



THE

CEYLON GOVERNMENT GAZETTE

No. 8,213 — FRIDAY, APRIL 17, 1936.

Published by Authority.

PART II.—LEGAL.

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

	PAGE		PAGE
List of Notaries	—	District and Minor Courts Notices	—
Passed Ordinances	—	Notices in Insolvency Cases	196
Notifications of Criminal Sessions of the Supreme Court	—	Notices of Fiscals' Sales	198
Council of Legal Education Notices	—	Notices in Testamentary Actions	200
List of Jurors and Assessors	—	Draft Ordinances	202
Supreme Court Notices	196	Miscellaneous	—

PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

SUPREME COURT NOTICES.

IN terms of the provisions of Public Service Regulation 29, the Honourable the Chief Justice has been pleased to appoint Mr. J. B. Jayasekera of the Supreme Court Registry, to act, in addition to his own duties, as a Deputy Registrar of the Supreme Court, with effect from January 13, 1936, until further orders.

By order,

Supreme Court Registry, GUY O. GRENIER,
Colombo, April 15, 1936. Registrar, Supreme Court.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

Insolvency No. 4,416. In the matter of the insolvency of E. Paramasivanpillai and S. V. Sithamparanpillai, both carrying on business under the name, style, and firm of E. P. Sithamparanpillai & Co. of Fourth Cross street, Pettah, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court on June 2, 1936, for the declaration of dividends

By order of court, GERALD E. DE ALWIS,
Secretary.

In the District Court of Colombo.

No. 4,666. In the matter of the insolvency of Kandoth Tamitton Moosa of 40, Piachaud's lane, Maradana, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 26, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,728. In the matter of the insolvency of B. N. de Silva of 34th lane, Wellawatta.

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 12, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,773. In the matter of the insolvency of Valupillai Superamaniam of 48, Galpotta, Kotahena, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 12, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,799. In the matter of the insolvency of (1) Nagalingam Kandiah and (2) Vytilingam Suppiah, both carrying on business under the name, style, and firm of Thanalakshmi Vasa Stores, 69, Norris road, Pettah, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court on May 12, 1936, for the grant of certificate of conformity to the insolvents.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,897. In the matter of the insolvency of Tuan Bagus Samsudeen Ahamat of 37, Vauxhall lane, Slave Island.

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 19, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,898. In the matter of the insolvency of George Anthonisz of Daisy Villa lane, Bambalapitiya.

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 12, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,906. In the matter of the insolvency of C. L. Jayasinghe of 4th milepost, Negombo road, Peliyagoda, Wattala.

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 19, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,908. In the matter of the insolvency of D. D. M. M. Jayaweera Bandara of 21, Rudds lane, Maradana, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 19, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,910. In the matter of the insolvency of Molligoda Liyanage Siman Perera of 463, Ratmalana, Mount Lavinia.

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 12, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,915. In the matter of the insolvency of J. D. Brady of 86, Galle road, Dehiwala.

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 12, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,925. In the matter of the insolvency of Arthur R. Perera of Gangodawila, Nugegoda.

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 12, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,951. In the matter of the insolvency of (1) S. V. A. Alagappapillai, (2) S. V. A. Kandappapillai, and (3) S. V. A. Gomathinayagam Pillai, carrying on business under the name, style, and firm of S. V. A. at 4th Cross street, Colombo.

WHEREAS Ana Theena Sangaralingam Pillai of 184, 4th Cross street, Colombo, has filed a petition for the sequestration of the estate of S. V. A. Alagappapillai, S. V. A. Kandappapillai, and S. V. A. Gomathinayagam Pillai under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said S. V. A. Alagappapillai, S. V. A. Kandappapillai, and S. V. A. Gomathinayagam Pillai insolvents accordingly; and that two public sittings of the court, to wit, on May 26, 1936, and on June 16, 1936, will take place for the said insolvents to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 8, 1936. Secretary.

In the District Court of Colombo.

No. 4,952. In the matter of the insolvency of (1) Noordeen Sheikh Abdeen and (2) Abdul Rahuman Mohammed Saeed, carrying on business under the name, style, and firm of Rahmaniya Oil Mills at Negombo road, Peliyagoda, and presently of 176, New Moor street, Colombo.

WHEREAS the above-named Noordeen Sheikh Abdeen and Abdul Rahuman Mohammed Saeed have filed a declaration of insolvency, and a petition for the sequestration of their estate has been filed by A. R. P. Mohideen of Panadure, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Noordeen Sheikh Abdeen and Abdul Rahuman Mohammed Saeed insolvents accordingly; and that two public sittings of the court, to wit, on May 19, 1936, and on June 9, 1936, will take place for the said insolvents to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
March 31, 1936. Secretary.

In the District Court of Colombo.

No. 4,953. In the matter of the insolvency of R. Henry Perera of Chapel lane, Wellawatta, Colombo.

WHEREAS the above-named R. Henry Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. P. C. Weerasinghe of Maddama House, Turret road, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said R. Henry Perera insolvent accordingly; and that two public sittings of the court, to wit, on May 19, 1936, and on June 9, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
March 31, 1936. Secretary.

In the District Court of Colombo.

No. 4,954. In the matter of the insolvency of Tampoe Subramaniam of 182, Messenger street, Colombo.

WHEREAS the above-named Tampoe Subramaniam has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. Kumarasamy of 70, Van Royen street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Tampoe Subramaniam insolvent accordingly; and that two public sittings of the court, to wit, on May 26, 1936, and on June 13, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 1, 1936. Secretary.

In the District Court of Colombo.

No. 4,955. In the matter of the insolvency of M. Francis Perera of 67, Kotahena, Colombo.

WHEREAS the above-named M. Francis Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. Simon Dalpathadu of Maradana, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. Francis Perera insolvent accordingly; and that two public sittings of the court, to wit, on May 26, 1936, and on June 13, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 1, 1936. Secretary.

In the District Court of Colombo.

No. 4,956. In the matter of the insolvency of Marikar Zainudeen of 98/2, Panchikawatta road, Maradana.

WHEREAS the above-named Marikar Zainudeen has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by T. B. M. Saly of 125, Piachaud's lane, Maradana, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Marikar Zainudeen insolvent accordingly; and that two public sittings of the court, to wit, on May 19, 1936, and on June 9, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 2, 1936. Secretary.

In the District Court of Colombo.

No. 4,957. In the matter of the insolvency of Ebert Perera of 39/58, Nelson lane, Colpetty, Colombo.

WHEREAS the above-named Ebert Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by B. C. Hemachandra of Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Ebert Perera insolvent accordingly; and that two public sittings of the court, to wit, on May 26, 1936, and on June 16, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 7, 1936. Secretary.

In the District Court of Colombo.

No. 4,958. In the matter of the insolvency of R. M. Ramasamy of 39/58, Nelson lane, Colpetty, Colombo.

WHEREAS the above-named R. M. Ramasamy has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by P. Gunawardana of Colpetty, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said R. M. Ramasamy insolvent accordingly; and that two public sittings of the court, to wit, on May 26, 1936, and on June 16, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 8, 1936. Secretary.

In the District Court of Colombo.

No. 4,959. In the matter of the insolvency of Denis Lionel Van Dort of Wellawatta, Colombo.

WHEREAS the above-named Denis Lionel Van Dort has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by H. P. Berenger

of Mount Lavinia, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Denis Lionel Van Dort insolvent accordingly; and that two public sittings of the court, to wit, on May 26, 1936, and on June 16, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 8, 1936. Secretary.

In the District Court of Colombo.

No. 4,960. In the matter of the insolvency of K. A. Kumaran of Prince street, Colombo.

WHEREAS the above-named K. A. Kumaran has filed a declaration of insolvency and a petition for the sequestration of his estate has been filed by C. Govindan of Peliyagoda in Ragam pattu of Alutkuru korale south, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said K. A. Kumaran insolvent accordingly; and that two public sittings of the court, to wit, on May 26, 1936, and on June 16, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,
April 8, 1936. Secretary.

In the District Court of Kandy.

No. 2,113. In the matter of the insolvency of Rawanna Kaniah of 139, Castle Hill street, Kandy.

WHEREAS Rawanna Kaniah has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by R. N. Wilson, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Rawanna Kaniah insolvent accordingly; and that two public sittings of the court, to wit, on May 8, 1936, and on May 29, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, E. J. DE ZILVA,
Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Kolombage Don Hendrick Jaligoda Plaintiff.
No. 2,399. Vs.

(1) Wickremage Menko Perera of Tambowila, (2) Matara Badalge Mathes Hamy of 405, 2nd Division, Maradana, Colombo Defendants.

NOTICE is hereby given that on Tuesday, May 19, 1936, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 398, with interest on Rs. 200 at 16½ per cent. per annum from December 1, 1934, to March 11, 1935, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, incurred Rs. 105.67, prospective Rs. 41.60, less Rs. 98.96, viz. :-

All that divided western portion of an allotment of land called Dolekahatagawatta, with the buildings, trees, and plantations standing thereon, situated at Tambowila in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and bounded on the north by the road, on the east and south by portions of this land, and on the west by dewata path, Aratchigewatta, and Galpottewatta; containing in extent 1 acre and 24 perches according to survey plan dated March 3, 1893, made by T. H. Krikenbeek, Licensed Surveyor. Registered M 357/234.

This land is subject to mortgage bond No. 682 dated October 5, 1935, attested by A. H. Abeyratne, Notary Public.

Fiscal's Office,
Colombo, April 15, 1936.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

The Local Loans and Development Commissioners Plaintiffs.
No. 4,495. Vs.

(1) Hettige Don Carlin Alfred Wijesinghe of Peliyana, Dehiwala, Colombo, (2) Etta Constance Raymond of 41, Hampden lane, Wellawatta Defendants.

NOTICE is hereby given that on Friday, May 15, 1936, will be sold by public auction at the respective premises the following properties mortgaged with the plaintiffs by bond No. 258 dated November 2, 1933, attested by G. N. S. de Saram of Colombo, Notary Public, and declared specially bound and executable under the decree dated February 7, 1936, entered in the above action and ordered to be sold by the order of court dated March 19, 1936, for the recovery of the sum of Rs. 5,157.99, together with further interest on Rs. 5,032.55 at 7½ per cent. per annum from and including December 1, 1935, to the date of the said decree and thereafter on the aggregate amount of the said decree at 9 per cent. per annum till date of payment in full and costs of suit, viz. :-

1. At 2 p.m.—All that allotment of land marked letter D in plan No. 1,075 dated May 20, 1917, made by M. G. de Silva, Licensed Surveyor and Leveller, from and out of all that land called Millagahawatta, situated at Gangodawila in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and which said allotment of land marked letter D is bounded on the north by the high road, on the east by a portion of the same land marked letter C in the said plan No. 1,075, on the south by the land of A. W. Carthelis, and on the west by a portion of the same land marked letter E in the said plan No. 1,075; containing in extent 20 36/100 perches, and registered in folio M 341/30 at the Colombo District Land Registry.

2. At 2.15 p.m.—All that allotment of land marked letter E in the aforesaid plan No. 1,075 from and out of all that land called Millagahawatta, situated at Gangodawila aforesaid; and which said allotment of land marked letter E is bounded on the north by the high road leading to Kesbawa, on the east by lot D of the same land, on the south by Kahatagahawatta now of Muhandiramge Micho Hamy, and on the west by lot F of the same land; containing in extent 10 96/100 perches, and registered in folio M 314/89 at the Colombo District Land Registry.

Which said two allotments of land as above described adjoin each other and from their situation as respects each other can be included in one survey and form one property now lying within the limits of the Urban District Council of Kotte and together bear assessment No. 81A/420 and are divided and specific portions of the land registered in M 29/38 at the Colombo District Land Registry.

Together with the buildings standing thereon and all appurtenances, rights, servitudes, and easements to the said premises belonging or used or enjoyed therewith and all the estate, right, title, interest, claim, and demand whatsoever of Hettige Don Carlin Alfred Wijesinghe in, to, upon, or out of the same.

Registered M 363/79.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, April 15, 1936. Deputy Fiscal.

In the District Court of Colombo.

Christopher Vincent Xavier Brito Babapulle of Abiglen, Colpetty Plaintiff.

No. 44,108. Vs.

(1) Algama Korallage William Perera of Woodlands road, Bambalapitiya, Colombo, (2) Kaduruaratchige Juanis Perera Appuhamy of 286, Dematagoda, Colombo Defendants.

NOTICE is hereby given that on Monday, May 18, 1936, will be sold by public auction at the respective premises the following properties mortgaged with the plaintiff by bond No. 1,502 dated November 5, 1928, and attested by Leslie Mack of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated March 17, 1936, for the recovery of the sum of Rs. 47,783.13, with interest on Rs. 45,000 at 12 per cent. per annum from May 6, 1931, till decree (May 19, 1931), and thereafter interest on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, less a sum of Rs. 14,175, viz. :-

1. (a) At 1 p.m.—All that divided and defined portion of land marked "A" in plan No. 1,720 dated May 30, 1925, and made by C. C. Wijetunga of Colombo, Licensed Surveyor, with the buildings standing thereon being a

divided and defined part or portion of the land called Madangahawatta alias Delwalewatta being a portion of premises bearing assessment No. 477/30, situated at Training School road (Woodlands road), Bambalapitiya in Bambalapitiya Ward, within the Municipality and District of Colombo, Western Province; which said lot A is bounded on the north by property of Marshall Fernando and another, on the east by lot B in the said plan, on the south by reservation for a road, and on the west by road; containing in extent 1 rood and 11 61/100 perches.

(b) At 1.15 p.m.—All that divided and defined portion of land marked C in the said plan No. 4720, with the buildings standing thereon being a divided and defined part or portion of the land called Madangahawatta alias Delwatta being a portion of premises bearing assessment No. 477/30, situated at Training School road (Woodland road), Bambalapitiya aforesaid, which said lot C is bounded on the north by property of W. P. Carolis, on the east by Grassfield, on the south by the property bearing assessment No. 478/31, and on the west by reservation for a road and lot B; containing in extent 12 19/100 perches.

2. At 2.30 p.m.—All that allotment of land shaded pink in the plan, with the buildings trees and plantations thereon forming part of land called Dalugahawatta and bearing formerly assessment No. 128B afterwards No. 129 and presently known as No. 292 (3-14), situated at Dematagoda in Maradana, within the Municipality and District of Colombo, Western Province; bounded on the north by the property of W. Pelis Boteju bearing assessment No. 128B and No. 135, on the south by the road reservation 6 feet wide, on the east by the property of M. S. Avu Lebbe Marikar bearing assessment No. 128, and on the west by the property of Uralagamame Gabriel Silva bearing assessment No. 127; containing in extent 35 48/100 perches according to the figure of survey thereof No. 94 dated July 10, 1906, and made by S. S. Kandasamy, Registered Licensed Surveyor and Leveller, together with full and free right and liberty of way and passage over the roadway 8 links wide and 127 links long from the aforesaid premises to the Dematagoda road, which said roadway is marked and delineated in the said plan as part of way 3 links wide.

3. At 3.30 p.m.—All that part of a garden marked No. 3 called Andooloopowatanayanlangawatta, with the buildings standing thereon, situated at and lying at Wolfendhal, within the gravets of Colombo; bounded on the north by Wolfendhal street, on the east by the part No. 2, on the south by the Siripane moedloekoe, and on the west by Government ground; containing in extent 10 7/10 perches according to the figure and survey dated August 7, 1828, No. 32,132 authenticated by G. Schneider, Land Surveyor-General, which said premises have been recently surveyed and described as follows:—

An allotment of land formerly marked No. 3 called and known as Andooloopowetanayanlangawatta, and presently premises bearing assessment No. 969/61 (1-9), situated at Wolfendhal street in St. Paul's Ward, within the Municipality and District of Colombo, Western Province; bounded on the north by Wolfendhal street, on the east formerly by the other part of the same premises marked No. 2, and presently by premises No. 970/60 said to belong to Grandpass Church, on the south by Siripina lane, and on the west formerly by Government ground and presently by premises bearing assessment No. 968/62 and 64 said to belong to Mohamado Hadjar; containing in extent 13 75/100 perches.

4. At 4.30 p.m.—All that block of land with the buildings thereon bearing assessment No. 1029/30 New Chetty street, situated in the St. Paul's Ward, within the Municipality and District of Colombo, Western Province; and bounded on the north by property of T. Aya Canno bearing assessment No. 1028/35, east by New Chetty street, south by property of P. N. Fernando bearing assessment No. 1030/1031/33-33A, and on the west by property of R. A. Brohier bearing assessment No. 994/46, Hill street; containing in extent 20 20/100 perches.

Prior registration Nos. 187/244, 245, 183/89, 187/246, 247.

Fiscal's Office, Colombo, April 15, 1936. J. R. DUSSAINT, Deputy Fiscal.

In the District Court of Kalutara.

Lilian Wilisia Perera of Panadure Plaintiff. No. 19,268. Vs.

The Public Trustee of Ceylon as administrator of the estate of the late Mrs. Selestina Lama Peiris nee Perera of Panadure Defendant.

NOTICE is hereby given that on Friday, May 15, 1936, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 4,473-57, with interest on Rs. 2,000 at 10 per cent. per

annum from December 16, 1934, till date of decree (July 3, 1935), and interest at 9 per cent. per annum on Rs. 1,981-98 from May 9, 1935, till date of decree and thereafter on the aggregate at 9 per cent. per annum till payment in full, viz.:—

1. The soil all the trees and buildings standing thereon of lot A in plan No. 847 dated March 18, 1930, made by Mr. Lucas H. de Mel, Licensed Surveyor, of the land called Waljambuwehena, Pelpolawatta, Wawulugaledeniya, Wawulugalekelle, Karanagodellehena and Karanagodelledeniya (as described in T. P. Nos. 158,913, 104,169, 104,170, and 104,171), situated in the villages Uduwa Owitigala and Munagama in the Kumbuke pattu of Raigam korale in the District of Kalutara, Western Province; and bounded on the north by lands described in T. Ps. 154,488 and 138,297 and Waljambuwehena claimed by R. A. Don Carolis Appu, on the east by land described in T. P. 138,297, land purchased by S. Bastian and others, on the south by lot B in the said plan of the said plan, and on the west by Pelpolawatta claimed by Harmanis and others, property of L. Juwanis, land described in T. P. 158,913, and Crown land called Waljambuhakele; and containing in extent 18 acres 3 roods and 19-5 perches as depicted in the said plan 847 dated March 18, 1930, made by Mr. Lucas H. de Mel, Licensed Surveyor.

Deputy Fiscal's Office, Kalutara, April 7, 1936. H. SAMERESINGHA, Additional Deputy Fiscal.

Northern Province.

In the Court of Requests of Chavakachcheri.

Kandiah Kumaraswamykurukkal of Meesalai South Plaintiff.

No. 29,105. Vs.

Thanipulisingham Kandiah of Nunavil Defendant.

NOTICE is hereby given that on Saturday, May 9, 1936, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 160, with interest thereon at the rate of 9 per cent. per annum from August 7, 1934, until payment in full and costs of suit being Rs. 28-08, poundage, and charges, viz.:—

An undivided half share with its appurtenances of a piece of land, situated at Nunavil in Chavakachcheri parish, Tenmarachchey division of the Jaffna District, Northern Province, called Sempadualavu, and other parcels; in extent 22 lachams varagu culture; and bounded on the east by Thanipulisingham Nagalingam, brother and others, north by Veeragathay Selliah and shareholders and lane, west by Ponnammah, widow of Thiyagarajah, brother, and others, and south by road.

The land is said to be under mortgage.

Fiscal's Office, Jaffna, April 7, 1936. M. SELVADURAI, for Fiscal.

North-Western Province.

In the District Court of Colombo.

In the matter of the last will and testament of Gama-medha Liyanage Ana Clementine Perera of Pamunugama, deceased.

Testamentary No. 2,549. Kathiravelu Ratnasingham, Secretary, D. C., Colombo Official Administrator.

NOTICE is hereby given that on Tuesday, May 12, 1936, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said deceased in the following property for the recovery of sum of Rs. 328-32, being balance stamp duty due in the above case and poundage, viz.:—

All that land called Madangahamulawatta, situated at Mehiyalle in Mahagalboda Megoda korale south, Weudawili hatpattu in the District of Kurunegala, North-Western Province; bounded on the east by the fence of Patahalande Bogahamulawatta, south by the high road to Rambadagalla, west by Kandy road and fence of Potupitiyewatta alias Srikulawatta, north by the fence of Patahalande Bogahamulawatta; containing in extent 7 acres 1 rood and 27 perches, together with the plantations, buildings, and everything standing thereon.

Fiscal's Office, Kurunegala, April 1, 1936. R. S. GOONESEKERA, Deputy Fiscal.

In the District Court of Kurunegala.

Edward Benjamin Daniels of Kurunegala Plaintiff.
 (1) Edward Eustace Gordon Daniels, (2) Aelian Hugh Daniels, both of Kurunegala Substituted Plaintiffs.

No. 17,579. Vs.

(1) Nelli Sahabandu Goonawardena, (2) Arthur Sahabandu Goonawardena, both of Kurunegala Defendants.

NOTICE is hereby given that on Saturday, May 9, 1936, at 8.30 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 mortgaged with the plaintiff by bond No. 474 dated August 23, 1929, attested by E. E. G. Daniels, Notary Public, and declared specially bound and executable under the decree dated August 10, 1934, and ordered to be sold under the above order of court dated February 7, 1936, for the recovery of the sum of Rs. 1,580, with interest at 12 per cent. per annum from June 23, 1934, to August 10, 1934, and thereafter with legal interest on the aggregate amount till payment in full, costs, and poundage, viz. :-

All that divided portion of Humbatgomuwa Kotuwehena Ambagahamulahena marked lot L in plan dated February 10, 1927, made by C. H. de Silva, and situated at Henemulla, within the Local Board limits of the town of Kurunegala in Tiragandahe korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; bounded on the north and north-east by lot K in the said plan, east and south-east by circular road, south and south-west by lot M in the said plan, and west and north-west by property of Sithambarampillai; containing in extent 2 rods out of the land called Humbatgomuwa Kotuwehena and Ambagahamulahena, situated at Henemulla aforesaid; bounded on the north by the Kandy road, east by Circular road, south by ela, and west by land of Karupen Chetty and others; containing in extent 3 acres and 30 perches.

Fiscal's Office, R. S. GOONESEKERA,
 Kurunegala, April 1, 1936. Deputy Fiscal.

In the District Court of Kurunegala.

(1) K. N. K. S. Kannappa Chettiar, (2) K. N. K. S. Annamale Chettiar, by their attorney Vana Ena Pena Runa Muttiah Chettiar of Kurunegala .. Plaintiff.

No. 18,084. Vs.

C. A. Schokman of Marluwawa, Kurunegala .. Defendant.

NOTICE is hereby given that on Friday, May 8, 1936, at 4.30 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. 2,878.40, with interest thereon at 9 per cent. per annum from February 25, 1934, till payment in full, costs, and poundage, viz. :-

All that allotment of land marked lot H, together with the tiled house, assessment No. 8, and other buildings, plantations, and everything thereon and depicted in plan No. 558 dated January 18, 1920, made by D. Gunasekara, Licensed Surveyor, being a part of the land called Waguruwela, situated at Negombo road in the town of Kurunegala in Tiragandahe Korale, Weudawili hatpattu in the District of Kurunegala, North-Western Province; and which said lot H is bounded on the north by Negombo road, east by lot G of this land, south by water-course, and on the west by land bearing assessment No. 9; containing in extent 4½ perches, and registered in A 33/105 416/55.

Fiscal's Office, R. S. GOONESEKERA,
 Kurunegala, April 3, 1936. Deputy Fiscal.

I, Roger Herbert Whitehorn, Fiscal for the Western Province, do hereby appoint Mr. J. R. Fernando to be Marshal for the District of Colombo, from 9th to 14th instant, both days inclusive, falling within the jurisdiction of the District Court of Negombo, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

R. H. WHITEHORN,
 Fiscal.

April 6, 1936.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Eugene Alban Casinader, late of No. 7,543. Van Rooran street in Colombo, deceased.

Richard Germain Casinader of New Chetty street in Colombo Petitioner.

And

(1) Ellen Benrose Casinader nee Canagasaby, (2) Eugene Gilbert Casinader, (3) Marguerite Rosebud Casinader, all of New Chetty street in Colombo Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on March 25, 1936, in the presence of Mr. S. Somasundaram, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 19, 1936, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as an heir of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before May 21, 1936, show sufficient cause to the satisfaction of the court to the contrary.

G. C. THAMBYAH,
 District Judge.

March 25, 1936.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of the late Malnaidelage Simeon No. 2,995. Fernando of Katunayaka, deceased.

Kondagamage Elizabeth Mercy Keena Fernando nee Gero of Katunayaka Petitioner.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge of Negombo, on March 16, 1936, in the presence of Mr. A. V. Pereira, Proctor, on the part of the petitioner; and the petitioner's petition and affidavit dated March 14 and March 4, 1936, respectively, and the affidavit of the attesting notary and one of the attesting witnesses, having been read:

It is ordered that the last will and testament of the above-named deceased dated November 5, 1935, the original of which has now been filed in this court, be and the same is hereby declared proved, unless any person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before April 27, 1936.

It is further ordered that the petitioner be and she is hereby declared entitled, as the sole heiress and executrix mentioned in the said last will and testament, to have probate to same issued to her, unless sufficient cause to the satisfaction of this court is shown to the contrary on or before April 27, 1936.

D. H. BALFOUR,
 District Judge.

March 16, 1936.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Kahandawala Aratchige Bramphy Appuhamy of Udis pattu in Udisiya pattu of Uda Dumbara, deceased.

Kahandawala Aratchige Charles Appuhamy of Udis-pattu aforesaid Petitioner.

And

(1) Bentarage Baba Nona, (2) Kahandawala Aratchige Podi Singha, (3) ditto Alexander, (4) ditto Aldin, (5) ditto Penalatha, (6) ditto Leelawathie, (7) ditto George, (8) ditto Lawrence; the 6th, 7th, and 8th respondents above named appearing by their guardian ad litem the 1st respondent above named, all of Udispattu aforesaid Respondents.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge of Kandy, on February 10, 1936, in the presence of Mr. E. J. Silva, Proctor, on the part of the petitioner; and the affidavit of the said petitioner having been read:

It is ordered that the 1st respondent be and she is hereby appointed guardian ad litem over the 6th, 7th, and 8th minor respondents above named to represent them for all purposes of this action, and that the petitioner be and he is hereby declared entitled, as son of the above-named deceased,

to have letters of administration to the above estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 12, 1936, show sufficient cause to the satisfaction of the court to the contrary.

February 10, 1936.

R. F. DIAS,
District Judge.

The date for showing cause is extended till April 23, 1936.

March 12, 1936.

R. F. DIAS,
District Judge.

In the District Court of Galle.

26 Order Nisi.

Testamentary In the Matter of the Intestate Estate of No. 7,700. the late Lokuge Manimel de Silva, deceased, of Pinnaduwa, Ambalangoda.

THIS matter coming on for disposal before G. Furse Roberts, Esq., District Judge, Galle, on March 10, 1936, in the presence of Mr. H. de S. Kularatne, Proctor, on the part of the petitioner, Lokuge Somatunga of Pinnaduwa; and the affidavit of the said petitioner dated October 14, 1935, having been read, it is ordered that the 1st respondent, Lokuge Karunatunga, be appointed guardian *ad litem* over the 2nd and 3rd respondents, unless the respondents—(1) Lokuge Karunatunga, (2) ditto Somawathie, (3) ditto Seelawathie, (4) Pilipuhewa Dona Nonahamy, all of Pinnaduwa—or any person or persons interested shall, on or before April 30, 1936, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said petitioner, as the eldest son of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the said respondents or any other person or persons interested shall, on or before April 30, 1936, show sufficient cause to the satisfaction of this court to the contrary.

March 31, 1936.

G. FURSE ROBERTS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of Jurisdiction. Thamboo Thambiappah, late of Puloly No. 168. South, deceased.

Mappanar Kulanthaivelu of Thunnalai South .. Petitioner.

(1) Sinnathangam, widow of Veluppillai of Thunnalai South, (2) Sapapathippillai Somasundaram, Proctor, Supreme Court, Puthu Chetty street, Colombo, (3) Sinnappa Cumarasamy and wife, (4) Mankaiyathkarasay, both of Jaffna, (5) Dr. Veluppillai Sivapragasam and wife (6) Thailalammai, both of Kurungala, (7) Sellappah Suntharalingam and wife (8) Kanagambikai, both of Colombo, (9) Kanagasabai Sivasubramaniam of Nallur, (10) Appapillai Malavarayan of Thunnalai South, (11) Murugesu Sinnatamby and wife (12) Parupatham, both of Mahalippalam in Anuradhapura, (13) Appapillai Arumugam of Thunnalai South, (14) Sapapathy Rajasingam of Thunnalai South, (15) Sapapathy Rajasundaram of ditto, (16) Sapapathy Rajaratnam of ditto, (17) Chelliah Manicavasagar of Puloly South, (18) Chelliah Thanapalasingam of Puloly East, (19) Chelliah Kulaveerasingam of Thunnalai South, (20) Chelliah Tharumakulasingam of Puloly South, (21) Chelliah Locanather of ditto, presently of Bombay, (22) Veluppillai Kanapathippillai and wife (23) Chellam, both of Puloly South; 13th respondent is a minor appearing by his guardian *ad litem* 11th and 12th respondents, 15th and 16th respondents are minors appearing by their guardian *ad litem* 14th respondent, 21st respondent is a minor appearing by his guardian *ad litem* 20th respondent Respondents.

THIS matter of the petition of the petitioner, praying for letters of administration to the estate of the above-named deceased, Thamboo Thambiappah, late of Puloly South, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on January 27, 1936, in the presence of Mr. P. Casipillai, Proctor, on the part of the petitioner and the affidavit of the petitioner dated January 20, 1936,

having been read: It is declared that the petitioner is the paternal uncle of the said intestate and entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before March 10, 1936, show sufficient cause to the satisfaction of this court to the contrary.

February 4, 1936.

C. COOMARASWAMY,
District Judge.

The above Order Nisi is extended to May 19, 1936.

C. COOMARASWAMY,
District Judge.

32 In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Joseph Nannitambay Appadurai of Vaddukoddi, No. 149. deceased.

John Bicknell of Vaddukoddi Petitioner.

Po. 16. 29. Vs.
(1) Appadurai Jayaratnam of Vaddukoddi, (2) Majorie Ramamalar, daughter of Appadurai of ditto, (3) Appadurai Elugst of ditto, (4) Appadurai Navaratnam of ditto, (5) Ruby Annamalar, daughter of Appadurai of ditto, (6) Appadurai Ratnasingam of ditto, (7) Appadurai Rajakulasingam of ditto, (8) Nanniar Kandigar of Urumpiray. The 1st to 7th respondents are minors appearing by their guardian *ad litem* the 8th respondent..... Respondents.

THIS matter of the petition of the petitioner above named, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on January 10, 1936, in the presence of Mr. S. V. Chinniah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 20, 1935, having been read: It is declared that the petitioner, under whose care the heirs of the said intestate are, is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before March 12, 1936, show sufficient cause to the satisfaction of this court to the contrary.

January 29, 1936.

C. COOMARASWAMY,
District Judge.

The Order Nisi is extended to April 24, 1936.

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Pedro Santiago Mendis, late of Poonapity in Akkara pattu south in the No. 714. Puttalam District, deceased.

Santiago Annamma Mendis of Poonapity aforesaid Petitioner.

Po. 16. 29. And
(1) Anthony Suaking Croos, (2) Anthony Thomai Croos, (3) Gregory Croos, (4) Madalera Croos, (5) Philip Croos, all of Poonapity aforesaid, and (6) Gratiano Rose, also of Poonapity, presently of Mundel in Puttalam District Respondents.

THIS matter coming on for disposal before H. Jinadasa, Esq., Additional District Judge of Puttalam, on March 19, 1936, in the presence of Mr. Wilfred A. Muttukumar, Proctor, on the part of the petitioner above named; and the affidavit and petition of the said petitioner dated March 11 and 19, 1936, having been read:

It is ordered that the petitioner above named be and she is hereby appointed administratrix of the estate of the deceased above named, and that letters of administration be issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before April 20, 1936, show sufficient cause to the satisfaction of this court to the contrary.

March 19, 1936.

H. JINADASA,
Additional District Judge.

In the District Court of Anuradhapura.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Muttapillai Madurai of Tirappane in Nachcha Tulana, deceased.

No. 458. Seena Vyravari of Tirappane aforesaid Petitioner.

Vs.

Thamu Sabapathipillai of Tirappane, presently of No. 1 Arrack Tavern, Trincomalee Respondent.

THIS matter of the petition of Seena Vyravari of Tirappane, praying for letters of administration to the estate of the above-named deceased, Muttapillai Madurai of Tirappane, coming on for disposal before J. Wilmot Perera, Esq., District Judge, on March 7, 1936, in the presence of Messrs.

Ramaswamy & Valemurugu, Proctors, on the part of the petitioner; and affidavit of the petitioner dated June 5, 1935, having been read: It is declared that the petitioner is the administrator of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him with a copy of the last will annexed, unless the respondent or any other person shall, on or before April 2, 1936, show sufficient cause to the satisfaction of this court to the contrary.

J. WILMOT PERERA, District Judge.

Extended to April 22, 1936.

J. WILMOT PERERA, District Judge.

April 2, 1936.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to validate certain acts and omissions of the Sanitary Board of the Colombo District, the Urban District Council of Dehiwela-Mount Lavinia, and the Colombo Gas and Water Company, Limited.

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

Short title.

1 This Ordinance may be cited as the Dehiwela-Mount Lavinia Gas Supply (Validation) Ordinance, No. . . of 1935.

Validation of certain acts and transactions during period 1. 7. 1926 to 9. 11. 1926

2 Every act done or omitted to be done by the Local Authority or by the Company during the period commencing on the first day of July, Nineteen Hundred and Twenty-six, and ending on the ninth day of November, Nineteen Hundred and Twenty-six, in connexion with the supply of gas by the Company to the area within the administrative limits of the Local Authority shall at all times and for all purposes be deemed to be and to have been as valid and lawful as if during that period and in respect of that area—

Handwritten notes: copy sent to Sec. to Admin. and memo 22/4

No. 1 of 1869. No. 3 of 1871.

(1) the Local Authority had been entitled to the rights, powers and privileges vested in the Municipal Council of Colombo or in any officer of that Council under the Gas Ordinance, 1869, and the Gas Meter Ordinance, 1871; and

(2) the Company had been entitled to exercise, perform and enjoy the same powers, functions and privileges under the Gas Ordinance, 1869, and the Gas Meter Ordinance, 1871, as within the Municipal town of Colombo.

Validation of certain acts and transactions during period 10. 11. 1926 to 7. 12. 1933.

3 Every contract entered into by the Local Authority with the Company and every act done or omitted to be done by the Local Authority or by the Company during the period commencing on the tenth day of November, Nineteen Hundred and Twenty-six, and ending on the seventh day of December, Nineteen Hundred and Thirty-three, in connexion with the supply of gas to the area within the administrative limits of the Local Authority shall at all times and for all purposes be deemed to be and to have been as valid and lawful as if the requisite authorisations and declarations under which such contracts could lawfully have been entered into or such acts could lawfully have been done or omitted to be done had been made by proclamation under section 4A of the Gas Ordinance, 1869.

Interpretation.

4 In this Ordinance, unless the context otherwise requires—

“ administrative limits of the Local Authority ” means—

(a) where the Local Authority referred to is the Sanitary Board of the Colombo District, the small town of Mount Lavinia and Dehiwela as defined for the purposes of the Small Towns Sanitary Ordinance, 1892; and

(b) where the Local Authority referred to is the Urban District Council of Dehiwela-Mount Lavinia, the Dehiwela-Mount Lavinia area as defined for the purposes of the Local Government Ordinance, No. 11 of 1920 ;

“ Company ” means the Colombo Gas and Water Company, Limited ;

“ Local Authority ”, when used with reference to any period or point of time prior to the first day of January, Nineteen Hundred and Twenty-nine, means the Sanitary Board of the Colombo District and includes the Chairman of that Board, and when used with reference to any period or point of time subsequent to the thirty-first day of December, Nineteen Hundred and Twenty-eight, means the Urban District Council of Dehiwela-Mount Lavinia and includes the Chairman of that Council.

Objects and Reasons.

1. The Gas Ordinance, No. 15 of 1926, added to the Gas Ordinance, 1869, a new section which enabled the Governor in Executive Council by Proclamation published in the Gazette to extend the provisions of the Gas Ordinance, 1869, and the Gas Meter Ordinance, 1871, to any area outside the limits of a Municipal town. The immediate object of this amendment was to enable the Colombo Gas & Water Co., Ltd. to supply gas to the Dehiwela-Mount Lavinia area which was at that time under the jurisdiction of the Sanitary Board of the Colombo District. The Gas Ordinance, No. 15 of 1926, became law on the 10th November, 1926, and on the 27th September, 1927, the Sanitary Board of the Colombo District entered into a contract with the Colombo Gas and Water Co., Ltd. for the supply of gas to the Dehiwela-Mount Lavinia area, on the footing that the requisite proclamation had been published in the Gazette enabling the Sanitary Board to enter into a contract for the supply of gas and the Gas Company to extend its operations outside the administrative limits of the Municipal town of Colombo.

As a matter of fact, by an oversight, no proclamation had been published before the date of the contract, but as the contract was effective from 1st July, 1926, there was no legal authority to cover the operations of the Gas Company outside the Municipal town of Colombo during the period 1st July, 1926, to 9th November, 1926, as the earliest date on which a proclamation could have been published was the 10th November, 1926.

2. The purpose of Clause 2 of the Bill is to validate all acts done by the Company and by the Sanitary Board in connexion with the supply of gas to the Dehiwela-Mount Lavinia area during the period commencing on 1st July, 1926, and ending on 9th November, 1926.

3. The necessary proclamation under section 4A of the Gas Ordinance, 1869, was published in the Gazette of 8th December, 1933. As contracts entered into between the Company and the Sanitary Board or the Urban District Council, which was the successor of that Sanitary Board, would have been valid and effectual in law if the necessary proclamation had been issued immediately after the Gas Ordinance, No. 15 of 1926, became law, Clause 3 of this Bill provides that contracts entered into by the Company for the supply of gas to the Dehiwela-Mount Lavinia area and acts done by the Company or by the Sanitary Board or by the Urban District Council in connexion with the supply of gas to that area shall to all intents and purposes be as valid and effectual as if they had been authorized by the issue of the necessary proclamation for the purpose. Clause 3 accordingly validates the acts and contracts referred to for the period commencing on the 10th November, 1926 (being the date on which the Gas Ordinance, No. 15 of 1926, came into operation) and the 8th December, 1933 (being the date on which the requisite proclamation was issued, under section 4A of the Gas Ordinance, 1869).

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

Colombo, April 6, 1936.

MINUTE.

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

An Ordinance to consolidate and amend the law relating to the constitution and control of Co-operative Societies.

TABLE OF CONTENTS.

Section.

1. Short title.
- Registration.*
2. Appointment of Registrar and Assistant Registrars.
3. Societies which may be registered.
4. Conditions of registration.
5. Application for registration.
6. Registration.
7. Evidence of registration.
8. Amendment of the by-laws of a registered society.
- Rights and liabilities of members.*
9. Members not to exercise rights till due payment made.
10. Restriction of membership in society.
11. Contracts with society of members who are minors.
12. Votes of members.
13. Representation by proxy.
14. Restrictions on transfer of share or interest.
- Duties of registered societies.*
15. Address of society.
16. Copy of Ordinance, rules, and by-laws to be open to inspection.
17. Audit.
- Privileges of registered societies.*
18. Societies to be bodies corporate.
19. Disposal of produce to or through society.
20. First charge of registered society upon crops, agricultural produce, cattle, implements, raw material, and manufactured articles.
21. Charge and set off in respect of shares or interest of members.
22. Shares or interest not liable to attachment or sale.
23. Transfer of interest on death of member.
24. Deposits by or on behalf of minors.
25. Liability of past member and estate of deceased member for debts of society.
26. Register of members.
27. Proof of entries in books of society.
28. Deposits of securities as pledges by a society.
- Exemptions from stamp duties and fees.*
29. Power to exempt from stamp duty and registration fees.
- Property and funds of registered societies.*
30. Restrictions on loans.
31. Restrictions on borrowing.
32. Restrictions on other transactions with non-members.
33. Investment of society's funds.
34. Disposal of profits.
- Inspection and inquiry.*
35. Inspection and inquiry.
- Dissolution of a registered society.*
36. Dissolution.
37. Cancellation of registration of society.
38. Effect of cancellation of registration.
39. Liquidation after cancellation of registration of society.
40. Liquidator's powers.
41. Power of Registrar to control liquidation.
42. Enforcement of order.
43. Limitation of the jurisdiction of the civil court.
44. Closure of liquidation.
45. Award of arbitrator to be final subject to appeal to Registrar.
- Rules.*
46. Rules.
- Debts due to Government.*
47. Recovery of sums due to Government.
- Miscellaneous.*
48. Special power of Governor to exempt any society from requirements as to registration.
49. Special power of Governor to exempt societies from provisions of Ordinance.
50. Restriction of use of word "co-operative".
51. Joint Stock Companies Ordinance and Trade Unions Ordinance not to apply.
52. Savings for existing societies, rules, &c.
53. Penalty for non-compliance with Ordinance.
54. Interpretation.
55. Repeal.

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

1 This Ordinance may be cited as the Co-operative Societies Ordinance, No. of 1936. Short title.

Registration.

2 The Governor may appoint a person to be Registrar of Co-operative Societies for the Island or any portion thereof, and may appoint persons to assist such Registrar, and may, by general or special order published in the Gazette, confer on any such persons all or any of the powers of a Registrar under this Ordinance. Appointment of Registrar and Assistant Registrars.

3 (1) Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society, may be registered under this Ordinance with or without limited liability: Provided that the liability of a society of which a member is a registered society shall be limited. Societies which may be registered.

(2) Where the liability of the members of a society is limited by shares, no member other than a registered society shall hold more than such portion of the share capital of the society, subject to a maximum of one-fifth, as may be prescribed by the rules.

4 (1) No society, other than a society of which a member is a registered society, shall be registered under this Ordinance, which does not consist of at least ten persons each, of whom is above the age of eighteen years and resides or owns immovable property within the proposed area of operations of the society seeking registration. Conditions of registration.

(2) When for the purposes of this section any question arises as to the age, residence, or property qualification of any person, that question shall be decided by the Registrar whose decision shall be final.

(3) The word "limited", or the equivalent of that word in Sinhalese or Tamil, shall be the last word in the name of every society with limited liability registered under this Ordinance.

5 (1) For the purposes of registration an application shall be made to the Registrar. Application for registration.

(2) The application shall be signed—

(a) in the case of a society of which no member is a registered society, by at least ten persons qualified in accordance with the requirements of section 4 (1); and

(b) in the case of a society of which a member is a registered society, by a duly authorised person on behalf of every such registered society, and, where all the members of the society are not registered societies, by ten other members, or, when there are less than ten other members, by all of them.

(3) The application shall be accompanied by a copy of the proposed by-laws of the society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the society as the Registrar may require.

6 If the Registrar is satisfied that a society has complied with the provisions of this Ordinance and the rules, and that its proposed by-laws are not contrary to this Ordinance or to the rules, he may, if he thinks fit, register the society and its by-laws. An appeal in accordance with such rules as may be made in that behalf shall lie to the Executive Committee against the refusal of the Registrar to register any society. Registration.

7 A certificate of registration signed by the Registrar shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registration of the society has been cancelled. Evidence of registration.

8 (1) Any registered society may, subject to this Ordinance and the rules made thereunder, amend its by-laws, including the by-law which declares the name of the society. Amendment of the by-laws of a registered society.

(2) No amendment of the by-laws of a registered society shall be valid until that amendment has been registered under this Ordinance, for which purpose a copy of the amendment shall be forwarded to the Registrar.

(3) If the Registrar is satisfied that any amendment of the by-laws is not contrary to this Ordinance or to the rules, he may, if he thinks fit, register the amendment. An appeal in accordance with such rules as may be made in that behalf shall lie to the Executive Committee against the refusal of the Registrar to register any amendment of any by-law.

(4) An amendment which changes the name of a society shall not affect any right or obligation of the society or of any of its members or past members, and any legal proceedings pending may be continued by or against the society under its new name.

(5) When the Registrar registers an amendment of the by-laws of a registered society, he shall issue to the society a copy of the amendment certified by him, which shall be conclusive evidence of the fact that the amendment has been duly registered.

(6) In this section, "amendment" includes the making of a new by-law and the variation or rescission of a by-law.

Rights and liabilities of members.

Members not to exercise rights till due payment made.

9 No member of a registered society shall exercise the rights of a member unless or until he has made such payment to the society in respect of membership or acquired such interest in the society, as may be prescribed by the rules or by-laws.

Restriction of membership in society.

10 Except with the sanction of the Registrar, no person shall be a member of more than one registered society whose primary object is to grant loans to its members.

Contracts with society of members who are minors.

11 The minority or non-age of any person duly admitted as a member of any registered society shall not debar that person from executing any instrument or giving any acquittance necessary to be executed or given under this Ordinance or the rules made thereunder, and shall not be a ground for invalidating or avoiding any contract entered into by any such person with the society; and any such contract entered into by any such person with the society, whether as principal or as surety, shall be enforceable at law by or against such person notwithstanding his minority or non-age.

Votes of members.

12 No member of any registered society shall have more than one vote in the conduct of the affairs of the society: Provided that in the case of an equality of votes the Chairman shall have a casting vote.

Representation by proxy.

13 A registered society which is a member of any other registered society may appoint any one of its members as its proxy for the purpose of voting in the conduct of the affairs of such other registered society.

Restrictions on transfer of share or interest.

14 (1) The transfer or charge of the share or interest of a member or past member or deceased member in the capital of a registered society shall be subject to such conditions as to maximum holding as may be prescribed by this Ordinance or by the rules.

(2) In the case of a society registered with unlimited liability, a member shall not transfer any share held by him or his interest in the capital of the society or any part thereof, unless—

(a) he has held such share or interest for not less than one year; and

(b) the transfer or charge is made to the society, or to a member of the society, or to a person whose application for membership has been accepted by the Committee.

Duties of registered societies.

Address of society.

15 Every registered society shall have an address, registered in accordance with the rules, to which all notices and communications may be sent, and shall send to the Registrar notice of every change of that address.

Copy of Ordinance, rules, and by-laws to be open to inspection.

16 Every registered society shall keep a copy of this Ordinance and of the rules and of its by-laws and a list of its members open to inspection, free of charge, at all reasonable times at the registered address of the society.

Audit.

17 (1) The Registrar shall audit or cause to be audited by some person authorised by him by general or special order in writing in this behalf the accounts of every registered society once at least in every year.

(2) The audit under sub-section (1) shall include an examination of overdue debts, if any, and a valuation of the assets and liabilities of the registered society.

(3) The Registrar, or any person authorised by general or special order in writing in this behalf by the Registrar, shall at all times have access to all the books, accounts, papers, and securities of a registered society, and shall be entitled to inspect the cash in hand; and every officer of the society shall furnish such information in regard to the transactions and working of the society as the person making an inspection or audit may require.

Privileges of registered societies.

18 The registration of a society shall render it a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property, to enter into contracts, to institute and defend suits and other legal proceedings, and to do all things necessary for the purpose of its constitution.

Societies to be bodies corporate.

19 A registered society which has as one of its objects the disposal of any article which is the produce of agriculture or animal husbandry or handicrafts, may provide in its by-laws or may contract with its members—

Disposal of produce to or through society.

- (a) that every such member who produces any such article, shall dispose of the whole or of any specified amount, proportion or description thereof to or through the society; and
- (b) that any member who is proved or adjudged, in such manner as may be prescribed by rules, to be guilty of a breach of the by-laws or contract, shall pay to the society as liquidated damages a sum ascertained or assessed in such manner as may be prescribed by rules.

20 Subject to the prior claim of the Crown on the property of a debtor and to the lien or claim of a landlord in respect of rent or any money recoverable as rent—

First charge of registered society upon crops, agricultural produce, cattle, implements, raw material, and manufactured articles.

(a) any debt or outstanding demand payable to a society by any member or past member shall be a first charge—

- (i) upon crops or other agricultural produce raised in whole or in part with a loan taken from the society by such member or past member, and
- (ii) upon any cattle, fodder for cattle, agricultural or industrial implements, or raw materials for manufacture, or workshops, godown, or place of business, supplied to or purchased by such member or past member in whole or in part from any loan whether in money or goods given him by the society:

Provided that nothing herein contained shall affect the claims of any bona fide purchaser or transferee for value without notice of any such crops, or other agricultural produce, cattle, fodder for cattle, or agricultural or industrial implements, or raw materials for manufacture;

(b) any outstanding demands or dues payable to a housing society by any member or past member in respect of rent, shares, loans, or purchase money or any other rights or amounts payable to such society shall be a first charge upon his interest in the immovable property of the society.

21 A registered society shall have a charge upon the shares or interests in the capital and on the deposits of a member or past member or deceased member and upon any dividend, bonus, or profits payable to a member or past member or to the estate of a deceased member in respect of any debt due to the society from such member or past member or estate, and may set off any sum credited or payable to a member or past member or estate of a deceased member in or towards payment of any such debt.

Charge and set off in respect of shares or interest of members.

22 Subject to the provisions of section 21, the share or interest of a member in the capital of a registered society shall not be liable to attachment or sale under any decree or order of a court in respect of any debt or liability incurred by such member, and neither his assignee in insolvency nor a receiver appointed under Chapter L of the Civil Procedure Code, 1889, shall be entitled to, or have any claim on, such share or interest.

Shares or interest not liable to attachment or sale.

No. 2 of 1889.

23 (1) On the death of a member, a registered society may transfer the share or interest of the deceased member to the person nominated in accordance with the rules made in this behalf, or, if there is no person so nominated, to such persons as may appear to the Committee to be the heir or legal representative of the deceased member, or may pay

Transfer of interest on death of member.

to such nominee, heir, or legal representative, as the case may be, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or by-laws :

Provided that—

(a) in the case of a society with unlimited liability, such nominee, heir, or legal representative, as the case may be, may require payment by the society of the value of the share or interest of the deceased member ascertained as aforesaid ;

(b) in the case of a society with limited liability, the society may transfer the share or interest of the deceased member to such nominee, heir or legal representative, as the case may be, being qualified in accordance with the rules and by-laws for membership of the society, or on his application within six months of the death of the deceased member to any person specified in the application who is so qualified.

(2) A registered society shall pay all other moneys due to the deceased member from the society to such nominee, heir, or legal representative, as the case may be.

(3) All transfers and payments made by a registered society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Deposits by or on behalf of minor.

24 (1) A registered society may receive deposits from or for the benefit of minors and it shall be lawful for a registered society to pay to such minors the interest which may become due on such deposits. Any deposits made by a minor may, together with the interest accrued thereon, be paid to that minor ; and any deposit made on behalf of a minor may, together with the interest accrued thereon, be paid to the guardian of that minor for the use of the minor.

(2) The receipt of any minor or guardian for money paid to him by a society under this section shall be a sufficient discharge of the liability of that society in respect of that money.

Liability of past member and estate of deceased member for debts of society.

25 (1) The liability of a past member for the debts of a registered society as they existed on the date on which he ceased to be a member shall continue for a period of two years reckoned from that date.

(2) The estate of a deceased member shall, for a period of two years reckoned from the date of his decease, be liable for the debts of the society as they existed on the date of his decease.

Register of members.

26 Any register or list of members kept by any registered society shall be prima facie evidence of any of the following particulars entered therein :—

(a) the date at which the name of any person was entered in such register or list as a member ;

(b) the date at which any such person ceased to be a member.

Proof of entries in books of society.

27 (1) A copy of any entry in a book of a registered society regularly kept in the course of business shall, if certified in such manner as may be prescribed by the rules, be received in any legal proceeding, civil or criminal, as prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions, and accounts therein recorded in every case where, and to the same extent as, the original entry itself is admissible.

(2) In the case of such societies as the Governor by general or special order may direct, no officer of any such society shall, in any legal proceedings to which the society is not a party, be compelled to produce any of the society's books, the contents of which can be proved under sub-section (1) or to appear as a witness to prove any matters, transactions or accounts therein recorded, unless the Court for special reasons so directs.

Deposits of securities as pledges by a society.

28 Notwithstanding any written or other law for the time being in force a registered society may—

(a) pledge as security for a general balance of account any securities held by it, and

(b) authorise the creditor, in the event of default of payment on the date of the termination of any notice issued by the society, to sell any or all of such securities without recourse to Court, and to credit the proceeds to such balance of account.

Exemptions from stamp duties and fees.

29 (1) The Governor by notification in the Gazette may, in the case of any registered society or class of registered society, remit—

Power to exempt from stamp duty and registration fees.

(a) the stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a registered society, or by an officer or member, and relating to the business of such society, or any class of such instruments are respectively chargeable; or

(b) any fee payable under the law of registration for the time being in force.

(2) A notification exempting any registered society from the fees referred to in paragraph (b) of sub-section (1) may provide for the withdrawal of such exemption.

Property and funds of registered societies.

30 (1) A registered society shall not make any loan to any person other than a member: Provided that, with the consent of the Registrar, a registered society may make loans to another registered society.

Restrictions on loans.

(2) Except with the permission of the Registrar, a registered society shall not lend money on the security of any movable property other than agricultural produce.

(3) The Governor may, by general or special order, prohibit or restrict the lending of money on mortgage of any description of immovable property by any registered society.

31 A registered society shall receive deposits and loans from persons who are not members only to such extent and under such conditions as may be prescribed by the rules or by-laws.

Restrictions on borrowing.

32 Save as provided in sections 30 and 31, the transactions of a registered society with persons other than members shall be subject to such prohibitions and restrictions as may be prescribed by the rules.

Restrictions on other transactions with non-members.

33 (1) A registered society may deposit or invest its funds in the Ceylon Savings Bank or in a Savings Bank established in connection with the General Post Office under the Ceylon Postal and Telegraph Ordinance, 1892, or in any of the securities other than a first mortgage of immovable property specified in section 20 of the Trusts Ordinance, No. 9 of 1917, or with any banker or person acting as a banker approved for this purpose by the Registrar, or in the shares or on the security of any other registered society, or in any other mode permitted by the rules.

Investment of society's funds.

(2) Any deposit or investment made before the commencement of this Ordinance which would have been valid if this Ordinance had been in force is hereby ratified and confirmed.

34 (1) At least one-fourth of the nett profits of every registered society, as ascertained by the audit prescribed by section 17, shall be carried to a reserve fund. The remainder of such profits and any profits of past years available for distribution may be divided among the members by way of dividend or bonus, or allocated to any funds constituted by the society, to such extent or under such conditions as may be prescribed by the rules or by-laws:

Disposal of profits.

Provided that in the case of a society with unlimited liability, no distribution of profits shall be made without the general or special order of the Governor.

(2) Any registered society may, with the sanction of the Registrar, after one-fourth of the nett profits in any year has been carried to a reserve fund, contribute an amount not exceeding ten per centum of the remaining nett profits to any charitable purpose or to a common good fund.

Inspection and inquiry.

35 (1) The Registrar may of his own motion, and shall on the application of a majority of the Committee, or of not less than one-third of the members of a registered society, hold an inquiry or direct some person authorized by him by order in writing in this behalf to hold an inquiry into the constitution, working, and financial condition of a registered society; and all officers and members of the society shall furnish such information in regard to the affairs of the society and produce the cash in hand and such books, accounts, papers and securities of the society as the Registrar or the person authorised by him may require.

Inspection and inquiry.

(2) The Registrar shall, on the application of a creditor of a registered society, inspect or direct some person authorised by him by order in writing in this behalf to inspect the books of the society, if the applicant—

- (a) proves that an ascertained sum of money is then due to him and that he has demanded payment thereof and has not received satisfaction within a reasonable time; and
- (b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar may require.

(3) The Registrar shall communicate the results of any such inspection to the creditor and to the society into whose affairs inquiry has been made.

(4) Where an inquiry is held under sub-section (1) or an inspection is made under sub-section (2), the Registrar may apportion the costs, or such part of the costs, as he may think right between the registered society, the members demanding an inquiry, the officers or former officers of the society, and the creditor, if any, on whose application the inquiry was made.

(5) Any sum awarded by way of costs against any society or person under this section may be recovered, on application to a Police Court having jurisdiction in the place where the registered office of the society is situated or the person resides or carries on business for the time being, in like manner as a fine imposed by the Court.

Dissolution of a registered society.

Dissolution.

36 (1) If the Registrar, after holding an inquiry or making an inspection under section 35 or on receipt of an application made by three-fourths of the members of a registered society, is of opinion that the society ought to be dissolved, he may cancel the registration of the society.

(2) Any member of a registered society may, within two months from the date of an order under sub-section (1), appeal from such order to the Minister for Agriculture and Lands.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of a society, the order shall take effect on the expiry of that period. Where an appeal is presented within two months, the order shall not take effect until it is confirmed.

(4) Where the Registrar cancels the registration of a society under sub-section (1) of this section he may make such order as he may think fit for the custody of the books and documents and the protection of the assets of the society until the order cancelling registration takes effect.

Cancellation of registration of society.

37 The Registrar may, by order in writing, cancel the registration of any registered society other than a society which includes among its members one or more registered societies, if at any time it is proved to his satisfaction that the number of the members has been reduced to less than ten. Every such order shall take effect from the date thereof.

Effect of cancellation of registration.

38 Where the registration of a society is cancelled by an order under section 36 or under section 37, the society shall cease to exist as a corporate body from the date on which the order takes effect, hereinafter referred to as the date of dissolution:

Provided that any privileges conferred on the society by or under sections 20, 21, 22, 23 and 29 shall be deemed to be vested in any liquidator appointed for that society by the Registrar.

Liquidation after cancellation of registration of society.

39 Where the registration of a society is cancelled under section 36 or section 37 the Registrar may appoint one or more persons to be the liquidator or liquidators of the society.

Liquidator's powers.

40 (1) A liquidator appointed under section 39 shall, subject to the guidance and control of the Registrar and to any limitations imposed by the Registrar by order under section 41, have power to—

- (a) determine from time to time the contributions to be made by members and past members or by the estates of deceased members of the society to its assets;
- (b) appoint a day by proclamation or notice before which creditors whose claims are not already recorded in the books of the society shall state their claims for admission or be excluded from any distribution made before they have proved them;

- (c) decide any question of priority which arises between creditors ;
- (d) refer disputes to arbitration and institute and defend suits and other legal proceedings on behalf of the society by his name or office ;
- (e) decide by what persons and in what proportions the costs of liquidation are to be borne ;
- (f) give such directions in regard to the collection and distribution of assets as may be necessary in the course of winding up the society ;
- (g) compromise any claim by or against the society provided the sanction of the Registrar has first been obtained ;
- (h) call such general meetings of members as may be necessary for the proper conduct of the liquidation ;
- (i) take possession of the books, documents and assets of the society ;
- (j) sell the property of the society ;
- (k) carry on the business of the society so far as may be necessary for winding it up beneficially, provided that nothing herein contained shall entitle the liquidator of a credit society to issue any loan ; and
- (l) arrange for the distribution of the assets of the society in a convenient manner when a scheme of distribution has been approved by the Registrar.

(2) Subject to such rules as may be made in this behalf, any liquidator appointed under this Ordinance shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of parties and witnesses and to compel the production of documents by the same means and (so far as may be) in the same manner as is provided in the case of a District Court under the Civil Procedure Code, 1889.

No. 2 of 1889.

41 A liquidator shall exercise his powers subject to the control and revision of the Registrar, who may—

Power of Registrar to control liquidation.

- (a) rescind or vary any order made by a liquidator and make whatever new order is required ;
- (b) remove a liquidator from office ;
- (c) call for all books, documents, and assets of the society ;
- (d) by order in writing limit the powers of a liquidator under section 40 ;
- (e) require accounts to be rendered to him by the liquidator at his discretion ;
- (f) procure the auditing of the liquidator's accounts and authorise the distribution of the assets of the society ;
- (g) make order for the remuneration of the liquidator ; or
- (h) refer any subject of dispute between a liquidator and any third party to arbitration if that party shall have consented in writing to be bound by the decision of the arbitrator.

42 (1) The decision of an arbitrator on any matter referred to him under section 41, shall be binding upon the parties, and shall be enforceable in like manner as an order made by the Registrar under that section.

Enforcement of order.

(2) An order made by a liquidator or by the Registrar under section 40 or section 41 shall be enforced by any civil court having jurisdiction over the place where the registered office of the society is situated in like manner as a decree of that court.

43 Save in so far as is hereinbefore expressly provided, no civil court shall have any jurisdiction in respect of any matter concerned with the dissolution of a registered society under this Ordinance.

Limitation of the jurisdiction of the civil court.

44 (1) In the liquidation of a society whose registration has been cancelled, the funds, including the reserve fund, shall be applied first to the costs of liquidation, then to the discharge of the liabilities of the society, then to the payment of the share capital and then, provided the by-laws of the society permit, to the payment of a dividend at a rate not exceeding ten per centum per annum for any period for which no disposal of profits was made.

Closure of liquidation.

(2) When the liquidation of a society has been closed and any creditor of that society has not claimed or received what is due to him under the scheme of distribution, notice of the closing of the liquidation shall be published in the Gazette ; and, in respect of any claim against the funds of such society, no action shall be maintainable unless it is commenced within two years from the date of the publication of such notice in the Gazette.

(3) Any surplus remaining after the application of the funds to the purposes specified in sub-section (1) and the payment of any claims for which an action is instituted under sub-section (2), may be applied to such object of local or public utility as may be selected, subject to the approval of the Registrar, by the persons who were officers of the society at the date of the dissolution thereof.

If such persons fail within three months after the date on which the liquidation of the society is closed to select as aforesaid an object approved by the Registrar, the Registrar shall deposit the surplus in a bank or with a registered society.

If a new society operating in the same area is registered at any time thereafter, the surplus so deposited may at the discretion of the Registrar be credited to the reserve fund of that new society; and any interest accruing on the deposit until such time may be paid into such Audit and Supervision Fund as may be constituted for the purposes of this Ordinance.

Award of arbitrator to be final subject to appeal to Registrar.

45 Whenever under any rule made under this Ordinance, any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member or between a member or past member or person so claiming and the Committee or any officer has been referred to the Registrar or to arbitration, an award of an arbitrator, if no appeal has been made within a month of the date thereof or a decision of the Registrar originally or in appeal shall not, as between the parties to the dispute, be liable to be called in question in any civil court, and shall be in all respects final and conclusive, except on proof of the receipt of a corrupt gratification by the arbitrator.

Rules.

Rules.

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

(2) In particular, and without prejudice to the generality of the power conferred by sub-section (1), such rules may—

- (a) prescribe the conditions to be complied with in applying for the registration of a society and the procedure in the matter of such applications;
- (b) prescribe the conditions to be complied with by persons applying for admission or admitted as members, and provide for the election and admission of members from time to time, and the payment to be made and interest to be acquired before exercising rights of membership;
- (c) provide for the withdrawal and expulsion of members, and for the payments to be made to members who withdraw or are expelled, and for the liabilities of past members;
- (d) prescribe the extent to which a registered society may limit the number of its members;
- (e) provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred;
- (f) subject to the provisions of section 3, prescribe the maximum number of shares or portion of the capital of a registered society which may be held by a member;
- (g) prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made, and the amount which may be lent to an individual member;
- (h) prescribe the conditions under which profits may be distributed to the members of a society with unlimited liability, and the maximum rate of dividend which may be paid by societies;
- (i) regulate the manner in which funds may be raised by means of shares or debentures or otherwise and the rate of interest which may be paid on deposits;
- (j) provide for general meetings of the members, and for the procedure at such meetings and the powers to be exercised by such meetings;
- (k) provide for the appointment, suspension, and removal of the members of the Committee and other officers, and for the procedure at meetings of the Committee, and for the powers to be exercised and the duties to be performed by the Committee and other officers;
- (l) prescribe the matters in respect of which a society may or shall make by-laws, and for the procedure to be followed in making, altering, and rescinding by-laws, and the conditions to be satisfied prior to such making, alteration, or rescission;

- (m) prescribe the accounts and books to be kept by a registered society, and for the periodical publication of a balance sheet showing the assets and liabilities of a registered society ;
- (n) provide for the audit of the accounts of registered societies and for the charges, if any, to be made for such audit and provide for the levy of contributions from all or any registered societies to a fund to be used for the audit and supervision of existing societies and co-operative propaganda and prescribe for the administration of such a fund ;
- (o) prescribe the returns to be submitted by registered societies to the Registrar, and the persons by whom and the form in which the same are to be made ;
- (p) provide for the persons by whom, and the form in which, copies of entries in books of registered societies may be certified ;
- (q) provide for the formation and maintenance of a register of members, and, where the liability of the members is limited by shares, of a register of shares ;
- (r) provide for the formation and the maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of any registered society ;
- (s) prescribe the manner in which any question, as to the breach of any by-law or contract relating to the disposal of produce to or through a society, may be determined, and the manner in which the liquidated damages for any such breach may be ascertained or assessed ;
- (t) provide that any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member, or between a member or past member or person so claiming and the Committee or any officer, shall be referred to the Registrar for decision, or, if he so directs, to arbitration, and prescribe the mode of appointing an arbitrator or arbitrators, and the procedure to be followed in proceedings before the Registrar or such arbitrator or arbitrators, and the enforcement of the decisions of the Registrar or the awards of arbitrators ;
- (u) prescribe the conditions to be observed by a registered society applying for the financial assistance of Government ;
- (v) determine the cases, not expressly provided for in this Ordinance, in which an appeal shall lie to the Executive Committee against orders made by the Registrar ;
- (w) prescribe the procedure to be followed by a liquidator appointed under section 39, and the cases in which appeals shall lie from the orders of such liquidator ;
- (x) prescribe the forms to be used, the fees to be paid, the procedure to be observed, and all other matters connected with or incidental to the presentation, hearing and disposal of appeals under this Ordinance or the rules made thereunder.

(3) No rule shall have effect unless it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(4) Every rule shall, upon the publication in the Gazette of the notification required by sub-section (3), be as valid and effectual as though it were herein enacted.

Debts due to Government.

47 (1) All sums due from a registered society, or from an officer or member or past member of a registered society as such, to the Government, including any costs awarded to the Government under section 35, may be recovered in manner provided for the recovery of Crown debts by Ordinance No. 14 of 1843, intituled "An Ordinance for providing for the better Security and Recovery of Debts due to the Crown".

Recovery of sums due to Government.

(2) Sums due from a registered society to Government and recoverable under sub-section (1) may be recovered, first from the property of the society ; secondly, in the case of a registered society of which the liability of the members is limited, from the members, subject to the limit of their liability ; and thirdly, in the case of other societies, from the members.

Miscellaneous.

- Special power of Governor to exempt any society from requirements as to registration. 48 Notwithstanding anything contained in this Ordinance the Governor may by special order in each case, and subject to such conditions as he may impose, exempt any society from any of the requirements of this Ordinance as to registration.
- Special power of Governor to exempt societies from provisions of Ordinance. 49 The Governor may by general or special order exempt any registered society or class of societies from any of the provisions of this Ordinance, or may direct that such provisions shall apply to any society or class of societies with effect from such date or with such modifications as may be specified in the order.
- Restriction of use of word "co-operative". 50 (1) No person other than a registered society shall, without the sanction of the Governor, trade or carry on business under any name or title of which the word "co-operative", or in Sinhalese the word "Eksat Sahakara" (එක්සත් සහකාර) or "Samupakara" (සමුපකාර) or in Tamil the word "Aikiyananaya" (இக்கிய நாளைய) forms part.
Provided that nothing in this section shall apply to the use by any person or his successor in interest of any name or title under which he traded or carried on business prior to the twenty-second day of September, 1921.
(2) Whoever contravenes the provisions of this section shall be liable on conviction after summary trial by a Police Court to a fine which may extend to fifty rupees, and in the case of a continuing offence, with a further fine of five rupees for each day on which the offence is continued after conviction therefor.
- Joint Stock Companies Ordinance and Trade Unions Ordinance not to apply. 51 The provisions of the Joint Stock Companies Ordinance, 1861, and of the Trade Unions Ordinance, No. 14 of 1935, and of any Ordinances amending those Ordinances, shall not apply to societies registered under this Ordinance.
- Savings for existing societies, rules, &c. 52 (1) Every society registered or deemed to be registered under any Ordinance repealed by this Ordinance, shall be deemed to be registered under this Ordinance, and the by-laws of such society shall, so far as they are not inconsistent with the express provisions of this Ordinance, continue in force until altered or rescinded.
(2) All rules made under any Ordinance repealed by this Ordinance and in force at the time of the commencement of this Ordinance shall, in so far as they are not inconsistent with the provisions of this Ordinance, be deemed to have been made under this Ordinance and shall continue in force until new rules are made under section 46 in substitution for those rules.
(3) All appointments and orders made, notifications and notices issued, and suits and other proceedings instituted or deemed to have been made, issued or instituted under any Ordinance repealed by this Ordinance, shall, so far as may be, be deemed to have been respectively made, issued and instituted under this Ordinance.
- Penalty for non-compliance with Ordinance. 53 (1) (a) Any registered society or an officer or a member thereof, wilfully neglecting or refusing to do any act or to furnish any information required for the purposes of this Ordinance by the Registrar or other person duly authorised by him in this behalf; or
(b) any person wilfully or without any reasonable excuse disobeying any summons, requisition or lawful written order issued under the provisions of this Ordinance, or failing to furnish any information lawfully required from him by a person authorized to do so under the provisions of this Ordinance,
shall be guilty of an offence under this Ordinance.
(2) Every offence referred to in sub-section (1) shall be punishable with a fine not exceeding fifty rupees.
(3) Where any offence under this Ordinance is committed by a registered society, every officer of the society bound by the by-laws or the rules to fulfil any duty whereof the offence is a breach, or if there is no such officer, then every member of the Committee, unless that member is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall be liable to the same penalty as if he had committed the offence.
- Interpretation. 54 In this Ordinance, unless the context otherwise requires—
"by-laws" means the registered by-laws for the time being in force and includes a registered amendment of the by-laws;

- “Committee” means the governing body of a registered society to whom the management of its affairs is entrusted ;
- “dividend” means profits divided on a basis of share capital in a registered society ; and “bonus” means rebate upon patronage ;
- “Executive Committee” means the Executive Committee of Agriculture and Lands ;
- “member” includes a person joining in the application for the registration of a society, and a person admitted to membership after registration in accordance with the rules and by-laws ;
- “officer” includes a chairman, secretary, treasurer, member of Committee or other person, empowered under the rules or by-laws to give directions in regard to the business of a society ;
- “registered society” means a society registered or deemed to be registered under this Ordinance ;
- “Registrar” means a person appointed to perform the duties of a Registrar of Co-operative Societies under this Ordinance ;
- “rules” means rules made or deemed to have been made under this Ordinance.

55 “The Co-operative Societies Ordinance, No. 34 of 1921”, is hereby repealed. Repeal.

Objects and Reasons.

The object of this Bill is to amend and consolidate the law relating to the constitution, control and supervision of Co-operative Societies. The provisions of the Co-operative Societies Ordinance, No. 34 of 1921, which will be repealed, have been modified and adapted to meet the requirements of the new constitution and to facilitate the interpretation and administration of the law.

2. Clauses 2 to 8 provide for the registration of Co-operative Societies. Section 7 of the existing Ordinance compels the Registrar to register any Society which conforms to the requirements of the Ordinance and the rules. Clause 6 of the Bill introduces a new principle in that it vests the Registrar with a discretion to refuse registration in appropriate cases, subject to an appeal to the Executive Committee of Agriculture and Lands. A similar discretion is vested in the Registrar in regard to the registration of the amendment of the by-laws of a registered society (Clause 8), and in this case too an appeal against the Registrar's decision will lie to the Executive Committee.

3. Clauses 9 to 12 deal with the rights and liabilities of members. Clause 11 is new and provides that the minority of a member shall not be a ground for invalidating or avoiding any contract entered into by him with a society. Clause 12 affirms an essential principle of co-operative enterprise that each member should have only one vote in the conduct of the affairs of a society irrespective of the amount of his holding in that society.

4. Clauses 15 to 17 make provision for the duties and Clauses 18 to 27 set out the privileges of registered societies. Clause 19, known in the co-operative movement as the “loyalty” clause, enables a society trading in articles which are the produce of agriculture, animal husbandry or handicrafts to compel its members either by means of by-laws or by express contract to dispose of the whole or any specified part of their output of such articles to or through the society. Clause 20 is derived from the corresponding provisions of the Bombay Act and substitutes for the “prior claim” under the existing law a “first charge” in favour of the society upon the crops, agricultural produce, cattle, implements, raw material and manufactured articles of members who are indebted to the society. Clause 24 enables deposits to be made by or on behalf of minors and is modelled on the provisions of section 21 of the Ceylon Savings Bank Ordinance, 1859.

5. Clause 28 is designed to assist Co-operative Societies in obtaining credit facilities from ordinary banks by enabling a banker-creditor to realise without recourse to court on securities pledged with him by a society for a general balance of account.

6. Clause 29 empowers the Governor to exempt any registered society from the liability to pay stamp duty and registration fees on instruments executed by or on behalf of such society. Clauses 30 to 34 deal with the property and funds of registered societies.

7. Clauses 36 to 45 provide for the dissolution and liquidation of registered societies. Clause 41 gives the Registrar power to control proceedings during liquidation. Clause 44 prescribes the mode of distribution and application of the assets of a society which is in liquidation and the manner in which any surplus funds left thereafter are to be dealt with. The principle has been observed that no part of the reserve fund should be divided among the shareholders on the closure of a liquidation but that all available surplus should be devoted to some object of public utility selected, with the approval of the Registrar, by the persons who were officers of the society at the time of its dissolution. If no such object is duly selected, the Registrar is authorised to deposit the surplus in a bank or with some registered society and to transfer such surplus to the reserve fund of any registered society which may later operate in the same area as that of the society which was dissolved.

Provision is made for the reference of various questions to the Registrar or to arbitrators for settlement; and, in order to give the necessary degree of finality to the decision of the Registrar or the award of the arbitrators, Clause 45 declares that no such decision or award shall be liable to be called in question in any civil court except on the ground of corruption on the part of an arbitrator.

8. The duty of making rules for the purposes of the Ordinance is entrusted to the Executive Committee of Agriculture and Lands, subject to the usual provision that the rules shall be approved by the State Council and ratified by the Governor before they come into operation. (Clause 46.) Clause 52 provides that the rules made under the Co-operative Societies Ordinance, No. 34 of 1921, shall continue to be in force until replaced by rules made under the new law.

9. Clause 53 prescribes penalties for non-compliance with the Ordinance and indicates the persons who will be liable to punishment in any case where a registered society is guilty of a contravention of the provisions of the Ordinance.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.

Ministry of Agriculture and Lands,
Colombo, April 15, 1936.