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and General Government Notifications.
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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to consolidate and amend the Ordinances relating to the Medical Wants of Labourers in Planting Districts.

Preamble.

WHEREAS it is expedient to consolidate and amend the Ordinances relating to the medical wants of labourers in planting districts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.

Preliminary.

Short title.

1 This Ordinance may be cited as "The Medical Wants Ordinance, No. of 1912."

Definitions.

2 In this Ordinance—

"Medical Officer" includes any district medical officer and any officer of the Medical Department charged with duties of supervision or inspection in connection with estates.

"District Medical Officer" includes district medical assistant, visiting medical officer, and visiting apothecary.

"Estate" means any estate in which labourers are employed having ten acres of land actually cultivated in tea, rubber, coffee, cacao, cardamoms, coca, camphor, pepper, or cinchona.

“ Government Agent ” includes Assistant Government Agent.

“ Government hospital ” includes both any district hospital constituted under this Ordinance or any Ordinance hereby repealed and any Government civil hospital.

“ Labourer ” means a labourer resident upon an estate, and includes kangani and female labourer, and any child or other relative of a labourer resident upon the same estate.

“ Prescribed ” means prescribed by rules made under this Ordinance or, in the absence of such rules, by departmental rules or orders.

“ Superintendent ” means any person in the immediate charge of an estate or any part thereof.

CHAPTER II.

Organization of Estates Medical Districts.

Governor may declare estates medical districts.

3 It shall be lawful for the Governor, by order in Executive Council, to declare any district of the Colony an estates medical district for the purposes of this Ordinance, and to define the limits of the district by reference to the estates comprised therein.

District hospitals and dispensaries.

4 There shall be established for every medical district such hospitals and dispensaries as may be necessary for the medical wants of the estates of the district.

District medical officers.

5 The Governor may appoint district medical officers and apothecaries for any estates medical district at such salaries as may from time to time be provided by the Legislature, and with such duties as he may from time to time determine.

CHAPTER III.

Duties of Medical Officers.

Duties of district medical officer.

6 It shall be the duty of a district medical officer for the purposes of this Ordinance—

- (a) Upon the written request of a superintendent, to visit any sick labourer upon his estate;
- (b) To direct the removal to hospital of any such sick labourer whose removal he may consider necessary;
- (c) To attend upon all such labourers who at the direction of a district medical officer or otherwise may be admitted to hospital.

Duties of medical officer as to inspection of estates.

7 It shall be the duty of every medical officer (not being an officer below the rank of district medical officer) for the purposes of this Ordinance—

- (a) To visit the estates within his district, and to inspect the sanitary condition thereof;
- (b) On the occasion of any such visit to examine the labourers of the estate for the purpose of ascertaining their condition of health, and whether they have been duly vaccinated;
- (c) On any such occasion to inspect all children under the age of one year resident upon the estate, and to give directions to the superintendent for their proper care and nourishment;
- (d) On any such occasion to direct the removal to hospital of any sick labourer whose removal he may consider necessary;
- (e) On any such occasion to draw the attention of the superintendent to any defect in the sanitary condition of the estate, and in the condition of health of the labourers;
- (f) On any such occasion, if the estate has an estate dispensary, to inspect the dispensary.

Obstruction of medical officer an offence.

8 Any person who shall wilfully obstruct any medical officer acting in the discharge of his duties under this chapter shall be guilty of an offence against this Ordinance.

CHAPTER IV.

*Rights, Duties, and Obligations of Superintendents, &c.*Rights of
superintendents.

9 Any superintendent shall be entitled—

- (a) To medical attendance by a district medical officer upon any sick labourer upon his estate;
- (b) To the reception at a Government hospital (subject to the accommodation of the hospital) of any labourer who in the opinion of a district medical officer ought to be admitted to the hospital;
- (c) To the free supply from the Medical Department for the purpose of any estate dispensary of all such prescribed drugs as he may require for the medical wants of his labourer to a value not exceeding fifty cents per labourer per annum;
- (d) To the supply at cost price from the Medical Department or from a Government dispensary of all such prescribed drugs as he may reasonably require for the medical wants of his labourers other than those authorized by the last preceding paragraph.

Charges
payable by
superintendent.

10 The following sums shall be payable by every superintendent in respect of medical services rendered under this Ordinance :

- (a) In respect of every visit to an estate for the purpose of attendance on any sick labourer or labourers, two rupees and fifty cents;
- (b) In respect of the maintenance of a sick labourer in a Government hospital for each day's maintenance, thirty cents, or such other sum as may from time to time be prescribed.

Provided that the liability in respect of such last-mentioned charge shall not extend beyond a period of sixty days.

Liability for
charges.

11 All amounts due under the last preceding section shall be a debt to the Crown recoverable from the proprietor and the superintendent of the estate personally, and shall constitute a charge upon the estate.

Duties of
superintendents.

12 (1) It shall be the duty of every superintendent—

- (a) To maintain the lines of his estate and their vicinity in a fair sanitary condition;
- (b) To inform himself of all cases of sickness on his estate, and to take such steps as he may deem best for the immediate relief of the sick;
- (c) To send any labourer to hospital when so required by a medical officer;
- (d) To send for the district medical officer in any case of serious illness or accident;
- (e) To inform the district medical officer within forty-eight hours of every birth and death upon the estate;
- (f) To supply at the cost of the estate every female labourer employed upon the estate, and giving birth thereon to a child, with sufficient food and lodging for one month after the birth of such child, and to take care that the female labourer be not required to work on the estate for one month, unless the district medical officer shall report sooner that she is fit to work;
- (g) To see that all children under the age of one year resident upon the estate receive proper care and nourishment, and to comply with all directions given by a medical officer under section 7 (c).

(2) Any superintendent who shall wilfully make default in the performance of any of his duties under this section shall be guilty of an offence against this Ordinance.

Duties of
kanganies.

13 (1) It shall be the duty of every kangani employed upon an estate to give information to the superintendent of every birth, death, and case of sickness in his gang.

(2) Any kangani who shall fail so to do shall be guilty of an offence against this Ordinance.

CHAPTER V.

Recovery of Charges.

Government Agent to give notice of sums due.

14 When any sum of money shall be payable—

- (a) In respect of drugs supplied under section 9 (d);
(b) In respect of medical services under section 10—

it shall be the duty of the Government Agent to give notice in writing to the superintendent of the estate in respect of which the same is payable, requiring the payment thereof within one month after such notice.

Power to seize property in default of payment.

15 In default of such payment it shall be lawful for the Government Agent or any person authorized by him in writing in that behalf to seize from time to time all the crops, live stock, and implements, or any part thereof found on the estate liable in respect of such sum, or any other article or thing whatsoever belonging to the proprietor or any of the proprietors of such estate, until the full amount due by such estate shall be recovered.

Power to seize timber and materials of buildings.

16 If there be no sufficient crop, live stock, or implements on such estate to realize the amount due, it shall be lawful for the Government Agent or other person authorized as aforesaid to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and to seize the same.

Power to sell property seized.

17 At any time after thirty days from the date of seizure, unless the sum due shall be sooner paid, with the costs and charges incurred in respect of such seizure, it shall be lawful for such Government Agent or any person as aforesaid to sell the property so seized by public auction. Provided that perishable property may be sold at any time after the date of such seizure.

No seizure for arrears.

18. No seizure shall take place under this chapter for any sum of money which shall have been in arrear for a period of one year.

Removal of property seized.

19 Any property seized under this chapter may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

Possession of property not removable.

20 In the case of the seizure of any property which cannot conveniently be removed, it shall be lawful for the person making the seizure to place and keep a person in possession thereof pending such sale.

Costs of seizure and sale.

21 The costs and charges of seizure and sale shall also be payable from the proceeds of the property seized, and they shall be as follows :

- (1) For cost of proceeding to the house or land of the party in default in order to seize property, a charge not exceeding eight per centum on the amount due.
- (2) For removal of the goods seized, in case such removal takes place, a charge not exceeding eight per centum on the amount due.
- (3) For keeping the same in safe custody in case of such removal, a charge not exceeding fifty cents per day.
- (4) For keeping a person in possession, if the goods seized are not removed, a charge not exceeding fifty cents per day.
- (5) For the expenses of sale, where any takes place, a charge not exceeding two and a half per centum on the nett produce of the sale.

Buildings may be broken open.

22 It shall be lawful for the Government Agent or person authorized as aforesaid to break open or cause to be broken open in the daytime any house or building for the purpose of seizing property in pursuance of this chapter, if he shall have affixed to a conspicuous part of such house or building three clear days previously a notice of his intention so to do.

Return of overplus.

23 In the event of a sale of property seized, the Government Agent at whose instance such seizure was made shall, after deducting the amount due by the defaulter, and also the costs and charges payable under section 21, restore the

overplus arising from such sale, if any there be, to the owner of the property sold.

Obstruction of persons acting under this chapter.

24 Whoever shall wilfully obstruct any person in the performance of any duty imposed upon him, or in the exercise of any authority vested in or conferred upon him under or by virtue of this chapter, shall be guilty of an offence against this Ordinance.

CHAPTER VI.

Medical Wants Committee.

Constitution of Medical Wants Committee.

25 There shall be established a Committee, to be called the Medical Wants Committee, consisting of such members, official and unofficial, as the Governor may from time to time appoint. Provided that at least two of such members shall be persons whose names are submitted to the Governor by the Planters' Association of Ceylon.

Duties of Medical Wants Committee.

26 The Medical Wants Committee shall advise the Governor—

- (a) On the requirements of labourers as regards the construction of hospitals and dispensaries ;
- (b) On the annual statement prepared under section 30, and the estimate to be framed thereon ;
- (c) On the rebates to proprietors authorized by section 27 ;
- (d) On all rules made under this Ordinance ;
- (e) Generally on all such matters relating to the administration of this Ordinance as the Committee may desire to bring to the notice of the Governor, or as the Governor may refer to it for advice.

Power to grant rebates to certain proprietors.

27 When the proprietor of an estate or group of estates has at his own cost made provision to the satisfaction of the Principal Civil Medical Officer for the medical treatment of the labourers employed on such estate or group of estates, the Medical Wants Committee may at its discretion, and subject to the rules made under section 32, allow to such proprietor a rebate of the duties paid under section 28 on the exportation of the produce of such estate or group of estates.

CHAPTER VII.

Financial Provisions.

Expenses of Ordinance to be met by export duty in certain products.

28 The Legislative Council may from time to time by resolution impose duties on the exportation of tea, rubber, coffee, cacao, cardamoms, coca, camphor, pepper, and cinchona, at such rates as the Council may deem sufficient for the purpose of meeting the expenses of the administration of this Ordinance, in so far as the same are not herein otherwise provided for.

Annual financial statement.

29 For the purpose of estimating the amount for which it may be necessary to make provision under the provisions of the last preceding section, it shall be the duty of the Principal Civil Medical Officer to prepare annually for submission to the Legislative Council a financial statement of the expenses of the administration of this Ordinance.

Debit side of statement.

30 The said statement shall contain on the debit side of the account the following expenses :

- (a) Any deficiency brought forward on the working of the account for the period of twelve months anterior to that covered by the statement.
- (b) A *pro rata* share of the actual expenditure (including salaries of staff) during the twelve months immediately preceding the date up to which the statement is made up of all Government hospitals in which estate labourers have been treated, based upon the proportion which the number of days passed by the said estate labourers in the said hospitals bears to the number of days passed by other patients in the same hospitals.

- (c) A *pro rata* share of the actual expenditure (including salaries of staff) during the same period of twelve months of all Government dispensaries at which estate labourers have been treated, based upon the proportion which the number of visits paid by the said estate labourers to the said dispensaries bears to the number of visits paid by other patients to the same dispensaries.
- (d) In the case of all Government hospitals or dispensary buildings completed after the commencement of this Ordinance, which the Governor in Executive Council shall determine to have been primarily constructed for the accommodation of estate labourers, such an annual amount as would be sufficient to liquidate the cost of construction of the said buildings, together with interest at four per centum per annum on any unliquidated amount, in twenty-five equal annual instalments, until the said cost of construction is so liquidated.
- (e) In the case of all other expenditure upon district hospitals and dispensaries, which would be properly chargeable to a capital account, an annual amount calculated upon the same basis.
- (f) The cost price of all drugs supplied to superintendents under section 9 (d) during the aforesaid period of twelve months.
- (g) All miscellaneous expenses incidental to the administration of this Ordinance during the same period.

Credit side of statement.

31 The said statement shall contain on the credit side of the account—

- (a) Any surplus brought forward on the working of the account for the period of twelve months anterior to that covered by the statement ;
- (b) The amount of all sums recovered as visiting or maintenance fees under section 10 during the twelve months preceding the date up to which the statement is made up ;
- (c) The amount of all fines recovered in respect of all offences against the Ordinance during the same period ;
- (d) The amount of all sums received as the cost price of drugs supplied to superintendents under section 9 (d) during the same period ;
- (e) The amount of the export duty collected under section 28 during the same period ;
- (f) An annual contribution out of moneys provided by the Legislative Council of an amount equal to fifteen per centum of the total expenses of the administration of this Ordinance during the same period, as shown by the debit side of the account.

CHAPTER VIII.

Miscellaneous.

Governor in Council may make rules.

32 The Governor in Executive Council may make rules regulating—

- (a) The fees payable to district medical officers by superintendents and persons other than labourers engaged upon estates for medical attendance and for medicines dispensed at Government dispensaries ;
- (b) The management of estate dispensaries ;
- (c) The supply of drugs to superintendents from Government dispensaries and from the Medical Department ;
- (d) The powers and duties of hospital visitors ;
- (e) The conditions subject to which rebates will be allowed under section 27, and the evidence which will be required in support of applications for rebate ;

- (f) The form in which, and the time within which, applications for rebate should be made ;
- (g) The manner in which such rebates shall be made, and generally on all matters connected with the allowance thereof ;
- (h) Any other matters necessary for the administration of this Ordinance that cannot be provided for by departmental rules and orders.

Power of Governor in Council to amend definition of estate and list of agricultural products.

33 The Governor in Executive Council may, after consultation with the Medical Wants Committee, by notification in the "Government Gazette," amend the definition of "estate" in section 2 by the addition of any agricultural product to the list of agricultural products therein enumerated, or by the elimination of any agricultural product from the said list, and any such agricultural product shall thereupon become subject to or exempt from the imposition of duty on exportation, as the case may be, under section 28.

Penalty for offences.

34 (1) Any person convicted of any offence under this Ordinance shall be liable to a fine not exceeding five hundred rupees.

(2) Every such offence shall be triable by a Police Magistrate, notwithstanding any limitation of the ordinary jurisdiction of such Magistrate.

Commencement of Ordinance.

35 This Ordinance shall come into operation on such date as the Governor, by Proclamation in the "Government Gazette," shall appoint.

Transitory provisions.

36 (1) Pending the imposition of the duties authorized by section 28, the duties authorized by section 4 of Ordinance No. 9 of 1882 shall continue to be levied and applied as though the said Ordinance were unrepealed.

(2) Any district appointed an estates medical district under any Ordinance hereby repealed shall continue as an estates medical district under this Ordinance, until provision is otherwise made under this Ordinance.

(3) All medical officers and apothecaries acting as district medical officers or apothecaries for the purpose of any Ordinance hereby repealed (whether in pursuance of that Ordinance or otherwise) shall continue to act as district medical officers and apothecaries under this Ordinance, until provision is otherwise made under this Ordinance.

Repeal.

37 The Ordinances enumerated in the schedule hereto are hereby repealed.

SCHEDULE.

Ordinance No. 17 of 1880.	Ordinance No. 5 of 1905.
Ordinance No. 9 of 1882.	Ordinance No. 12 of 1910.

By His Excellency's command,
 Colonial Secretary's Office,
 Colombo, March 25, 1912.

HUGH CLIFFORD,
 Colonial Secretary.

Statement of Objects and Reasons.

THE object of this Ordinance is to consolidate the legislation relating to the medical wants of planting districts, and at the same time to introduce certain amendments.

2. The consolidated Ordinances are those enumerated in the schedule, and practically the whole of the material provisions of those Ordinances will be found to be embodied in the present draft. The changes introduced into the existing system are the following.

3. *Extension of the scope of the Ordinances.*—At present the system of medical aid established by the Ordinance extends only to immigrant labourers. Under the new Ordinance it will extend to all resident labourers, whether immigrant or native.

4. *Rearrangement of the Financial Provisions.*—It has not been found possible to put into operation the financial provisions of "The Medical Wants Ordinance, 1910," and financial scheme of that Ordinance has accordingly been readjusted so as to bring it into harmony with existing conditions :—

- (a) A medical aid account is substituted for the old "Medical Aid Fund," which in practice was not kept as a separate fund (Chapter VII).
- (b) In practice large numbers of estate labourers are treated in the civil hospitals and dispensaries, and similarly large numbers of the ordinary population are treated in the district hospitals and dispensaries. The distinction between civil hospitals and dispensaries and district hospitals and dispensaries is accordingly abolished, and the expenses of all hospitals and dispensaries are divided and charged to the general revenue, or the special account, in proportion to the extent to which they are used by the general public and by estate labourers respectively (section 30).
- (c) The Government contribution of 15 per cent. is maintained, but the provision for its increase or diminution, in the event of any increase or diminution of the extent to which district hospitals are used by the general population, is eliminated, as this is a matter which under the new scheme will adjust itself (section 31).

5. *Power to extend definition of Estate.*—Power is reserved to the Governor in Executive Council, in consultation with the Medical Wants Committee, to extend the benefits and burdens of the Ordinance to other products than those enumerated (section 33).

6. *Protection of Infant Life.*—Special provisions have been inserted, with a view to checking infant mortality upon estates. The responsibilities of superintendents with regard to newly born children have been increased, and the period during which a mother is to be provided with food and lodging after confinement is extended from fourteen days to one month (sections 7 (c), 12 (f), and (g)).

7. *Minor Changes.*—(a) The functions of the Medical Wants Committee have been generalized and more clearly defined (Chapter VI).

(b) The period for which an estate is responsible for the maintenance of a labourer in a hospital has been extended from thirty days to sixty days, in accordance with a recommendation of the Labour Commission (section 10).

(c) A general penalty clause with a maximum amount is substituted for the special penalty clauses with varying amounts by the old Ordinances, and all offences are made summarily triable by a Police Magistrate (section 34).

ANTON BERTRAM,
Attorney-General.

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.

WHEREAS 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.—Preliminary and Definitions.

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—

May appoint persons other than the Government Agent to exercise all or any of his powers.

(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.

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.

(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 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.

Power of excise officers to search without a warrant.

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.

Arrests, searches, &c., how to be made.

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.

Offences to be bailable.

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.

Officers of certain departments bound to report

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

offences and to assist.

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.

Landholders and others to give information.

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.

Police to take charge of articles seized.

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.

Closing of shops for the sake of public peace.

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.

For illegal import, &c.

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
- (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.
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.

Ordinance.	Subject.	Extent of Repeal.
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, intituled "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 BERTRAM,
Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Pedro Soese Satembelatpulle of No. C. 3,995. Colombo, deceased.

The Commissioners of the Loan Board Petitioners.

Vs.

(1) Mary Harriet Elizabeth Mutukisna, widow of Solomon Roscius Mutukisna, (2) Harriet Johana Mutukisna and her husband (3) Vincent Peter Mutukisna, all of Colombo, (4) Lydia Gertrude Savundranayagam and her husband (5) Simon Tambyah Savundranayagam, both of Panadure, (6) Rosamund Beatrice Mutukisna, widow of Philip Cockburn Mutukisna of Colombo, (7) Grace Augusta Weerappa of Colombo, (8) Agnes Florence Weerappa of Colombo, (9) John Reginald Mutukisna of Colombo, (10) Charles Alexander Weerappa of Colombo, (11) David Mathew Jansz, Secretary of the District Court of Colombo Respondents.

THIS matter coming on for disposal before Lewis Mathew Maartensz, Esq., Additional District Judge of Colombo, on December 21, 1911, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioners above named; and the affidavit of Francis James Tothill, the Secretary of the Loan Board, dated July 26, 1911, having been read: It is ordered that the 11th respondent above named be and he is hereby declared entitled as the Secretary of this court, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the other respondents above named or any other person or persons interested shall, on or before February 8, 1912, apply for such administration, or show sufficient cause to the satisfaction of this court to the contrary.

December 21, 1911. L. MAARTENSZ, Additional District Judge.

The returnable date of this *Order Nisi* is extended to February 29, 1912.

D. M. JANSZ, Secretary.

The returnable date of this *Order Nisi* is extended to April 25, 1912.

D. M. JANSZ, Secretary.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Mary Ella Walford, late of Weymouth, and Melcombe Regis, both in the County of Dorset, England, deceased.

THIS matter coming on for disposal before Lewis Mathew Maartensz, Esq., District Judge of Colombo, on March 7, 1912, in the presence of Messrs. Julius and Creasy, Proctors, on the part of the petitioner Charles Robert Robson of Elfindale, Watawala; and the affidavit of the said petitioner dated March 2, 1912, power of attorney in favour of the petitioner, and Supreme Court order, dated January 22, 1912, having been read: It is ordered that the will of the said Mary Ella Walford, deceased, dated September 11, 1897, 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 Charles Robert Robson is the attorney of the executor named in the said will, and that he is entitled to have letters of administration, with copy of the will annexed, issued to him accordingly, unless any person or persons interested shall, on or before April 4, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 7, 1912.

L. M. MAARTENSZ, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate of Gorakanage Jurisdiction. Romanis Silva of Bambalapitiya, deceased. No. 4,206.

Gorakanage Haramanis Silva of Bambalapitiya. Petitioner.

And

(1) Gorakanage Domingo Silva, (2) Gorakanage Francis Silva, (3) Gorakanage Victor Silva, (4) Gorakanage Anna Silva, (5) Gorakanage Lucy Silva, Adambarage Adrian Alwis, all of Bambalapitiya Respondents.

THIS matter coming on for disposal before Lewis Mathew Maartensz, Esq., Additional District Judge of Colombo, on March 21, 1912, in the presence of Mr. A. C. Abeyewardene, Proctor, on the part of the petitioner Gorakanage Haramanis Silva of Bambalapitiya; and the affidavit of the said petitioner dated March 15, 1912, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son and an heir of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before April 4, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 21, 1912. L. MAARTENSZ, Additional District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of Etulathmudalige Don William Appuhamy of Warakagoda, deceased. No. 726.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Kalutara, on March 26, 1912, in the presence of Mr. O. G. D'Alwis, Proctor, on the part of the petitioner Thomas Edwin Goonarathne of Panadure; and the affidavit of the said petitioner dated March 14, 1912, having been read:

It is ordered that the petitioner Thomas Edwin Goonarathne of Panadure be and he is hereby declared entitled to administer the estate of the said deceased, as son-in-law of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents—(1) Etulathmudalige Dona Sophia Hamine of Panadure, (2) Etulathmudalige Don Sriyees Appuhamy, (3) Etulathmudalige Don Abraham Appuhamy, (4) Etulathmudalige Don Carolis Appuhamy, (5) Etulathmudalige Don Isadoris Appuhamy, all of Warakagoda, the 2nd, 3rd, 4th, and 5th respondents, by their guardian *ad litem* the 1st respondent—shall, on or before April 3, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 26, 1912. T. B. RUSSELL, District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Wijesundera Mudiyansele, deceased, of Rangomuwa in Tumpane. No. 2,898.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge of Kandy, on March 14, 1912, in the presence of Messrs. Beven and Beven, Proctors, on the part of the petitioner Wijesundera Mudiyansele Kiri Menika of Tumpane; and the affidavit of the said petitioner dated January 29, 1912, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled to letters of administration to the estate of the said deceased as his widow, unless (1) Wijesundera Mudiyansele Ukku Amma, (2) Wijesundera

Mudiyansele Punchi Banda, (3) Wijesundera Mudiyansele Kalu Banda, (4) Wijesundera Mudiyansele Medduma Banda, (5) Wijesundera Mudiyansele Dingiri Banda, (6) Wijesundera Mudiyansele Ran Banda, (7) Wijesundera Mudiyansele Kiri Mahatmaya, (8) Wijesundera Mudiyansele Dingiri Amma, all of Tumpane, the 4th, 5th, 6th, 7th, and 8th respondents by their guardian *ad litem* the 2nd respondent, shall, on or before April 25, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 14, 1912, FELIX R. DIAS,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late Jurisdiction. Thana Pana Reena Nagappa Chetty, No. 2,902. deceased, of Olagampatty in Terupatur, Taluk, Sivaganga, in the District of Madura, Southern India.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge, on February 16, 1912, in the presence of Mr. C. Vanderwall, Proctor, on the part of the petitioner Komaran of Nikatenna in Lower Hewaheta; and the affidavits of the said petitioners and of Ramanathan Chetty of Olagampatty aforesaid, dated respectively April 1, 1910, and December 14 and 15, 1911, having been read:

It is ordered that the will of Thana Pena Reena Nagappa Chetty of Olagampatty in Terupatur, Taluk, Sivaganga, in the District of Madura in Southern India, deceased, dated April 16, 1896, a true copy of which is now deposited in this court, be and the same is hereby declared proved, unless N. R. Ramanathan Chetty, N. K. Nagappa Chetty, and N. K. Periya Carpen Chetty, all of Olagampatty aforesaid shall, on or before April 25, 1912, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Komaran of Nikatenna, in Lower Hewaheta is the attorney of the executor named in the said will, and that he is entitled to administration, with copy of the will annexed, unless N. K. Ramanathan Chetty, N. K. Nagappa Chetty, and N. K. Peria Carpen Chetty shall, on or before April 25, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 16, 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. Vallippillai, wife of Velayutar Kartigesu No. 2,506. of Madduvil North, deceased.
Class I.

Velayutar Kartigesu of Madduvil North Petitioner.

Vs.

(1) Chellappah Pachchaimuttu of Madduvil North
(2) Kartigesu Thampippillai of ditto, and (3) Sinnamma, daughter of Kartigesu of ditto, the 2nd and 3rd respondents are minors and appear by their guardian *ad litem* the 1st respondent Respondents.

THIS matter of the petition of Velayutar Kartigesu of Madduvil North, praying for letters of administration to the estate of the above-named deceased Vallippillai, wife of Velayutar Kartigesu, coming on for disposal before M. S. Pinto, Esq., District Judge, on March 12, 1912, in the presence of Messrs. Casippillai and Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated February 5, 1912, 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 April 2, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 12, 1912.

M. S. PINTO,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sanmukam Kandiah of Karadive East, No. 2,516. deceased.

Perampalam Sanmukam of Karadive East Petitioner.

Vs.

(1) Valliyammai, widow of Sanmukam Kandiah, (2) Sinnattamby Kantar, (3) wife, Sethupillai, (4) Velayutar Sanmukam, (5) wife, Sivakaman, (6) Kantar Velu, (7) wife, Thankamuttu, (8) Velayutar Ponnampalam, (9) Velayutar Kantar, all of Karadive East, (10) Velayutar Ramalingam of Karadive East, now at Talawakallai, (11) Velayutar Kasy, (12) Velayutar Sinnattamby, (13) Velayutar Suppar, (14) Velayutar Murukesu, all of Karadive East Respondents.

THIS matter of the petition of Perampalam Sanmugam of Karadive East, praying for letters of administration to the estate of the above-named deceased Sanmukam Kandiah of Karadive East, coming on for disposal before M. S. Pinto, Esq., District Judge, on March 4, 1912, in the presence of Mr. S. Kandayya, Proctor, on the part of the petitioner; and affidavit of the petitioner dated March 4, 1912, having been read: It is declared that the petitioner is the father and heir 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 2, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1912. M. S. PINTO,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. David Weerasuriya, deceased, of Dodanduwa. No. 4,093.

THIS matter coming on for disposal before B. Constantine Esq., District Judge, Galle, on December 1, 1911, in the presence of Mr. S. S. Weerasuriya the petitioner; and the affidavit of the petitioner dated November 28, 1911, having been read:

It is ordered and declared that the said S. S. Weerasuriya 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) Mary Weerasuriya of Patuwata, (2) Caroline Rodrigo Goonewardene, her husband (3) Luis Anthonis Goonewardene, both of Panadura, (4) Emely Fernando of Patuwata, (5) Justina Sophia Jayawardene Wijesekera, her husband (6) Daniel Jayawardene Wijesekera, both of Ambalangoda, (7) Louisa Agnes Paynter, her husband (8) Arthur Stephen Paynter, both of Mahagastota, Nuwara Eliya, (9) James William Weerasuriya of Patuwata, (10) Richard Peter Weerasuriya, (11) Alice Rebecca Soysa, her husband (12) Harmanis Soysa, all of Gonapinuwa, (13) Mary Margaret Mendis, her husband (14) Edward Mendis, both of Rawatawatta, in Moratuwa, (15) Catherine Martha Weerasuriya of Patuwata—shall, on or before April 1, 1912, show sufficient cause to the satisfaction of this court to the contrary.

December 1, 1911. B. CONSTANTINE,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Warneculasuriya Pabilina Thawarera, No. 919. deceased, of Ihalakatuneriya.

THIS matter coming on for disposal before T. R. E. Loftus, Esq., District Judge of Chilaw, on March 11, 1912, in the presence of the petitioner Warneculasuriya Peduru Thawarera of Ihalakatuneriya; and the affidavit of the said petitioner dated February 28, 1912, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled to administer the estate of the said deceased, and that letters of administration do issue to him

Accordingly, unless (1) Warneculasuriya Maria Thawarera, (2) ditto Rosalin Thawarera, (3) ditto Benedict Thawarera, (4) ditto Maria Thawarera, (5) ditto Regina Thawarera, and (6) ditto Martha Thawarera shall, on or before March 30, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 11, 1912.

T. R. E. LOFTUS,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Warnacula Aditha Arse Nile Itta Lucy
No. 922. Fernando *nee* Lucy de Mel of Marawila.
Class IV.
Amount,
Rs. 54,890.

W. W. Albert Fernando of Marawila Petitioner.
Vs.

(1) Isabel Tresilla Fernando of Marawila, (2) Warnakula Aditha Arse Nile Itta Michelia de Mel of Marawila Respondents.

THIS matter coming on for disposal before T. R. E. Loftus, Esq., District Judge, Chilaw, on March 22, 1912, in the presence of Mr. G. V. E. Perera, Proctor, on the part of the petitioner, W. W. Albert Fernando; and the affidavit of the petitioner, dated March 22, 1912, having been read:

It is ordered that the petitioner be and he is hereby declared entitled to have letters of administration over the estate of the deceased above named issued to him, unless the 1st respondent by her guardian *ad litem* the 2nd respondent shall, on or before April 4, 1912, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 2nd respondent be appointed guardian *ad litem* over the said minor for the purpose of this action.

T. R. E. LOFTUS,
Chilaw, March 22, 1912. District Judge.

In the District Court of Batticaloa.

Order Nisi.

33 Testamentary In the Matter of the Estate of the late
Jurisdiction. Abdul Jappar Hadjar Mohamootunachi
No. 666. of Katankudi, deceased.

Alliar Seinulapatinlevvai Hadjar of Katankudi. Petitioner.
Vs.

(1) Seinulapatinlevvai Hadjar Ahamodu Meerasaibo, (2) Seinulapatinlevvai Hadjar Mohamadu Abdul Adud, minors, by their guardian *ad litem* (3) Meerasaibolevvai Alim Abdul Jappar Hadjar, all of Katankudi Respondents.

THIS matter coming on for disposal before G. W. Woodhouse, Esq., District Judge of Batticaloa, on March 6, 1912, in the presence of Mr. D. W. Kadramer, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 7, 1912, having been read: It is ordered that the said petitioner be and he is hereby declared entitled, as husband of the deceased above named, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before April 4, 1912, show sufficient cause to the satisfaction of this court to the contrary.

March 6, 1912. G. W. WOODHOUSE,
District Judge.

In the District Court of Puttalam.

1/2 Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Antony Sawaripillai, late of Kattacado,
630 No. 315. deceased.

Antonia, widow of the above-named deceased.....Petitioner.
Vs.

(1) Cecilia, wife of Antony Manuel Pathirayampillai, (2) Antony Juampillai Annaviar, (3) Antony Susepillai, all of Kattacado Respondents.

THIS matter coming on for order before T. R. E. Loftus, Esq., District Judge, Puttalam, on February 10, 1912, in

the presence of Mr. W. S. Strong, Proctor, on the part of the petitioner; and the petitioner's affidavit dated January 30, 1912, and petition dated February 2, 1912, having been duly read: It is ordered that the petitioner above named be and she is hereby declared entitled to have letters of administration to the estate of the above-mentioned deceased, unless the above-named respondents shall, on or before February 22, 1912, show sufficient cause to the satisfaction of this court to the contrary.

February 13, 1912. T. R. E. LOFTUS,
District Judge.

The date for showing cause against the above Order Nisi is extended to April 1, 1912.

B. G. ARASARATNAM,
Secretary.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Karagala Arachchillage Marthelis Appu-
No. 377. hamy of Vendela, in Dehigampal korale,
deceased.

Karagala Arachchillage Appuhamy of Vendela. Petitioner.

Vs.

Wallambagamarallage Menchohamy Respondent.

THIS matter coming on for disposal before W. de Livera, Esq., District Judge of Kegalla, on March 5, 1912, in the presence of the petitioner in person; and the petitioner's affidavit dated March 4, 1912, having been read:

It is ordered and declared that the petitioner, as father of the deceased, is entitled to letters of administration, and that letters of administration be issued to him accordingly, unless the above-named respondent or any person or persons interested shall, on or before April 4, 1912, show sufficient cause to the contrary to the satisfaction of this court.

Kegalla, March 5, 1912. W. DE LIVERA,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Mutunaada Panikkiyalage Suramba Yad-
No. 378. dessa of Alpitiya, deceased.

Mutunaada Panikkiyalage Suddana Veda of Balawajgama Petitioner.

And

(1) Mutunaada Panikkiyalage Ganita of Ambadeniya, (2) ditto Rambarana of Balawajgama, (3) Moladande Yaddessalage Sิริyatee of Alpitiya, (4) Raja-anga Panikkiyalage Babina of Balawajgama, (5) ditto Moonissiriya Panikkiya of Moladanda, (6) ditto Appuniya of ditto, (7) ditto Ukku of ditto Respondents.

THIS matter coming on for disposal before W. de Livera, Esq., District Judge of Kegalla, on March 5, 1912, in the presence of Mr. James Robert Molligoda, Proctor, on the part of the petitioner; and the petitioner's affidavit dated February 16, 1912, having been read:

It is ordered and declared that the petitioner, as the second son of the deceased, is entitled to letters of administration to the estate of the above-named deceased, and that letters of administration be issued to him accordingly unless the above-named respondents or any person or persons interested shall, on or before April 4, 1912, show sufficient cause to the contrary to the satisfaction of this court.

Kegalla, March 5, 1912. W. DE LIVERA,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,465. In the matter of the insolvency of Ana Sahul Mohideen of New Moor street in Colombo.

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

By order of court,

D. M. JANSZ,
Secretary.

Colombo, March 23, 1912.

In the District Court of Colombo.

No. 2,479. In the matter of the insolvency of Reginald Dunstan Nicolle of Moratuwa.

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,

D. M. JANSZ,
Secretary.

Colombo, March 23, 1912.

In the District Court of Colombo.

No. 2,480. In the matter of the insolvency of Wijeyemuni Waleris Soyza of Wattala in the Ragam pattu of Alutkuru korale.

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,

D. M. JANSZ,
Secretary.

Colombo, March 23, 1912.

In the District Court of Kalutara.

No. 139. In the matter of the insolvency of Karannagodage Don Agiris Appu of Aramanagoda.

NOTICE is hereby given that a certificate of conformity has been refused to the insolvent in the above matter.

By order of court,

C. B. PAULICKPULLE,
Secretary.

Kalutara, March 25, 1912.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) Payna Reena Pana Lana Rawana Mana Ramen Chetty, (2) Payna Reena Veena Rana Thenappa Chetty, both of Sea street, Colombo Plaintiffs.

No. 29,439. Vs.

(1) Halpewattegey Rosa Maria Silva, (2) Bodeabadugey Anthony Fernando, wife and husband, both of Kollupitiya, Colombo Defendants.

NOTICE is hereby given that on Wednesday, April 24, 1912, will be sold by public auction at the respective premises the following property declared bound and executable under the decree entered in the above action for the recovery of the sum of Rs. 765, with interest on Rs. 600 at 9 per cent. per annum from June 14, 1911, till payment in full, viz. :—

At 3.30 P.M.

(1) All that divided lot No. 4 of the land called De Brandery with the building thereon, and bearing assessment No. 225, situated at Kollupitiya, within the Municipality of Colombo and District of Colombo, Western Province; and bounded on the north by the other part of this property No. 226 of B. Baron Fernando and others, on the east by lot No. 3 of H. Porlentina Silva, on the south by the garden of Tamby Marikar Pallaidian, now bearing assessment No. 224, and on the west by lot No. 5 of H. Piloris Silva; containing in extent 5 perches.

At 4 P.M.

(2) An undivided 1/7 part or share from and out of all that divided lot No. 1 of the land called De Brandery, with the buildings thereon, and bearing assessment No. 225, situated at Kollupitiya aforesaid; and bounded on the north by the other part of this garden, now bearing assessment

No. 226 of B. Baron Fernando and others, on the east by the high road, on the south by the garden of Marikar Pallaidian, now bearing assessment No. 2,240 of Hadji Marikar Ismail Marikar, and on the west by lot No. 2 of William Silva; containing in extent 7.14 perches.

Fiscal's Office, N. WICKREMESINGHE,
Colombo, March 26, 1912. Deputy Fiscal.

In the District Court of Colombo.

Wickreme Arachchige Charles de Silva Appuhamy of Dematagoda in Colombo Plaintiff.

No. 32,476. Vs.

(1) Tilakamuni Rosa Maria Silva, (2) Attanayaka Albino Fernando, both of Mutwal in Colombo. Defendants.

NOTICE is hereby given that on Monday, April 22, 1912, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the following property, ordered to be sold by the order of court, dated March 1, 1912, for the recovery of the sum of Rs. 910.06 with interest on Rs. 800 at 18 per cent. per annum from April 9, 1911, till August 4, 1911, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, viz. :—

All that part of the garden called Maragahawatta with the tiled house standing thereon bearing assessment No. 24A (now bearing assessment No. 240), situated at Modera within the Municipality of Colombo, Western Province; and bounded on the north-east by the garden of the late Ranula David Fonseka, south-east by the other part of the garden belonging to Tilakamuni Lucia Silva, south-west by the garden of Tilakamuni Manuel Silva, and on the north-west by the other part of this garden belonging to the late Tilakamuni Karolis Silva, now of Marthenis Fernando Amerasekera, Notary Public; containing in extent 14 and 15/100 square perches.

Fiscal's Office, N. WICKREMESINGHE,
Colombo, March 26, 1912. Deputy Fiscal.

B 4

In the District Court of Negombo.

Jeelis Perera Samaratunga Appuhamy of Ganemulla Plaintiff.
No. 8,357. Vs.

(1) Wanasin Achchige Don Abraham *alias* Don Poloris, (2) ditto Don Andris, both of Dewalapola Defendants.

NOTICE is hereby given that on April 29, 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 defendants, in the following property, viz. :—

The two contiguous lands called Kurugahahena *alias* Kurugahawatta; and the buildings standing thereon, situate at Ganemulla in Dasiya pattu of Alutkuru korale; and bounded on the north by the portions of land claimed by Juan Fernando, Cornis Appu and Nonohamy, and by lands appearing in plan No. 51,826, east by lands claimed by Punchappu, Abaran Appu, Babappu, Nonohamy, Sardiel Appu, and Don Christian Appu, south-east and south by lands claimed by Don Christian, and west by lands claimed by Aturuwaladewage Ukkuwa, Juan Fernando, and Coranis Appu; containing in extent about 17 acres 1 rood and 2 perches.

Amount to be levied Re. 1,183.55 with interest on Rs. 762.35 at 9 per cent. per annum from February 9, 1911, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL, Deputy Fiscal.
Negombo, March 25, 1912.

In the District Court of Negombo.

Alawaturage Manuel Perera of Murutawala Plaintiff.
No. 8,358. Vs.

Alawaturage Themis Perera, presently of Weediawatta Defendant.

NOTICE is hereby given that on April 23, 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 land called Godaparagahawatta, situate at Udugampola in Dasiya pattu of Alutkuru korale; and bounded on the north by a portion of this land belonging to Samel Fernando, east by the high road, south by the land belonging to Istakke Kapurala, and on the west by the land belonging to Samel Fernando; containing in extent about 4 acres.

(2) An undivided $\frac{1}{2}$ share of the land called Delgahawatta, situate at ditto; and bounded on the north by the field, east by the land belonging to the heirs of Seenchi Perera, south by the land called Gonnagahalanda *alias* Godaparagahawatta, and on the west by the land belonging to Savariel Fernando; containing in extent about 1 $\frac{1}{2}$ acres.

(3) An undivided $\frac{1}{2}$ share of the land called Gonnagahalanda *alias* Godaparagahawatta, situate at ditto; and bounded on the north by the land called Delgahawatta and the land belonging to the heirs of Seenchi Perera, east by a portion of this land belonging to Karanis Fernando, south by a portion of this land belonging to Samel Fernando and others, and west by the land belonging to Martinu Fernando; containing in extent about 3 $\frac{1}{2}$ acres.

(4) An undivided $\frac{1}{2}$ share from the portion of the land called Malabodawatta *alias* Ambagahawatta and a portion of the land called Imbulgahakotuwakebella, situate at ditto; and bounded on the north by the land belonging to Alawaturage Harmanis Perera Gurunnanse and others, east by the ditch and the live fence of a portion of the land called Galabodawatta or Ambagahawatta, divided off to the said Harmanis Perera Gurunnanse and others, south by the live fence of the land belonging to Alawaturage Paulu Perera, and on the west by the ditch of the land belonging to Alawaturage Christian Fernando and others; containing in extent about 1 acre and 3 roods.

(5) Halfshare of the land called Galabodawatta, situate at ditto; and bounded on the north by the land belonging to the late Tambi Fernando, east by the field, south and west by the land belonging to A. Juse Fernando; containing in extent about 3 roods.

(6) An undivided $\frac{1}{2}$ share of the land called Ambagahawatta *alias* Kongahawatta, situate at ditto; and bounded

on the north by the land belonging to Haramanis Perera, east by the field, south by the land belonging to Paulu Fernando, and west by the land belonging to Paulu Fernando and others; containing in extent about 1 acre.

(7) An undivided $\frac{1}{2}$ share of Delgahakumbura and pillewa, situate at ditto; and bounded on the north by the field belonging to Isabel Perera, east by Kongahawatta belonging to Migel Perera, south by the land and the field belonging to Daniel Perera, and on the west by the land belonging to A. Paulu Perera; containing in extent about 4 parras paddy sowing.

(8) The 13/168 shares of the land called Ambagahawatta, situate at ditto; and bounded on the north by the land of Christian Perera, east by the field, south by the land of Babanachehire, and west by the land belonging to Juse Fernando; containing in extent about 3 roods.

(9) The 13/168 share of the land called Kongahawatta *alias* Kekunagahalanda, situate at ditto; and bounded on the north by the land of Livinis Fernando and others, east by the land of Peduru Fernando and others, south by the land of Carolis Fernando Vidanerala, and west by the land of Ana Fernando; containing in extent about 2 $\frac{1}{2}$ acres.

(10) The $\frac{1}{2}$ share of the land called Kongahawatta *alias* Kekunagahalanda, situate at ditto; and bounded on the north by the land of Paulu Perera, east by the land belonging to Peduru Perera, south by the land belonging to Suwaris Perera, and west by the high road; containing in extent about 3 acres.

And on April 25, 1912, commencing at 10 o'clock in the forenoon.

(11) An undivided 2/7 shares of the land called Thelambugahawatta, situate at ditto; and bounded on the north and west by the land of E. Suse Fernando, east by the land belonging to M. Baba Fernando and the land appearing in plan No. 20,958, south by the land appearing in plan No. 56,282; containing in extent about 3 roods and 15 perches.

(12) The 2/7 shares of the land called Telambugahawatta *alias* Meegahawatta, situate at ditto; and bounded on the north by the land of Palakuttige Joranis Perera, east by the land of Mangodage Mathes Fernando, south by the land of Alawaturage Appu Fernando, and west by the field; containing in extent about 4 acres.

(13) An undivided $\frac{1}{2}$ share of the field called Halgahakumbura, situate at ditto; and bounded on the north by the liminary dam of the field of Peeris Perera; east and west by the high land, south by the water-course; containing in extent 1 parrah of paddy sowing.

(14) An undivided 97/672 shares of the field called Galakumbura, situate at ditto; and bounded on the north by the land of Selenchi Fernando, east by the high land, south by the field of Isan Appu, and west by the high land; containing in extent about 4 parras of paddy sowing.

(15) An undivided 97/672 shares of Dawatagahakumbura, situate at ditto; and bounded on the north by the high road, east by the high land, south by the land of Don Bastian Jayatilaka Arachchi, and west by the land of Juan Appu; containing in extent about 3 parras of paddy sowing.

(16) An undivided $\frac{1}{2}$ share of the land called Higgahawatta *alias* Kahatagahawatta, situate at Weediawatta in Dasiya pattu of Alutkuru korale; and bounded on the north by the land of Mallikage Peduru Perera, east by the live fence of the land of Peduru Perera, south by the live fence of this land belonging to Inthoris Perera, and west by the high road; extent about $\frac{1}{2}$ an acre and the tiled house standing thereon.

(17) An undivided $\frac{1}{2}$ share of the field called Galakumbura situate at ditto; and bounded on the north by Depawella, east by the high land, south by the field of Peransamuhandiramage Caranis Perera, and west by the high land; containing in extent about 1 bushel and 2 pecks of paddy sowing soil.

(18) An undivided 13/336 shares of the land called Kalahagahawatta, situate at ditto; and bounded on the north and east by the land appearing in plan No. 55,666, south and west by the land appearing in plans Nos. 55,666 and 53,245; containing in extent 8 acres 2 roods and 20 perches.

(19) An undivided $\frac{1}{2}$ share of the high and low land called Boyadoluwakumbura and pillewa, situate at ditto; and bounded on the north by the liminary dam of the field of

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Palakuttige Jorani Perera, east by the land called Kalahagahawatta belonging to the same person and Tamby Fernando, south by the field of Davith Fernando, and west by the land belonging to Helenis de Silva Gunasekara, Notary; containing in extent about 2 acres.

(20) An undivided 1/28 share of the land called Kongahanda, situate at ditto; and bounded on the north by the land of Levinis Perera, east by the land of Simon Fernando south by the land of Allinu Perera, and west by the land of Marthelis Perera; containing in extent 5 acres.

(21) An undivided 1/14 share of the land called Imbulgahawatta, situate at Udugampola in Dasiya pattu of Alutkuru korale; and bounded on the north by the ditch between the land belonging to Domingu Perera and others, east by the wewa between the land of Peduru Perera and others, south by the land of Arnolis Perera and others, and west by the land of Domingu Perera and others; containing in extent about 2 roods.

Amount to be levied Rs. 1,818-19, with interest on Rs. 1,311-19 at 9 per cent. per annum from July 20, 1911, till payment.

Deputy Fiscal's Office, FRED. C. HEPPONSTALL,
Negombo, March 25, 1912. Deputy Fiscal.

No. 4/1-902
Central Province.

In the District Court of Nuwara Eliya.

Nana Venayagam Pandithar of Nuwara Eliya... Plaintiff.

No. 127. Vs.

Ana Seku Mohiyadeen of Nuwara Eliya... Defendant.

NOTICE is hereby given that on Monday, April 22, 1912, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property mortgaged with the plaintiff, viz. :—

All that allotment of land with the buildings standing thereon bearing assessment Nos. 3, 4, 5, 6, and 7, situated in James street, Old Bazaar, Nuwara Eliya; and bounded on the north-east by James street, and on the east and south-east by a stream called the Nuwara Eliya-oya, on the south and south-west by the same stream, and on the west and north-west by Crown land and the remaining portion of the said land of 2-73 perches in extent; and containing in extent 1 rood and 2-4 perches according to plan of survey dated September, 1910, made by Sammugalingam, Licensed Surveyor.

Amount in writ Rs. 1,339-45.

Fiscal's Office, R. A. G. FESTING,
Nuwara Eliya, March 22, 1912. Deputy Fiscal.

Rs. 11/50
Northern Province.

In the District Court of Jaffna.

(1) Veluppillai Kanapathipillai and wife (2) Suntharamma of Karativu East... Plaintiffs.

Ramanathar Veluppillai of Karativu East... Substituted plaintiff.

No. 6,031. Vs.

(1) Sithamparapillai Sinniah and wife (2) Sinnakuddy of Karativu East, (3) Teivanai, daughter of Ampalavanar of ditto... Defendants.

NOTICE is hereby given that on Tuesday, May 7, 1912, at 10 o'clock in the forenoon will be sold by public auction at the premises the right, title, and interest of the defendants in the following property, for the recovery of Rs. 2,193-68, with interest thereon at the rate of 6 per cent. per annum from August 4, 1911, till payment in full and charges, viz. :—

1. In a piece of land situated at Kalapumey in Karativu East called Vavvanankay, containing or reputed to contain in extent 22 lachams paddy culture; bounded or reputed to be bounded on the east by water-course and by the property of Parupaty, north by the property of Sivakamy, on the west by Old street, and on the south by the property of Kasinatan and others.

2. In an undivided $\frac{1}{3}$ share of a piece of land situated at Kalapumey in Karativu East called Manakkay, containing or reputed to contain in extent 16 lachams paddy culture with its appurtenances; bounded or reputed to be bounded on the east by the property of Sivakaman, north by the property of Murugan and others, west by the property of Sangary, and on the south by the property of Kantaiah and others.

3. In a piece of land situated at Kalapumey in Karativu East called Koottaduvanpalam, containing or reputed to contain in extent 22 lachams varaku culture, with its appurtenances including houses; bounded or reputed to be bounded on the east by the property of Sithampary and others, north by the property of Chuppan, west by road, and on the south by the property of Taivanai.

At 2 P.M.

4. In a piece of land situated at Kalapumey in Karativu East called Karikkantoddam, containing or reputed to contain in extent 33 lachams varagu culture; bounded or reputed to be bounded on the east by the property of Aiyan and others, north by the property of Chinnakkutty and others, west by the property of Kathirasey and others, and on the south by the property of Chinniya and others.

5. In a piece of land situated at Kalapumey in Karativu East called Monthankoodal, containing or reputed to contain in extent 43 lachams varaku culture with its appurtenances; bounded or reputed to be bounded on the east and south by lane, north by the property of Kanter and others, and on the west by the property of Parupathy and others.

6. In a piece of land situated at Kalapumey in Karativu East called Alnindapulam, containing or reputed to contain in extent 12 lachams varaku culture with its appurtenances including houses; bounded or reputed to be bounded on the east and south by lane, north by the property of Sanmukam, and west by the property of Sanmukam and shareholder.

On Wednesday, May 8, 1912, commencing at 10 A.M.

7. In an undivided $\frac{1}{3}$ share of a piece of land situated at Kalapumey in Karativu East called Piddiyollai, containing or reputed to contain in extent 30 lachams varaku culture with its appurtenances; bounded or reputed to be bounded on the east and north by waste land, west by the property of Arunasalam and others, and on the south by the property of Velu and others.

8. In a piece of land situated at Kalapumey in Karativu East called Irukutanai, containing or reputed to contain in extent 6 lachams varaku culture; bounded or reputed to be bounded on the east by the property of Jaravanai and shareholder, north by the property of Chinniya, west by the property of Tanukkody and others, and on the south by the property of Kasi and others.

9. In a piece of land situated at Kalapumey in Karativu East called Irukutanai, containing or reputed to contain in extent 8 lachams varaku culture; bounded or reputed to be bounded on the east by the property of Chinnia and others, north by the property of Tanukkody, west by the property of Sinnathampy, and on the south by the property of Sanmukam.

Fiscal's Office, A. ARIACUTTY,
Jaffna, March 20, 1912. Deputy Fiscal.

No. 4
Southern Province.

In the District Court of Galle.

(1) Pussewala Hewage Endoris, (2) Pussewala Hewage Agonis, (3) Pussewala Hewage Deonis, (4) Pussewala Hewage Pino, wife of (5) Mahadurage Siman, all of Haliwala, and two others... Plaintiffs.

No. 10,640. Vs.

(1) Walawe Durage Enso and husband (2) Pussewala Hewage Carolis, both of Unawatuna... Defendants.

NOTICE is hereby given that on Saturday, April 27, 1912, commencing at 1.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property, viz. :—

1. All the remaining fruit trees and soil, exclusive of the planter's one-half share of the second plantation, of the allotment of land called Unawatunekanda, No. 3,876, situate at Unawatuna; containing in extent 1 acre 3 roods and 27 perches.

2. All the remaining fruit trees and soil, exclusive of the planter's one-half share of the second plantation of the allotment of land called Unawatunekanda, No. 3,875, situate at Unawatuna; containing in extent 2 acres 1 rood and 4 perches.

3. The one-half part (exclusive of 3 roods already sold) of the allotment of land called Henegederawatta known as A 2, situate at Unawatuna.

Writ amount Rs. 504.33 and damages at Rs. 50 per annum.

Fiscal's Office,
Galle, March 26, 1912.

J. A. LOURENSZ,
Deputy Fiscal.

North-Western Province.

In the District Court of Puttalam.

Ena Kawanna Ena Mohamado Elava Tamby
Marakar Plaintiff.
No. 1,834. Vs.

K. T. M. M. Mohamado Mohiedeen Hadjar and
another Defendants.

NOTICE is hereby given that on Friday, Saturday, and Monday, April 19, 20, and 22, 1912, commencing each day at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, to wit:—

1. The land called Mudaliyarperiveeduwalawukany, situate at Kalpitiya town; and bounded on the north, east, and south by roads, and west by land belonging to Ana Chana Suna Sultan Mohamado Abdul Azis Marakar and others, containing in extent about 5 acres. An undivided $\frac{1}{2}$ of the above.

2. An undivided $\frac{1}{2}$ of land called Mudaliyarsinnaveeduwalawukany, situate at Kalpitiya; and bounded on the north by road, east by land of K. T. M. Kader Saibo Marakar, south and west by lane. Extent about 2 acres.

3. An undivided $\frac{1}{2}$ share of land called Ephamtivukany, situate at Ephamtivu in Kalpitiya; and bounded on the north, east, and south by lakeshore, and on the west by seashore, and north-west by Crown land. Extent 134 acres and 2 roods.

4. An undivided $\frac{1}{2}$ of the land called Magalamvillukany, situate at Karativu in Ponparippu pattu; and bounded on the north-east by road, east by Alamvillu, south by land belonging to Segaladu Muttu Marakar and others, and on the west by reservation. Extent about 20 acres.

5. An undivided $\frac{1}{2}$ of the land called Palamattaikany, situate at Karativu in Ponparippu pattu; and bounded on the north-east and west by Crown land, and on the south by the land belonging to Magudu Naina Marakar Segaladu Tamby Marakar and others. Extent 39 acres 1 rood and 2 perches.

6. An undivided $\frac{1}{2}$ of the land called Puliadykany, situate at Kalpitiya; and bounded on the north by land belonging to the heirs of Uduma Lebbe Marakar, east by land belonging to Mohamado Assen Kuddus Marakar and others, on the south by road, and west by lane. Extent about 5 acres.

7. An undivided $\frac{1}{2}$ of the land called Munderiadikany, situate at Kalpitiya; and bounded on the north by land of the heirs of Bastian Pariyary and others, east by land of the heirs of Mohamado Naina Marakar, south by land of the heirs of Umar Natchia, and west by sandy hill. Extent about 50 acres.

8. An undivided $\frac{1}{2}$ of the land called Ureattuaditottam, situate at Ureattuadi in Kandakuly; and bounded on the north by seashore, east by land of the heirs of Wawa Marakar Sella Marakar, lane, and oday, south by oday and path, and on the west by land of Udumankani and others. Extent about 30 acres. The aforesaid eight lands are subject to mortgage bond No. 345 of May 18, 1909, in favour of O. R. L. V. Odayappa Chetty for Rs. 6,000.

9. The land called Baranankattu, situate at Baranankattu in Puttalam District; and bounded on the north and west by lands belonging to K. Ugu Peries, east by the land of Malla Naide, and on the south by reservation. Extent about 20 acres.

Amount to be levied Rs. 4,946, costs and interest.

Deputy Fiscal's Office,
Puttalam, March 19, 1912.

A. H. PINDER,
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Colombo.

(1) Theodore Charles Owen, (2) Bertram Francis White, (3) Errel Sinclair, all of No. 16, Philpot lane, London, carrying on business under the names, style, and firm of Rowe, White & Company Plaintiffs.

No. C/30,728. Vs.

Laura Rosa Cantlay of Peak View, Avisawella Defendant.

NOTICE is hereby given that on Saturday, April 27, 1912, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 16,658.23, with interest on Rs. 12,499.91 at 5 per centum per annum from April 23, 1910, till November 20, 1911, and thereafter with further interest on the aggregate amount at per centum per annum till payment in full and costs of suit, viz:—

All that and those the estate plantations and premises called and known as Mipitikanda comprising the following allotments of land forming one property, and which from their situation as respects each other can be included in one survey, to wit:—

1. An allotment of land called Galpatamukalana, situate in the village Galpata, in Dehigampal korale, in the District of Kegalla; bounded on the north-east by land said to belong to the Crown, east by land said to belong to the Crown, Embillagatadolla and Kadirana-ella, south-east by Kadirana-ella, south by Kadirana-ella and land claimed by R. Samera and others, Punchi Appuhamy and others, and Pelis, Kara, M. Dingiri Appuhamy and others, west by land described in plan No. 110,252, and north-west by land described in plan No. 67,511, containing in extent 213 acres and 1 rood.

2. An allotment of land called Thelhitiyawamukalana, situated in the village Thelhitiyawa in Dehigampal korale aforesaid; bounded on the north-west, north, and north-east by land claimed by Ratemahatmaya, east and south by land said to belong to the Crown, south-west by lands described in plans Nos. 110,231 and 67,511, containing in extent 31 acres 3 roods and 20 perches.

3. An allotment of land called Gallaharasomukalana, situated in the village Mipitikanda, in Dehigampal korale aforesaid; bounded on the east by land claimed by Punchi Appuhamy and another, and M. Korala and another, on the south-east by land claimed by M. Korala and another, and on all other sides by land claimed by P. Dingiri Appuhamy and others; containing in extent 4 acres and 7 perches.

4. An allotment of land called Kiriatalamukalana, situated in the village of Mipitikanda; bounded on the north-west and north-east by land described in plan No. 110,251, east by a water-course and land claimed by Punchi Appuhamy and another, south-east and south by land claimed by Punchi Appuhamy and another, and west by land claimed by P. Dingiri Appuhamy and others; containing in extent 11 acres 1 rood and 31 perches.

5. An allotment of land called Polgahawila or Kadirandolamukalana, situated in the village Warakgoda, in Lower Bulatgama, in the District of Kegalla aforesaid; bounded on the north by a stream and land claimed by R. Samera and others, east by lands claimed by R. Samera and others, and Maha Duraya and others, south by land claimed by Maha Duraya and others, and by stream, west by a stream, north-west by Kadirana-ella; containing in extent 7 acres and 16 perches.

6. Seven allotments of land called Horagahamukalana, Hulagachehahena and Papollagahahena, Lulabandimukalana, Kenkokudemi, Kerikokudeniya, Kudumirissamukalana and Elgallahena, situated in the village Kiriporuwa in Dehigampal korale aforesaid; bounded on the north by land described in plan No. 113,065 and Kudumirissamukalana, Indikadehena claimed by W. Lokubanda and another, east by Kadirandola, south-east by the Embillagasdeniya-ella, south and south-west by land described in plan No. 110,251, west by land described in plans Nos. 110,251 and 113,065; containing in extent, exclusive of the water-course passing through the land, 80 acres 1 rood and 21 perches.

7. An allotment of land called Moragahakadulla-mukalana, situated in the village Mipitikanda aforesaid; bounded on the north by lands described in plans Nos. 110,252 and 110,251 and all other sides by land claimed by P. Dingiri Appuhamy and others; containing in extent 3 acres 1 rood and 10 perches.

8. An allotment of land called Indikadehena, situated in the village Yatiyantota, in Dehigampal korale aforesaid; bounded on the east by a rock called Kabaragala Mahagala, south by a fence and ditch lying between the stump of a muruta tree and the high road from Colombo to Nawalapitiya, west by high road from Colombo to Nawalapitiya, between the 41st and 42nd mileposts, north by a ditch separating Indikadehena from land of Punchi Appuhamy and road to Mipitikanda; containing in extent about $2\frac{1}{2}$ acres.

9. An allotment of land called Kalugalhena, situated in the village Warakagoda, in Lower Bulatgama korale, in the District of Kegalla aforesaid; bounded on the north by Gallagalella and Mipitikanda estate, east by Kadirandola-ella and Mipitikanda, south by lands belonging to Unga and Wattua, by two rocks and forest land, and west by land extending from Mabulana to Galanda; containing in extent 20 acres and 26 perches.

10. All that allotment of land called Egalamulahena, situated in the village Warakagoda aforesaid; bounded on the east by the well and ditch, south by the Kekillehena, Innamala-ela, west by the Etpora, and north by Gammaina to Kiriporuwa; containing in extent 2 pelas paddy sowing.

11. All that allotment of land called Galdoruwehena, situated in the village Warakagoda aforesaid; bounded on the east by Galatula, south by limit of Hapugamulahena, west by Etpora, and north by limit of Kekillehena; containing in extent 2 pelas of paddy sowing.

12. All those allotments of land adjoining one another and called Kinagahamulahena, Kekillahena, and Puranagawahena, situated in the village Warakagoda aforesaid; bounded on the east by Pitapurana and Galatulpela, south by limit of Galdoruwehena, west by Etpora, and north by Mala-ela; containing in extent 3 amunams and 2 pelas paddy sowing.

13. An allotment of land called Hapugahahena, situated in the village Warakagoda aforesaid; bounded on the east by Galatula, south by Mahagalanda, west by Etpora, and

north by limit of Galdedurehena; containing in extent 3 pelas and 5 lahas of paddy sowing.

14. All those allotments of land called Tennehena, Horagollehena, and Hatarahandihena, Batehena and Puranagawahena, all adjoining each other, situated in the village Warakagoda aforesaid; bounded on the east by Etpora, south by Purana and Galatula, west by Mipitikandawatta, and north by Watawitagammaina; containing in extent about 9 amunams of paddy sowing.

15. All those allotments of land called Kandegollahena, Tuttiripitiyehena, Herissehena, situated in the village Warakagoda aforesaid; bounded on the east by Galenda and Hapugahahena, south by Galenda, west by Kehelpoli-hena and the boundary of Kalamaduwegawahena, and north by Khatagahamulahanapurana and Puranagawahena; containing in extent 3 amunams and 2 pelas of paddy sowing.

16. An allotment of land called Galendahena, situated in the village Warakagoda aforesaid; bounded on the east by Galenda, south by Galenda and Tewatta, west by Heressahena and Galenda, and north by limit of Kandegollehena; containing in extent 2 pelas of paddy sowing.

17. All those two allotments of land forming one property called Kehelpoli-hena and Kahatagahena, situated in the village Warakagoda aforesaid; bounded on the east by limit of Kendagallehena and Heressehena, south by Kamadualhena and Bokkehena, west by road to Mipitikanda and Tewatta, and north by Tewatta; containing in extent 5 pelas of paddy sowing.

18. All those allotments of land forming one property called Mirissehena and Polgahaweepurana, forming one property, situated in the village Warakagoda aforesaid; bounded on the east by limit of Tuttiripitiyehena, south by Kahatagahamulahena, west by tea estate, north by tea estate and ditch; containing in extent 9 pelas of paddy sowing.

19. An allotment of land called Ketulpolehena, situated in the village Warakagoda aforesaid; bounded on the east by Mahagala, south by Tuttiripitiyehenamala-ela, west by limit of Batalakotuwahena and Galpotta, and on the north by the limit of Ranhotigehenalenda; containing in extent 15 lahas of paddy sowing.

Deputy Fiscal's Office,
Avisawella, March 25, 1912.

A. E. RANESINGHE,
Deputy Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

IN terms of section 6 of the Ordinance No. 12 of 1894, notice is hereby given that all Court of Requests cases from No. 3,810 of January, 1900, up to the end of the year 1901, exclusive of actions referring to lands, appeal cases, and mortgage decrees will, three months from this date, be destroyed, unless any person interested in any record, personally or by proctor, or by duly authenticated petition, claim, upon good cause shown, that such record may not be destroyed.

Court of Requests,
Kegalla, March 20, 1912.

W. DE LIVERA,
Commissioner of Requests.

I, GEORGE SHADWELL SAXTON, Fiscal for the Central Province, do hereby appoint Mr. L. B. Ranaraja to be my Marshal for the division of Matale, under Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,
Kandy, March 21, 1912.

G. S. SAXTON,
Fiscal.