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## PART II.—LEGAL.

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## DRAFT ORDINANCES.

## MINUTE.

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

M. L. A. 532—L. D.—O 92/38

**An Ordinance to make special provision for the issue of licences for motor cars in respect of the year 1939.**

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 Licences (Transitional Arrangements) Ordinance, No. of 1938.

Licences under Ordinance No. 20 of 1927 for first quarter of 1939.

2 (1) Notwithstanding anything contained in the Motor Car Ordinance, 1927,—

(a) every licence issued for a motor car under that Ordinance before the thirty-first day of March, 1939, in respect of any period commencing on or after the first day of January, 1939, shall be expressed to be in force until, and shall cease to be in force on, the thirty-first day of March, 1939 ;

(b) the amount of the duty payable on any such licence for a motor car shall be one-fourth of the duty prescribed by that Ordinance for a motor car of that class or description :

Provided, however, that where the licence is issued on or after the first day of March, 1939, and it is shown to the satisfaction of the licensing authority that the motor car for which the licence is required has not been unlawfully used or possessed between the thirty-first day of December, 1938, and the date of issue of the licence, the amount of the duty payable on the licence shall be one-sixth of the duty prescribed by that Ordinance for a motor car of that class or description.

(2) Where the holder of any licence referred to in subsection (1) surrenders the licence to the licensing authority for cancellation, he shall be entitled—

(a) where the licence is surrendered on any date in January, 1939, to a refund of two-thirds of the amount of the duty paid on that licence ; or

(b) where the licence is surrendered on any date in February, 1939, to a refund of one-third of the amount of the duty paid on that licence.

(3) Save as otherwise expressly provided in this section, every motor car licence to which this section relates shall be issued in accordance with the requirements of the Motor Car Ordinance, 1927 ; and the provisions of that Ordinance shall apply accordingly.

Licences under Ordinance, No. 45 of 1938, for the period April to December, 1939.

3 In every case where a new licence expressed to come into force on the first day of April, 1939, is to be issued for any motor car at any time before that date, under the provisions of the Motor Car Ordinance, No. 45 of 1938, which, by Proclamation duly published in that behalf, have been brought into operation with effect from the tenth day of October, 1938, for the purposes of the issue of such licences, and the licensing authority is satisfied that on the date of issue of the new licence there is in force for that motor car a licence issued under the Motor Car Ordinance, 1927,—

(a) the duty payable on the new licence shall be three-fourths of the duty prescribed for a motor car of that class or description by the aforesaid provisions ;

(b) if the motor car is a hiring car or lorry, no fee shall be payable for the examination of the car prior to the issue of the new licence ; and

(c) save as provided in paragraphs (a) and (b), the new licence shall be issued in all respects in accordance with the aforesaid provisions of the Motor Car Ordinance, No. 45 of 1938.

*Objects and Reasons.*

The new Motor Car Ordinance will under the Proclamation published in Gazette No. 8,403 of October 8, 1938, come into operation on April 1, 1939, and, in view of the requirements as to third party insurance and of the new procedure for the licensing of omnibuses and lorries, all motor car licences to be in force on and after that date will have to be issued in accordance with the provisions of the new law.

2. It is therefore necessary to provide that licences issued in respect of the year 1939 under the Motor Car Ordinance, 1927, should cease to be in force on March 31, 1939, and that the duties payable on such licences should be a proportionate part of the duty ordinarily payable on yearly licences under that Ordinance.

Clause 2 of this Bill contains the legal provisions necessary to secure these objects.

3. Clause 3 of the Bill similarly provides that in the case of motor cars for which licences have been obtained under the Ordinance of 1927 for the first quarter of 1939, the duty payable on new licences for the period from April to December, 1939, shall be three-fourths of the duties payable under the new Ordinance No. 45 of 1938; and that in the case of hiring cars and lorries, in view of the fee already paid for the examination held before the issue of the licence for the first quarter, no fee shall be payable for the examination required before the issue of the new licence. No special provision is necessary as to the duty payable on any licence which is to come into force after April 1, 1939, because the new Motor Car Ordinance, No. 45 of 1938, which will be in operation at the time of the issue of such licences, will apply to all such cases.

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

Colombo, November 9, 1938.

### MINUTE.

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

L. D.—O 50/36

**An Ordinance to amend the Poisons, Opium, and Dangerous Drugs Ordinance, 1929.**

No. 17 of 1929.

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 Poisons, Opium, and Dangerous Drugs Amendment Ordinance, No. of 1938.

Short title.

2 Section 4 of the Poisons, Opium, and Dangerous Drugs Ordinance, 1929, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) thereof by the substitution in the definition of "Poison", for the words and figures "in Parts I and II", of the words and figures "in Parts I, II, and IIA".

Amendment of section 4 of Ordinance No. 17 of 1929.

3 Section 5 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Substitution of new section for section 5 of the principal Ordinance

5 (1) No person shall dispense or sell any poison except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance.

Restrictions on sale and dispensing of poisons.

(2) Where any person, who is permitted by the provisions of this Ordinance to dispense or sell poisons, ceases at any time to be entitled or to be qualified in accordance with those provisions to dispense or sell poisons, all such stock of poisons as may at that time be in his possession shall be disposed of by him within such period, in such manner, and in conformity with such restrictions or conditions, as may be prescribed by regulations. A sale of a stock of poisons effected by any person in accordance with such regulations shall not be deemed to be a contravention of the provisions of sub-section (1), notwithstanding that such person may not at the time of the sale be qualified in accordance with the provisions of this Ordinance to sell any poison.

4 Section 9 of the principal Ordinance is hereby amended by the repeal of sub-section (1) thereof and the substitution of the following new sub-section for that sub-section :—

Amendment of section 9 of the principal Ordinance.

"(1) (a) A person holding a licence from the local authority to sell specially prepared poisons by retail may sell such poisons subject to such restrictions or exceptions as may be prescribed by regulations.

(b) For the purposes of this section "specially prepared poisons" means poisons designed and intended to be used exclusively—

- (i) for the purposes of photography;
- (ii) in agriculture or horticulture;

- (iii) for the destruction of insects, fungi, bacteria or weeds ;
- (iv) for the preservation of skins or timber or for such other industrial purposes as may be prescribed by regulations ;
- (v) for the veterinary treatment of animals.”

Insertion of new section 17A in the principal Ordinance.

Sale of poisons in Part IIA of the First Schedule.

5 The following new section is hereby inserted immediately after section 17, and shall have effect as section 17A, of the principal Ordinance :—

“ 17A. (1) No person shall sell any poison included in Part IIA of the First Schedule, except on and in accordance with a prescription given by a medical practitioner, dentist, or veterinary surgeon, or by a Government Apothecary who, under section 43 (1) (a) or (b) of the Medical Ordinance, 1927, is entitled to practise medicine and surgery for gain.

(2) Sub-section (1) shall not apply to a sale of any of the poisons referred to therein to a pharmacist by a wholesale druggist in the ordinary course of wholesale dealing.

(3) For the purpose of this section a prescription shall —

- (a) be in writing, dated and signed by the prescriber with his usual signature, set out his surname and address, and specify the name and address of the person for whose use the prescription is given, the total amount of the poison to be supplied on the prescription, and the dose to be taken ;
- (b) where it is given by a dentist, be marked “ For dental treatment only ” or, where it is given by a veterinary surgeon, be marked “ For animal treatment only ” ;

(4) The person dispensing the prescription shall comply with the following requirements :—

- (a) the prescription must not be dispensed more than once unless the prescriber has stated thereon that it may be dispensed more than once ;
- (b) if the prescription contains a direction that it may be dispensed a stated number of times or at stated intervals, it must not be dispensed otherwise than in accordance with such direction ;
- (c) at the time of dispensing there must be noted on the prescription, above the signature of the prescriber, the name and address of the person dispensing the prescription and the date on which it is so dispensed.

Substitution of new section for section 23 of the principal Ordinance.

Regulations for the purposes of this Chapter.

6 Section 23 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

23. Regulations may be made for the purposes of this Chapter—

- (a) prescribing the period within which, the manner in which, and the restrictions and conditions in conformity with which, any stock of poisons in the possession of any person referred to in section 5 (2) shall be disposed of by such person ;
- (b) imposing the restrictions or exceptions, and prescribing the industrial purposes, referred to in section 9 ;
- (c) restricting and regulating the possession and transport of poisons by persons who are wholesale druggists or holders of licences to sell specially prepared poisons by retail ; and
- (d) prescribing the nature or description and the quantities of the poisons which may be kept for sale and sold by persons who are wholesale druggists or holders of licences to sell specially prepared poisons by retail and the precautions to be taken in relation to such poisons by such persons.

Amendment of section 29 of the principal Ordinance.

7 Section 29 of the principal Ordinance is hereby amended by the substitution for the words “ into rope or cordage. ”, of the words “ into rope or cordage, or the transit, in accordance with the provisions of Chapter VI, of any article referred to in sections 26, 27 and 28, through Ceylon or the territorial waters or any port of Ceylon, whether with or without transshipment or unshipment. ”.

Amendment of section 32 of the principal Ordinance.

8 Section 32 of the principal Ordinance is hereby amended by the substitution, for the words “ or in accordance with ”, of the words “ or otherwise than in accordance with ”.

9 Section 33 of the principal Ordinance is hereby amended by the substitution, for the words "unless permitted by and in accordance with"; of the words "except as permitted by, or otherwise than in accordance with,".

Amendment of section 33 of the principal Ordinance.

10 The following new section shall be inserted immediately after section 45, and shall have effect as section 45A, of the principal Ordinance :—

Insertion of new section 45A in the principal Ordinance.

45A. Nothing in this Chapter shall affect the transit, in accordance with the provisions of Chapter VI, of any raw opium through Ceylon or the territorial waters or any port of Ceylon, whether with or without transshipment or unshipment.

Savings for raw opium in transit.

11 Section 49 of the principal Ordinance is hereby amended as follows :—

Amendment of section 49 of the principal Ordinance.

(1) in sub-section (1) thereof, by the substitution for all the words from "drugs" to "Schedule", of the following :—

"drugs, substances, articles or preparations, specified for the time being in Groups B and C, and all retail trade in any of the drugs, substances, articles or preparations, specified for the time being in Group B, in Part I of the Third Schedule,";

(2) in sub-section (2) thereof, by the substitution, for the words "in such wholesale trade", of the words "in the wholesale trade referred to in sub-section (1)"; and

(3) in sub-section (3) thereof, by the substitution for the words "of this chapter." of the words "of this chapter and such regulations as may be made in that behalf."

12 Section 50 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for the words "unless permitted by and in accordance with", of the words "except as permitted by, or otherwise than in accordance with,".

Amendment of section 50 of the principal Ordinance.

13 Section 52 of the principal Ordinance is hereby amended as follows :—

Amendment of section 52 of the principal Ordinance.

(1) by the renumbering thereof as sub-section (1) of section 52 ;

(2) by the substitution therein, for all the words from "unless" to "Director." of the words, "except as permitted by, or otherwise than in accordance with, the provisions of this Ordinance and a licence in that behalf from the Director." ; and

(3) by the insertion of the following new sub-section as sub-section (2) of section 52 :—

"(2) Where any person, who is permitted by this Ordinance and by a licence from the Director to administer, sell or supply dangerous drugs, ceases at any time to be entitled or to be qualified in accordance with the provisions of this Ordinance to administer, sell or supply dangerous drugs, all such stock of dangerous drugs as may at that time be in his possession shall be disposed of by him within such period, in such manner, and in conformity with such restrictions or conditions, as may be prescribed by regulations. A sale of a stock of dangerous drugs effected by any person in accordance with such regulations shall not be deemed to be a contravention of the provisions of sub-section (1), notwithstanding that such person may not at the time of the sale be qualified in accordance with the provisions of this Ordinance to sell any dangerous drug.

14 Section 64B of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Substitution of new section for section 64B of the principal Ordinance.

64B. Regulations may be made—

Regulations.

(a) for the restriction, control or supervision of the wholesale trade in any of the drugs, substances, articles or preparations, specified for the time being in Groups B and C, and of the retail trade in any of the drugs, substances, articles or preparations, specified for the time being in Group B, in Part I of the Third Schedule ;

- (b) for prescribing the manner in which the drugs, substances, articles or preparations, specified for the time being in Part I of the Third Schedule, shall be kept or stored ;
- (c) for prescribing the period within which, the manner in which, and the restrictions and conditions in conformity with which, any stock of dangerous drugs in the possession of any person referred to in section 52 (2) shall be disposed of by such person ; and
- (d) for exempting any drug, substance, article or preparation from all or any of the provisions of this Chapter, either absolutely or subject to such conditions as may be specified in the regulations.

Amendment of section 71 of the principal Ordinance.

15 Section 71 of the principal Ordinance is hereby amended in sub-section (3) thereof by the substitution, for the words "Regulations may be made", of the words "Regulations may be made prescribing the form of any licence under this Ordinance,".

Amendment of section 72 of the principal Ordinance.

16 Section 72 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for the words "Any member", of the words "The Director or an officer authorised by him in writing, or any member".

Amendment of the First Schedule to the principal Ordinance.

17 The First Schedule to the principal Ordinance is hereby amended as follows :—

(1) in Part II thereof, by the omission of—

- (a) the item commencing with the words "Diethyl-barbituric acid" and ending with the words "and ureides," ;
- (b) the item commencing with the word "Sulphonal", and ending with the words "or designation," ; and

(2) by the insertion therein, immediately after Part II, of the following new Part as Part IIA thereof :—

#### PART IIA.

*Poisons which may be sold by retail only upon a prescription. (Section 17A).*

Amidopyrine ; its salts.

Barbituric Acid ; its salts ; derivatives of barbituric acid ; their salts ; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance.

Dinitrocresols ; dinitronaphthols ; dinitrophenols ; dinitrothymols.

Phenylcinchoninic acid ; salicyl-cinchoninic acid ; their salts ; their esters.

Sulphonal ; alkyl sulphonals.

Amendment of the Third Schedule to the principal Ordinance.

18 The Third Schedule to the principal Ordinance is hereby amended by the repeal of Part I thereof, and by the substitution of the following for that Part :—

#### PART I.

Group A. (Sections 46 and 47 (1) ).

*Drugs, substances, articles, or preparations, the importation of which is totally prohibited.*

1. Any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was in use on or before the 13th day of July, 1931, for medicinal or scientific purposes.

Group B. (Sections 46, 47 (2), 48 (2), 49 (1), and 64B).

*Drugs, substances, articles, or preparations, to which the provisions as to importation, exportation and wholesale and retail trade apply.*

1. Medicinal opium, that is to say, raw opium which has undergone the processes necessary to adapt it for medicinal use in accordance with the requirements of the British Pharmacopoeia, whether it is in the form of powder or is granulated or is in any other form, and whether it is or is not mixed with neutral substances.

2. Any galenical preparation of the hemp plant.

3. Morphine and its salts, and diacetylmorphine (commonly known as diamorphine or heroin) and the other esters of morphine and their respective salts.

4. Cocaine (including synthetic cocaine) and ecgonine and their respective salts, and the esters of ecgonine and their respective salts.

5. Any solution or dilution of morphine or cocaine or their salts in an inert substance whether liquid or solid, containing any proportion of morphine or cocaine, and any preparation, admixture, extract, or other substance (not being such a solution or dilution as aforesaid) containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine or of ecgonine.

6. Any preparation, admixture, extract or other substance containing any proportion of diacetylmorphine.

7. Dihydrohydroxycodone, dihydrocodeinone, dihydromorphinone, acetyldihydrocodeinone, dihydromorphine, their esters and the salts of any of these substances and of their esters, morphine-N-oxide (commonly known as genomorphine), the morphine-N-oxide derivatives, and any other pentavalent nitrogen morphine derivatives.

8. Thebaine and its salts, and (with the exception of methylmorphine, commonly known as codeine, and ethylmorphine, commonly known as dionin, and their respective salts) benzylmorphine and the other ethers of morphine and their respective salts.

9. Any preparation, admixture, extract or other substance containing any proportion of any of the substances mentioned in item (7) or (8) of this Group.

Group C. (Sections 46, 47 (2), 48 (2), 49 (1), and 64B).

*Drugs, substances, articles, or preparations, to which the provisions as to importation, exportation and wholesale trade apply.*

1. Methylmorphine commonly known as codeine, and its salts.
2. Ethylmorphine commonly known as dionin, and its salts.
3. Any preparation, admixture or other substance (except syrupus Codeinae Phosphatis B.P.C. 1934) containing any proportion of methylmorphine (commonly known as codeine) or ethylmorphine (commonly known as dionin) associated with any inert substance whether solid or liquid, and to any preparation, admixture or other substance containing more than 2.5 per cent. of methylmorphine or ethylmorphine (calculated as pure drug) associated with any other medicinal substance.

Group D. (Sections 46, 47 (2), 48 (2), and 64A).

*Drugs, substances, articles, or preparations, to which only the provisions as to importation and exportation apply.*

1. Cereoli Iodoformi et Morphinae, B.P.C.
2. Emp. Opii, B.P. 1898.
3. Lin. Opii, B.P.
4. Lin. Opii Ammon., B.P.C.
5. Pasta Arsenicalis, B.P.C.
6. Pil. Hydrarg. C. Opii, B.P.C.
7. Pil. Ipecac. c. Scilla, B.P.
8. Pil. Plumbi c. Opii B.P.
9. Pil. Digitalis et Opii Co., B.P.C.
10. Pil. Hydrarg. c. Cret. et Opii, B.P.C.
11. Pulv. Cretae Aromat. c. Opii, B.P.
12. Pulv. Ipecac. Co., B.P. (Dover's Powder).
13. Pulv. Kino Co., B.P.
14. Suppos. Plumbi Co., B.P.
15. Tablettae Plumbi c. Opii, B.P.C.
16. Ung. Gallae c. Opii, B.P. (Gall and Opium Ointment).
17. Ung. Gallae Co., B.P.C.

Group E. (Sections 46 and 48 (1)).

*Drugs, substances, articles, or preparations, the exportation of which is totally prohibited.*

1. Diacetylmorphine, and its salts.
2. Any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf, not being a product which was in use on or before the 13th day of July, 1931, for medicinal or scientific purposes.

*Objects and Reasons.*

In the actual working of the Poisons, Opium and Dangerous Drugs Ordinance, 1929, which was brought into operation on January 1, 1936, a few amendments have been found to be necessary for making the control over the trade in poisons and dangerous drugs more effective and for facilitating the administration of the law. These amendments are dealt with in the present Bill, and their nature and objects are as follows :—

1. The amendments set out in Clauses 2, 5 and 17 are intended to restrict the sale of the drugs belonging to the Veronal Group of poisons by declaring it unlawful to dispense any such drug except on a prescription from a qualified practitioner.

2. It is proposed in Clause 3, to substitute for the existing section 5 a new section, which will set out the meaning more clearly and will contain an additional sub-section providing for greater control over stocks of poisons in the possession of a person who has ceased to be the holder of a licence or to be qualified to sell or dispense poisons. A corresponding amendment to section 52, to deal similarly with the case of dangerous drugs is set out in Clause 13.

3. The object of the amendment set out in Clause 4 is to specify the nature of the licences referred to in section 9 and to add the purposes of photography, and such industrial purposes as may be prescribed by regulations, to the list of special purposes in section 9 (1) of the Ordinance for which specially prepared poisons may be sold by licensed vendors.

4. The new section which it is proposed in Clause 6 to substitute for section 23 of the Ordinance will set out in greater detail the matters for which regulations have to be made for the purposes of Chapter II of the Ordinance.

5. The amendments set out in Clauses 7 and 10 are introduced at the instance of the Secretary of State for the Colonies, in order to make it clear that the provisions of Chapters III and IV of the Ordinance, prohibiting the possession of the hemp plant or the coca plant and regulating the possession and use of opium, are not to apply to such articles when they are in transit through Ceylon in accordance with the requirements of Chapter VI.

6. Clauses 8, 9 and 12 contain formal amendments designed to bring out the meanings of sections 32, 33 and 50 more clearly.

7. The amendments set out in Clauses 11 and 14 are intended to make provision for the regulation and control of the wholesale trade in the articles enumerated in Groups B and C, and the retail trade in the articles enumerated in Group B in Part I of the Third Schedule. The original intention was to control only the wholesale trade in the articles in Group C; but it has now been decided that wholesale and retail trade in the articles in Group B should also be brought under a system of licences and governed by regulations made in that behalf.

8. Power is to be taken by the amendment to section 71, which is contained in Clause 15, to prescribe the forms of the various licences that may be issued under the Ordinance.

9. The amendment set out in Clause 16 will extend to the Director of Medical and Sanitary Services and his staff the powers, now given by section 72 of the Ordinance only to police officers, to enter and inspect any premises where poisons or dangerous drugs are stored, dispensed or sold.

10. As numerous minor alterations have to be made in the headings to the various Groups in Part I of the Third Schedule, and as Group C in particular has to be amended in order to bring it into line with an Order in Council of 13th April, 1937, relating to substances containing ethylmorphine and methylmorphine, it is proposed in Clause 18 to replace the existing Part I by a new Part incorporating all the necessary alterations and amendments.

Colombo, November 8, 1938.

W. A. DE SILVA,  
Minister for Health.

#### MINUTE.

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

L. D.—O 93/38

**An Ordinance to make necessary provisions for the purpose of bringing into operation the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, and for other matters incidental to the purpose aforesaid.**

WHEREAS the Criminal Procedure Code, 1898, makes provision, *inter alia*, for a preliminary inquiry by a Magistrate in a case which appears not to be triable summarily but by a higher court and for the committal of the accused in any such case for trial before a higher court on the instructions of the Attorney-General :

And whereas by the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, other provision has been substituted for the preliminary inquiry by a Magistrate in any such case and for the direct committal by a Magistrate of the accused in any such case for trial before a higher court :



And whereas the first day of January, 1939, has been appointed as the date on which the said Ordinance shall come into operation :

And whereas it is expedient to make such provision as is contained in this Ordinance for the preliminary inquiry into and for the committal for trial of any such case, instituted under the provisions of the said Code prior to the said date, in which the statutory statement of such accused was recorded prior to the said date, and for other matters incidental to or consequential upon the amendment of the said Code by the said Ordinance :

Be it, therefore, 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 Criminal Procedure (Direct Committals) Transitory Provisions Ordinance, No. of 1938, and shall come into operation on the first day of January, 1939, hereinafter referred to as "the appointed date".

Short title and date of operation.

2 (1) Where in any non-summary case the statutory statement of the accused has been recorded by a Magistrate prior to the appointed date, non-summary proceedings in that case shall be continued and concluded in accordance with the provisions of the old law.

Procedure at non-summary inquiry where statutory statement of accused has been recorded prior to appointed date.

(2) Where in any case non-summary proceedings are continued under the old law in accordance with the provisions of sub-section (1), the Attorney-General may, in regard to any such case, exercise all or any of his powers under the old law, whether before or after that case is committed for trial before a higher court.

3 Subject as hereinafter provided, the trial before a higher court of any case committed for trial, whether under the old law or the new law, shall be heard and determined under the new law :

Procedure at trials held after appointed date.

Provided that the statutory statement of an accused person under the old law may be put in and read in evidence under the new law as though such statement had been made or recorded in accordance with the provisions of the new law.

4 Save as provided in this Ordinance, the provisions of the new law shall, on and after the appointed date, apply to every inquiry or trial of any accused person in any case.

Application of new law.

5 Notwithstanding anything in section 1 of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, or in any Proclamation published under that section of that Ordinance, sections 20 and 21 of that Ordinance shall not come into operation until such date (being a date not earlier than the thirty-first day of July, 1939) as the Governor may appoint by Proclamation published in the Gazette.

Operation of sections 20 and 21 of Ordinance No. 13 of 1938 deferred.

6 The Courts and Magistrates (Change of Designation) Ordinance, No. 20 of 1938, is hereby amended in section 8 thereof, by the substitution, for the definition of "appointed date" in that section, of the following definition :—

Amendment of section 8 of Ordinance No. 20 of 1938.

"appointed date" means the first day of January, 1939 ;

7 (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

"new law" means the Criminal Procedure Code, 1898, as amended by the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, or any other Ordinance ;

"non-summary proceedings", when used with reference to a non-summary case, includes all acts and proceedings incidental to or connected with that case, other than any act or proceeding in the court of trial ;

"old law" means the Criminal Procedure Code, 1898, as amended by any Ordinance other than the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938 ;

"statutory statement" means the statement made by the accused to a Magistrate in answer to the charge preferred against him in a non-summary case.

(2) This Ordinance shall be read and construed as one with the Criminal Procedure Code, 1898, and any Ordinance amending that Code.

#### *Objects and Reasons.*

By Proclamation published under section 1 of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, the first day of January, 1939, has been appointed as the date on which that Ordinance shall come into operation. It is

anticipated that on that date there will be pending in various courts non-summary proceedings in which statutory statements of accused persons have been recorded in compliance with the provisions of the old law.

2. The object of this Bill is to secure that the inquiry in such pending cases should be completed in accordance with the old law under which accused persons will be committed for trial on instructions issued by the Attorney-General. Any case in which process has been issued, but in which the statutory statement of the accused has not been recorded, will be proceeded with under the law as amended and the order for the committal of the accused for trial before a higher court will be made by the Magistrate on his own responsibility.

3. Sections 20 and 21 of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, amend the qualifications of jurors in criminal trials before the Supreme Court. Section 258 of the Code requires the Fiscal to revise the lists of jurors in the month of July each year. As the new law comes into operation on the 1st January, 1939, the jury lists which were revised in July, 1938, cannot be used if the new law relating to the qualifications of jurors is in force on that date. It is therefore proposed that the operation of the law relating to the amended qualifications of jurors should be deferred to a date which will be proclaimed after the next revision of the lists (Clause 5).

4. The principal purpose of Clause 6 is to enable "Magistrate's Court" and "Magistrate" to be substituted for "Police Court" and "Police Magistrate" in the forms which have been prepared and printed in anticipation of the procedure of direct committals by Magistrates, although the original intention was that the change of designation should not become effective until the new edition of the Enactments has been given legislative force.

Colombo, November 15, 1938.

J. C. HOWARD,  
Legal Secretary.

#### MINUTE.

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

L. D.—O 93/38

#### **An Ordinance to amend the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938.**

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 Criminal Procedure Code (Amendment) Ordinance, No. of 1938.

Amendment of section 41 of Ordinance No. 13 of 1938.

2 Section 41 of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, is hereby amended, in paragraph (9) of that section, by the substitution for the words "seventh column" of the words "eighth column".

Retrospective effect of this Ordinance.

3 This Ordinance shall be deemed to have come into force on the twelfth day of April, 1938, being the date on which the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, became law and took effect in accordance with the provisions of Article 74 of the Ceylon (State Council) Order in Council, 1931:

Provided that nothing herein contained shall be deemed or construed to bring into operation any provision of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, before the date appointed by Proclamation under section 1 of that Ordinance.

#### *Objects and Reasons.*

In section 41 of the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, the reference to the "seventh column" of the second schedule to the Criminal Procedure Code is a mistake for the "eighth column" of that schedule. The object of this Bill is to correct the error with effect from the date on which the Criminal Procedure Code (Amendment) Ordinance, No. 13 of 1938, became law.

Chambers, Hulftsdorp,  
Colombo, November 15, 1938.

J. C. HOWARD,  
Legal Secretary.

## DISTRICT AND MINOR COURTS NOTICES.

### Circuit Courts, Ratnapura District.

NOTICE is hereby given that the Circuit Courts, at Balangoda and Rakwana will be held by me on the dates given below :—

(These dates are subject to alteration.)

1939.	Balangoda.	Rakwana.
January ..	6, 7 and 20, 21	.. 13 and 27, 28
February ..	3, 4 and 17, 18	.. 10, 11 and 24, 25
March ..	3, 4 and 17, 18, 31	.. 10, 11 and 24, 25
April ..	1 and 21, 22	.. 12, 13 and 28, 29
May ..	5, 6 and 19, 20	.. 12, 13 and 26, 27
June ..	2, 3 and 16, 17	.. 9, 10 and 23, 24

LEONARD HAROLD DE ALWIS.

Police Magistrate and Commissioner of Requests.

Police Court,

Ratnapura, November 9, 1938.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

Insolvency No. 4,871. In the matter of the insolvency of Sana Navanna Sangara Navayana Ayer of Sea street, Colombo, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 6, 1938, to appoint an assignee.

By order of court, A. C. BELING,  
November 14, 1938. Secretary.

In the District Court of Colombo.

No. 5,202. In the matter of the insolvency of Gangodawilage Benjamin Perera carrying on business at 34, Dean's road, Maradana, Colombo, under firm, name, and style of G. Lawrence Perera & Co.

WHEREAS Messrs. Cargills, Ltd., Colombo, have filed a petition for the sequestration of the estate of the above-named G. B. Perera under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said G. B. Perera insolvent accordingly ; and that two public sittings of the court, to wit, on November 29, 1938, and on January 17, 1939, 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, A. C. BELING,  
November 3, 1938. Secretary.

In the District Court of Colombo.

No. 5,203. In the matter of the insolvency of Dingi Appuhamy Mudugamuwa Hawawasan Karunaratne of 617, Kolonnawa.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 13, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,  
November 8, 1938. Secretary.

In the District Court of Colombo.

No. 5,246. In the matter of the insolvency of Royden Peter Kelaart of 284/54, Grandpass, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 13, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,  
November 8, 1938. Secretary.

In the District Court of Colombo.

No. 5,296. In the matter of the insolvency of Peter Sales Caderamanpulle of 48, Vine street, Mutwal.

WHEREAS the above-named P. S. Caderamanpulle, has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. G. Ammayappa of Wattala, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said P. S. Caderamanpulle insolvent accordingly ; and that two public sittings of the court, to wit, on December 6, 1938, and on January 17, 1939, 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, A. C. BELING,  
November 4, 1938. Secretary.

In the District Court of Colombo.

No. 5,297. In the matter of the insolvency of Watutanttrige Victor Alwis of 47, Hampden lane, Wellawatta.

WHEREAS the above-named W. V. Alwis has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by W. S. Rodrigo of Mutwal, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said W. V. Alwis insolvent accordingly, and that two public sittings of the court, to wit, on December 6, 1938, and on January 17, 1939, 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, A. C. BELING,  
November 4, 1938. Secretary.

In the District Court of Colombo.

No. 5,298. In the matter of the insolvency of Valayaparanbil Kuttuny Kochunny and Valayaparanbil Kuttuny Sangaran, both of 13, St. Michael's road, Colpetty, Colombo.

WHEREAS the above-named V. K. Kochunny and V. K. Sangaran have filed a declaration of insolvency, and a petition for the sequestration of their estate has been filed by S. Mohamed of Maradana, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said V. K. Kochunny and V. K. Sangaran insolvents accordingly ; and that two public sittings of the court, to wit, on December 6, 1938, and on January 17, 1939, will take place for the said insolvents to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. C. BELING,  
November 5, 1938. Secretary.

In the District Court of Colombo.

No. 5,299. In the matter of the insolvency of Marikar Abdul Wahid of 281, Dean's road, Maradana, Colombo.

WHEREAS the above-named Marikar Abdul Wahid has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by T. B. A. Hamid of 182, Piachaud's lane, Maradana, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said Marikar Abdul Wahid insolvent accordingly ; and that two public sittings of the court, to wit, on December 13, 1938, and on January 17, 1939, 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, A. C. BELING,  
November 8, 1938. Secretary.

In the District Court of Colombo.

No. 5,300. In the matter of the insolvency of Aravilakath Keloth Kadar of 84, St. John's road, Pettah, Colombo.

WHEREAS the above-named A. K. Kadar has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. Abdulla of St. John's

road, Pettah, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said A. K. Kadar insolvent accordingly; and that two public sittings of the court, to wit, on December 13, 1938, and on January 17, 1939, 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, A. C. BELING,  
November 8, 1938. Secretary.

In the District Court of Colombo.

No. 5,301. In the matter of the insolvency of Alister Aubrey Keyt of Papeliyana estate, Nugegoda.

WHEREAS the above-named A. A. Keyt has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by G. J. Jackson of "Malwasa", Gangodawila in Nugegoda, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said A. A. Keyt insolvent accordingly; and that two public sittings of the court, to wit, on December 13, 1938, and on January 17, 1939, 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, A. C. BELING,  
November 8, 1938. Secretary.

In the District Court of Colombo.

No. 5,302. In the matter of the insolvency of Wahalantrige Edwin Leonard Ekanayake of 852, Gangodawila, Nugegoda.

WHEREAS the above-named W. E. L. Ekanayake has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by B. T. K. Preena of 55/38, Hill street, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said W. E. L. Ekanayake insolvent accordingly; and that two public sittings of the court, to wit, on December 13, 1938, and on January 17, 1939, 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, A. C. BELING,  
November 10, 1938. Secretary.

In the District Court of Nuwara Eliya.

No. 27. In the matter of the insolvency of Suppramaniam son of Nallamuttu of Nuwara Eliya.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 20, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, E. DE S. GUNAWARDENE,  
November 11, 1938. Secretary.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Colombo.

Ramasamy Chettiar, son of Karuppan Chettiar, carrying on business under the name, style, and firm of V. R. K. R. M. at 171, Sea street, in Colombo ..... Plaintiff.

No. 1,741/S. Vs. W. M. Abdul Hameed of Maradana ..... Defendant.

NOTICE is hereby given that on Monday, December 12, 1938, at 4 p.m., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 665.58, with legal interest thereon from April 15, 1937, till payment in full, less a sum of Rs. 300, viz. :—

An undivided  $\frac{1}{3}$  share of all those lands and premises bearing Nos. 498 1-12 and 14-20 and presently (Nos. 498, 500, 502, and 504), situated at 2nd Division, Maradana,

within the Municipality and District of Colombo, Western Province; and bounded on the north by assessment No. 488 of Dr. D. W. Perera, east by Maradana road, south by assessment No. 506 of Wijewardena, and on the west by the Municipal Market of Maradana; containing in extent 20 perches more or less.

Fiscal's Office,  
Colombo, November 16, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Avissawella.

Ranasinghe Mudiyansele Esceline Rodrigo of Udakanugala, administratrix over the estate of the late Jayaweera Hettimudiyansele Madduma Nilame of Udakanugala, only appointed in Testy. case No. 248 ..... Plaintiff.

No. 2,258. Vs.

(1) Wataraka Singappulige Singhone Appu, (2) Pandakkarakagama Nonohamy, (3) Wataraka Singappulige Hendrick Appu (dead), all of Umandola, in Gangaboda pattu of Siyane korale, (4) Ranasinghage Don Peduru Rodrigo Appuhamy of Palugama, (5) Ranasinghe Mudiyansele Don Brampy Appuhamy of Samanabedda (3rd represented by 2nd defendant) ..... Defendants.

NOTICE is hereby given that on Wednesday, December 14, 1938, commencing at 3 p.m., will be sold by public auction at the respective premises in their respective order the following property mortgaged with the plaintiff by bond No. 33031 dated December 10, 1930, and attested by D. J. Gunasekera, 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 6, 1938, for the recovery of the sum of Rs. 2,190, with further interest on Rs. 1,125 at 16 per cent. per annum from November 10, 1936, till date of decree (December 18, 1936), and thereafter on the aggregate amount at 9 per cent. per annum from date of decree, till payment in full, and costs of suit Rs. 210.90, viz. :—

1. An undivided  $\frac{11}{12}$  share of the land called and known as Kandewattakebella excluding therefrom an undivided extent of 2 acres, and situated at Umandola in Gangaboda pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by Galagawakumbura, east by Jagodigekumbura, south by the irawella of this land belonging to Ranasinghe Hendrick Appuhamy, and on the west by Kirivelgala; and containing in extent about 8 bushels of paddy sowing.

2. An undivided  $\frac{1}{3}$  share of the land called and known as Kandewattakebella, situated at Umandola aforesaid; and bounded on the north by live fence, east by Kahandawila, south by deniya and Kussiyalahakurugewatta, west by Kirindigala; and containing in extent about 4 bushels of paddy sowing.

3. An undivided  $\frac{1}{10}$  share of the land called and known as Kirindigalewatta, situated at Umandola aforesaid; and bounded on the north by the live fence of this land, east by wela, south by Kussiyalahakurugewatta and deniya, and on the west by Kirindigala; and containing in extent about 12 bushels of paddy sowing.

4. The land called Kirindigalewattakebella, situated at Umandola aforesaid; and bounded on the north by ima (limit) of the portion of this land belonging to Karonchi Appu, east by the ima of the portion of this land belonging to Pavistinahamy, south by the ima of the kebella of this land belonging to Karonchi Appu, on the west by Kirindigala; and containing in extent about  $1\frac{1}{2}$  bushels of paddy sowing.

5. An undivided  $\frac{1}{3}$  share of the land called and known as Kirindigalewatta, situated at Umandola aforesaid; and bounded on the north by wela, east by Nakandawela, south by Hakurugewatta and deniya, and on the west by Kirindigala; and containing in extent about 12 bushels of paddy sowing.

6. An undivided  $\frac{1}{3}$  share of the land called and known as Kirindigalahena alias Kandewatta, situated at Samanabedda in the Gangaboda pattu of aforesaid; and bounded on all sides by the land marked 12 in the preliminary plan No. 32; and containing in extent 2 acres 3 roods and 20 perches and all the right, title, interest, claim whatsoever of the said defendants in, to, upon, or out of the said several premises. Registered D 147/137, 74/159, 72/178, 55/20, 154/47, 160/80.

Fiscal's Office,  
Colombo, November 16, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

## In the District Court of Colombo.

Alexander Young (London), Limited, of 60, Fenchurch street, London ..... Plaintiffs.  
No. 7,745 (M). Vs. 29

(1) Mohamed Salle Neina Mohamed Natchia, (2) Mohamed Salle Mohamed Abdul Cader, both carrying on business in partnership under the name, style, and firm of N. M. Mohamed at 36, Dam street, Colombo ..... Defendants.

NOTICE is hereby given that on Tuesday, December 13, 1938, at 4 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 2,397.53, with interest thereon at 6 per cent. per annum from November 25, 1937, to date of decree (March 18, 1938), and thereafter on the aggregate amount of the decree at 9 per cent. per annum, till payment in full, less Rs. 119, viz. :—

All those premises bearing Municipal assessment No. 65/1, and presently bearing assessment No. 135/1, situated at Panchikawatta in Colombo, within the Municipality and District of Colombo, Western Province; bounded on the north by a passage, on the east by premises bearing Nos. 65 and 67 of Mohamed Haniffa, on the south by the property of late Abeyasinghe Mudaliyar, and on the west by a part of the same premises bearing assessment No. 65/2; containing in extent 4.47 perches. Registered A 179/178.

Fiscal's Office, J. R. TOUSSAINT,  
Colombo, November 16, 1938. Deputy Fiscal.

## In the District Court of Avissawella.

Arunal Chettiar son of Peruma of Morawatta, presently of Humbaswalana estate, Ruwanwella ..... Plaintiff.  
No. 2,464. Vs. 30

Amarasinghe Aratchillage Samanepi Singho, administrator of the estate of the late Amarasinghe Aratchillage Siyadoris Appu of Amitirigala ..... Defendant.

NOTICE is hereby given that on Monday, December 12, 1938, at 3.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 700, with interest thereon at the rate of 9 per cent. per annum from the date of decree till payment in full, and costs taxed at Rs. 94, viz. :—

All that portion of land in extent 6 acres separated from Horagollehenyaya, situated at Amitirigala in Dehigampal korale of Three Korales in the District of Kegalla, Province of Sabaragamuwa; which said portion is bounded on the north by ditch separating the said portion from this land given to Brampy to plant with coconut, and Mala-dola, east also by a portion of this land given to Brampy to plant with coconut, south by liminary track, and on the west by liminary track and Halgahahene Polwatta.

Valuation Rs. 1,200.

Fiscal's Office, S. AMIRTHALINGAM,  
Avissawella, November 10, 1938. Deputy Fiscal.

## In the District Court of Colombo.

Rosalin Wickremasinghe nee Weerakoon of Kollupitiya in Colombo ..... Plaintiff.  
No. 7,520. Vs. 30

Kurukulasooriya Ondatjie Mahapatabendirillage Peter Senanayake of Kadalana in Moratuwa in the Palle pattu of Salpiti korale, administrator of the estate of Vidanelage Simon de Mely deceased ..... Defendant.

NOTICE is hereby given that on Tuesday, December 13, 1938, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 3,000 and costs taxed at Rs. 278.49, viz. :—

1. All that allotment of land called Halpandenyahena together with the rubber plantation and all other trees and buildings standing thereon situated at Amupitiya village in the Palle pattu of Kuruwiti korale in the District of Ratnapura, Province of Sabaragamuwa; and bounded on the north by Ukkiridola and Ukkirigalahena of Mohottihamy and others, on the east by the lands of James Appuhamy and Serahamy and others and Mahawita-dola, on the south by Galendchenawatta of Leelawathie Ekanayake and others, and on the west by Halpandola-ela; containing in extent 16 acres 3 roods and 18 perches, as per plan No. 79 dated August 16, 1918, made by A. M. Perera, Licensed Surveyor; and registered in A 185/23.

2. At 3.30 p.m.—All that allotment of land called Halpandenyahena together with all the trees and plantations standing thereon, situated at Iddamalagoda in the Palle pattu aforesaid; bounded on the north by Halpandola-ela, on the east by Halpandola-ela, on the south by Gansabhawa road leading to village, and on the west by Gansabhawa road leading from Labugama to Colombo-Ratnapura high road; containing in extent 5 acres 3 roods and 30 perches as per plan No. 80 dated August 16, 1918, made by A. M. Perera, Licensed Surveyor; and registered in A 185/24.

Valuation Rs. 3,525.

Fiscal's Office, S. AMIRTHALINGAM,  
Avissawella, November 11, 1938. Deputy Fiscal.

## Central Province.

## In the District Court of Kandy.

Charles Premachandra Hettihewa Dharmaratne of Hurikaduwa in Lower Dumbara ..... Plaintiff.  
No. 46,444. Vs.

(1) Pelawa Vidanelegedara Adam Lebbe's son Noor Mohammado Lebbe, (2) Ummu Hafilah (dead), (3) Dehigahakotuwegedara alias Galgedara Sultan Lebbe's son Abdul Majeed, (4) Weerabahu Mudiyan-selage Mudiyanse Banda Weerabahu, all of Gunne-pane, Pata Dumbara ..... Defendants.

And 30

(1) N. Noor Mohammado Lebbe, (2) N. Abdul Hassan, (3) N. Sitti Umma, (4) N. Ummu Salma Umma, (5) N. Abdul Mufaf, 2nd and 5th by their guardian *ad litem* 1st substituted defendant, (6) P. Y. Moham-mado Lebbe, (7) A. Fakurdeen, (8) S. Abdul Majeed, the 7th by his guardian *ad litem* the 8th substituted defendant ..... Substituted defendants.

NOTICE is hereby given that on Monday, December 19, 1938, commencing at the time mentioned below will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 29,622 dated October 1, 1930, and attested by J. W. Wickremasinghe 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 May 28, 1937, for the recovery of the sum of Rs. 1,700 with legal interest thereon from June 18, 1936, till payment in full and the costs and poundage, viz. :—

Monday, December 19, 1938, at 2 p.m.

(1) One-third share towards the west in extent 13½ lahas in paddy sowing of 2 roods and 35 perches as per plan No. 2112 made by G. E. de La Motte of Kandy. Licensed Surveyor, out of all those contiguous lands called Kahatagaha-angearamba and Tibbotukotuwahena now garden both of about 1 amunam in paddy sowing extent in the whole, situate at Gunnepana in Udagampaha of Pata Dumbara, in the District of Kandy, Central Province, and registered under title E 166/300; which said ⅓ share is bounded on the east by the remaining portion of this land, south by the Kandaheeriya of Pansalekumbura, west by the fence of Punchirale's garden, and north by above the ella of Puwankumbura together with the tiled upstairs house, brick and tile kiln, buildings, plantations, and every other thing thereon, and registered in E 238/17.

(3) An undivided ⅓ share out of an undivided ⅓ share out of all that field called Henegedarakumbura of about 1 thimba paddy sowing extent and the garden in extent about 2 pelas paddy sowing in the whole, situated at Gunnepana aforesaid; and the entirety being bounded on the north by Balatota-ela, east by Koswatte Pancha Vidane's field and watta, south by fence of Palihena-walawwewatta, and west by Pansalekumbura and Balatota-ela, and registered in E 179/8.

(4) An undivided ⅓ share out of an undivided 2/5 shares of and in all that land called Godamadittekumbura of 1 pela paddy sowing extent in the whole, situate at Gunnepana aforesaid, and the entirety being bounded on the east by fence of the land on which the ambalana stands, and oya, south by oya, west by oya and the liminary ridge of Appuhamy's field, and north by the ella of Kalu Menika's watta, and registered in E 238/13.

Monday, December 19, 1938, commencing  
at 4 p.m.

(2) An undivided ⅓ share out of an undivided ⅓ share out of all those contiguous lands called Yakambekumbura of 2 pelas and 5 lahas paddy sowing extent and its appurtenant high land in extent 2 pelas paddy sowing situate at Panwila

in Pallegampaha of Pata Dumbara aforesaid; and the entire contiguous lands are bounded on the north by fence of Giddanagedarawatta, east by Kumbure-ela, south by fence of Puwakollegedarawatta and ditch, and west by high road, and registered in E 218/268 and all the right, title, interest, and claim whatsoever of the first defendant in, to, upon or out of the said several premises mortgaged by the first defendant.

Fiscal's Office,  
Kandy, November 15, 1938.

H. C. WIJESINHA,  
Deputy Fiscal.

33/ In the District Court of Kandy.

S. M. Sheriff of Gampola, administrator of the estate of Kunji Thamby Mathisana's son Marikkar Thamby Muhandiram of Matale, deceased. . . . . Plaintiff.

No. 48,384.

(1) D. P. Dissanayaka, of Kumbiyangoda, Matale, (2) Godapola Arachillegedera Hamidu Lebbe Aratchi's son Mohammed Abdul Cader Aratchy Hadjiar of Kurugoda in Harispattu. . . . . Defendants.

NOTICE is hereby given that on Thursday, December 15, 1938, at 1 o'clock in the afternoon will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property for the recovery of the sum of Rs. 2,176.45 being the aggregate amount of the principal and interest and costs due in respect of the mortgage bond No. 6,263 dated July 30, 1929, and attested by S. W. Wijetilaka, Notary Public, Matale, and interest thereon at the rate of 9 per cent. per annum:—

An allotment of land bearing assessment No. 8, bounded on the east by garden belonging to K. T. M. Marikkar Thamby, south by Godapola road, west by the path leading to debitehehi, and on the north by the garden belonging to Sera Mudaliyar and another, ditch; which said allotment is presently bounded on the east by house No. 45 belonging to K. T. M. Marikkar Thamby, south by Godapola road, west by new road, and on the north by garden belonging to Osina Lebbe together with the houses bearing assessment Nos. 46, 47, 48, and 48A, plantations, and everything thereon, containing in extent about 8 perches, situated at Godapola road within the Urban District Council limits of Matale town, in the District of Matale, Central Province.

Deputy Fiscal's Office, LAN M. DE SILVA,  
Matale, November 15, 1938. Additional Deputy Fiscal.

In the District Court of Kandy.

Herat Wasala Mudiyansele Loku Menika of Sirimalwatta in Udagamapaha korale of Lower Dumbara, administratrix of the intestate estate of the late Attanayake Mudiyansele Dingiri Banda *alias* Dingiri Banda Attanayake, also known as Mayurapada Abey-sundera Wasala Mudiyansele Dingiri Banda Attanayaka, deceased. . . . . Plaintiff.

No. 48,799.

Kahanda Welipotha Ratanajoti, Thero, Sirimalwatta in Udagamapaha of Lower Dumbara. . . . . Defendant.

NOTICE is hereby given on Friday, December 14, 1938, at 2 p.m. will be sold by public auction at the premises the following property mortgaged with the plaintiff by bonds No. 1,235 of September 2, 1925, and No. 4,413 dated December 9, 1929, both attested by H. D. Samarasinghe, 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 5, 1938, for the recovery of the sum of Rs. 1,500 with interest thereon at 9 per cent. per annum from March 10, 1938, till payment in full, and costs of suit and poundage. viz. :—

The field called Gederakumbura, in extent 2 pelas and 5 lahias in paddy sowing extent, situate at Sirimalwatta in Pallegampaha of Pata Dumbara, in the District of Kandy, Central Province; and bounded on the east by the ella of Gederawatta, south by the high road, west by the ella of Kudahenayagewatta and ella of Bogahawatta, and north by the Imaweilla of Appuhamy's field, together with everything thereon. Registered Kandy E 88/38 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, November 15, 1938.

H. C. WIJESINHA,  
Deputy Fiscal.

In the District Court of Kandy.

Mrs. Dorothy Harriet Marcel of Talwatta near Kandy, administratrix of the estate of O. Don Marcel, deceased. . . . . Plaintiff.

No. 48,830.

Vs.

Jayasooriya Aratchige Simon Appoohamy *alias* Marambe Aratchige Simon Jayasooriya of Talwatta in Gandahe korale of Pata Hewaheta. . . . . Defendant.

NOTICE is hereby given that on Saturday, December 17, 1938, 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. 651 dated April 23, 1936, and attested by N. Coomaraswamy, Notary Public of Kandy, 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 September 9, 1938, for the recovery of the sum of Rs. 3,572.41 with legal interest thereon from February 16, 1938, till payment in full, and costs and poundage, viz. :—

1. All that western  $\frac{1}{2}$  part or share of three nellies of kurakkan sowing in extent together with the buildings and plantations thereon from and out of an allotment of land called Viyatpanguwa of six nellies kurakkan sowing in extent in the whole, situate at Talwatta in Gandahe korale of Pata Hewaheta, in the District of Kandy, Central Province; and which said western  $\frac{1}{2}$  share is bounded on the east by the endaru fence on the limit of the remaining  $\frac{1}{2}$  share of this land, south by endaru fence, west by high road, and north by the endaru fence of the garden belonging to Mary Isabella Harny. Registered under G 109/311.

2. All that eastern  $\frac{1}{2}$  part or share below the tal-tree of about 3 nellies kurakkan sowing in extent together with everything thereon from and out of an allotment of land called Viyatpanguwa of about 6 nellies in kurakkan sowing extent in the whole, situate at Talwatta aforesaid; which said eastern  $\frac{1}{2}$  share below the tal-tree is bounded on the east by Wele-ella, south by endaru fence, west by tal-tree standing on the limit of the remaining portion of this land, and north by the endaru fence of the garden belonging to Mary Isabella, and all the right, title, and 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, November 15, 1938.

H. C. WIJESINHA,  
Deputy Fiscal.

### Southern Province.

52/ In the District Court of Galle.

In the matter of the intestate estate of the late Nugaduwevitana Lewis de Silva, deceased, of Andugoda. . . . . Plaintiff.

No. 6,670 T.

Vs.

Mr. L. B. Caspersz, Secretary, District Court, Galle. . . . . Official Administrator.

NOTICE is hereby given that on Monday, December 12, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said estate in the following property, viz. :—

1. Undivided one bag of paddy sowing extent of Widanelaikumbura at Andugoda aforesaid; and bounded on the north by Kajugahakumbura and Ralahamiladeniya, east by Addarageowita, south by Teahena, west by Gamageikumbura, and in extent 1 amunam of paddy.

2. Undivided 5 kurunies extent of Hitigedeniyewatta and owita, situated at Andugoda aforesaid; and bounded on the north by Hitigewatta, on the east by Radagedeniya, south by Nakandedeniya, and west by Jambugahaowita, and in extent about 4 acres.

3. Undivided 2 $\frac{1}{2}$  bags paddy sowing extent of Delgahakumbura at Andugoda aforesaid; and bounded on the north by Nakandedeniya, east by Gamageikumbura, south by Teahena, and west by Ambalamagawahena; and in extent 1 amunam of paddy.

4. Undivided 10 kurunies paddy sowing extent of Wellawalakumbura *alias* Ralahamilakumbura, situated at Andugoda aforesaid; and bounded on the north by Pallewalakumbura, east by Disanayakageowita, south by Widanelaikumbura, west by Kajugahakumbura, and in extent 6 pelas of paddy.

5. Undivided 8 kurunies paddy sowing extent of Munasingekumbura at Andugoda aforesaid; bounded on the north by Wallagaha-addarawatta, east by Alutgederawatta and field, south by Paragaha-addarukumbura, west by Munasingewatta, and in extent 4 pelas of paddy.

6. Undivided 1/5 of Munasingeiwatta at Andugoda aforesaid; bounded on the north by Lokugewatta, east by Munasingekumbura, south by Munasingeipittaniya, west by Wattakgodagewatta and Kapparagewatta, and in extent about 2 acres.

7. Undivided 1 bag of paddy sowing extent of Dodan-godakumbura at Kodagoda in Talpe pattu of Galle District; and bounded on the north by Attanaliyadda and Taniperuwatta, east by Dedunna, south by Dedunna Delkumpawa and Telpeliya, west by Depela and Pattiniwatta, and in extent 6 bags of paddy.

Writ amount Rs. 218.30.

Fiscal's Office, T. D. S. DHARMASENA,  
Galle, November 11, 1938. Deputy Fiscal.

In the Court of Requests of Galle.

A. M. A. Annamalai Chettiar of Galle ..... Plaintiffs.  
No. 18,725. Vs.

(1) M. M. Sharief, (2) C. M. Hussin of Galle, and two others ..... Defendants.

NOTICE is hereby given that on Wednesday, December 14, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz.:

1. All that defined lot marked lot B of the land Pettigalawatta *alias* Ela-adderawatta and the boutique and other buildings standing thereon bearing assessment No. 36, situated at Galupiadda, Four Gravets, Galle District, Southern Province; bounded on the north by high road, east by lot C and boutique No. 37, south by seashore, and west by lot A and boutique No. 35 in extent 7.2 perches.

2. All that allotment of land called the defined lot marked A of Pettigalawatta *alias* Ela-adderawatta and the boutique and other buildings standing thereon bearing No. 35, situated at Galupiadda aforesaid; and bounded on the north by high road, east by lot B and boutique No. 36, south by seashore, and west by house No. 34 in extent 6.37 perches.

Writ amount Rs. 150, with interest thereon at 9 per cent. from November 25, 1937, till payment and Rs. 21.25 for costs, less Rs. 80 paid.

Fiscal's Office, T. D. S. DHARMASENA,  
Galle, November 12, 1938. Deputy Fiscal.

In the District Court of Galle.

P. R. S. P. Suppramaniam Chettiar of Galle, presently in India, by his attorney, V. R. Duraisamy Pillai of Galle ..... Plaintiff.

No. 36,703. Vs.

K. S. Tilakaratne of Ratgama and Kusala-wathie Tilakaratne, wife of D. R. Weerasekera, Registrar of Lands, Matale, presently of Ratgama ..... Defendants.

NOTICE is hereby given that on Tuesday, December 13, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property, viz.:

An undivided 1/5 of 1/4 part of all the soil and soil share trees of the land called Punchinaduwa and of the houses standing thereon built by Don James de Silva Tillakaratna, deceased, situated at Ratgama, in the Wellaboda pattu of the Galle District, Southern Province; and bounded on the north by the land claimed by natives, east by Panwila-kumbura, south by land belonging to Dadallege Arnolis, and west by Banduramullakumbura; containing in extent 56 acres and 17.33 perches.

Writ amount Rs. 731.56, with further interest on Rs. 700 at 18 per cent. per annum from March 25, 1938, to April 27, 1938, and on the aggregate at 9 per cent. per annum, till payment in full, and Rs. 58.92 for costs.

Fiscal's Office, T. D. S. DHARMASENA,  
Galle, November 11, 1938. Deputy Fiscal.

In the District Court of Tangalla.

(1) Saranasin Edirisuriya Patabendige Don Thomis of Hatagala, (2) Babasingho Lokumarakkala, Vidane Arachchi of Kahandamodera, the administrator of the estate of the deceased, Lokumarakkalago Don Thomis, late of Kahandamodera ..... Plaintiffs.  
No. 3,711. Vs.

D. A. Hatarasin Arachchige Gamarallany of Polom-maruwa ..... Defendant.

NOTICE is hereby given that on Saturday, December 10, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 4,266.80, with further legal interest on Rs. 3,000 till payment in full and poundage, viz.:

(1) All that land called Penipotawa, situated at Kahandamodera in East Giruwa pattu of the Hambantota District; and bounded on the north by Kahanda-oya and lot 13 in P. P. 323, east by lot 92 in P. P. 328, and a water-course, south by lot 22 in P. P. 323, and west by Kahanda-oya; containing in extent 9 acres 2 roods and 18 perches.

(2) All that undivided 1/4 shares of the field called Mahakumbura, situated at Kahandawa in East Giruwa pattu aforesaid; and bounded on the north by Palugahakumbure imniyara, east by Mahakumbure Etuletibena Kandaniyaratapitin Oyagawakumbure imniyara, south by the land of Kahandawe Arachchi Mahatmaya, and the land of Vidane Kankanama, and west by Mahakumbure Atmagebedi-wetiya; containing in extent about 4 amunams of paddy sowing.

(3) All that field called Kongahapanguwa, situated at Kahandawa aforesaid; and bounded on the north by Mahaoya, east by Katupitainniyara, south by Medagan-goda, and west by Matara Mahatmayage Mulana; containing in extent 2 amunams of paddy sowing.

(4) An undivided 1/4 share of the land called Roteduwa, situated at Kahandawa aforesaid; and bounded on the north by Rannegamaya, east by ela *alias* Giruweoya, south by Wela *alias* Mudumela, and west by Irikonda *alias* Godella; containing in extent about 20 amunams of paddy sowing.

Deputy Fiscal's Office, P. D. WEERAMAN,  
Tangalla, November 8, 1938. Additional Deputy Fiscal.

### Northern Province.

In the District Court of Jaffna.

(1) S. Iragnather and wife (2) Vethenayagi Ammal of Pannalai ..... Plaintiffs.  
No. 9,518. Vs.

Rajanayagi Ammal, widow of K. Ambalavaner, Administratrix of the estate of the late K. Ambalavaner of Victoria road, Jaffna ..... Defendant.

NOTICE is hereby given that on Saturday, December 10, 1938, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant for the recovery of Rs. 684, with interest thereon at the rate of 9 per cent. per annum from March 17, 1936, until payment in full and costs Rs. 316.15 and poundage and charges, in the following property, viz.:

All that piece of land situated at Irupalai in Copai parish, Valikamam East Division of the Jaffna District, Northern Province, called "Kaliyanakkulavaya", in extent 70 lachams p. c., with coconut trees; and bounded on the east by Walliammai, widow of Nellinather, and land, north by the heirs of Kandiah Nagalingam, west by Walliammai widow of Nellinather and by others, and south by Ponnampalam Kandiah and others.

Fiscal's Office, S. TURAIYAPPAN,  
Jaffna, November 14, 1938. for Fiscal.

In the District Court of Jaffna.

Konamalai Ambalavaner of Karaitivu West ..... Plaintiff.  
No. 11,623. Vs.

(1) Sinnakkuddy, widow of Ponnampalam of Karaitivu east, (2) Sanmugam Kanther of ditto ..... Defendants.

NOTICE is hereby given that on Friday, December 9, 1938, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right,

title, and interest of the said 1st defendant for the recovery of Rs. 633.50 with legal interest thereon at the rate of 9 per cent. per annum from June 1, 1937, until payment in full and costs Rs. 98.83, and poundage and charges in the following property, viz. :—

1. All that piece of land situated at Kalapoomy in Karaitivu East, Karaitivu parish, Islands Division of the Jaffna District, Northern Province, called "Thuiyatharai", in extent 23 lachams varagu culture with well and palmyras old and young; and bounded on the east by Kasinather Kandiah and others, north by Kander Arumugam and others, west by the heirs of Velupillai Muttiah and others, and south by Walliammai, widow of Kandiah, and by others.

2. All that piece of land situated at ditto called Vilanai, in extent 5 lachams varagu culture with palmyras old and young; bounded on the east by Thillaiampalam Arumugam, north by lane, west by Kanagasabai Kandiah, and south by Sanmugam Kandiah.

3. All that piece of land situated at ditto called "Eluvanathanai and Thalampaththai, in extent 15½ lachams varagu culture with well, coconut trees, and house; and bounded on the east by Kander Kanapathipillai, north by Sivakaman, widow of Velupillai, and by others, west by road, and south by Sinnathamby Arumugam.

*The lands are said to be under mortgage.*

Fiscal's Office,  
Jaffna, November 15, 1938.

S. TURAIYAPPAH,  
for Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

24/ In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Asaramuni Carnelis Silva, deceased, of No. 2,840. Pohaddaramulla.

(1) Asaramuni Elaris Silva of Pohaddaramulla, (2) ditto Nival Silva of ditto, (3) ditto Leela Silva of ditto, (4) ditto Nellie Silva of ditto, (5) ditto Sodilis Silva of ditto, (6) ditto Sarnelishamy Silva of ditto ..... Respondents.

THIS matter coming on for disposal before E. O. C. Vander Gert, Esq., District Judge of Kalutara, on November 1, 1938, in the presence of Mr. D. E. de Zilva, Proctor, on the part of the petitioner, Weerasinghe Raiso Nona of Pohaddaramulla; and the affidavit of the said petitioner dated October 31, 1938, having been read: It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the said deceased, to have letters of administration to his estate issued to her, unless the respondents shall, on or before December 8, 1938, show sufficient cause to the satisfaction of this court to the contrary.

November 1, 1938. E. O. C. VANDER GERT,  
District Judge.

In the District Court of Nuwara Eliya holden at Hatton.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Nawanna Veena Nallappa No. 203. Retty of Mahadevi Village, Musiri Taluk, Trinchinopoly District, South India and of Yuillefield estate, Hatton, deceased.

Nana Veerama Retty of Yuillefield estate, Hatton Petitioner.

(1) Kullamma, wife of the deceased above named of Mahadevi village, Musiri Taluk, aforesaid, (2) Nana Krishnasamy Retty of Yuillefield estate, Hatton ..... Respondents.

THIS matter coming on for disposal before Herbert S. Roberts, Esq., District Judge of Hatton, on October 28, 1938, in the presence of Mr. Sinniah Sellathurai, Proctor, on the part of the petitioner, Nana Veerama Retty, son of Nawanna Veena Nallappa Retty (deceased); and the affidavit of the said petitioner dated October 28, 1938, and the order of the Supreme Court dated September 28, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the above-named deceased, to have letters of administration to his estate

issued to him, unless the respondents (1) Kullamma, widow of the above-named Nawanna Veena Nallappa Retty, deceased, (2) Nana Krishnasamy Retty or any other person or persons interested shall, on or before November 22, 1938, show sufficient cause to the contrary.

HERBERT S. ROBERTS,  
District Judge.

38/ In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Baranige Amaris Appu of Kataluwa No. 7,837. East, deceased.

Between

Dickkumburege Andris Apu of Kataluwa East ..... Petitioner.

And

(1) Dickkumburege Sopinhamy of Kataluwa East, (2) Baranige Nonnohamy of Nagastuduwa in Kataluwa, (3) ditto Arolis Appu of Kataluwa East, (4) Kulappu Tantirige Daro Gunasinghe of ditto, (5) Baranige Urlin Nona of ditto, (6) ditto Nerlin Nona of ditto; 5th and 6th by their guardian *ad litem* the 4th respondent, (7) Baranige Sopinhamy of Nuwara Eliya ..... Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on September 6, 1938, in the presence of Mr. C. E. Wickramasinghe, Proctor, on the part of the said petitioner; and the affidavit of the said petitioner dated September 5, 1938, having been read:

It is ordered that the said 4th respondent be and she is hereby appointed guardian *ad litem* over the said 5th and 6th minor respondents, unless the respondents or any person or persons interested shall, on or before November 15, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the petitioner above named is entitled to have letters of administration to the estate of the said deceased issued to him accordingly, unless the said respondents or any person or persons interested shall on or before November 15, 1938, show sufficient cause to the satisfaction of this court to the contrary.

The date for showing cause extended to November 30, 1938.

N. M. BHARUCHA,  
District Judge.

34/ In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estates of the late Jurisdiction. Badalge Don Lauris Amendra of Galwadugoda No. 7,842. Badalge Don Lauris Amendra of Galwadugoda in Galle, deceased.

Between

Anjohamy Amendra *nee* V. A. Anjohamy of Galwadugoda ..... Petitioner.

And

(1) Badalge Charles Amendra, (2) Nancy Thenuwara *nee* Amendra, (3) Badalge William Amendra, (4) Badalge Elaris Amendra, (5) Winnie Thenuwara *nee* Amendra, (6) Badalge Simon Amendra, (7) Badalge Arlin Amendra, (8) Badalge Steven Amendra, (9) Badalge Sammie Amendra, all of Galwadugoda, Galle ..... Respondents.

THIS matter coming on for disposal before S. S. Jayawickrama, Esq., District Judge of Galle, on October 11, 1938, in the presence of Mr. E. Wijesurendra, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated October 10, 1938, having been read:

It is ordered that the 4th respondent be and he is hereby appointed guardian *ad litem* over the said 8th and 9th minor respondents, unless the said respondents or any person or persons interested shall, on or before November 29, 1938, show sufficient cause to the contrary.

It is further declared that the petitioner above named is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the said respondents or any person or persons interested shall, on or before November 29, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 12, 1938.

C. L. WICKRAMASINGHE,  
District Judge.



In the District Court of Matara.

*Order Nisi declaring Will proved, &c.*

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of the late Dickwelle Pemananda Thero deceased, of Siri Wijayadajarama, Denagama.  
No. 4,015.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara, on October 12, 1938, in the presence of Mr. J. W. Wickremasinghe, Proctor, on the part of the petitioner, Watearachige Migoris Appu of Denagama; and the affidavits of the said petitioner dated August 6, 1938, and of the attesting Notary dated September 23, 1937, having been read.

It is ordered that the will of Dickwelle Pemananda Thero the above-named deceased, dated August 24, 1937, and now deposited in this court, be and the same is hereby declared proved, unless the respondent, Naotunne Gunananda Thero of Siri Wijayadajarama, Denagama, or any other person or persons interested shall, on or before November 21, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Watearachige Migoris Appu be and he is entitled to have letters of administration issued to him accordingly with copy of the last will annexed, unless the said respondent or any other person interested shall, on or before November 21, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 12, 1938.

JAMES JOSEPH,  
District Judge.

letters of administration be issued to him accordingly, unless the respondents above named appear and show cause to the contrary on or before December 2, 1938.

October 24, 1938.

C. E. A. SAMARAKKODY,  
Additional District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of the late Vyhali Kanapathipillai No. 483. of Poonakari, Jaffna, deceased.

Kanapathipillai Rameswamy of Poonakari, Jaffna ..... Petitioner.

(1) Vyramuttu Kandiah of Kollaikurichy in Poonakari, (2) Vyanuttu Vellappillai of Allarai in Kachchai ..... Respondents.

THIS matter coming on for final disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on August 5, 1937, in the presence of Mr. D. Rajadurai, Proctor, on the part of the petitioner; and the affidavit dated July 22, 1937, having been read: It is ordered that the petitioner, being the son of the deceased, is entitled to have letters of administration to the estate of the said intestate and that letters be issued to him accordingly, unless the respondents or any other person shall, on or before September 1, 1937, show sufficient cause to the satisfaction of this court to the contrary.

August 30, 1937.

C. COOMARASWAMY,  
District Judge.

Extended till November 30, 1938.

C. COOMARASWAMY,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Sivakamypillay, wife of Kanapathypillay Thuraiappah of Vannarponnai West, deceased.  
No. 46.

Kanapathypillay Thuraiappah of Vannarponnai West ..... Petitioner.

(1) Thuraiappah Thuraiappah, (2) Thuraiappah Kanagarajah, (3) Senthayamma, daughter of Thuraiappah, (4) Thuraiappah, daughter of Sivasithamparam, (5) Thuraiappah Sivasupramaniam, (6) Nageswary, daughter of Thuraiappah, (7) Vairavanathar Kurunathapillay, all of Vannarponnai West ..... Respondents.

THIS matter of the petition of above-named petitioner praying for letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on July 28, 1936, in the presence of Mr. M. Somasuntharar, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated February 15, 1935, having been read: It is declared that the petitioner is the lawful husband of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before April 28, 1937, show sufficient cause to the satisfaction of this court to the contrary.

March 18, 1937.

C. COOMARASWAMY,  
District Judge.

Extended to November 28, 1938.

C. COOMARASWAMY,  
District Judge.

In the District Court of Jaffna held at Point Pedro.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Roopasundarammah, wife of K. Sanagarajah of Valvettiturai, deceased.  
No. 80/PT.

Kanapathippillai Sanagarajah of Valvettiturai ..... Petitioner.

(1) Chinniah Sellathurai and wife (2) Walliammal of Valvettiturai ..... Respondents.

THIS matter coming on for disposal before C. E. A. Samarakkody, Esq., Additional District Judge, on October 22, 1938, in the presence of Mr. K. Muttukumar, Proctor, on the part of the petitioner; and the petition; and affidavit of the petitioner, having been read:

It is hereby ordered that the petitioner be and he is hereby declared entitled to take out letters of administration to the above estate, as the husband of the deceased, and that

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Ampalavanar Ponniah of Vaddukoddi East, Jaffna, who died at Kuala Lumpur in the F. M. S., deceased.  
No. 623.

Annaladchumy, widow of Ampalavanar Ponniah of Vaddukoddi East ..... Petitioner.

(1) Ponniah Sattiseelan of ditto, (2) Velanthe Ampalavanar of ditto ..... Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on July 15, 1938, in

the presence of Mr. V. Nagalingam, Proctor, for petitioner ; and the affidavit and petition of the said petitioner having been read : It is ordered that the above-named 2nd respondent be appointed guardian *ad litem* over the minor the 1st respondent, and that letters of administration to the estate of the said deceased be granted to the petitioner, unless the said respondents shall appear before this court on October 12, 1938, and show cause to the satisfaction of this court to the contrary.

September 2, 1938.

C. COOMARASWAMY,  
District Judge.

Extended to November 21, 1938.

32 In the District Court of Jaffna.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Kailayapillai, wife of Vairamuttu Selliah of Alaveddy, deceased. No. 631.

Vairamuttu Selliah of Alaveddy . . . . . Petitioner.

Vs.

- (1) Selliah Kanapathy Rajah, (2) Selliah Tharmalingam, (3) Annapooravam, daughter of Selliah, (4) Chinnachy, widow of Perial Kathiravelu, all of Alaveddy . . . . . Respondents.

THIS matter of the petition of the petitioner coming on for disposal before C. E. A. Samarakkody, Esq., District Judge, Jaffna, on July 28, 1938, in the presence of Mr. S. Ilayatambi, Proctor, on the part of the petitioner ; and the affidavit and petition of the petitioner dated July 27, and 28, 1938, respectively, having been read :

It is ordered that the above-named 4th respondent be appointed guardian *ad litem* over the above-named 1st, 2nd and 3rd respondents, minors, and the petitioner, as a lawful husband of the deceased, be declared entitled to have letters of administration to the estate of the said deceased, and that the same be issued to him accordingly, unless the respondents or any other person shall, on or before September 2, 1938, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

August 2, 1938. C. E. A. SAMARAKKODY,  
District Judge.

*Order Nisi* extended for November 25, 1938.

C. COOMARASWAMY,  
District Judge.

25 In the District Court of Jaffna.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Sinnammah, daughter of Sittampalam Sangarappillai of Mallakam, deceased. No. 641.

Sittampalam Sangarappillai of Mallakam . . . . . Petitioner.

Vs.

Sellammah, wife of Sittampalam Sangarappillai of Mallakam . . . . . Respondent.

THIS matter of the petition of the above-named petitioner, praying that letters of administration be issued to the petitioner, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on August 25, 1938, in the presence of Mr. S. T. Rajaretnam, Proctor, on the part of the petitioner ; and on reading the affidavit and petition of the petitioner :

It is ordered that letters of administration be issued to the petitioner, as the father of the deceased, unless the above-named respondent shall, appear before this court on October 12, 1938, and show sufficient cause to the satisfaction of this court to the contrary.

September 1, 1938. C. COOMARASWAMY,  
District Judge.

Time to show cause is extended for November 18, 1938.

29 In the District Court of Jaffna.  
*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Nagammah, wife of Ponnampalam Chinniah of Vaddukoddai East, deceased. No. 642.

Ponnampalam Chinniah of Vaddukoddai East . . . . . Petitioner.

Vs.

- (1) Chinniah Selvarajah of Vaddukoddai East, (2) Chinniah Tuagarajah of ditto, (3) Chinniah Nadarajah of ditto, (4) Nagammah, daughter of Chinniah of ditto, (5) Serojan Devi, daughter of Chinniah of ditto, (6) Chinniah Mutturajah of ditto, (7) Chinniah Nagarajah of ditto, (8) Ampalavanar Ponniah of ditto, presently of Ratnapura . . . . . Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on August 29, 1938, in the presence of Mr. V. Nagalingam, Proctor, for petitioner ; and the affidavit and petition of the said petitioner having been read : It is ordered that the above-named 8th respondent be appointed guardian *ad litem* over the minors 1st to 7th respondents, and that letters of administration to the estate of the said deceased be granted to the petitioner unless the above-named respondents shall appear before this court on October 12, 1938, and show cause to the satisfaction of this court to the contrary.

September 8, 1938. C. COOMARASWAMY,  
District Judge.

Extended to November 21, 1938.

31 In the District Court of Jaffna.  
*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Sanmugam Kumaraguru, late of Teluk No. 8, 581. Anson Perak in F. M. S., deceased.

Amma, widow of Sanmugam Kumaraguru of Vannarponnai East, Jaffna . . . . . Petitioner.

Vs.

- (1) Thayalnayagi, daughter of Kumaraguru (dead) ; (2) Maheswary, daughter of Kumaraguru, (3) Bhavani, [daughter of Kumaraguru (minors) ; (4) Sanmugam Sathasivam of Vaddukoddai East, (5) Murugesu Sabapathy of ditto, the 2nd and 3rd respondents are minors appearing by their guardian *ad litem* the 5th respondent . . . . . Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on May 31, 1937, in the presence of Mr. K. Aiyadurai, Proctor, on the part of the petitioner ; and the petition and affidavit of the petitioner, having been read :

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner, unless the respondents or any other person shall, appear before this court on July 28, 1937, and show cause to the satisfaction of this court to the contrary.

June 30, 1937. C. COOMARASWAMY,  
District Judge.

Time to show cause extended for November 23, 1938.

October 19, 1938. C. COOMARASWAMY,  
District Judge.

21 In the District Court of Puttalam.  
*Order Absolute.*

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of the late of Semadeen Maraikar Sego Noor-deen, deceased, late of Puttalam. No. 732.

Pitche Pillai Mohamedo Ibrahim of Puttalam . . . . . Petitioner.

THIS matter coming on for disposal before M. L. D. Caspersz, Esq., Additional District Judge of Puttalam, on September 23, 1938, on the motion of Mr. M. O. M. Thahir, Proctor, on the part of the petitioner ; and the petition dated September 23, 1938, affidavit dated September 22, 1938, of the petitioner and the last will dated May 16, 1938, together with the affidavit dated September 19, 1938, of the witnesses having been read :

It is ordered that the last will and testament of the testator above named is hereby declared proved, and that the petitioner above named is hereby declared executor of the said last will, and that probate thereof be issued to him accordingly.

September 23, 1938. M. L. D. CASPERSZ,  
Additional District Judge

## PASSED ORDINANCES.

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

## No. 52 of 1938.

L. D.—O 95/38

An Ordinance to secure a reduction in the total quantity of rubber which may be exported from Ceylon during the year 1938 on the authority of coupons issued for that year and to provide for the surrender or seizure of such coupons and for the compulsory purchase of rubber represented by such coupons.

A. CALDECOTT.

WHEREAS an International Agreement was signed at London on the seventh day of May, 1934, to regulate the production and export of rubber in and from producing territories which were parties to the said Agreement :

And whereas the Rubber Control Ordinance, No. 6 of 1934, was enacted in order to give effect to the said Agreement in Ceylon :

And whereas under the said Ordinance coupons are issued authorising the exportation from Ceylon of a specified quantity of rubber called the Ceylon quota of export in each year during the operation of the said Ordinance :

And whereas it is enacted in section 4 of the said Ordinance that, subject to the Proviso to that section, it shall not be deemed to be a breach of the provisions of that Ordinance if the quantity of rubber exported from Ceylon during any year of control as the Ceylon quota of export for that year exceeds the amount of that quota by a quantity not greater than five per centum of that amount :

And whereas the quantity of rubber represented by the coupons issued during the year of control commencing on the first day of January, 1938, exceeds the Ceylon quota of export for that year by a quantity in excess of that permitted by the said Ordinance :

And whereas it is apprehended that the quantity of rubber which will be exported from Ceylon during the year 1938 may exceed the total amount permitted under the Ordinance in terms of the International Agreement hereinbefore referred to :

And whereas it is expedient that provision shall be made as is hereinafter set out :

BE it, therefore, 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 Rubber (Reduction of Exports) Ordinance, No. 52 of 1938.

Short title.

2 (1) Every person who, on or before the nineteenth day of November, 1938, surrenders to the Controller any coupon purporting to have been issued under the Rubber Control Ordinance, No. 6 of 1934, (hereinafter referred to as "the principal Ordinance"), and purporting to authorise during the year 1938 the export from Ceylon under the principal Ordinance of the quantity of rubber specified in that coupon, shall, if the Controller in his discretion accepts that coupon, be entitled to receive from the Controller on or before the thirty-first day of January, 1939, one or more new coupons authorising the exportation of an equivalent quantity of rubber from Ceylon during the year 1939 in accordance with the provisions of such Ordinance (hereinafter referred to as "the new Ordinance") as may be enacted for the continuation of the control of the production and export of rubber for a further period of five years commencing on the first day of January, 1939.

Surrender of coupons.

(2) The Controller shall deliver to the person whose coupon is accepted under sub-section (1) a voucher which may be exchanged for a new coupon when such coupons are available for issue under the new Ordinance.

3 (1) Where, between the nineteenth day of November, 1938, and the first day of January, 1939, any coupon is tendered by any person to the Controller or to a customs officer for or in connexion with the export or attempted export of any quantity of rubber, it shall be lawful for the Controller or such officer on behalf of the Controller to seize such coupon or such rubber or both such coupon and such rubber.

Seizure of coupons and rubber and compulsory purchase of rubber.

(2) Where instructions are given to the Controller by any person in regard to the disposal of any coupons in the custody of the Controller on account of that person or placed to the credit of that person in any coupon bank maintained by the Controller, the Controller may seize any such coupon as though the coupon had been tendered to him under sub-section (1).

(3) Where a coupon is seized under sub-section (1) or sub-section (2), such coupon shall be deemed to be a coupon surrendered under section 2 and all the provisions of that section shall apply accordingly.

(4) Where the coupon relating to any rubber deposited at the customs premises for the purposes of export has been seized, but the rubber has not been seized under sub-section (1), such rubber may, notwithstanding anything in any other written law to the contrary, be kept free of rent, dues or other charges for a period not exceeding two months in such customs warehouse as may be set apart for the purpose by the Principal Collector of Customs, or in any store or other building provided for the purpose by the Government or by the Controller.

(5) Where rubber belonging to any person is seized under sub-section (1), the title to such rubber shall be deemed to be vested in the Controller upon such seizure, and the Controller shall pay to such person such price as the Controller may determine in consultation with the Deputy Financial Secretary having regard to the price of rubber of that grade or description in London at or about the time of seizure. The decision of the Controller as to the price to be paid for any rubber seized by him shall be final and conclusive for all purposes; and all payments for the purposes of this sub-section shall be made from the Rubber Control Fund established under section 47 of the principal Ordinance.

(6) Any rubber seized under sub-section (1) may be sold or otherwise disposed of by the Controller and the proceeds shall be credited to the Rubber Control Fund.

**Construction  
of Ordinance.**

4 This Ordinance shall be read and construed as one with the principal Ordinance:

Provided, however, that in the event of any conflict or inconsistency, the provisions of this Ordinance shall prevail over the provisions of the principal Ordinance.

Passed in Council the Ninth day of November, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Governor the Sixteenth day of November, One thousand Nine hundred and Thirty-eight.

E. R. SUDBURY,  
Secretary to the Governor.