



THE

# CEYLON GOVERNMENT GAZETTE

---

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## PART II.—LEGAL.

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

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**PASSED ORDINANCES.**

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

**No. 15 of 1936.**

O 7/36

A 55/36

No. 6 of 1887.

**An Ordinance to amend the Petroleum Ordinance, 1887.****R. E. STUBBS.**

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 Petroleum Amendment Ordinance, No. 15 of 1936.

Amendment of section 3 of Ordinance No. 6 of 1887.

**2** Section 3 of the Petroleum Ordinance, 1887 (hereinafter referred to as "the principal Ordinance"), is hereby amended in the definition of "Flashing point" by the substitution, for all the words from "when tested" to "have been made," of the following :—

"when tested with such apparatus and in such manner as may be prescribed from time to time by the Governor by rules under section 19B ;".

Amendment of section 11 of the principal Ordinance.

**3** Section 11 of the principal Ordinance is hereby amended by the substitution for all the words from "in the manner" to "by this Ordinance," of the following :—

"with such apparatus and in such manner as may be prescribed from time to time by the Governor by rules under section 19B."

Amendment of section 17 of the principal Ordinance.

**4** Section 17 of the principal Ordinance is hereby amended by the substitution for all the words from "the apparatus" to "annexed," of the words "such apparatus and in such manner as may be prescribed from time to time by the Governor by rules under section 19B,".

Re-numbering of section 19 (1) of the principal Ordinance.

**5** Section 19 (1) of the principal Ordinance is hereby re-numbered as section 19A of that Ordinance.

Insertion of new section 19B in the principal Ordinance.

**6** The following new section shall be inserted immediately after re-numbered section 19A and shall have effect as section 19B of the principal Ordinance :—

Rules as to apparatus and tests for determining flashing point.

**19B.** The Governor may from time to time make rules prescribing—

- (a) the apparatus which shall be used for testing petroleum for the purpose of ascertaining the flashing point thereof ;
- (b) the manner in which the petroleum shall be tested by such apparatus ;
- (c) the corrections which shall be applied to the result of any test so conducted ; and
- (d) all other matters connected with or incidental to the use of the apparatus or the conduct of the test.

Repeal of Schedule to the principal Ordinance.

**7** The Schedule to the principal Ordinance is hereby repealed.

Passed in Council the Second day of December, One thousand Nine hundred and Thirty-six.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Fifteenth day of December, One thousand Nine hundred and Thirty-six.

G. M. RENNIE,  
Secretary to the Governor.

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

**No. 17 of 1936.**

M.L.A. 423

No. 20 of 1927.

**An Ordinance to amend the Motor Car Ordinance, 1927.****R. E. STUBBS.**

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 Motor Car Amendment Ordinance, No. 17 of 1936.

2 The Motor Car Ordinance, 1927, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the insertion between sections 69 and 70 of that Ordinance, of the following new section which shall have effect as section 69A of the principal Ordinance :—

Insertion of a  
new section  
69A in  
Ordinance  
No. 20 of 1927

69A (1) The licensing authority shall specify by endorsement on the motor car licence issued for each omnibus the approved route or routes on which that omnibus may ply or stand for hire.

Approved  
routes for  
omnibuses.

(2) Every endorsement made under sub-section (1) shall set out the two places which shall be the termini of the route or of each of the routes approved by the licensing authority, and where there is no direct road between such termini, shall in addition include directions as to the several highways to be followed by the omnibus in proceeding from one terminus to the other.

(3) A licensing authority shall not refuse to approve any proposed route on any ground other than the following :—

- (a) that the omnibus, owing to its weight, size, or construction, cannot safely be used on the proposed route ; or
- (b) that the proposed route is, owing to the condition of the route, including width and grade, unsuitable for omnibus traffic ; or
- (c) that the proposed route is generally so congested by traffic that additional omnibus traffic cannot safely be allowed thereon.

(4) A licensing authority shall not approve any route outside its area except after consultation with every other licensing authority within whose area any part of such route lies.

(5) The licensing authority may, if it thinks fit, on the application of the registered owner of any licensed omnibus, alter from time to time any route endorsed on the licence for that omnibus.

(6) On the application of a police officer not below the rank of Superintendent, or of Assistant Superintendent in charge of a province, the police magistrate having jurisdiction over the place in which a licensed omnibus is usually kept, may, if he is satisfied that the use of any approved route by that omnibus is likely to lead to a breach of the peace or to endanger the safety of other traffic or of the public along that route—

- (a) hold any inquiry he may deem necessary ;
- (b) by written order suspend for a specified period the endorsement relating to that route contained in the licence for that omnibus ; and
- (c) by endorsement under his hand made on the licence, alter or modify the route in any manner or cancel or renew the endorsement relating to the route made by the licensing authority, as the circumstances of the case may require.

(7) Every order or endorsement made by a police magistrate under sub-section (6) shall be subject to an appeal to the Supreme Court at the instance of the licensee or of the police officer applying for the order, and whenever necessary, shall be amended or varied by a further endorsement under the hand of the police magistrate in accordance with the decision of the Supreme Court.

(8) The owner and the driver of an omnibus shall severally be guilty of an offence, if that omnibus—

- (a) plies or stands for hire on any route other than an approved route endorsed on the licence for that omnibus by the licensing authority under sub-section (1) or by a police magistrate under sub-section (6) ; or
- (b) plies or stands for hire on any route at any time while an order suspending or cancelling the endorsement relating to that route is in force ; or
- (c) starting from either of the termini of its approved route fails to complete the journey along that route to the other terminus, except when it is prevented by accident, mechanical derangement, or tyre failure, or when it is proceeding without passengers to a workshop for repairs or to the garage or other place where it is usually kept :

Provided however that nothing in this sub-section shall be deemed to apply to any licensed omnibus plying on any route, other than a route approved for that omnibus, under the authority of a permit issued by the officer in charge of a police station, in such circumstances and subject to such conditions as may be prescribed by regulations under section 70.

Amendment of section 70 of the principal Ordinance.

**3** Section 70 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for paragraph (b) of that sub-section, of the following new paragraph :—

“(b) Prescribing the special circumstances in which, and the conditions on which, a licensed omnibus may be authorised by permit to use a route other than a route approved for that omnibus ;”.

Amendment of the Fourth Schedule to the principal Ordinance.

**4** The Fourth Schedule to the principal Ordinance is hereby amended as follows :—

- (1) by the repeal of regulation 1 thereof ;
- (2) by the renumbering of regulation 1A thereof as regulation 1 ; and
- (3) by the substitution in renumbered regulation 1, for all the words from “Notwithstanding” to “licensee”, of the words “The licensee”.

Passed in Council the Second day of December, One thousand Nine hundred and Thirty-six.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Fifteenth day of December, One thousand Nine hundred and Thirty-six.

G. M. RENNIE,  
Secretary to the Governor.

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

### No. 20 of 1936.

No. 20 of 1927.

**An Ordinance to amend the Motor Car Ordinance, 1927, and to make provision for the application of the amended law to special cases.**

R. E. STUBBS.

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 Motor Car Amendment Ordinance, No. 20 of 1936.

Amendment of section 39 of Ordinance No. 20 of 1927.

**2** Section 39 of the Motor Car Ordinance, 1927, (hereinafter referred to as “the principal Ordinance”), is hereby amended as follows :—

(1) in sub-section (1) thereof—

(a) by the substitution for the words “Any court” of the words “Subject to the provisions of sub-section (3), any court” ; and

(b) by the substitution in paragraph (x) for all the words from “for such time” to “stated period”, of the words “for a stated period which shall not exceed two years, or cancel the certificate” ;

(2) by the repeal of sub-section (3) thereof and the substitution of the following new sub-section for that sub-section :—

“(3) (a) Where the certificate of competence of any person convicted of any offence punishable under section 57 or of any offence in connection with the driving of a motor car punishable under section 272 or section 328 of the Ceylon Penal Code contains at the time of such conviction endorsements made after the first day of January, 1937, in respect of not less than two and not more than four previous convictions of any of those offences, the court shall either cancel the certificate or suspend the certificate

for a stated period which shall be not less than six months nor more than two years; and where the certificate contains at the time of such conviction endorsements made after the date hereinbefore specified in respect of five previous convictions of any of the offences aforesaid, the court shall cancel the certificate.

(b) Where the certificate of competence of any person convicted of any offence in connection with the driving of a motor car punishable under section 298 or section 329 of the Ceylon Penal Code contains at the time of such conviction endorsements made after the first day of January, 1937, in respect of two previous convictions of any of those offences, the court shall cancel the certificate.”;

- (3) in sub-section (5) thereof, by the addition of the following words at the end of that sub-section:—

“ A person whose certificate of competence has been cancelled by order of a court shall be disqualified for obtaining another certificate until that court has made order under sub-section (7) authorising him to apply to the registrar for a certificate.”;

- (4) by the addition at the end thereof of the following new sub-section, which shall have effect as sub-section (7) of that section:—

“ (7) (a) The court which has made order cancelling the certificate of competence of any person may, on the application of that person made at any time after the expiry of a period of two years reckoned from the date of cancellation and after such inquiry as the court may consider necessary, authorise him to apply to the registrar for another certificate of competence in accordance with the provisions of this Ordinance.

(b) The court shall notify the registrar and the Police of the receipt of any such application and shall afford the registrar and the Police an opportunity of being heard and of making representations against the grant of the application and of adducing evidence in respect of the representations so made. Notice on the Police may for the purposes of this sub-section be served on the senior police officer attached to the court which issues such notice.

(c) The court shall on the consideration of any such application have regard to all the circumstances of the case with particular reference to the fitness of the applicant to hold a certificate of competence.

(d) Any such application may, if refused, be renewed at any time after the expiry of a period of two years reckoned from the date of refusal, and further applications may in like manner be made to the court at successive intervals of not less than two years reckoned from the date of the last refusal. All the other provisions of this sub-section relating to the first application made by any person thereunder after the cancellation of his certificate of competence shall apply equally to any other application made by him after the refusal of the first application.”

3 (1) Where on the date of the commencement of this Ordinance any order of suspension of a certificate of competence is in force and is not due to expire until after the completion of a period of two years reckoned from that date, that order of suspension shall be deemed to expire at the end of a period of two years reckoned from that date.

Provision for special cases.

(2) Where on the date of the commencement of this Ordinance a declaration made prior to that date under section 39 (1) (a) of the principal Ordinance is in force disqualifying a person for obtaining another certificate of competence for a period ending on a date later than two years after the date of the commencement of this Ordinance, such disqualification shall terminate on the expiry of a period of two years reckoned from the date of the commencement of this Ordinance; and the order cancelling the certificate of competence of the person so disqualified shall be deemed to have been made on the date of the commencement of this Ordinance.

(3) Where on the date of the commencement of this Ordinance a declaration made prior to that date under section 39 (1) (a) of the principal Ordinance is in force disqualifying a person for obtaining another certificate of competence for a period ending on a date earlier than two years after the date of the commencement of this Ordinance, that person shall be entitled on the expiry of that period of disqualification to apply to the court under section 39 (7) of the principal Ordinance as amended by this Ordinance notwithstanding the fact that a period of two years has not elapsed since the date of the order of the cancellation of his certificate of competence.

Passed in Council the Second day of December, One thousand Nine hundred and Thirty-six.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Fifteenth day of December, One thousand Nine hundred and Thirty-six.

G. M. RENNIE,  
Secretary to the Governor.

(Continued on page 925.)

## DRAFT ORDINANCES.

### MINUTE.

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

#### An Ordinance to amend the Local Government Ordinance, No. 11 of 1920.

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 Local Government Amendment Ordinance, No. of 1936.

Short title.

2 Section 55 of the Local Government Ordinance, No. 11 of 1920, is hereby amended as follows :—

Amendment of section 55 of Ordinance No. 11 of 1920.

- (1) by the renumbering of that section as sub-section (1) of section 55 ; and
- (2) by the addition of the following new sub-section as sub-section (2) of that section :—

“(2) Subject to such directions as may be given by the Governor from time to time by Order published in the Gazette, each District Council shall be the administrative authority for the purposes of the protection of any principal thoroughfares that may be situate within the administrative limits of that Council, and shall be entitled for such purposes to exercise or perform, in relation to any such principal thoroughfare, any of the powers or duties conferred or imposed by sections 84 to 104 (both inclusive), relating to buildings along thoroughfares, obstructions to thoroughfares, encroachments on thoroughfares, injuries to thoroughfares and nuisances on thoroughfares.”

#### *Objects and Reasons.*

When the Governor, by Proclamation under section 8 of the Road Ordinance, 1861, declares any road to be a principal thoroughfare, the power to deal with any encroachments that may be made on any part of it which is situated within the administrative limits of a Municipal Council or a Local Board is vested by section 4A of that Ordinance in such Council or Board. An Urban District Council, however, even where it is the successor of a Local Board, cannot be said to be vested with this power, in view of the terms of section 239 of the Local Government Ordinance, No. 11 of 1920, which provides that from the date on which an Urban District Council is established in any area the Road Ordinance shall, for the purposes of that area, be repealed. Further, the power given to an Urban District Council by sections 84 to 104 of the Local Government Ordinance to deal with encroachments on and obstruction or injuries to thoroughfares, is expressly limited to those thoroughfares which are under the control of the Council; and sections 55 and 57 make it

clear that an Urban District Council is not the general administrative authority for the purposes of principal thoroughfares and that these thoroughfares are not vested in such a Council.

2. It has been decided, therefore, that the responsibility for the prevention and removal of encroachments and obstruction in the case of principal thoroughfares within an urban area should, as in the case of ordinary thoroughfares, be undertaken by the Urban District Council of that area. The object of this Bill is to make the necessary amendment, and clause 2 sets out the new sub-section which is to be inserted in section 55 of the Local Government Ordinance for the purpose.

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

Colombo, December 18, 1936.

## NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Honourable the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Western Circuit will be holden at the Court-house at Kalutara on Monday, January 11, 1937, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,  
Colombo, December 21, 1936.

J. R. TOUSSAINT,  
for Fiscal.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,052. In the matter of the insolvency of Nagamma Velupillai of 105, Price place, Colombo.

WHEREAS the above-named Nagamma Velupillai has filed a declaration of insolvency, and a petition for the sequestration of her estate has been filed by P. David Silva of St. Rita road, Ratmalana, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Nagamma Velupillai insolvent accordingly; and that two public sittings of the court, to wit, on February 16, 1937, and on March 9, 1937, 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,  
December 15, 1936. Secretary.

In the District Court of Colombo.

No. 5,053. In the matter of the insolvency of Mututantirige Daniel George Fernando of 514, De Soysa road, Moratuwa.

WHEREAS the above-named M. D. G. Fernando has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by D. D. Cornelius of Indibedde, Moratuwa, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. D. G. Fernando insolvent accordingly; and that two public sittings of the court, to wit, on February 9, 1937, and on March 16, 1937, 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,  
December 17, 1936. Secretary.

In the District Court of Colombo.

No. 5,054. In the matter of the insolvency of Valentine Johnson of 473, 2nd Division, Maradana, Colombo.

WHEREAS the above-named V. Johnson has filed a declaration of insolvency, and a petition for the sequestration of estate has been filed by Ratnayake Mudalige

Peiris Appuhamy of 117A in 2nd Division, Maradana, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said V. Johnson insolvent accordingly; and that two public sittings of the court, to wit, on February 9, 1937, and on March 2, 1937, 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,  
December 18, 1936. Secretary.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Negombo.

N. M. K. N. Ramasamy Chettiar, by his attorney  
Kowanna Sinniah Pillai of Negombo ..... Plaintiff.  
No. 5,588. Vs.

Kodikara Aratchige Lasarus Perera of 2nd Division,  
Kurana, Negombo ..... Defendant.

NOTICE is hereby given that on Thursday, February 4, 1937, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties, viz. :-

A. The two contiguous portions of high and low land called Madangahawatta and Madangahakumbura, situated at 2nd Division of Kurana, within the Urban District Council limits of Negombo, in the District of Negombo, Western Province; bounded on the north by the land and field belonging to Gajasinghege Paulu Silva and others, east by the land and field formerly belonging to Nangallage Appu Gurunanse now belonging to Nangallage Cornelis Gurunanse and others, south also by the land belonging to Appu Gurunanse and now belonging to Nangallage Cornelis Fernando Gurunanse, and west by the land of Pelawattege Siman Peries and the Negombo lake; containing in extent within these boundaries about 1 acre, together with the buildings standing thereon.

B. The land called Madangahawatta, situated at 2nd Division, Kurana aforesaid; and bounded on the north by the land of Gajasinghege Paulu Silva, east by a portion of this land belonging to Pelawattage Juwan Peries, south by the land of Nangallage Cornelis Fernando Gurunanse, and on the west by the Negombo lake; containing in extent within these boundaries about 1 rood, together with the buildings standing thereon.

C. The land called Madangahawatta, situated at 2nd Division, Kurana aforesaid; and bounded on the north by the land formerly belonging to Pelawattage Anthony Peries and now belonging to the debtor, Kodikara Aratchige Lasarus Perera, east by the land of Kuranege Marsalin Fernando, south by the land of Dehiwalage Anthony Perera, and west by the lake; containing in extent within these boundaries about 2 roods, together with the buildings standing thereon.

D. The land called Kadurugahawatta, situated at 2nd Division, Kurana aforesaid; and bounded on the north by the portion of land belonging to Kodikara Aratchige Lasarus Perera, east by a portion of this land belonging to Gajasinghege Paulu Silva, south by the portion of this land belonging to Kodikara Aratchige Lasarus Perera, and west by the lake; containing in extent within these boundaries ground sufficient to plant 10 coconut trees or 20 perches, together with the buildings standing thereon.

1. The aforesaid lots A, B, C, and D now form one property; and is bounded on the north by the lands belonging to Gajasinghege Paulu Silva, Kodikara Aratchige Lasarus Perera and others, east by the land belonging to the heirs of Nangallage Cornelis Fernando Gurunanse, south also by the land belonging to the heirs of the said Nangallage Cornelis Fernando Gurunanse, and west by the Negombo lake; containing in extent within these boundaries about 1 acre 3 roods and 20 perches, together with the buildings standing thereon.

2. The three contiguous portions of the land called Ambagahawatta, situated at 2nd Division, Bolawalana, within the Urban District Council limits of Negombo aforesaid; bounded on the north by the field belonging to St. Joseph's Roman Catholic Church, east by the land belonging to Subeappulage Gabriel Fernando, south by the land belonging to Kodikara Aratchige Lasarus Perera and others, and west by the land of Jayakodi Aratchige Juwan Appu and Cecilia Peries; containing in extent within these boundaries 1 rood and 29 perches, together with the buildings standing thereon.

(i.) The land called Diulgahawatta *alias* Dombagahawatta, situate at 2nd Division, Bolawalana aforesaid; and bounded on the north by the share of this land bearing "B" of Kuruwe Aratchige Livinis de Alwis, on the east by the land of Gabriel Fernando, and on the south and west by the share of this land bearing "A" of Jeffrin Fernando; containing in extent within the boundaries 100 perches from and out of these the share bearing "C".

(ii.) The land called Diulgahawatta *alias* Dombagahawatta, situate at 2nd Division, Bolawalana aforesaid; and bounded on the north by the land of Joseph Fernando, on the east by shares of this land bearing "B" and "C" of Kuruwe Aratchige Livinis de Alwis, Sube Appulage Emarencia Fernando, and Sube Appulage Sebastian Fernando and by the land of Gabriel Fernando, on the south by fields of John Fernando and others, and on the west by the portion of 10 perches sold out of this share of land; containing in extent within the boundaries 35 perches from and out of these the share bearing "A" out of this the eastern share.

(iii.) The land called Diulgahawatta *alias* Dombagahawatta, situate at 2nd Division, Bolawalana aforesaid; and bounded on the north by the  $\frac{1}{4}$  share of this land bearing "A", on the east by the land of Sube Appulage Anthony Fernando and others, on the south by the  $\frac{1}{4}$  share of this land bearing "C", and on the west by the land of Wijaya-singhege Pemiyanu Fernando; containing in extent within the boundaries 15 $\frac{3}{4}$  perches from and out of these the  $\frac{1}{4}$  share bearing "B" and

(iv.) Lot "B" of the land called Divulgahawatta *alias* Dombagahawatta, situate at Bolawalana aforesaid; bounded on the north by the land of Joseph Fernando, east by the land of Gabriel Fernando, south by the portion of this land bearing "C", and west by the portion of this bearing "A"; containing in extent 11 $\frac{1}{4}$  perches.

(v.) Lot "C" of the land called Divulgahawatta *alias* Dombagahawatta, situate at 2nd Bolawalana; bounded on the north by the portion of this land ( $\frac{1}{4}$  share) bearing lot "B", east by the land of Subeappuhamilage Anthony Fernando and others and the land of K. L. Perera, south by the  $\frac{1}{4}$  share of this land bearing lot "B", and west by the land of Panambarage Gracianu Fernando; containing in extent about 15 $\frac{3}{4}$  perches.

(vi.) Lot "D" of the land called Diulgahawatta *alias* Dombagahawatta, situate at 2nd Bolawalana aforesaid; bounded on the north by the  $\frac{1}{4}$  share of the portion of this land bearing lot "C" belonging to K. Lasarus Perera, east also by the land belonging to Kodikara Aratchige Lasarus Perera, south also by the land and field of Kodikara Aratchige Lasarus Perera, and west by the land of Kodikara Aratchige Lasarus Perera; containing in extent within these boundaries about 15 $\frac{3}{4}$  perches.

3. The above described six shares being contiguous now form into one land called Diulgahawatta *alias* Dombagahawatta, situate at 2nd Division, Bolawalana aforesaid; and now bounded on the north by the boundary of another land of the vendor (K. Lasarus Perera), on the east by the wire fence separating the land of the heirs of Gabriel Fernando, on the south by the wire fence separating the land formerly of the vendor and now of Kowanna Sinniah, and on the west by the wire fence separating the lands of Cecilia Gratianu Fernando and heirs of Don Andris Appuhamy; containing in extent within these boundaries 2 roods and 24 $\frac{1}{2}$  perches, together with trees, plantations, and buildings thereon.

4. The land called Ambagahawatta *alias* Delgahawatta, situate at 2nd Division, Bolawalana aforesaid; and bounded on the north by land formerly of Don Juwan Appuhamy and now of the vendor (K. Lasarus Perera), on the east by the land of the heirs of Sube Appulage Gabriel Fernando, and on the south and west by the land

formerly of Girigoris Silva and now of the vendor (K. Lasarus Perera); containing in extent within these boundaries about 20 perches, together with trees, plantations, &c., thereon.

5. A share of the land called Bakinigahawatta, situate at 3rd Division, Kurana, within the Gravets of Negombo aforesaid; and bounded on the north by the land of the deceased Migel Fernando, on the east by the land of Jusey Fernando, on the south by the land of Don Pawulu, and on the west by the land of the deceased, Salpadoruge Julian Fernando, and others; containing in extent within the boundaries 2 roods, and 17 perches, together with trees, plantations, &c., thereon.

6. The  $\frac{1}{2}$  share of the Kosgahawatta, situate at 3rd Division, Kurana aforesaid; and bounded on the north by the other  $\frac{1}{2}$  share of this land, on the east by a share of this land, on the south by the land of Simon Fernando, and on the west by the land of Siman Fernando and others; containing in extent within these boundaries 1 rood and 24.5 perches, together with trees, plantations, &c., thereon.

7. The undivided  $\frac{2}{7}$  share of the land called Agarahawatta, situate at 3rd Division, Kurana aforesaid; and bounded on the north by the land formerly of Palakuttige Migel Fernando and now of his heirs and of K. L. Perera, on the east by the land formerly of Palakuttige Migel Fernando and now of Siman Sangilige Romel Fernando, on the south by Diyahonda-ela, and on the west by the land formerly of Palakuttige Migel Fernando and now of the vendor (K. Lasarus Perera); containing in extent within these boundaries about 1 rood and 20 perches together with trees, plantations, buildings, &c., thereon.

8. The  $\frac{2}{3}$  share of Thalghawatta, situate at 3rd Division, Kurana aforesaid; and bounded on the north by the remaining  $\frac{1}{3}$  share of this land of Malnaidelage Pedru Fernando, on the east by the land formerly of Sellappulige Abraham Rosa and now of Franciscu Fernando and others, on the south by the muddy ground converted to a land formerly of Abaranchi Lekama and now of Lavaris Rosa, and on the west by the land formerly of Jusey Fernando and now of Franciscu Fernando and others; containing in extent within these boundaries 3 roods and 26 $\frac{3}{4}$  perches or about 2 acres from and out of these an undivided  $\frac{1}{7}$  share out of this an undivided  $\frac{2}{3}$  share, together with trees, plantations, &c., thereon.

9. The field called Wewa-agare Gonnagahakumbura, situate at 4th Division, Kurana aforesaid; and bounded on the north by the land of Malnaidelage Santiago Fernando, on the east by lands of Panambarage Migel Fonseka and others, on the south by the field of Malnaidelage Lucia Fernando, and on the west by the field of Malnaidelage Domingo Fernando, Vel-Vidane; containing in extent within the boundaries about 1 acre and 2 roods. From and out of these the northern undivided two-third share, together with all things thereon.

10. The land called Higgahawatta, situate at 3rd Division, Kurana aforesaid; and bounded on the north by a share of this land belonging to Vinthage Pedru Perera and others, on the east by the land of Palakuttige Jusey Fernando and now of K. Sinniah Pulle and others, on the south by the field of Alagappage Abraham Fernando and now of K. Sinniah Pulle, and on the west by the high road; containing in extent within these boundaries about 1 acre and 3 roods, together with the buildings thereon. From and out of these the undivided (67/240) shares.

Amount to be levied Rs. 1,322.26, with interest on Rs. 700 at the rate of 16 $\frac{1}{2}$  per cent. per annum from June 15, 1931, till November 3, 1931, and on Rs. 100 at 24 per cent. per annum from June 25, 1931, till November 3, 1931, and thereafter at 9 per cent. per annum till payment, less Rs. 125 recovered by sale of movables.

Deputy Fiscal's Office,  
Negombo, December 15, 1936.

A. W. ROSA,  
Deputy Fiscal.

### Central Province.

In the District Court of Colombo.

Brooke Bond (Ceylon), Limited . . . . . Plaintiffs.

No. 1,478.

Vs.

Punchi Banda Nugawela of Arambegama Walawwe,  
Werellegama, Kandy . . . . . Defendant.

NOTICE is hereby given that on Saturday, February 6, 1937, commencing at 2 p.m., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 247 dated September 29, 1933, and attested by Ivor Stewart de Saram 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 15, 1935, for the recovery of the sum of Rs. 3,838.75, together with the interest thereon at the rate of 9 per cent. per annum from July 31, 1936, till date of payment in full and costs of suit Rs. 858.61 and poundage, viz. :—

1. All that allotment of land called and known as Pooragodehena of about 1 amunam in paddy sowing extent, situated at Alagoda Galasiyapattu of Harispattu in the District of Kandy, Central Province of the Island of Ceylon; bounded on the east by the limit of Gallangehena, south by Kandaheeriya of Ukku Banda's chena, west by Mala-ela of Loku Kumarihamy's land and fence, and on the north by oya.
2. All that allotment of land called and known as Amunegawahena of 3 pelias in paddy sowing extent, situated at Alagoda aforesaid; and bounded on the east by the fence of Loku Kumarihamy's land, south by Kandaheeriya, west and north by oya.
3. All that allotment of land called and known as Henegederapitiyahena of about 1 amunam and its field called Wewedeniya of 8 lahas in paddy sowing extent, both of about 1 amunam and 8 lahas, situated at Dombagammana in Galasiyapattu aforesaid; and bounded on the east by the field called Imbuledeniya, south and west by Alagodagam-ima, and north by ditch and Imbuledeniya.
4. All that allotment of land called and known as Henegederapitiya of 15 lahas in paddy sowing extent, situated at Dombagammana aforesaid; bounded on the east by fence of Amunepela Hawadiya's hena, south by Kandaheeriya, west by Kandaheeriya, and north by ella and fence of Bodiya's land.
5. An undivided  $\frac{1}{2}$  part or share from and out of all that allotment of land called and known as Henegederapitiya of 6 pelias in paddy sowing extent; bounded on the east, south, and north by field, and west by fence Ambeddenahena, and situate at Dombagammana aforesaid.
6. All that allotment of land called and known as Dunugepattehena of about 2 pelias and 5 lahas in paddy sowing extent, situated at Dombagammana aforesaid; and bounded on the east by Milledagabangkumbure-ella, on the south by agala of Manabilligolle, on the west by Mara-ela of Redeegammanahena, and on the north by the ella of Dunugepattekumbura.
7. An undivided  $\frac{1}{2}$  part or share of and in all that allotment of land called Hurigollehena situated at Warakadeniya in Galasiyapattu aforesaid; bounded on the east by ella of fields, south by agala of Punchagewatta, west by Gangima, and north by agala of Gallindakotuwa; and containing in extent 1 amunam and 2 pelias of paddy sowing.
8. An undivided  $\frac{9}{10}$  part or share of and in all that eastern portion of 2 pelias in paddy sowing extent from and out of all that allotment of land called Noolpalemanambiligollehena of 1 amunam in paddy sowing extent, situated at Warakadeniya aforesaid; which said eastern portion is bounded on the east by three feet road and the ella of Millagasange, south by above the ella of Malhatigalawela, west by the limit of the remaining portion of the same land, and north by the ditch of the Redeegammanahena.
9. An undivided  $\frac{1}{2}$  part or share of all that allotment of land called Ilangantenne-arambe of 2 pelias in paddy sowing extent, situated at Warakadeniya aforesaid; and bounded on the east by below Alutweediyegegerahena, south by the ditch of Vidana Henaya's chena, west by above the ella of Poorankumbura belonging to Vidane Henaya, and on the north by the fence of Alutweediyegegerahena.
10. All that allotment of land called Etambegasgodahena of 11 pelias in paddy sowing extent, situated at Warakadeniya aforesaid; and bounded on the east by the fence of Kudahenayagehena, on the south by the village limit and by the portion of Etambegasgodahena sold to Hawadiya Veda, on the west by the jak tree and the mora tree, on the limit of Liyangastennearambe, and on the north by the fence of Alutweediyegegerawatta.
11. All that allotment of land called Etambegegasgodahena of 3 pelias paddy sowing extent, situate at Warakadeniya aforesaid; bounded on the east by the ditch of Rankiri's land, on the south by above the agala of Alutweediyegegerawatta, on the west also by above the agala of Alutweediyegegerawatta, and on the north by the ella of Alupotha.
12. All that allotment of land called Etambegasgodahena of 3 amunams of paddy sowing extent, situate at Warakadeniya aforesaid; and bounded on the east by the agala of Walawvehena, on the south by the fence of Lensuwahenaya's chena, on the west by above the arambe, and on the north by the fence of Alupothakotuwa, all which said lands described under Nos. 9, 10, 11, and 12 adjoin each other form one property; and are together bounded on the east by the village limit of Palipane and by the fence of Alupothakotuwa, on the south by the fence of the aramba belonging to Nugawela Ratemahatmaya and others, on the west by above the bank of Poorankumbura, on the north by the fences of the arambe of Gederawatta belonging to Alutweediye Vidane Henayalagegedera Pusumba Henaya and Alutweediye Veda Henayalagegedera Suddaya and by above the ella of Alupothewela, and registered in Kandy H 118/322.
13. All that allotment of land called Mulhathigalahena of 2 pelias paddy sowing extent, situate at Warakadeniya aforesaid; and bounded on the east by the limit of Lensuwa Henaya's chena, on the south by Mahakumburawatta, on the west by Deniye-ella and Mulla-ela, and north by the limit of Dodantennehena.
14. All that allotment of land called and known as Henegederapitiyahena of 3 pelias in paddy sowing extent, situate at Alagoda in Galasiyapattu aforesaid (save and except the house standing thereon and a piece of ground of 2 lahas in paddy sowing extent to the south of the land); and bounded on the east by below the agala of Ankandegollehena, south by oya, west by above the Asweddumekumbura and Galange Vedarale's kumbura, and on the north by Mala-ela of Udagederahena.
15. An undivided  $\frac{1}{2}$  part or share of and in all that allotment of land called Henegederapitiyahena of 12 lahas paddy sowing in extent, situate at Alagoda aforesaid; bounded on the east by Gamima, on the south by the limit of the land belonging to Anula Dunuwila Nugawela Kumarihamy, on the west by the ella of wela, and on the north by ditch of the Galangehena.
16. All that allotment of land called and known as Mahakumburedeniya of about 5 lahas paddy sowing in extent, situated at Warakadeniya aforesaid; bounded on the east by the ella of Mahakumburewatta, on the west and north by the Mala-ela and below the Imbulgaha, and on the south by the inniyara of Maddegodakumbura.
17. All that allotment of land called Gooruketehena of 18 lahas in paddy sowing extent, situated at Alagoda aforesaid; and bounded on the north and east by Ambeddenahena, south by Gederawatta, and west by Pitiyegerahena.
18. All that allotment of land called and known as Manabilligollehena of about 2 pelias in paddy sowing extent, situate at Dombagammana in Galasiyapattu aforesaid; and bounded on the east by the fence of Gamegurunnansalagehena, on the south by the agala of Ambagodahena, on the west by the ella of deniya, and on the north by the Redeegammana field.
19. All that allotment of land called and known as Nugentennehena of about 3 pelias in paddy sowing extent, situate at Alagoda aforesaid; and bounded on the east by the agala of Manabilligolle, on the south by the ella of Adadudeniya, on the west by Gansabhawa road, and on the north by the fence of Redeegammanahena.
20. All that allotment of land called Kotenagalawatta of about 1 amunam in paddy sowing extent, situated at Alagoda aforesaid; and bounded on the east by the jak tree standing on Loku Kumarihamy's land and the fence, south by above the ella of the field, west by oya, and on the north by the fence of the land belonging to Tikirale.
21. All that tea and rubber estate called and known as Poojapitiyewatta, situated at Paranagadeniya, Warakadeniya, and Palipana in Galasiyapattu aforesaid and at Poojapitiya in the Medasiyapattu of Harispattu aforesaid; bounded on the east by Francina's garden, on the south by the fence of Bototogederawatta, on the west by the fence of Loolpalahena, and on the north by the limit of Hadirankumbura and by the limit of Oliyange; and containing in extent about 14 acres.
22. An undivided  $\frac{4}{8}$  parts or shares of and in all that allotment of land called Edandugodahena or watta of 3 pelias in paddy sowing extent, situated at Balawatgoda in Kulugammanasiyapattu of Harispattu aforesaid; and bounded on the east by Biliuchakotuwhena, on the south by the limit of Totapitiyehena, on the west by kumbure-ella, and on the north by ditch of Arambegamawalawwhena, and all the crops and produce growing and gathered thereon and at any time and from time to time and at all times hereafter to be growing and gathered thereon and all the buildings, tools, implements, cattle, carts, motor cars, motor lorries and other the dead and live stock which may now or hereafter be in and upon the said premises or thereto belonging or in anywise appertaining or usually held, occupied, used, or enjoyed therewith or reputed or known to belong or be appurtenant thereto, and all rights, ways, privileges, easements, servitudes, and appurtenances whatsoever to the said premises belonging or in anywise enjoyed

therewith or reputed to belong or be appurtenant thereto, and all the estate, right, title, interest, property, claim, and demand whatsoever of the defendant in, to, out of, or upon the same.

*Note.*—Lots 1 to 21 comprise one property called Puja-pitiya estate, and will be sold together as such. Lot 22 will be sold separately.

Fiscal's Office,  
Kandy, December 18, 1936.

H. C. WIJESINHA,  
Deputy Fiscal.

In the District Court of Kandy.

Weerahennedige Thomas Francis Fernando of  
Hedeniya ..... Plaintiff.  
No. 41,076. Vs.

Kebellange Panikkayagedara Suramba of Kandan-  
hena in Medasiyapattu ..... Defendant.

NOTICE is hereby given that on Saturday, January 23, 1937, commencing at 2 P.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 32 dated June 7, 1927, and attested by M. J. Perera of Kandy, 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 November 13, 1936, for the recovery of the sum of Rs. 1,587.50, with interest thereon at the rate of 9 per cent. per annum from May 26, 1931, till payment in full and costs of suit and poundage, viz. :—

1. An undivided  $\frac{1}{2}$  share of the land called Aswedduma, kumbura of 16 lahas in paddy sowing extent, situate at Kandanhena in Medasiyapattu of Harispattu in the District of Kandy, Central Province; and bounded on the east and south by Rānkendapola-oya, west by Tikiñ Panikkaya's garden, and north by Asweddumakumbura; and registered under H 67/80.

2. An undivided  $\frac{1}{2}$  share of the land called Kebellandehena of 3 pelas and 5 lahas paddy sowing in extent, situate at Kandanhena aforesaid; and bounded on the east by Soma Panikkaya's garden, south by the fence of Pallegederawatta, west by the fence of Aswedduma-oya, and north by Kurukudewatta. Registered under H 67/81.

3. An undivided  $\frac{1}{2}$  share of all that land called Kebellandekotuwehena of 1 pela paddy sowing extent, situate at Kebellande in Medasiyapattu of Harispattu aforesaid; and bounded on the east by the fence of Gederawatta, south by Government road, west by the fence of Gederawatta, and north by Mala-ela; and registered under H 67/82.

4. An undivided  $\frac{1}{2}$  share of all that land called Mahakotuwehena of 8 lahas in paddy sowing extent and situate at Kebellande aforesaid; and bounded on the east and south by the ditch, west by Mudunemaditte, and north by Mala-ela; and registered under H 67/83.

5. All that land called Yaddessalagegederawatta of 1 pela in paddy sowing extent, situate at Kandanhena aforesaid; and bounded on the east by Wele-ela, south by fence, west by ella of Berakaraya's field and north by fence; and registered in H 91/100, and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,  
Kandy, December 15, 1936.

H. C. WIJESINHA,  
Deputy Fiscal.

In the District Court of Kandy.

George Ermenst de La Motte of Kandy ..... Plaintiff.  
No. 44,909. Vs.

Saik Madar Saibo's son, Seyado Ahamado Meera  
Saibo of Uda Talawime Madige in Lower  
Dumbara ..... Defendant.

NOTICE is hereby given that on January 30, 1937, commencing at 2 P.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 618 dated June 22, 1929, and attested by M. J. Taylor of Kandy, 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 December 10, 1935, for the recovery of the sum of Rs. 4,600, with interest on Rs. 2,500 at 18 per cent. per annum from February 26, 1934, until decree and thereafter on the aggregate amount at the rate of 9 per centum per annum from date of decree until payment in full and poundage, viz. :—

1. Mihirimullekumbura of 12 lahas in paddy sowing extent, situate at Miyanpaya in the Udasiyapattu of Uda Dumbara in the District of Kandy, Central Province; and bounded on the east by the limit of the field of Pallegedera Ganithaya, south by Helagolla-ela, west by the limit of

the garden appurtenant to this field, and north by the limit of Ganithayagewatta, which said Mihirimullekumbura is otherwise bounded on the east by the limitary road to Pallegederakumbura, south by the oya, west by the fence of Kolombowatta, and north by the fence of Pallegederawatta.

2. All that land called Kolambewatta of about 1 chundu in kurakkan sowing extent, situate at Miyanpaya aforesaid; and bounded on the east by the limit of Mihirimullekumbura, south by oya, west by the limit of Kalamedulegederawatta, north by the limit of Pallegederawatta.

3. Wekadekumbura of 1 amunam in paddy sowing extent, situate at Pallewela in Gandeke korale of Uda Dumbara aforesaid; and bounded on the east by the limit of Nikelankekumbura, south-west and north by Heenekelgomuwa.

4. Elhenkotuwekumbura of 5 lahas in paddy sowing extent and the adjoining Gurunnehelegegederawatta of about 3 measures in kurakkan sowing extent, situate at Pallewela aforesaid; and bounded on the east by oya, south by ditch and stone fence, west by the road to Wekade, and north by Medalandehena.

5. All that southern portion of Liyangollakumbura of 1 amunam in paddy sowing extent and the adjoining Liyangollehena of 20 seers in kurakkan, situate at Pallewela aforesaid; and bounded on the east and south by oya, west by Heenidetta and the limit of the remaining portion of this field, and north by Tholonemadittakumbura and Henagalweta.

6. Kapukotuwakumbura of 1 amunam in paddy sowing extent and the adjoining chena of about 24 measures in kurakkan sowing extent, situate at Pallewela Munemalpelesse in Gandeke korale aforesaid; and bounded on the east by road, south by stone fence of Tholonemadittahena, west by oya, and north by kandura.

7. Wahupelpitiyekumbura of 15 lahas in paddy sowing extent and the adjoining wanata of about 4 measures in kurakkan sowing extent, situate at Gerendigolla in Gandeke korale aforesaid; and bounded on the east by Elakandura, south by the limit of Gammahekumbura and the limit of Appullanagekumbura, west by ditch, and north by Dowe-ela.

8. Egodawelapitahakumbura of 5 pelas in paddy sowing extent and the adjoining wanata of 2 pelas in kurakkan sowing extent, situate at Udawatta in Kandepahale korale of Uda Dumbara aforesaid; and bounded on the north by road to Wilgomuwa, east and south by oya, west by the limit of the field of Ukkuwa Heneya, excluding however from the Kumburehima (low land) a portion in extent of 1 pela in paddy sowing.

9. Kahatagaspitiyeaswedduma of about 1 amunam in paddy sowing extent, situate at Udawatta aforesaid; and bounded on the north by the limit of Narangahakumbura, on the east by the limit of the chena of Kiri Banda, late Korala, south by the limit of Bogahirekumbura and Kumbukwetiya, and west by the water flowing ditch of Pallekumbura belonging to Kiri Banda Arachy. All these lands are registered under F 90/45, 46.74/136, 138, 55/377, 74/134, 135, 139, and all the right, title, interest, and claim whatsoever of the defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,  
Kandy, November 12, 1936.

H. C. WIJESINHA,  
Deputy Fiscal.

In the District Court of Kandy.

Kana Runa Muna Iththanna Thoona Muttu Caruppen  
Chettiyar, by his attorney Ana Palaniappa Chettiyar  
of Nawalapitiya ..... Plaintiff.

No. 46,619. Vs.

(1) Mohammado Lebbe's daughter, Balkis Umma, (2)  
Watagodagedara Mohammad Lebbe Ismail Lebbe,  
both of Nawalapitiya ..... Defendants.

NOTICE is hereby given that on Saturday, January 30, 1937, at 12 noon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 1,931 dated December 4, 1928, and No. 2,244 dated November 16, 1927, both attested by P. Chas. Dias of Nawalapitiya, 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 October 23, 1936, for the recovery of the sum of Rs. 1,030, with interest thereon at the rate of 9 per cent. per annum from May 12, 1936, till payment in full and poundage, viz. :—

One undivided  $\frac{1}{2}$  part or share from and out of all that land called Watagodawatta of 3 lahas in paddy sowing extent in the whole, situate at Nawalapitiya in Pasbage korale of Uda Bulatgama, Kandy District, Central Province; and bounded in its entirety on the north by water-course,

east by water-course, south by the wall of the house of Abdul Rahiman Lebbe Adam Lebbe and by jak tree in a straight line, and west by the limit of Modimiya's garden and the boundary of Madar Lebbe's land, together with the entirety of the buildings and a like share of everything thereon, and registered in L 38/116 and all the right, title, interest, and claim whatsoever of the said defendants in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,  
Kandy, December 15, 1936.

H. C. WIJESINHA,  
Deputy Fiscal.

In the District Court of Kandy.

Walter Wijenaike of Kandy ..... Plaintiff.  
No. 47,334. Vs.

Muna Muttusamy's son, Kandasamy of Hurukaduwa  
Madige in Udagampaha of Pata Dumbara ... Defendant.

NOTICE is hereby given that on Friday, January 15, 1937, at 2 p.m., will be sold by public auction at premises the following property mortgaged with the plaintiff by bond No. 1,534 dated May 14, 1926, and attested by E. H. Wijenaike of Kandy, 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 November 20, 1936, for the recovery of the sum of Rs. 4,151, with interest on Rs. 2,500 at 11 per cent. per annum from February 14, 1936, till April 23, 1936, and thereafter on the aggregate amount at the rate of 9 per cent. per annum from April 23, 1936, till payment in full and costs of suit and poundage, viz. :—

All that portion of land being lot No. 2 in the plan of survey dated July 22, 1923, and made by H. Keyt, Licensed Surveyor; containing in extent according to the said survey 10 acres 2 roods and 39 perches from and out of all that estate called and known as Nikketiya estate, situate at Hurukaduwa Madige in the Udagampaha korale of Pata Dumbara in the District of Kandy, Central Province; which said portion of land is bounded on the east by oya, a paddy field, and Letchimi Amma's field, south-east by Minahenaya's cocoa garden and wanata belonging to Pitakarayagedera Henaya, south and south-west by lot No. 4 of the said estate, west by lot No. 1 of the said estate, and north by fence of Tikiri Karumandie's garden, lot No. 2 of the same land and the fence of Selan Kangany's garden, and registered in E 192/261, and all the right, title, interest, and claim whatsoever of the defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,  
Kandy, December 10, 1936.

H. C. WIJESINHA,  
Deputy Fiscal.

In the District Court of Nuwara Eliya.

V. E. K. R. Karuppiyah Pillai and (2) V. E. K. R.  
Savumiamoorthy, both of Ramboda ..... Plaintiffs.

No. 1,836. Vs.

(1) Siriwardhana Mudiyansele Kiri Banda and wife  
(2) Jayasundara Mudiyansele Mutu Menika  
Kumarihamy, both of Tispene in Kotmale .. Defendants.

NOTICE is hereby given that on Monday and Tuesday, February 1 and 2, 1937, 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. 6,503.65 being the aggregate amount of the principal, interest, and costs due in respect of mortgage bond No. 1,242 dated January 5, 1931, and attested by Victor de Vos, Notary Public, together with further interest on the sum of Rs. 5,962.09 at 15 per cent. per annum from August 1, 1935, till October 11, 1935, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit as taxed by the officer of the court and poundage, viz. :—

February 1, 1937, commencing from 2 p.m.

1. All that allotment of land called Alakolawewatta, situated at Niyangandora in Udapona korale of Kotmale division in the District of Nuwara Eliya, Central Province; and bounded on the north by a water-course and all other

sides by land claimed by natives; containing in extent 3 roods and 19 perches according to the survey and description thereof authenticated by R. S. Templeton, Surveyor-General, bearing date May 30, 1911, No. 277,245.

2. All that allotment of land called Harimana alias Hurimanawatta of about 2 pelas in paddy sowing extent, situated at Otalawa in Udapona korale aforesaid; and bounded on the east by the boundary of Mahatmaya's land, on the south by the main road, on the west by the boundary of Mahatmaya's land, and on the north by the land belonging to Kankanigedera people and the 3 f. road.

3. All that divided southern portion of about 3½ acres in extent out of Radapelimaditthena and the adjoining Kankanigederawatta, both situated at Otalawa or Niyangandora aforesaid; and which said divided southern portion is bounded on the east by the cart road leading to Pundaluoya, on the south by the boundary of Gunawardhana's land, on the west by the Road Committee road, and on the north by the remaining portion of this land being the divided southern portion out of the said Radapelimaditthena and Kankanigederawatta of 3 ammans and 3 pelas in paddy sowing extent in the whole, and bounded in the entirety on the east by the cart road leading to Pundaluoya, on the south by the boundary of Gunawardhana's land, on the west by the Road Committee road, and on the north by the ditch of the land belonging to Mackey.

Which said lands numbers 2 and 3 adjoin each other and now formed one property called and known as Hurimanawatta, situated at Otalawa or Niyangandora aforesaid; and bounded on the north by Hurimanawatta belonging to Mudiyanse and the land called Hurimana belonging to Welagedera, R. M., on the east and west by Medatenna estate, and on the south and south-east by road leading to Pundaluoya; containing in extent 4 acres 1 rood and 25 perches according to the survey and description thereof dated December, 1927, and made by V. J. Claud Jonklass of Kandy, Licensed Surveyor.

4. All that portion lying below the high road of about 5 lahas paddy sowing or 1 rood and ½ perch in extent, according to survey plan dated October 30, 1930, and made by the said J. C. Misso, out of all that allotment of land called Madawalayayehena, situated at Niyangandora aforesaid; and which said portion of land below the high road is bounded on the north by Gansabhawa road, on the east by high road, on the south by the stone fence of Patane Weerakoongederawatta, and on the west by stone fence of Kirihondewatta, with the house and boutiques standing thereon.

February 2, 1937, at 11 a.m.

5. All those contiguous allotments of land called Wagalayahena Atubendihinna and Welagamayahena, situated at Tispene village in Tispene korale, Kotmale aforesaid; and bounded on the north by reservation along the channel on the east by reservation for a road, on the south by Welagamayahena and Wegalayahenagammana said to be Crown and reservation along the road, and on the west by Wegalayahenagammana said to be Crown and reservation for a road; containing in extent exclusive of reservations 6 acres 3 roods and 16 perches according to the survey and description thereof authenticated by A. H. C. Dawson, Esq., Acting Surveyor-General, bearing date January 25, 1927, No. 382,589, excluding however therefrom the eastern portion marked 27 on the said plan No. 382,589 of the extent of about 2 acres 28 perches, sold upon deed No. 112 dated January 12, 1928, attested by J. P. Ratnayaka, Notary Public, and registered Q 55/42.

Deputy Fiscal's Office, C. J. OORLOFF,  
Nuwara Eliya, December 18, 1936. for Deputy Fiscal.

**Southern Province.**

31 In the District Court of Colombo.

Caralls, Limited, of Colombo ..... Plaintiffs.

No. 47,200. Vs. 39.

E. L. F. de Soysa of New Cross, Colpetty, presently of Rustoom estate, Moratuwa ..... Defendant.

NOTICE is hereby given that on Friday, January 29, 1937, commencing at 2.30 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 a sum of Rs. 1,507.30, together with further interest on Rs. 1,295.51 at 12 per cent. per annum from September 1, 1931, to July 24, 1936, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and his costs of this action (Rs. 314.97 being Rs. 201.17 incurred and Rs. 113.80 prospective), less the sum of Rs. 675, viz. :—

All that undivided  $\frac{1}{2}$  part of the property and premises called and known as Beruketiya estate, situated at Midigama in Weligam korale in the District of Matara, Southern Province; and bounded on the north by land described in plan No. 6,260/16,467, Madangaswatta and Batadombagahamulekumbura, east by land described in title plan No. 152,864 and 152,865 and Beruketiyakumbura, south by Kandaketiyedeniya, Delgahadeniya, Kandaketiyekumbure Galagahawatta and land described in title plan No. 134,712, and on the west by Dawatagahaowita, Delgahaowita, Delgahawalapingowita, Kenagahakumburewalamulledeniya, Walamulekumbura, Medadeniya, and Pahaladeniya; and containing in extent 172 acres and 36 perches.

Deputy Fiscal's Office,  
Matara, December 19, 1936.

H. V. F. ABAYAKOON,  
Additional Deputy Fiscal.

### Northern Province.

Adjournment of Fiscal's Sale in Writ No. 2,231 Spl.,  
D. C., Colombo, and C. M. S. 194 of 1934.

THE sale of the last-mentioned four properties (appearing in Gazette No. 8,254 of October 30, 1936, page 734, and numbered therein as 7, 8, 9, and 10) appointed to be held on Monday, November 23, 1936, has been adjourned for 10 A.M. on Saturday, January 23, 1937, at the spot.

Jaffna, December 18, 1936.

S. TURAIYAPPAH,  
for Fiscal.

In the Court of Requests of Point Pedro.

Valliammaipillai, widow of Somasundaram of Valveddy ..... Plaintiff.

No. 26,123.

Vs.

(1) A. Ragunathanai Thiagarasapillai and wife  
(2) Ponnukandu, both of Valveddythurai .. Defendants.

NOTICE is hereby given that on Saturday, January 16, 1937, at 10 o'clock in the forenoon, will be sold by public auction at the spots the right, title, and interest of the said 2nd defendant in the following property for the recovery of Rs. 256.95, with interest thereon at 9 per cent. per annum from January 23, 1933, and costs Rs. 27.33 and poundage and charges, viz. :—

1. An undivided  $\frac{1}{2}$  share of the ground, well, and spontaneous and cultivated plants of a piece of land situated at Valvettiturai in Uduppiddy parish, Vadamarachy division of the Jaffna District, Northern Province, called Peethianmanal, in extent 18  $\frac{3}{16}$  lachams varagu culture; and bounded on the east by Alagammah, daughter of Ramasamy, and others, north by Annapooranam, wife of Kanthappasegarar, and others, west by Sellammah, wife of Chelliah, and others, and south by road.

2. A piece of land situated at ditto called Anaivilunthan, in extent 1 lacham varagu culture and 7  $\frac{1}{2}$  kulies, with stone built house, kitchen, coconut trees, and well; and bounded on the east by Chellakandu, widow of Ratnasamy, north by Vairamuttu Sinnadurai, west by Thajalmuttu, wife of Sivasampu, and others, and south by Annapooranam, wife of Kanthappasegarar, and others.

*These lands are said to be under mortgage.*

*Also seized under Writ No. 27,675, C. R., Point Pedro.*

Fiscal's Office,  
Jaffna, December 18, 1936.

S. TURAIYAPPAH,  
for Fiscal.

In the Court of Requests of Kayts.

Maniar Ambalavanar of Karaitivu West ..... Plaintiff.

No. 1,955.

Vs.

(1) Murugar Ramanather and (2) wife, Parupathipillai,  
both of ditto ..... Defendants.

NOTICE is hereby given that on Saturday, January 30, 1937, at 3.30 in the afternoon, will be sold by public auction at the spots the right, title, and interest of the said defendants in the following property for the recovery of Rs. 298.08, with legal interest on Rs. 269.75 from March 14, 1936, till payment in full and poundage and charges, viz. :—

1. A piece of land situated at Thankodai in Karaitivu West, Islands division of the Jaffna District, Northern Province, called Kiravattai, in extent 6 lachams varagu culture, with house, well, palmyras, and plantations; and bounded on the east by Kathirasipillai and front of lane and Kasinather, north by Suntharammah, west by Rasaratnam, and south by Nagamuttu.

2. A piece of land situated at ditto called Kalliampidy, in extent 25 lachams p. c.; and bounded on the east by Kanapathy and shareholders, north by Kandiah and his brother and Kanthar, west by Kandiah, and south by Kanapathiar.

3. A piece of land situated at ditto called Manivilakai, in extent 10 lachams varagu culture, with palmyras, vadalies, and coconut trees; and bounded on the east and south by Kanapathipillai, west by seashore, and north by Ramanather.

4. A piece of land situated at ditto called Puvanachiam-pulam, in extent 6  $\frac{1}{2}$  lachams varagu culture; and bounded on the east by Murugar, north by Murugar, west by Nagamuttu, and south by Ramanather.

5. A piece of land situated at ditto called Puvanachiam-pulam, in extent 8  $\frac{1}{2}$  lachams varagu culture; and bounded on the east by Valliammai, north by Murugesu, west by Kanthar, and south by Arunasalam and others.

6. A piece of land situated at ditto called Kalavijathoddam, in extent 12  $\frac{1}{2}$  lachams varagu culture, with palmyras, vadalies, and spontaneous plants; and bounded on the east by Parupathy, north by lane and Ramanather and others, west by lane, and south by Paramasamy and others.

*These lands are said to be under mortgage.*

Fiscal's Office,  
Jaffna, December 21, 1936.

S. TURAIYAPPAH,  
for Fiscal.

### North-Western Province.

In the District Court of Kurunegala.

Abeykoon Mudiyansele Dingiri Banda of Panaliya ..... Plaintiff.

No. 17,764.

Vs.

(2) Rajapaksa Mudiyansele Tikiri Banda of Panaliya ..... Defendant.

NOTICE is hereby given that on Saturday, January 30, 1937, at 11 o'clock in the forenoon, will be sold by public auction at the premises, commencing from the first land the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 949.88, with legal interest thereon from June 7, 1935, till payment in full and costs Rs. 214.19, and poundage, viz. :—

1. An undivided  $\frac{1}{2}$  share of the land called Kalugalpaye-watta of 8 lachas kurakkan sowing extent, situated at Panaliya of Udapola Otota korale east in Dambadeni hatpattu in the District of Kurunegala, North-Western

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

31

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of D. S. Weerakoon of Galkissa, deceased. No. 7,826.

Lucy Eugenie Weerakoon of Galkissa ... Petitioner.

- (1) Edmund Henry Weerakoon, (2) Stanley Ernest Weerakoon, (3) Percy Douglas Weerakoon, (4) Arthur Harold Weerakoon, all of Galkissa; the 3rd and 4th respondents are minors appearing by their guardian ad litem the 2nd respondent above named ... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on November 20, 1936, in presence of Mr. P. S. P. Kalpage, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 18, 1936, having been read:

It is ordered (a) that the 2nd respondent be and he is hereby appointed guardian ad litem of the minors, the 3rd and 4th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before January 28, 1937, show sufficient cause to the satisfaction of the court to the contrary.

November 20, 1936.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Wahalatantrige Don Joseph Martinus Perera Senanayake of Pita Kotte in the Palle pattu of Salpiti korale, deceased. No. 7,833.

34

Wilfred Martinus Ratnayake of Boralleomuwa...Petitioner.

- (1) Dona Matilda Eugenia Arasinghe Ratnayake of Pita Kotte aforesaid, (2) Justin Isaac Perera Senanayake, (3) Francis Dharmadasa Perera Senanayake, (4) Mary Margaret Perera Senanayake, and (5) Tudor Stephen Perera Senanayake, all of Pita Kotte aforesaid ... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 1, 1936, in the presence of Mr. C. de Saram, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated November 24, 1936, and (2) of the attesting witnesses also dated November 24, 1936, having been read:

It is ordered that the last will of Wahalatantrige Don Joseph Martinus Perera Senanayake Jayawardene, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before January 28, 1937, show sufficient cause to the satisfaction of this court to the contrary.

Province; and bounded on the north by Kalugalpaye-mahagala, on the east by Siyambalagahamulahena Dingiri-appugehena and Mala-ela, on the south by Rammenikage-kumburepillewa, and on the west by Dingirihamge-narangahamulahena, Kalugalpayehena, and Mala-ela.

2. An undivided 1/4 share of the land called Kalugalpaye-watta of 1 thimba kurakkan sowing extent, situated at Panaliya aforesaid; and bounded on the north by limit of the land of Punchirala, on the east and south by limit of the land of Ranmenika, and on the west by Mala-ela.

3. An undivided 1/4 share of Hingurugollekumbura of 2 pelas and 5 lahas of paddy sowing extent and its adjoining Hingurugollewatta of 6 seers kurakkan sowing extent and Kalugalpayewatta of 2 lahas kurakkan sowing extent, situated at Panaliya aforesaid; and together bounded on the north and east by village limit of Walgama and tea estate, on the south by Malawitiyawatta of Appuhamy, Vel-Vidane, and on the west by gardens of Appuhamy, Vel-Vidane, and field and pillewa of Raumenika.

4. An undivided 1/4 share of Asseddumekumbura of 2 pelas paddy sowing soil and its adjoining pillewa of 4 seers kurakkan sowing extent, situated at Panaliya aforesaid; and together bounded on the north by field of Kiri Banda and others, on the east by the liminary stone on the limit of Moragahalanchena belonging to Kiri Menika and others, on the south by field of Kiri Banda, field of Appuhamy and others, and field of Appuhamy, Vel-Vidane, and on the west by Paluwatta belonging to Kiri Banda and others.

5. An undivided 1/4 share of Divigalewatta of 1 amunam paddy sowing extent, situated at Panaliya aforesaid; and bounded on the north by garden of Punchi Menika and limit of the garden of Appuhamy, on the east by limit of the tea estate, on the south by the limit of the tea estate, and on the west by land belonging to vihare and ditch of the garden of Punchi Menika.

6. An undivided 1/4 share of the land called Hitinawatta of 6 lahas kurakkan sowing extent, situated at Panaliya aforesaid; and bounded on the north by gardens of Kirihamy and Nambuhamy, on the east by garden of Kiri-menika and Mala-ela on the limit of the garden of Dingiri Appu, on the south by mukalana, and on the west by garden of Dingiri Appu.

7. An undivided 1/4 share of Hurigolle alias Nabiritta of 6 pelas of paddy sowing extent, situated at Panaliya aforesaid; and bounded on the north by garden of Ran Menika, on the east by galenda, on the south by tea garden and on the west by galenda on the limit of Mudalihamy's hena and galenda on the limit of the land of the temple.

8. An undivided 1/4 share of the land called Wetakoluwa-madewatta of 5 lahas kurakkan sowing extent, situated at Panaliya aforesaid; and bounded on the north by garden of Mudalihamy, on the east by garden of Piyadassi Unnanse, on the south by Galketiyawewatta of Rammenika and Kaluhamy's hena, and on the west by Morawillewatta of Kiribanda.

9. An undivided 1/4 share of Galketiyawewatta of 3 lahas kurakkan sowing extent, situated at Panaliya aforesaid; and bounded on the north by garden of Appuhamy, Vel-Vidane, on the east by the stone on the limit of the garden of Malhamy, on the south by garden of Appuhamy, Vidane, on the west by galenda on the limit of the garden belonging to the temple.

Fiscal's Office, Kurunegala, December 15, 1936. R. S. GOONESEKERA, Deputy Fiscal.

I, Ralph Marcus Meaburn Worsley, Fiscal for the Western Province, do hereby appoint Mr. P. W. E. de Silva to be Marshal for the District of Colombo, from December 24, 1936, to January 3, 1937, 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.

Fiscal's Office, Colombo, December 21, 1936.

R. M. M. WORSLEY, Fiscal.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

31

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Kaluaratchige Joseph Cooray Appuhamy of Layard's Broadway, Colombo, deceased. No. 7,834.

Gamage Dona Emaliana Gamine of 116, Layard's Broadway, Colombo. Petitioner.

Rs. 16 Vs. 16-29

(1) Kaluaratchige Lawrence Cooray of Kolonnawa, (2) ditto Ernest Cooray of Kosgama, (3) ditto Paulu Cooray of Meetotamulla, (4) ditto Martin Cooray of Shorts road, Slave Island, Colombo, (5) ditto Porolentina Cooray of Stace road, New Urugodawatta, (6) ditto Isabella Cooray of Kohilawatta Respondents.

in the presence of Messrs. Silva & Karunaratne, on the part of the petitioner, Margaret Abeynayake ; and the affidavit of the said petitioner dated July 2, 1936, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents—(1) Soma Abeyanayake, (2) Marleena Abeyanayake, (3) Wimala Abeyanayake, (4) Jayatileka Abeyanayake by their guardian ad litem, Elizabeth Warakaulle of Ampitiya, Kandy—or any other person or person interested shall, on or before December 17, 1936, show sufficient cause to the satisfaction of this court to the contrary.

October 29, 1936. R. F. DIAS, District Judge.

Date for showing cause is extended for February 1, 1937.

December 17, 1936. R. F. DIAS, District Judge.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on December 1, 1936, in the presence of Mr. P. M. Seneviratne, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated December 1, 1936, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before January 28, 1937, show sufficient cause to the satisfaction of the court to the contrary.

December 1, 1936. G. C. THAMBYAH, District Judge.

In the District Court of Negombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Jayasekara Heeralupathirannehelage Peiris Appuhamy, Veda Mahatmaya of Matamma, deceased. No. 3,019.

Saparamadu Heeralupathirannehelage Martinahamine of Matamma. Petitioner.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Negombo, on November 2, 1936, in the presence of Mr. M. P. Jayawardane, Proctor, on the part of the petitioner ; and the petitioner's petition and affidavit dated November 2, 1936, and October 7, 1936, respectively, having been read :

It is ordered that the last will and testament of the above-named deceased, the original of which has been deposited in this court, be and the same is hereby declared proved, unless sufficient cause to the contrary is shown to this court on or before November 24, 1936.

It is further ordered that the petitioner be and she is hereby declared entitled, as the sole heir and beneficiary under the said last will, to have probate to same issued to her, unless any person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before November 24, 1936.

November 2, 1936. N. M. BHARUCHA, District Judge.

Time for showing cause against this Order Nisi is hereby extended to December 11, 1936.

November 24, 1936. N. M. BHARUCHA, District Judge.

Time for showing cause against this Order Nisi is hereby extended to January 8, 1937.

December 11, 1936. N. M. BHARUCHA, District Judge.

In the District Court of Kandy.

24

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Dahiwea Lyanage Don Martin de Silva Abeyanayake, deceased, of Colombo. No. 5,442.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on October 29, 1936,

In the District Court of Kandy.

25

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Walter Alexander Udu-gama Lissawa, J.P., U.P.M., of Maltale. No. 5,436.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on November 30, 1936, in the presence of Mr. P. B. Panabokke, Proctor, on the part of the petitioner, Uddagama Arupola Lokukumarihamy ; and the affidavit of the said petitioner dated May 7, 1936, and the attesting notary dated May 11, 1936, having been read :

It is ordered that the will of the above-named deceased, dated April 3, 1935, and now deposited in court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before January 25, 1937, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said petitioner is the executrix named in the said will and that she is entitled to have probate of the same issued to her accordingly unless any person or persons interested shall, on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

November 30, 1936. R. F. DIAS, District Judge.

In the District Court of Kurunegala.

25

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Joseph Benedict Tirunayakar, deceased, of Kurunegala. No. 4,274.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Kurunegala, on December 13, 1936, in the presence of Mr. A. B. C. de Soysa, Proctor, on the part of the petitioner ; and the affidavit of the petitioner dated November 18, 1936, having been read :

It is ordered that the will of Joseph Benedict Tirunayakar, deceased, dated March 26, 1936, and now deposited in this court, be and the same is hereby declared proved, unless the respondents, if any, or any other person or persons shall, on or before January 27, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Lucy Tirunayakar of Kurunegala is the executrix named in the said will and that she is entitled to have probate of the same issued to her accordingly, unless the respondents, if any, or any other person or persons shall, on or before January 27, 1937, show sufficient cause to the satisfaction of this court to the contrary.

December 13, 1936. JAMES JOSEPH, District Judge.

**PASSED ORDINANCES.***(Continued from page 916.)*

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

**No. 16 of 1936.**

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

R. E. STUBBS.

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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 Co-operative Societies Ordinance, No. 16 of 1936.

*Registration.*

Appointment of Registrar and Assistant Registrars. **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.

Societies which may be registered. **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.

(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.

Conditions of registration. **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.

(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.

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

(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.

Registration. **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.

Evidence of 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.

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

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.

Members not to exercise rights till due payment made.

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.

Restriction of membership in society.

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.

Contracts with society of members who are minors.

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.

Votes of members.

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.

Representation by proxy.

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.

Restrictions on transfer of share or interest.

(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.*

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.

Address of society.

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.

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

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.

Audit.

(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.*

Societies to be bodies corporate.

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.

Disposal of produce to or through society.

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—

- (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.

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

20 Subject to any 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, and in the case of immovable property, to any prior registered charge thereon—

- (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.

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

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.

Shares or interest not liable to attachment or sale.

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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.

Transfer of interest on death of member.

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

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.

**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.

Deposits by or on behalf of 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.

**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.

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

(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.

**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 :—

Register of members.

- (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.

**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.

Proof of entries in books of society.

(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.

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

Deposits of securities as pledges by a society.

- (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 a notice issued to 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.*

Power to exempt from stamp duty and registration fees.

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

(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.*

Restrictions on loans.

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.

(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.

Restrictions on borrowing.

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 other transactions with non-members.

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.

Investment of society's funds.

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.

(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.

Disposal of profits.

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:

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.*

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 authorised 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.

(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.*

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.

Dissolution.

(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.

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.

Cancellation of registration of society.

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 :

Effect of cancellation of registration.

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.

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.

Liquidation after cancellation of registration of society.

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—

Liquidator's powers.

- (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.

Power of Registrar to control liquidation.

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

- (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.

Enforcement of order.

**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.

(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.

Limitation of the jurisdiction of the civil 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.

Closure of liquidation.

**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.

(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.

#### *Disputes.*

45 (1) If any dispute touching the business of a registered society arises—

Settlement of disputes.

- (a) among members, past members and persons claiming through members, past members and deceased members, or
- (b) between a member, past member or person claiming through a member, past member or deceased member, and the society, its Committee or any officer of the society, or
- (c) between the society or its Committee and any officer of the society, or
- (d) between the society and any other registered society,

such disputes shall be referred to the Registrar for decision.

A claim by a registered society for any debt or demand due to it from a member, past member or the nominee, heir or legal representative of a deceased member, whether such debt or demand be admitted or not, shall be deemed to be a dispute touching the business of the society within the meaning of this sub-section.

(2) The Registrar may, on receipt of a reference under sub-section (1)—

- (a) decide the dispute himself, or
- (b) refer it for disposal to an arbitrator or arbitrators.

(3) Any party aggrieved by the award of the arbitrator or arbitrators may appeal therefrom to the Registrar within such period and in such manner as may be prescribed.

(4) A decision of the Registrar under sub-section (2) or in appeal under sub-section (3) shall be final and shall not be called in question in any civil court.

(5) The award of the arbitrator or arbitrators under sub-section (2) shall, if no appeal is preferred to the Registrar under sub-section (3) or if any such appeal is abandoned or withdrawn be final and shall not be called in question in any civil court.

#### *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.

Rules.

(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, the conditions to be complied with, and the forms of the bonds, instruments or other documents to be executed, by members applying for loans or cash credits, the period for which loans may be made or credits granted, and the maximum amount which may be lent and the maximum credit which may be allowed to individual members ;
- (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) 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.*

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 any society from requirements as to registration.

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.

Special power of Governor to exempt societies from provisions of Ordinance.

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" (එක්වත් සහකාර) or "Samupakara" (සමුපකාර) or in Tamil the word "Aikiyananaya" (ஐக்கிய நாளைய) forms part.

Restriction of use of word "co-operative".

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.

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.

Joint Stock Companies Ordinance and Trade Unions Ordinance not to apply.

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.

Savings for existing societies, rules, &c.

(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 authorised 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.

Repeal.

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

Passed in Council the Second day of December, One thousand Nine hundred and Thirty-six.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Fifteenth day of December, One thousand Nine hundred and Thirty-six.

G. M. RENNIE,  
Secretary to the Governor.