in conformity with the tenor of his license, and to give such security for the performance of his agreement as the authority granting the license may require.

Power to cancel or suspend licenses, &c.

26 (1) Subject to such restrictions as the Governor may prescribe, the authority granting any license, permit, or pass under this Ordinance may cancel or suspend it—

- (a) If any duty or fee payable by the holder thereof be not duly paid ; or
- (b) In the event of any breach by the holder of such license, permit, or pass, or by his servants, or by any one acting with his express or implied permission on his behalf of any of the terms or conditions of such license, permit, or pass ; or
- (c) If the holder thereof is convicted of any offence under this Ordinance, or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence, or of any offence under "The Merchandise Marks Ordinance, 1888," or is punished for any offence referred to in section 104 of "The Customs Ordinance, 1869" ; or
- (d) Where a license, permit, or pass has been granted on the application of the holder of an exclusive privilege under this Ordinance on the requisition in writing of such person.

(2) When a license, permit, or pass held by any person is cancelled under clause (a) or clause (b) of sub-section (1), the authority aforesaid may cancel any other license, permit, or pass granted to such person under this Ordinance or under any other law for the time being in force relating to excise revenue.

(3) The holder shall be entitled to no compensation for the cancellation or suspension of his license, permit, or pass under this section, nor to refund of any fee paid or deposit made in respect thereof.

Further power to cancel licenses.

27 (1) Whenever the authority stated in section 26 considers that a license should be cancelled for any cause other than those specified in that section, he shall remit a sum equal to the amount of the fees payable in respect thereof for fifteen days, and may cancel the license either—

- (a) On the expiration of fifteen days' notice in writing of his intention to do so ; or
- (b) Forthwith without notice.

(2) If any license be cancelled under clause (b) of sub-section (1), the aforesaid authority shall, in addition to remitting such sum aforesaid, pay to the licensee such further sum by way of compensation as the Excise Commissioner may direct.

(3) When a license is cancelled under this section, any fee paid in advance or deposit made by the licensee in respect thereof shall be refunded to him, less the amount, if any, due to Government.

Surrender of license.

28 Any holder of a license to sell under this Ordinance may surrender his license on the expiration of one month's notice in writing given by him to the Government Agent of his intention to surrender the same, and on payment of the fee payable for the license for the whole period for which it would have been current but for such surrender: Provided that if the Excise Commissioner is satisfied that there is sufficient reason for surrendering a license, he may remit to the holder thereof the sum so payable on surrender or any portion thereof.

VII.—General Provisions.

Certain licensees required to keep instruments for testing, &c.

29 Every person who manufactures or sells any excisable article under a license granted under this Ordinance shall be bound—

- (a) To supply himself with such measures, weights, and instruments as the Governor may prescribe, and to keep the same in good condition ; and
- (b) When such measures, weights, and instruments have been prescribed, on the requisition of any excise officer duly empowered in that behalf, at any time to measure, weigh, or test any excisable article in his possession in such manner as the said excise officer may require.

The Governor may, under this section, prescribe measures, weights, and instruments, in addition to or other than those provided for by Ordinance No. 8 of 1876.

Procedure in case of default by licensee or grantee of exclusive privilege.

30 In case of default made by a holder of a license or by a grantee of an exclusive privilege in the payment of any duty or fee, or in the performance of all or any of the terms or conditions of such license or grant, the Government Agent may, if he thinks fit, without process of law, after fifteen days' notice in writing to the licensee or grantee of his intention to do so, take the grant under management at the risk of the defaulter, or may declare the grant forfeited, and re-sell it at the risk and loss of the defaulter. When a grant is under management under this section, the Government Agent may recover as excise revenue any moneys due to the defaulter by any lessee or assignee.

Power to make rules.

31 (1) The Governor in Executive Council may make rules for the purpose of carrying out the provisions of this Ordinance or other law for the time being in force relating to excise revenue; and all such rules shall be laid as soon as conveniently may be before the Legislative Council, and if a resolution is passed within forty days of their being laid before the Legislative Council praying that any rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

(2) In particular and without prejudice to the generality of the foregoing provision the Governor in Executive Council may make rules—

- (a) Regulating the delegation of any powers by the Excise Commissioner or by Government Agents under section 7 (h).
- (b) Prescribing the powers and duties of officers of the Excise Department.
- (c) Prescribing the procedure in appeals to the Excise Commissioner from orders of the Government Agents, and to the Governor in Executive Council from orders of the Excise Commissioner.
- (d) Regulating the import, export, or transport of any excisable article.
- (e) Regulating the manufacture, bottling, supply, or storage of any excisable article, including—
 - (i.) The erection, inspection, supervision, management, and control of any place for the manufacture, bottling, supply, or storage of such article, and the fittings, implements, and apparatus to be maintained therein;
 - (ii.) The tapping of toddy producing trees and the drawing of toddy from such trees.
- (f) Regulating the deposit of any excisable article in a warehouse, and the removal therefrom of such article.
- (g) Regulating the periods and localities for which licenses for the wholesale or retail sale of any excisable article may be granted.
- (h) Prescribing the procedure to be followed and the matters to be ascertained before any license for such sale is granted for any locality.
- (i) Prescribing in the case of any excisable article the way in which the duty on such article shall be levied.
- (j) Prescribing the scale of fees, or the manner of fixing the fees, payable in respect of any privilege, license, permit, or pass, or of the storing of any excisable article.
- (k) Regulating the time, place, and manner of payment of any duty or fee.
- (l) Prescribing the restrictions under and the conditions on which any license, permit, or pass may be granted, including—
 - (i.) The prohibition of the admixture with any excisable article of any substance deemed to be noxious or objectionable;
 - (ii.) The fixing of the strength, price, or quantity in excess of or below which any excisable article shall not be sold or supplied, and the quantity in excess of which denatured spirit shall not be possessed, and the prescription of a standard of quality for any excisable article;

- (iii.) The prohibition of the employment by the license holder of any person or class of persons to assist him in his business in any capacity whatsoever ;
 - (iv.) The prescription of the persons to whom any excisable article may or may not be sold ;
 - (v.) The prohibition of sale except for cash ;
 - (vi.) The prevention of drunkenness, gambling, or disorderly conduct in or near any licensed premises, and the meeting of or remaining of persons of bad character in such premises ;
 - (vii.) The prescription of the days and hours during which any licensed premises may or may not be kept open, and provision for the closure of such premises on special occasions ;
 - (viii.) The prescription of the nature of the premises in which any excisable article may be sold, and the notices to be exposed at such premises ; and
 - (ix.) The prescription of the accounts to be maintained and the returns to be submitted by license holders.
- (m) (i.) Declaring the process by which spirit manufactured in Ceylon shall be denatured.
 - (ii.) For causing such spirit to be denatured through the agency or under the supervision of Government officers.
 - (iii.) For ascertaining whether such spirit has been denatured.
- (n) Providing for the destruction or other disposal of any excisable article deemed to be unfit for use.
 - (o) Regulating the disposal of confiscated articles.

VIII.—Powers and Duties of Officers, &c.

Power to enter and inspect places of manufacture, bottling, and sale.

32 The Excise Commissioner or a Government Agent or any excise officer not below such rank as the Governor may prescribe or any police officer duly empowered in that behalf may enter and inspect at any time by day or by night any place in which any licensed manufacturer carries on the manufacture of or stores any excisable article ; and may enter and inspect at any time during which the same may be open any place in which any excisable article is bottled or kept for sale by any licensed person ; and may examine, test, measure, or weigh any materials, still, utensil, implement, apparatus, or excisable article found in such place of manufacture, bottling, or sale.

Powers of excise officers in matters of arrest and inquiry.

33 Within such specified area as the Governor by notification may direct, any excise officer not below such rank as the Governor may prescribe shall, within the limits of the area to which he is appointed, and as regards all offences under this Ordinance, exercise the powers that may be exercised in respect of cognizable offences by an inquirer, or by an officer in charge of a police station, under the provisions of chapter XII. of " The Criminal Procedure Code, 1898."

Cases in which offenders may be arrested, and contraband liquor and articles seized without warrant.

34 Any officer of the Excise, Police, Customs, or Revenue Departments, not below such rank and subject to such restrictions as the Governor may prescribe, and any other person duly empowered, may arrest without warrant any person found committing, in any place other than a dwelling house, an offence punishable under section 43 or section 44 ; and may seize and detain any excisable or other article which he has reason to believe to be liable to confiscation under this Ordinance or other law for the time being in force relating to excise revenue ; and may search any person upon whom, and any vessel, vehicle, animal, package, receptacle, or covering in or upon which, he may have reasonable cause to suspect any such article to be.

Government Agent or Magistrate may issue a search warrant.

35 If a Government Agent or a Magistrate, upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under section 43 or section 44 has been or is likely to be committed, he may issue a warrant for the search for any excisable article, materials, still, utensil, implement, or apparatus in respect of which the alleged offence has been or is likely to be committed ; and for the taking into custody and carrying before such an officer

- as is referred to in section 33 of this Ordinance any person who appears to have been privy to the commission of the offence.
- 36** Whenever a Government Agent or any excise officer not below such rank as the Governor may prescribe has reason to believe that an offence under section 43 or section 44 has been, is being, or is likely to be, committed, and that a search warrant cannot be obtained without affording the offender an opportunity of escape or of concealing evidence of the offence, he may, after recording the grounds of his belief, at any time by day or night, enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Ordinance ; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of such offence as aforesaid.
- 37** The provisions of "The Criminal Procedure Code, 1898," relating to arrests, searches, search warrants, the production of persons arrested, and the investigation of offences shall be held to be applicable to all action taken in these respects under this Ordinance.
- 38** All offences under this Ordinance shall be bailable within the meaning of "The Criminal Procedure Code, 1898," and the provisions of that Code in respect of bail shall be applicable thereto.
- 39** Every officer of the Police, Customs, and Revenue Departments shall be bound to give immediate information to an excise officer of all breaches of any of the provisions of this Ordinance which may come to his knowledge, and to aid any excise officer in carrying out the provisions of this Ordinance upon request made by such officer.
- 40** (a) All proprietors, tenants, under-tenants, and cultivators who own or hold land on which ; and
(b) All village headmen in whose village—
there shall be any manufacture of any excisable article not licensed under this Ordinance, or the unlawful cultivation or collection of any plants from which an intoxicating drug can be produced, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the Excise, Police, or Revenue Departments immediately the same shall have come to their knowledge.
- 41** All officers in charge of police stations shall take charge of and keep in safe custody, pending the orders of a Magistrate or of the Government Agent, all articles seized under this Ordinance which may be delivered to them ; and shall allow any excise officer who may accompany such articles to the police station, or may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.
- 42** The Government Agent or any Magistrate by notice in writing to the licensee may require that any shop in which any excisable article is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace. If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, the Government Agent or any Magistrate or chief headman or any police officer above the rank of constable who is present may require such shop to be kept closed for such period as he may think necessary.
- IX.—Penalties.**
- 43** Whoever, in contravention of this Ordinance or of any rule or order made under this Ordinance, or of any license, permit, or pass obtained under this Ordinance—
- (a) Imports, exports, transports, or possesses any excisable article ; or
(b) Manufactures any excisable article ; or
(c) Cultivates or collects the hemp plant (*Cannabis sativa* or *indica*) ; or
(d) Taps any toddy-producing tree ; or
(e) Draws toddy from any tree ; or
(f) Establishes or works any distillery, brewery, or warehouse ; or
- Power of excise officers to search without a warrant.**
- Arrests, searches, &c., how to be made.**
- Offences to be bailable.**
- Officers of certain departments bound to report offences and to assist.**
- Landholders and others to give information.**
- Police to take charge of articles seized.**
- Closing of shops for the sake of public peace.**
- For illegal import, &c.**

- (g) Uses, keeps, or has in his possession any materials, still, utensil, implement, or apparatus whatsoever for the purpose of manufacturing any excisable article other than toddy ; or
- (h) Sells or keeps or exposes for sale any excisable article ; or
- (i) Bottles any liquor for purposes of sale—

shall be guilty of an offence, and be liable on conviction to imprisonment of either description for a term which may extend to six months, or to fine which may extend to one thousand rupees, or to both, and where the act hereby penalized is continued, he shall be liable to the aforesaid punishment for each day on which the offence is continued to be committed.

For illegal possession.

44 Whoever without lawful authority has in his possession any quantity of any excisable article which has been unlawfully imported, transported, or manufactured, or on which the prescribed duty has not been paid, shall be guilty of an offence, and be liable on conviction to imprisonment of either description for a term which may extend to six months, or to fine which may extend to one thousand rupees, or to both.

For misconduct by licensee, &c.

45 Whoever, being the holder of a license, permit, or pass granted under this Ordinance, or being in the employ of such holder and acting on his behalf—

- (a) Fails to produce such license, permit, or pass on the demand of any excise officer, or of any other officer duly empowered to make such demand ; or
- (b) Wilfully contravenes any rule made under section 31 ; or
- (c) Wilfully does or omits to do anything in breach of any of the conditions of the license, permit, or pass not otherwise provided for in this Ordinance—

shall be guilty of an offence, and be liable on conviction to imprisonment of either description which may extend to three months, or to fine which may extend to two hundred rupees, or to both ; and, in the case of a continuing offence, to such punishment as aforesaid for each day of continuance of the offence.

For excise officer refusing to do duty, or being guilty of cowardice.

46 Any excise officer who without lawful excuse shall cease or refuse to perform, or shall withdraw himself from, the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner, or unless he shall have given to his superior officer two months' notice in writing of his intention to do so, or who shall be guilty of cowardice, shall be guilty of an offence, and be liable on conviction to imprisonment of either description which may extend to three months, or to fine which may extend to six months' pay, or to both.

For offences not otherwise provided for.

47 Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Ordinance, or of any rule or order made under this Ordinance, and not otherwise provided for in this Ordinance, shall on conviction be liable to fine which may extend to two hundred rupees, or, in default of payment of the fine, to imprisonment which may extend to six months, and, in the case of a continuing offence, to such punishment as aforesaid for each day of continuance of the offence.

Enhanced punishment after previous conviction.

48 If any person, after having been previously convicted of an offence punishable under section 43 or section 44, or under the similar provisions in any enactment repealed by this Ordinance, subsequently commits and is convicted of an offence punishable under either of those sections, he shall be liable to twice the punishment which might be imposed on a first conviction under this Ordinance. Provided that nothing in this section shall prevent any offence which might otherwise have been tried summarily under chapter XVIII. of " The Criminal Procedure Code, 1898," from being so tried.

Prosecution restricted.

49 (1) No Magistrate shall take cognizance of an offence punishable—

- (a) Under section 43 or section 44, except on his own knowledge or suspicion, or on the complaint or report of an excise officer ; or

(b) Under section 45, section 46, or section 47, except on the complaint or report of the Government Agent or an excise officer authorized by him on that behalf.

(2) Except with the special sanction of the Governor, no Magistrate shall take cognizance of any offence punishable under this Ordinance, unless the prosecution is instituted within a year after the commission of the offence.

Presumption as to commission of offence in certain cases.

50 In prosecutions under section 43 it shall be presumed, until the contrary is proved, that the accused person has committed an offence under that section in respect of any excisable article, or any still, utensil, implement, or apparatus whatsoever for the manufacture of any excisable article other than toddy, or any such materials as are ordinarily used in the manufacture of any excisable article for the possession of which he is unable to account satisfactorily, and the holder of a license, permit, or pass under this Ordinance shall be punishable, as well as the actual offender, for any offence under section 43 or section 44 or section 45 committed by any person in his employ and acting on his behalf as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence. Provided that no person other than the actual offender shall be punished with imprisonment, except in default of payment of fine.

What things liable to confiscation.

51 Whenever an offence has been committed under this Ordinance, the excisable article, materials, still, utensil, implement, or apparatus in respect of or by means of which such offence has been committed shall be liable to confiscation. Any excisable article lawfully imported, transported, manufactured, had in possession, or sold along with, or in addition to, any excisable article liable to confiscation under this section, and the receptacles, packages, and coverings in which any such excisable article, materials, still, utensil, implement, or apparatus as aforesaid is found, and the other contents, if any, of the receptacles or packages in which the same is found, and the animals, carts, vessels, or other conveyance used in carrying the same, shall likewise be liable to confiscation.

Confiscation how ordered.

52 (1) When in any case tried by him the Magistrate decides that anything is liable to confiscation under the foregoing section, he may order confiscation, or may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as he thinks fit.

(2) When an offence under this Ordinance has been committed, but the offender is not known or cannot be found, or when anything liable to confiscation under this Ordinance and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Government Agent, who may order confiscation.

Provided that no such order shall be made until the expiration of one month from the date of seizing the thing intended to be confiscated, or without hearing the person, if any, claiming any right thereto, and evidence, if any, which he produces in support of his claim.

Provided further, that if the thing in question is liable to speedy and natural decay, or if the Government Agent is of opinion that the sale would be for the benefit of its owner, the Government Agent may at any time direct it to be sold; and the provisions of this sub-section shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

Power to compound offences.

53 The Government Agent or any excise officer specially empowered by the Governor in that behalf may accept from any person whose license, permit, or pass is liable to be cancelled or suspended under clauses (a) and (b) of section 27, or who is reasonably suspected of having committed an offence under section 45 or section 47, a sum of money not exceeding two hundred rupees in lieu of such cancellation or suspension or by way of composition for the offence which may have been committed, as the case may be; and in all cases whatsoever in which any property has been seized as liable to confiscation under this Ordinance may release the same on payment of the value thereof as estimated by such officer. On the payment

of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Offences to be summarily triable by Police Courts.

54 All offences under this Ordinance shall be summarily triable by Police Magistrates, who shall have power to award the punishments herein prescribed, anything in "The Criminal Procedure Code, 1898," or any other Ordinance to the contrary notwithstanding.

X.—Miscellaneous.

Exception of medicated articles.

55 Nothing in the foregoing provisions of this Ordinance applies to the import, manufacture, possession, sale, or supply of any *bona fide* medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries, or keepers of dispensaries; but the Governor in Executive Council may by notification prohibit throughout the Island or within any local area the import, manufacture, possession, supply, or sale of any such article, except under such conditions as he may prescribe.

Power of Governor to exempt excisable articles from the provisions of this Ordinance.

56 The Governor in Executive Council may by notification either wholly or partially exempt any excisable article from all or any of the provisions of this Ordinance, either throughout the Island or in any specified area, or for any specified period or occasion, or as regards any specified class of persons, and may attach such conditions as he thinks fit to such exemption.

Assistant Government Agent to have powers of Government Agent when not otherwise expressly provided for.

57 Except when it is otherwise expressly provided by this Ordinance, the Assistant Government Agent of a district shall exercise within his district all the powers of a Government Agent, subject to the direction and control of the Government Agent of the Province.

Bar of actions.

58 No action shall lie against the Government of Ceylon or against any excise officer for damages in any civil court for any act *bona fide* done or ordered to be done in pursuance of this Ordinance, or of any law for the time being in force relating to excise revenue; and all precautions of any excise officer, and all actions which may be lawfully brought against the Government of Ceylon or against any excise officer, in respect of anything done in pursuance of this Ordinance, shall be instituted within six months from the date of the act complained of and not afterwards.

SCHEDULE.

(Vide Section 2.)

Ordinance.	Subject.	Extent of Repeal.
No. 10 of 1844 ..	An Ordinance to amend the Law relating to the Distillation and Sale of Arrack, Rum, and Toddy within these Settlements	.. The whole.
No. 12 of 1891 ..	An Ordinance to consolidate and amend the Licensing Ordinances of 1873 and 1877	.. The whole.
No. 13 of 1891 ..	An Ordinance relating to Arrack, Rum, and Toddy	.. The whole.
No. 9 of 1892 ..	An Ordinance for imposing a Duty upon Tavern Licenses within Municipalities	.. The whole.
No. 3 of 1894 ..	An Ordinance to repeal certain Laws, Ordinances, and Enactments	.. Section 3.
No. 7 of 1898 ..	An Ordinance to impose an Export Duty on Arrack	.. The whole.
No. 5 of 1899 ..	An Ordinance to consolidate and amend the Law relating to the possession and Sale of Opium	.. Section 17 so far as it relates to bhang or ganja.

Ordinance.	Subject.	Extent of Repeal.
No. 9 of 1905	An Ordinance to amend "The Opium Ordinance, 1899"	Section 3 so far as it relates to bhang or ganja.
No. 13 of 1905	An Ordinance to promote the Despatch of Public Business	Section 7.
No. 17 of 1905	An Ordinance to prohibit the Cultivation and Possession of Indian Hemp	The whole.
No. 18 of 1905	An Ordinance for the better enforcement of Sales of Leases of Arrack Rents	The whole.
No. 39 of 1908	An Ordinance to amend in certain particulars Ordinance No. 10 of 1884, intitled "An Ordinance to amend the Law relating to the Distillation and Sale of Arrack, Rum, and Toddy within these Settlements"	The whole.
No. 4 of 1910	An Ordinance requiring Weekly Returns to be furnished by Licensed Retail Dealers in Arrack	The whole.
No. 5 of 1910	An Ordinance to amend the Law with regard to the Importation, Sale, and Distribution of Opium, and to prohibit the Possession and Sale of Bhang and Ganja	Sections 24, 25, 26, and 29, so far as they relate to bhang or ganja.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, March 21, 1912.

HUGH CLIFFORD,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance is framed in conformity with the terms of a resolution adopted by the Legislative Council at its meeting on April 7, 1909, which affirmed the expediency of altering the existing system of arrack and toddy renting, and introducing a system of Excise on the lines followed in Madras, or an adaptation of them to local conditions. The resolution further stated "that Government should secure a more complete control of the manufacture and sale of intoxicating liquor than it at present possesses."

2. Endeavours were made to provide for the introduction of this system throughout the Island on a given date. As it appeared probable that this would be impossible for some considerable time pending the perfection of the necessary machinery, it was decided to proceed with the question of foreign liquor separately, and a draft Ordinance was accordingly published for general information.

3. It has since been found, however, that the introduction of the new scheme for country liquor all over the Island from a given date is not only a practical impossibility, but is not in itself necessary or desirable. It has accordingly been decided to make the change gradually, the renting system being replaced by one of contract supply step by step as the machinery becomes available. Toddy will be dealt with separately on a simple renting system to begin with, but a much greater degree of control will ultimately be provided by the legislation now contemplated.

4. The Foreign Liquor Ordinance has accordingly been withdrawn, and the present draft Ordinance deals in a comprehensive manner with the whole question of manufacture and sale of intoxicating liquor of all kinds. It has also been made applicable to intoxicating drugs, such as bhang and ganja, bringing them under Excise control, and thus permitting much more effective dealing with them than the present law regarding them allows. Opium is excluded from its operation.

5. The Ordinance is based on the draft Excise Bill attached to the Report of the Indian Excise Committee, 1905-1906, and recommended as a model for the whole of India. The Excise laws of Bengal, Bombay, and Madras follow the same lines. It is permissive in character, and, while bringing every operation connected with the production and distribution of liquor under control, and laying down the lines along which that control will be exercised, it does not formulate any particular Excise System or prescribe definite administrative details. It will allow of the renting system working side by side with the contract supply system during the period of transition, and will also permit of improvements being made as experience is gained. It is thus peculiarly adapted to our present stage of Excise development.

6. Power is given to the Governor to make rules for carrying out the purposes of the Ordinance. These rules do not deal with principles, but with administrative or working details, and public interests are safeguarded by the provision that they must be laid before the Legislature, and are liable to be annulled by resolution of Council.

Colombo, March 19, 1912.

ANTON BERTEAM,
Attorney-General.