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PART II.—LEGAL.

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

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DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 99/38

Chapter 42
(Vol. I., page
687).

An Ordinance further to amend the Excise Ordinance.

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 Excise (Amendment) Ordinance, No. of 1940.

Amendment of
section 2 of
Chapter 42.

2. Section 2 of the Excise Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

(1) by the substitution, for the definition of "country liquor", of the following :—

"country liquor" means any liquor manufactured in Ceylon, but does not include any such liquor which is declared, as hereinafter provided, to be foreign liquor for the purposes of this Ordinance ; ;

(2) by the insertion, after the definition of "excisable article", of the following :—

"Executive Committee" means the Executive Committee of Home Affairs ; ;

(3) by the substitution, for the definition of "foreign liquor", of the following :—

"foreign liquor" means any liquor imported into Ceylon, and includes any class or description of liquor manufactured in Ceylon which is declared, by resolution passed by the Executive Committee and notified in the *Gazette* under the hand of the Minister, to be foreign liquor for the purposes of this Ordinance ; ; and

(4) by the insertion, after the definition of "manufacture", of the following :—

"Minister" means the Minister for Home Affairs ; ;

Insertion of a new
section 17A in the
principal
Ordinance.

3. The following new section shall be inserted immediately after section 17 of the principal Ordinance and shall have effect as section 17A of that Ordinance :—

Restriction
on soliciting,
&c. of orders
for liquor.

17A. Subject as hereinafter provided no person shall, except under the authority of a licence granted by the Government Agent, solicit, or take or receive, any order for any liquor from any other person who requires the liquor for the purposes of sale :

Provided that no such licence shall be required to authorise any person to solicit, or take or receive, any order for any liquor if such person is the holder of a licence granted under this Ordinance for the sale of such liquor, or a duly authorised employee of any such licensee.

Replacement of
section 29 of the
principal
Ordinance.

4. Section 29 of the principal Ordinance is hereby repealed and the following section shall be substituted therefor :—

Measures,
weights and
instruments
to be kept
by licensees.

29. (1) The Excise Commissioner may by notification prescribe—

(a) the weights, measures and instruments to be kept or used by excise officers or by holders of licences issued under this Ordinance ;

(b) the weight, length, form, description and specification of, and other particulars relating to, such weights, measures and instruments ; and

(c) the manner in which, and the officers by whom, such weights, measures and instruments may be verified and stamped or otherwise certified to be correct.

(2) The Excise Commissioner may under sub-section (1) prescribe weights and measures in addition to or other than the authorised weights and measures established by or under any Ordinance for the time being in force relating to Weights and Measures, and prescribe that weights, measures and instruments may be verified and stamped by officers other than the officers appointed under any such Ordinance.

(3) Every person who is the holder of a licence issued under this Ordinance—

- (a) shall be bound to procure and to keep in the premises in respect of which the licence is issued, all such measures, weights and instruments as he may, by any notification under sub-section (1), be required to keep;
- (b) shall produce such measures, weights or instruments for inspection when required to do so by any excise or peace officer, and shall permit such officer to test the accuracy of any such measure, weight or instrument.

5. Sub-sections (1) and (2) of section 34 of the principal Ordinance are hereby repealed and the following new sub-sections are substituted therefor :—

“ 34. (1) Any officer of the Excise, Police, Customs or Revenue Departments, not below such rank and subject to such restrictions as the Governor may prescribe, and any other person duly authorised in that behalf, may at any time—

- (a) give such orders, directions or signals as may be necessary to stop any person upon whom, or to stop or cause to be halted any vehicle, vessel or animal in or upon which, such officer or other person so authorised may in good faith suspect any excisable article, or any other article believed to be liable to confiscation under this Ordinance, to be, and (where any order, direction or signal so given is not complied with) use such force or devices or take such other measures as may be necessary to secure compliance with such order, direction or signal;
- (b) detain and search without warrant any such person, vehicle, vessel or animal, or any package, receptacle or covering in which such officer or other person so authorised may in good faith suspect any such excisable or other article as aforesaid to be;
- (c) arrest without warrant any person believed in good faith by such officer or other person so authorised to have been found committing, in any place other than a dwelling house, an offence punishable under section 43 or section 44;
- (d) seize and take into his custody without warrant any such excisable or other article as aforesaid or any paper or document relating to any such article, or any animal, vessel, vehicle or other conveyance liable to confiscation under this Ordinance; and
- (e) enter without warrant any place other than a dwelling house, for the purposes of the exercise of any power conferred by any of the preceding paragraphs.

(2) Any person who fails or refuses to stop in compliance with any order, direction or signal given under the powers conferred by paragraph (a) of sub-section (1), and the driver or other person in charge of any vehicle, vessel or animal who fails or refuses to stop or to halt such vehicle, vessel or animal in compliance with any such order, direction or signal, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding fifty rupees or in default of payment of such fine to simple imprisonment for a term which may extend to six weeks.”

6. Section 42 of the principal Ordinance is hereby amended in sub-section (1) by the substitution, for the words “or by an officer”, of the words “or by a sergeant in charge of a police station or any other officer”.

Replacement of sub-sections (1) and (2) of section 34 of the principal Ordinance.

7. Section 43 of the principal Ordinance is hereby amended as follows :—

- (1) by the substitution, for the words “of sale”, in paragraph (h) thereof, of the words “of sale; or”; and
- (2) by the insertion, immediately after paragraph (h), of the following new paragraph (i) :—

“(i) solicits, or takes or receives, any order for any liquor.”

Amendment of section 42 of the principal Ordinance.

Amendment of section 43 of the principal Ordinance.

Objects and Reasons.

The object of this Bill is to effect in the Excise Ordinance (Chapter 42) certain amendments which experience in the administration of that Ordinance has shown to be necessary.

2. The definition of “country liquor” in section 2 of the principal Ordinance is so phrased that the question whether

any liquor manufactured in Ceylon is to be regarded as country liquor for the purposes of the Ordinance, depends on the excise duty chargeable in respect of that liquor. This definition has been found to be unsuitable, and it is considered desirable that new definitions of "country liquor" and "foreign liquor" should be inserted in section 2; the effect of the amendment will be that all liquor manufactured in Ceylon will be regarded as country liquor, unless it has been declared by resolution of the Executive Committee to be foreign liquor for the purposes of the Ordinance.

3. It has been found in recent years that persons who do not themselves hold licences to sell liquor import foreign liquor into Ceylon on behalf of holders of retail licences upon orders which are secured through the employment of canvassers. In consequence of this practice firms which have paid high fees for wholesale licences are deprived of a part of their legitimate business and unlicensed firms carry on in effect a wholesale business in liquor without carrying stocks and without paying a licence fee. It is considered expedient to enact legal provision to secure that, where a person is not himself the holder of a licence to sell liquor or a duly authorised employee of any such holder, he will not be permitted to solicit orders for liquor, unless he has obtained a special licence in that behalf. This amendment will be effected by Clause 3 of the Bill.

4. The object of Clause 4 is to replace section 29 of the principal Ordinance by a new section which will enable the Commissioner to exercise the powers presently vested in the Governor to prescribe the weights, measures and instruments to be kept or used by excise officers or by the holders of the licences issued under the Ordinance.

5. The object of Clause 5 is to define more precisely the powers of an excise officer to stop and search persons, vehicles and vessels in cases where a breach of the Ordinance is believed to have been committed.

D. B. JAYATILAKA,
Minister for Home Affairs.

Colombo, January 15, 1942.

MINUTE.

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

L. D.—CF 43/41

An Ordinance to make provision for raising a loan of fifty million rupees for expenditure on emergency purposes.

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 Home Defence Loan Ordinance, No. of 1942.

Definition of "emergency purpose".

2. In this Ordinance, "emergency purpose" means any purpose connected with or incidental to the emergency arising out of any war in which His Majesty may be engaged.

Authority to raise loan.

3. The Governor is hereby authorised to raise by way of loan a sum not exceeding fifty million rupees for expenditure on emergency purposes.

Method of raising loan.
Cap. 239.

4. The loan or any part of the loan authorised by this Ordinance may, subject as hereinafter provided, be raised under the Registered Stock and Securities Ordinance, at such time or times as the Governor may determine:

Provided that the Governor may, by Order, direct that in respect of any such loan or part of a loan, the provisions of the Registered Stock and Securities Ordinance shall apply and have effect subject to such exceptions, modifications and amendments as may be specified in the Order; and every such Order shall, upon publication in the *Gazette*, be as valid and effectual as if it were herein enacted.

Authority to raise additional sums for incidental expenses.

5. In addition to the sum specified in section 3, the Governor is hereby authorised to raise in the manner prescribed in or under section 4, such further sums as may be necessary for the purpose of defraying the expenses incurred in raising the loan or any part thereof.

Application of moneys raised by way of loan under section 3.

6. (1) All moneys raised by way of loan under section 3 may be expended for emergency purposes, but such expenditure shall not be finally charged to any such loan or to any part of any such loan except upon a resolution in that behalf passed by the State Council and ratified by the Governor.

(2) Where moneys have been expended out of general revenue for emergency purposes whether before or after the commencement of this Ordinance, such expenditure may,

by a resolution passed by the State Council and ratified by the Governor, be declared to be charged to any loan or to any part of any loan raised under section 3.

7. (1) In anticipation of the raising of any loan or of any part of any loan by authority of this Ordinance, the Governor may, in his discretion, from time to time cause such sums as he may deem necessary to be raised by the issue of Treasury Bills under the Local Treasury Bills Ordinance; and the provisions of that Ordinance shall apply accordingly except in so far as they are inconsistent with the provisions of this Ordinance.

Power to issue
Treasury
Bills, &c.

Cap. 287.

(2) Every sum raised by the issue of Treasury Bills under the authority of sub-section (1) may be applied—

- (a) for paying off at maturity any Treasury Bills issued under the authority of that sub-section and outstanding at the date on which such sum is raised; or
(b) for emergency purposes.

(3) Upon the raising of the loan or part of the loan in anticipation of which any sum has been raised by the issue of Treasury Bills under the authority of sub-section (1), the Governor may—

- (a) expend from such loan or part thereof such amounts as may from time to time be necessary to meet the liabilities of the Government in respect of such Treasury Bills; or
(b) where such liabilities have been met in the first instance out of general revenue, refund to the general revenue such amounts as may have been expended therefrom for that purpose.

8. The interest payable on any registered stock, promissory notes or bearer bonds issued by authority of this Ordinance under the Registered Stock and Securities Ordinance and held by the Government of any part of His Majesty's dominions (including therein any British Protectorate or Protected State and any territory in respect of which a Mandate on behalf of the League of Nations¹ has been accepted by His Majesty), shall be exempt from all taxes and duties leviable or payable under any written law in force in Ceylon, notwithstanding anything in any such law to the contrary.

Exemption
from taxes
and duties.

Cap. 289.

Objects and Reasons.

The object of this Bill is to make provision for raising a loan of fifty million rupees for emergency expenditure. The loan will be raised in Ceylon under the Registered Stock and Securities Ordinance (Chapter 289). Power will be taken to issue Treasury Bills in anticipation of the raising of the loan or of any part thereof.

Financial Secretary's Office,
Colombo, January 20, 1942.

H. J. HUXHAM,
Financial Secretary.

(Continued on page 41.)

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,636. In the matter of the insolvency of Joseph Noel Insolvency. Jansz of 323A, Dutugemunu street, Nugegoda

WHEREAS J. N. Jansz has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Martin Suraweera of First Division, Maradana, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said J. N. Jansz insolvent accordingly, and that two public sittings of the court, to wit, on February 6, 1942, and on March 6, 1942, 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.

January 19, 1942. By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo

No. 5,591. In the matter of the insolvency of Thomas Fernando of 27/1, Mosque lane, Colpetty, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the second sitting of this court on February 13, 1942, for the examination of the above-named insolvent.

January 15, 1942. By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,597. In the matter of the insolvency of Pathirana Wasan Insolvency. Don Wilson of 28, Sunethra Devi road, Nugegoda.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the second sittings of this court on February 13, 1942, for the examination of the above-named insolvent.

January 21, 1942. By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,600. In the matter of the insolvency of Ambegoda-Insolvency. Iianago Sylvester Perera of 298, Kalubowila road, Wellawatta West.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the second sitting of this court on February 13, 1942, for the examination of the above-named insolvent.

December 22, 1941. By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

Insolvency In the matter of the insolvency of Wilmot Littleton Jurisdiction. Earle Meerwald of 233/7, Cotta road, Borella, in No. 5,633. Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the second sitting of this court on February 20, 1942, for the examination of the above-named insolvent.

January 19, 1942. By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,536. In the matter of the insolvency of Cecil de Jong of Insolvency. 355, Wattarappola road, Mount Lavinia.

NOTICE is hereby given that a meeting of the creditors of the above insolvent is fixed for February 13, 1942, at a sitting of this court for the appointment of an auditor and for the declaration of a dividend in the above case.

January 20, 1942. By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,637. In the matter of the insolvency of Norton Clarence de Silva of 65D, Karagampitiya, Dehiwala.

WHEREAS N. C. de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Joseph Romuld Alles of Maradana, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said N. C. de Silva insolvent accordingly; and that two public sittings of the court, to wit, on February 27, 1942, and on March 27, 1942, 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.

January 19, 1942. By order of court, C EMMANUEL, Secretary.

In the District Court of Kandy

No. I. 74. In the matter of the insolvency of Cyril Lucian Barsenbach of Kandy.

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 February 20, 1942, to consider the granting of a certificate of conformity to the above-named insolvent.

January 16, 1942. By order of court, R. B. RATNAIKA, Secretary.

In the District Court of Kandy.

No. 101b. In the matter of the insolvency of Percy Benedict Ranasinghe of Trincomalee street, Kandy.

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 February 20, 1942, for the appointment of an assignee.

January 16, 1942. By order of court, R. B. RATNAIKA, Secretary.

In the District Court of Jaffna

Insolvency In the matter of the insolvency of Kandiah Thiruvathar of Karaitivu West, insolvent
Jurisdiction vathar of Karaitivu West, insolvent
No. 189.

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 February 19, 1942, to appoint an assignee.

By order of court, T. A. P. MYLVAGANAM, Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) N. Seyad Kannu, (2) N. Abdul Cader Pillai, (3) N. Aduma Kannu, (4) N. Peer Kannu, (5) N. Mohamed Kannu, all carrying on business under the name, style, and firm of Seyad Kannu & Brothers, at 473, Galle road, Colpetty, Colombo Plaintiffs.

No. 12,582/M. Vs.

Mrs. J. C. Samarasundara of 54, School lane, Colpetty, Colombo, presently of 21, Station road, Bambalapitiya Defendant

NOTICE is hereby given that on Friday, February 13, 1942, 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. 547.44, with legal interest thereon from December 3, 1940, till payment in full, viz:—

Lot B in plan No. 684B bearing assessment No. 54, School lane, Bambalapitiya, now falling under the division of Colpetty within the Municipality and District of Colombo, Western Province, together with the buildings and plantations thereon; bounded on the north by School lane, on the east by lot C of lot 4 and portion of lot A 5 belonging to J. M. Dissanayake, on the south by Edward lane, and on the west by premises bearing assessment No. 52, School lane; and containing in extent 18 30/100 perches, and registered under A 275/192.

Fiscal's Office, H. C. WIJESINHA,
Colombo, January 21, 1942. Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Bentaravitanage William Singho of Pelandagoda . . Plaintiff-Creditor.

No. 29,757. Vs.

(16) Donar Jansz Silva of Bentota, Trustee of Udakotuwa Temple Defendant-Debtor.

NOTICE is hereby given that on Monday, February 16, 1942, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 16th defendant in the following property for the recovery of the sum of Rs. 321.80 less Rs. 136.41 recovered, viz:—

All that defined lot marked K 2 together with all the buildings, plantations, and everything appertaining thereto of the land called Malalage Mahawatta, situated at Pahurumulla in Bentota in Bentota-Walallawiti korale of the Galle District, Southern Province;

and which said lot K 2 is bounded on the north by Mahapahala-watta, east by Pelesge Udakotuwwatta, south by lot G of the same land, and on the west by lot K 1 of the same land; and containing in extent 6.975 perches.

Deputy Fiscal's Office, S. M. RANASOORIYA,
Balapitiya, January 19, 1942. Additional Deputy Fiscal.

In the District Court of Matara.

Kapugama Geeganage Yasodis of Talpawila Plaintiff
No. 11,800 Vs.

(1) Hettihewage Thomas de Silva of Gandara and others Defendants.

NOTICE is hereby given that on Tuesday, February 24, 1942, commencing at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 90.75, viz:—

Property of 1st Defendant.—All that undivided 6/12 parts of the land called lot C of Hompalapittaniya, situated at Kapugama in Wellaboda pattu of Matara District, Southern Province; and bounded on the north by Paluwatta and Bethmagedhena, east by Bethmagedhenegedarawatta, south by Matara-Tangalla high road, and on the west by lot B of the same land; and containing in extent 2 roods and 16 perches, together with all the buildings standing thereon.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, January 16, 1942. Additional Deputy Fiscal.

In the District Court of Tangalla

Thomshamy Abeysin Kodippily of Tangalla Plaintiff
No. 4,622. Vs.

(1) Sukku Baduge James de Silva Wimalasuriya of Tangalla, in his personal capacity and as well as administrator over the estate of the deceased, Punchmona Premawathie Edirisooriya, late of Tangalla, and another Defendants.

NOTICE is hereby given that on Monday, February 16, 1942, at 3 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 43 dated July 9, 1934, and attested by S. W. Edirisooriya, Notary Public, and ordered to be sold by order of court dated November 11, 1941, for the recovery of Rs. 559.22, together with legal interest on Rs. 548.94 from November 7, 1941, till payment in full, viz:—

At Kotuwegoda in Tangalla.—All that eastern one-half portion of an allotment of land bearing assessment No. 45 and now 49, together with the 9-cubit tiled house standing thereon, situated at Kotuwegoda in the town of Tangalla in West Giruwa pattu of the Hambantota District, Southern Province; and bounded on the north-east by land claimed by Palliyegurunnanse, south-east by land bearing No. 55770, south-west and north-west by fences of the western one-half portion of this land, containing in extent about 1 rood.

Deputy Fiscal's Office, V. ALLIRAJAH,
Tangalla, January 17, 1942. Additional Deputy Fiscal.

North-Western Province.

In the District Court of Puttalam.

Navenna Sona Adaikammai Achi *alias* Sornavalluachi of Devakottai appearing by her attorney P. L. S. P. N. Samanthan Chettiar of Devakottai Plaintiff.

No. 4,853 Vs.

(1) Valliammai Achy, widow of M. Y. M. Meyappa Chettiar, (2) Letohmi Achy, widow of M. Y. M. Avichi Chettiar, and (3) Valliammai Achy, widow of M. Y. M. Avichi Chettiar of 8/111, 104, 105, 106, 107, P. A. L. street, Karaikudi, South India Defendants

NOTICE is hereby given that on Friday, February 13, 1942, at 10.30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, for the recovery of the sum of Rs. 1,104.37, with legal interest and costs, viz:—

All that land called and known as Kandathoduwai Ilamaranchena, situate at Kandathoduwai, in Mel Akkara pattu, in Puttalam pattu division, in the District of Puttalam, North-Western Province; and bounded on the north by reservation along the road, east by the land belonging to U. S. Mohamedo and others, south by Crown land, and west by the land belonging to A. R. M. A. L. A. and others; and containing in extent about 115 acres

Office of the Deputy Fiscal, C. BALASINGHAM,
Puttalam, January 20, 1942. Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Kegalla.

Dissanayake Mudiyansele Leelawathie Dissanayake of Nilwakke Plaintiff.

No. 1,628 Vs.

(1) Morage Podisingho of Kottapola, legal representative of the estate of Morage Kirihatana of Kottapola, and others Defendants.

NOTICE is hereby given that on Saturday, February 14, 1942, commencing at 9 o'clock in the forenoon, will be sold by public

auktion at the respective premises the following property mortgaged by the defendants with the plaintiff and declared bound and executable under the decree in the above case and ordered to be sold by an order to sell dated December 12, 1941, for the recovery of a sum of Rs. 1,977.02, together with legal interest on Rs. 1,738 from March 31, 1941, till payment in full, viz. —

1. All that land called Gallathdeniyehena now garden of one amunam paddy sowing extent; bounded on the east by road leading to Ruwanwella, south by Galenda of Iriyagolla, west by limit of Tennipiyehena, and north by bulu tree and limitary ridge of Belikumbura together with everything appertaining thereto situated at Hakahinna in Kandupita pattu of Beligal korale in the District of Kegalla of the Province of Sabaragamuwa, and registered in E 336/21.

2. An undivided 7/12 share of the field called Dangahakumbura of 16 lahas paddy sowing extent; bounded on the east by bank and south by limitary ridge of Mahallagekumbura, west by bank, and north by limitary ridge of Thoranakumbura, situated at Dematanpitiya in Kandupita pattu aforesaid, and registered in E 270/5.

3. An undivided 3/4 share of the land called Hitnawatta of 12 lahas paddy sowing extent; bounded on the east by stone fence, south by Midellawetiya of Baddevidanelagewatta, west by limit of Hapugahalandawatta, and north by the rock by the road and of the buildings and everything thereon, situated at Kottapola aforesaid, and registered in E 270/6.

4. An undivided 1/2 share of the field called Alakkarawekumbura of 2 pelas paddy sowing extent; bounded on the east and west by galbemma, south and north by godaura, situated at Dematanpitiya aforesaid, and registered in E 270/15.

5. An undivided 1/2 share of the field called Muttetuwekumbura of 3 pelas and 5 lahas paddy sowing extent; bounded on the east by Patragawatta, south by Lekamalagegederakumbura, west by Vidanelagegederahena and north by dam, situated at Dematanpitiya aforesaid, and registered in E 229/207.

Deputy Fiscal's Office,
Kegalla, January 20, 1942

M. D. J. DISSANAYAKE,
Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Nawagamuwago Lewis Perera of Angoda, deceased.
No 5,699

Christopher Emmanuel, Secretary of the District Court of Colombo Petitioner.

Angoda Amarasinghe Aratchige Podrick Silva of Angoda Respondent.

THIS matter coming on for disposal before T. Weeraratne, Esq., District Judge of Colombo, on December 13, 1941, in the presence of Mr. S. Wickremesinghe, Proctor, on the part of the respondent above named; and the affidavit of the respondent dated December 4, 1941, having been read.

It is ordered that the petitioner above named be and he is hereby declared entitled to have letters of administration *de bonis non* under section 549 of the Civil Procedure Code be issued to him accordingly, unless the respondent above named or some other person or persons interested shall, on or before February 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 13, 1942.

JAMES JOSEPH,
District Judge

In the District Court of Colombo.

Order Nisi.

No. 9,376. Testamentary. In the Matter of the Last Will and Testament of the late Albert Edwin Victor Weerasinghe of Kirillapone, Nugegoda.

E. H. M. Winodeni Sarath Kumarihamy of Kirillapone, Nugegoda Petitioner.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on November 10, 1941, in the presence of Mr. P. M. Aloysius Corea, Proctor, on the part of the petitioner above named; and the affidavits of (1) the petitioner dated October 28, 1941, and (2) the attesting notary dated November 8, 1941, having been read:

It is ordered that the last will and testament of Albert Edwin Victor Weerasinghe, deceased, of which the original has been produced and is now deposited in this court, and the same is hereby declared proved, and the petitioner above named is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before December 18, 1941, show sufficient cause to the satisfaction of this Court to the contrary.

C. NAGALINGAM,
District Judge

November 11, 1941.

The date of showing cause against the above *Order Nisi* is hereby extended to January 29, 1942.

December 18, 1941.

T. WEERARATNE,
District Judge.

In the District Court of Colombo.

Order Absolute in the First Instance

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Percival Walter van Langenberg of Talangama, deceased.
No. 9,912.

THIS matter coming on for final determination before T. Weeraratne, Esq., Additional District Judge of Colombo, on December 19, 1941, in the presence of Mr. G. A. H. Wille, Proctor, on the part of

the petitioner, Nora Emma van Langenberg of Lass Wade, Talangama; and the affidavits of the said petitioner dated December 10, 1941, and (b) of the attesting notary dated December 12, 1941, having been read:

It is ordered that the last will made by the deceased above named bearing No. 2,632 dated December 12, 1938, and now deposited in this court be declared proved, and probate hereof be issued to the petitioner aforesaid as the executrix therein mentioned on her tendering the usual oath and bond.

January 16, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Joint Last Will and Testament of Stephen Henry Goonesekera of Claredon, Peliyagoda, deceased.
No 9,898.

Mary Claribel Josephine Goonesekera *nee* Dabare of Claredon, Peliyagoda Petitioner.

And

(1) Emmanuel Marcellous Stephen Goonesekera, (2) Lucian Glasious Goonesekera, (3) Melinda Josephine Marryah Goonesekera, (4) Mary Anneth Florence Goonesekera, all of Claredon, Peliyagoda, appearing by their guardian *ad litem*, (5) Samuel Gunasekera of Waragoda. Respondents.

THIS matter coming on for disposal before T. Weeraratne, Esq., District Judge of Colombo, on December 3, 1941, in the presence of Mr. J. A. Wijeyekoon, Proctor, on the part of the petitioner above named, and the affidavit of (1) the petitioner dated November 28, 1941, and (2) the attesting notary dated November 24, 1941, having been read.

It is ordered that the last will of Stephen Henry Goonesekera, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and that the petitioner above named is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly, unless the respondents above named or some other person or persons interested shall, on or before January 29, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 5th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, and 4th respondents, to represent them for all the purposes of this action.

December 4, 1941.

T. WEERARATNE,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Theoberts Wije Goonewardene of Akmimena in Galle, deceased
No 9,913

Beatrice Sita Moonesinghe of Waragoda estate, Kelaniya. Petitioner.

Selestina Wije Goonewardene of Gulana Group, Akmimena, Galle Respondent.

THIS matter coming on for disposal before T. Weeraratne, Esq., District Judge of Colombo, on December 19, 1941, in the presence of Mr. G. A. H. Wille, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated December 11, 1941, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as the daughter of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondent above named or some other person or persons interested shall, on or before February 5, 1942, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH,
District Judge.

January 19, 1942.

In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Charles Don Carolus of Jawatta road in Colombo, deceased.
No 9,914

THIS matter coming on for final determination before W. Sansoni, Esq., Additional District Judge of Colombo, on December 22, 1941, in the presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioners, (1) Dr. Manuel Don Carolus of Jawatta road in Colombo, and (2) Rose Fernando of Bambalapitiya; and the affidavits (a) of the said petitioners dated December 20, 1941, and (b) of the attesting notary and the witness dated December 17, 1941, having been read: It is ordered that the last will made by the deceased above named bearing No 1,931 dated June 11, 1940, and now deposited in this court be declared proved; and that probate hereof be issued to the petitioners aforesaid as the executors therein mentioned on their tendering the usual oaths and bond.

January 15, 1942

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament (with two Codicils) of Margaret Gordon of Sandwood, Narn, Scotland, widow, deceased.
No. 9,915.

THIS matter coming on for disposal before Waldo Sansoni, Esq., District Judge of Colombo, on December 23, 1941, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, John Maxwell Glasse of Colombo; and (1) the affidavit of the said petitioner dated December 19, 1941, (2) the power of attorney dated September 9 and 3, 1941, and (3) the

order of the Supreme Court dated December 16, 1941, having been read: It is ordered that the will of the said Margaret Gordon, deceased, dated October 13, 1936 (with two codicils thereto dated respectively March 24, 1939, and December 1, 1939) a certified copy of which under the Seal of the Commissariat of the County of Nairn has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said John Maxwell Glasse is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before February 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 9, 1942.

WALDO SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Juliet Joanna Marie, Macready of Elstree, No. 9,923. Budleigh road, Budleigh Salterton in the County of Devon, spinster, deceased.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on January 13, 1942, in the presence of Don John Boniface Gomes of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo, and the affidavit of the said petitioner, dated January 8, 1942, a certified copy of probate, a certified copy of the last will and testament of the above-named deceased, power of attorney in favour of the petitioner and Supreme Court's order dated December 15, 1941, having been read: It is ordered that the will of the said deceased dated June 15, 1938, of which a certified copy has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the said petitioner is one of the attorneys of the sole executor named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before January 29, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 13, 1942.

JAMES JOSEPH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Lattuwahandy Elelishamy of Ahungalla in Kosgoda, deceased.

Hakkini Baby Nona of Ahungalla in Kosgoda Petitioner.

(1) Lattuwahandy Mailohamy, (2) Lattuwahandy Marthin Appu, (3) Lattuwahandy Missy Nona, all of Ahungalla aforesaid, (4) Halamba Amis Hamy of Randombe, Ambalangoda, (5) Halamba Pmohamy of Madampe, Ambalangoda Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Colombo, on January 16, 1942, in the presence of Mr. W. A. Gunawardane, Proctor, on the part of the petitioner; and the affidavit of (1) the petitioner dated January 14, 1942, and (2) the attesting notary public dated December 28, 1941, having been read:

It is ordered that the last will and testament of Lattuwahandy Elelishamy, deceased, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and that the petitioner above named be and she is hereby declared entitled to have letters of administration to the above estate with the will annexed issued to her accordingly, unless the respondent above named or some other person or persons interested shall, on or before February 19, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 17, 1942.

JAMES JOSEPH,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

No. 3,003. In the Matter of the Estate of the late Rammuni Edoris Silva, deceased, of Uduwera in Ragam korale.

(1) Rammuni Ramel Silva and (2) Rammuni Leeman de Silva, both of Uduwera Petitioners
Vs.

(1) Gunetta Seeman Nona de Silva Hamine, (2) Rammuni Jemolinahamy de Silva, both of Uduwera, (3) Rammuni Yasaline Nona de Silva Hamine of Kudawaskaduwa, (4) Rammuni Mary Nona de Silva of Anguruwatofa, (5) Rammuni Baby Nona de Silva, (6) Rammuni Sumalin Nona de Silva, (7) Rammuni Pias Nona de Silva, (8) Rammuni Misilin Nona de Silva, all of Uduwera Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge, Kalutara, on September 29, 1941, in the presence of Mr. S. L. de Silva, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner's dated August 15, 1941, having been read:

It is ordered that the will of Rammuni Edoris Silva of Uduwera dated June 19, 1941, and numbered 28,865, and filed of record in this case be and the same is hereby declared proved; unless the respondents or any other persons interested in the estate, shall on or before November 14, 1941, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the above-named petitioners are the executors named in the said will and that they are entitled to have probate of the same issued to them accordingly, until the respondents

or others interested in the estate shall, on or before November 14, 1941, show sufficient cause to the satisfaction of this court to the contrary

September 29, 1941.

V. JOSEPH,
District Judge.

Time for showing cause extended till December 19, 1941.

November 14, 1941.

V. JOSEPH,
District Judge.

Time for showing cause extended till January 30, 1942.

January 16, 1942.

V. JOSEPH,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Componnage Jane Fernando, deceased, of No. 3,017. Gorakana.

Watutantinge Ariyadasa de Alwis of Gorakana Petitioner.

(1) Watutantinge Jinadasa de Alwis of Gorakana, minor, by his guardian *ad litem* (2) Tuppahige Francis Suwaris of Gorakana Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge of Kalutara, on December 16, 1941, in the presence of Mr. Tudor A. Perera, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated December 13, 1941, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as eldest son of the deceased above named, to have letters of administration issued to him, unless the respondents or any other person interested in the estate shall, on or before January 29, 1942, show sufficient cause to the contrary.

It is further declared that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* over the 1st respondent, who is a minor, for all the purposes of this action, unless the respondents shall, on or before January 29, 1942, show sufficient cause to the satisfaction of this court to the contrary.

December 16, 1941.

V. JOSEPH,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Meerakandu Mohandirama-Weetu Mohamed Cassim Aratchi's daughter, Umma Natchiyya, deceased, of Uda-Talawinna in Pallegampaha of Lower Dumbura.

No. T. 253.

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Kandy, on December 2, 1941, in the presence of Messrs. Marikar & Marikar, Proctors, Kandy, on the part of the petitioner Kokkunugoda Aratchillegedera Ena Howwa Umma of Uda-Talawinna aforesaid; and the affidavit of the said petitioner dated November 9, 1941, and of the attesting witness dated November 29, 1941, having been read:

It is ordered that the last will of the above-named deceased dated June 22, 1941, and now deposited in this court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before February 9, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

December 2, 1941.

JAMES JOSEPH,
District Judge.

In the District Court of Kandy.

Order Nisi.

No. T. 254. In the Matter of the Estate and Effects of C. D. B. Kambuwatawana of Molagoda, deceased.

M. B. K. Molagoda of Forest Bungalow, Nuwara Eliya Petitioner.

And:

(1) Wattarantenne Rajapaksa Atapattu Wasala Mudiyanse Ralahamillage Loku Kumarihamy, (2) Mrs. P. B. Alawattegama of Arambe Walauwa, Ukuwala, (3) L. B. K. Molagoda of Hingulwala, (4) T. B. K. Molagoda of Molagoda, (5) C. B. K. Molagoda of Malagomuwa in North-Western Province Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Kandy, on December 10, 1941, in the presence of Mr. B. H. Dunuwille, Proctor, Supreme Court, Kandy, on the part of the petitioner, M. B. K. Molagoda, Forest Bungalow, Nuwara Eliya; and the affidavit of the said petitioner dated December 4, 1941, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as the son of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents or any other person or persons interested shall, on or before January 19, 1942, show sufficient cause to the satisfaction of this court to the contrary.

December 10, 1941.

JAMES JOSEPH,
District Judge.

The date for showing cause is extended to February 26, 1942.

January 19, 1942

C. NAGALINGAM,
District Judge.

DRAFT ORDINANCES.

(Continued from page 37.)

MINUTE.

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

L. D.—CF 3/42

An Ordinance to make provision for the insurance of goods in Ceylon against certain risks in time of war and for purposes connected therewith or incidental thereto.

TABLE OF SECTIONS.

1. Short title.
2. Appointment of Commissioner, &c.
3. Goods insurable under the Ordinance.
4. Ownership of goods.
5. War Risks Insurance Scheme.
6. Employment of agents by the Government.
7. Compulsory insurance.
8. Restriction on carrying on certain insurance business.
9. War Risks Insurance Fund.
10. Power to obtain information.
11. Refund of premiums, &c.
12. Sanction of Attorney-General for prosecutions.
13. Bar of legal proceedings.
14. Exemption from stamp duty.
15. Communication to Commissioner for War Risks Insurance of information available in departments of Commissioner of Income Tax, Estate Duty and Stamps.
16. Regulations.
17. Interpretation.

SCHEDULE.

An Ordinance to make provision for the insurance of goods in Ceylon against certain risks in time of war and for purposes connected therewith or incidental thereto.

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 War Risks (Goods) Insurance Ordinance, No. of 1942. Short title.
2. (1) The Governor may appoint any person, by name or by office, to be or to act as Commissioner for War Risks Insurance and such other officers and servants as the Governor may deem necessary for the purposes of this Ordinance. Appointment of Commissioner, &c.
 (2) In the performance of his duties and the discharge of his functions under this Ordinance, the Commissioner shall be subject to the general direction and control of the Executive Committee of Labour, Industry and Commerce.
3. (1) Subject to the provisions of this section, the following goods shall, in relation to any person carrying on business as a seller or supplier of goods of any description be deemed to be goods insurable under this Ordinance, that is to say, all goods situated in Ceylon being either— Goods insurable under the Ordinance.
 (a) goods of that description, or
 (b) goods used as material from which goods of that description are produced or as ingredients or component parts of goods of that description :
 Provided that no goods shall be deemed to be insurable under this Ordinance—
 (i) in relation to any person, being the owner of the goods, who carries on business as a seller of goods, unless they are owned by him with a view to being sold; or to being used as material for the production of goods to be sold, or as ingredients or component parts of goods to be sold ;
 (ii) in relation to any person, being the owner of the goods, who carries on business as a supplier of goods, unless they are owned by him with a view to being supplied for the purposes of or in pursuance of a contract made by him for work, labour and materials, or to being used as material for the production of goods to be supplied as aforesaid, or as ingredients or component parts of goods to be so supplied.
 (2) For the purposes of the proviso to sub-section (1), any goods shall be deemed to be owned by the person in whom the property in the goods is vested :
 Provided that any reference in that sub-section to the owner of any goods—
 (a) shall include a reference to any person for the time being entitled, either unconditionally or conditionally, to have the property in the goods vested in him ;

(b) in relation to any goods—

(i) the property in which is vested in any person otherwise than in the course of a business carried on by him in Ceylon, or as respects which any person is entitled to have the property therein vested in him otherwise than in the course of such a business ; and

(ii) which any person carrying on business in Ceylon is for the time being entitled to sell as agent,

shall include a reference to the last-mentioned person,

and any reference to goods owned by any person shall be construed accordingly.

(3) In relation to a person carrying on in Ceylon the business of selling agricultural products produced by him, all agricultural products for the time being situated in Ceylon shall, subject to the following provisions of this section, be deemed to be goods insurable under this Ordinance.

(4) Things which, in relation to a person carrying on any business as a seller of goods, are at any time goods insurable under this Ordinance shall not cease to be goods so insurable by reason only that they are subsequently placed in or affixed to land under a contract of sale entered into by that person in the course of that business.

(5) Notwithstanding anything in the preceding provisions of this section, goods of the descriptions specified in the Schedule shall be deemed not to be insurable under this Ordinance.

(6) The Executive Committee may, by regulation, amend the Schedule whether by way of addition thereto, or omission therefrom, or otherwise.

Ownership
of goods.

4. Save in so far as is otherwise expressly provided in this Ordinance, any goods shall, subject to the provisions of this section, be deemed for the purposes of this Ordinance to be owned—

(a) if the property in the goods is for the time being vested in a person in relation to whom they are insurable under this Ordinance, by that person ;

(b) if the property in the goods is not so vested, by any person in relation to whom the goods are insurable as aforesaid and who is for the time being entitled, either unconditionally or conditionally, to have the property in the goods vested in him :

Provided that where—

(i) any goods would, under the foregoing provisions of this section, be deemed to be owned by a person in whom the property therein is vested otherwise than in the course of a business carried on by him in Ceylon, or who is entitled to have the property therein vested in him otherwise than in the course of such a business ; and

(ii) any person carrying on business in Ceylon is for the time being entitled to sell the goods as agent ;

the goods shall be deemed to be owned by the last-mentioned person.

War Risks
Insurance
Scheme.

5. (1) The Governor may, by notification published in the *Gazette*, put into operation a scheme to be called the " War Risks (Goods) Insurance Scheme " (in this Ordinance referred to as " the Scheme ") whereby the Government undertakes, in relation to persons carrying on business as sellers or suppliers of goods, the liabilities of insuring such persons against war risks in respect of goods insurable under this Ordinance which are from time to time owned by such persons in the course of such business.

(2) The Scheme may also extend—

(a) to the undertaking by the Government, in relation to any person carrying on business in Ceylon as a seller or supplier of goods, of the liability of insuring such a person against war risks in respect of goods insurable under this Ordinance which are not owned by him, but in which he has an interest arising in the course of that business ;

(b) without prejudice to the provisions of paragraph (a) of this sub-section, to the undertaking by the Government, in relation to a person carrying on any business in Ceylon, of the liability of insuring such a person against war risks in respect of—

(i) any goods situated in Ceylon which are in his possession, otherwise than under a hire-purchase agreement, for the purposes of that business ;

(ii) any goods situated in Ceylon which are subject to a mortgage in his favour held by him in the course of that business,

being in either case goods which are not owned by him but which are insurable under this Ordinance in relation to the person by whom they are owned.

(3) Subject to the provisions of sub-sections (6) and (7), the Scheme shall be such as to secure—

- (a) that any liability of the Government as insurer under the Scheme is determined by a policy of insurance issued in the prescribed form and in respect of a period not exceeding the period for the time being prescribed in that behalf, by a person acting on behalf of the Government ;
- (b) that any premium under a policy so issued is payable at such rate as may be prescribed ; and
- (c) that the amount of any one premium payable under a policy so issued is not less than such sum as may be prescribed.

(4) The prescribed form of policy may be such—

- (a) as to limit the nature and extent of the indemnity provided by the Government and to impose conditions subject to which the indemnity is provided ; and
- (b) as to incorporate by reference the provisions set out in the regulation prescribing the form.

(5) Different forms of policies, different rates of premium and different periods may be prescribed under sub-section (3) in relation to different descriptions of goods and according to the place at which and the circumstances in which the goods insured are situated.

(6) Notwithstanding anything in the preceding provisions of this section, the Governor may, by Order, direct that in relation to any description of goods there shall be charged and paid on all goods of that description exported from or imported into Ceylon an insurance fee of such amount as shall be prescribed in the Order. Every such Order shall be published in the *Gazette* and shall, upon such publication, be as valid and effectual as if it were herein enacted.

(7) An Order under sub-section (6) may, in addition, make provision—

- (a) for the registration of sellers or suppliers of goods and declaration of stocks of goods of that description ;
- (b) for the collection of insurance fees ;
- (c) for the exemption from the payment of such insurance fee of any goods or class of goods specified in the Order ;
- (d) for such other matters as the Governor may deem necessary or expedient for the proper application and enforcement of the Order.

And such Order may provide a penalty for any contravention thereof not exceeding a fine of five thousand rupees in respect of each offence.

(8) While there is in force in relation to any description of goods an Order under sub-sections (6) and (7), it shall not be necessary to issue to any seller or supplier of goods of that description a policy of insurance ; but every seller or supplier of goods of that description, who complies with the provisions of such Order as to registration or otherwise, shall be deemed to be insured in respect of such goods subject to the conditions and to the extent and for the period for the time being prescribed by such Order.

6. The Governor may employ or authorise the employment of any person to act as agent of the Government for any of the purposes of this Ordinance and may pay to any person so employed such remuneration as the Governor thinks fit :

Employment
of agents
by the
Government.

Provided that no person shall be so employed unless that person is either—

- (a) a member of a prescribed association ; or
- (b) a person who in Ceylon has a standing contract with underwriters who are members of the Society of Lloyd's, whereby such person is authorised, within the terms of such contract, to issue protection notes, cover notes or other documents granting insurance against war risks.

7. (1) No person shall, after such date as the Governor may appoint by Proclamation published in the *Gazette*, carry on any business in Ceylon as a seller or supplier of goods unless, in respect of any goods insurable under this Ordinance which are for the time being owned by him in the course of that business—

Compulsory
insurance.

- (a) there is in force a policy of insurance against war risks issued in accordance with the Scheme whereby he is insured in respect of all such goods for a sum not less than the value thereof for the time being ; or

(b) there is in force in relation to any description of goods of which he is a seller or supplier an Order under sub-sections (6) and (7) of section 5 and he has duly complied with the provisions of that Order so as to be deemed under the provisions of sub-section (8) of that section to be insured in respect of such goods for a sum not less than the value thereof for the time being :

Provided that nothing in this sub-section shall restrict the carrying on of business as aforesaid by any person, if and so long as the value of all goods insurable under this Ordinance which are for the time being owned by him within Ceylon in the course of that business does not exceed such amount as may be prescribed.

(2) Where under any form of policy prescribed under this Ordinance the maximum amount recoverable in respect of goods is, irrespective of the sum insured, less than the value of those goods, any reference in the preceding provisions of this section to the value of goods shall be construed, in relation to those goods, as a reference to that maximum amount.

(3) Any person who acts in contravention of the provisions of sub-section (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees and to a further fine not exceeding five hundred rupees for every day after the first on which the contravention continues.

(4) The Governor may, by Order made as respects any description of goods specified in the Order, direct that the Scheme shall not operate so as to compel any person to insure in respect of goods of that description.

Restriction
on carrying
on certain
insurance
business.

8. (1) After the date on which the Scheme is put into operation, no person shall, except as a person authorised by the Government as its agent to issue policies in pursuance of that Scheme, carry on the business of insuring persons carrying on business in Ceylon, as sellers or suppliers of goods, against war risks in respect of goods insurable under this Ordinance which are from time to time owned by such persons in the course of such business as is last-mentioned.

(2) Every person who acts in contravention of the provisions of sub-section (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees and to a further fine not exceeding one thousand rupees for every day after the first on which the contravention continues.

War Risks
Insurance
Fund.

9. (1) There shall be established and maintained a fund for the purposes of this Ordinance to be called the " War Risks (Goods) Insurance Fund " into which shall be paid all sums received by way of insurance premiums and fees under the Scheme and out of which shall be paid all sums required for the fulfilment by the Government of any of its obligations or for the repayment of any premiums under this Ordinance or for the payment of the remuneration or expenses of agents and other persons employed for the purposes of the Scheme.

(2) If, at any time when a payment falls to be made out of the Fund, the sum standing to the credit of the Fund is less than the sum required for the making of that payment, an amount equal to the deficiency shall be paid into the Fund as an advance out of the general revenue.

(3) If at any time the amount standing to the credit of the Fund exceeds the sum which, in the opinion of the Financial Secretary, is likely to be required for the making of payments out of the Fund, the excess shall be appropriated to the repayment of moneys advanced to the Fund and the surplus, if any, shall be applied to such purposes as may be determined by resolution passed by the State Council and ratified by the Governor.

(4) The Commissioner shall prepare in such form and manner as may be prescribed, and shall publish, either annually or at such shorter intervals as may be prescribed, an account of all sums received into and paid out of the Fund.

(5) The Auditor-General shall be responsible for the audit of the Fund.

Power to
obtain
information.

10. (1) The Commissioner or any person authorised by the Commissioner in writing may at all reasonable times enter any premises occupied by any person carrying on in Ceylon the business of fire insurance or of a seller or supplier of goods, and may inspect the premises and may require any person found therein, who is for the time being in charge thereof or in control of the business carried on therein, to produce to him and allow him to examine such accounts, books or other documents as may relate to the business carried on in the premises, and to furnish to him such information as he may reasonably require for the purposes of this

Ordinance, and, in particular, for the purpose of ascertaining whether or not any person has insured any goods against war risks, and, if so, for what value.

(2) Any person who wilfully obstructs the Commissioner or a person authorised by the Commissioner in the exercise of his powers under sub-section (1) or fails without reasonable excuse to comply with the request made under that sub-section shall, in respect of each occasion on which any such obstruction or failure takes place, be guilty of an offence and shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees.

(3) Whoever, in purporting to comply with his obligations under sub-section (1) knowingly or recklessly makes a statement false in a material particular, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding three months, or to both such fine and imprisonment.

(4) Where in any proceedings in respect of a contravention of section 7 in relation to any business, it is proved, in relation to that business—

(a) that a demand for the production of a policy of insurance issued in accordance with the Scheme insuring the person carrying on the business was duly made under sub-section (1) and was not complied with; and

(b) that the person making the demand was not satisfied that there was such a policy in existence;

it shall be presumed, except in so far as the contrary is proved, that the said section 7 was being contravened in relation to that business at the time that the demand was made and continued to be contravened in relation to that business at all times thereafter.

11. (1) Where goods of any description have been insured by a seller or supplier of goods for any period, and before that period has elapsed goods of that description have ceased, by virtue of an amendment of the Schedule, to be goods insurable under this Ordinance, the person who has insured such goods shall be entitled to a proportionate refund of premiums.

Refund of premiums, &c.

(2) The Commissioner may, with the approval of the Financial Secretary, in any case where it appears to be just and equitable so to do, refund the whole or any part of any sum paid by any person by way of premiums under the Scheme or remit payment of any part of any sum so payable by any person.

12. No prosecution for any offence under this Ordinance, shall be instituted against any person except by the Attorney-General or with his written sanction.

Sanction of Attorney-General for prosecutions.

13. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

Bar of legal proceedings.

14. Every policy of insurance, executed or issued in accordance with the Scheme for the purpose of this Ordinance, shall be exempt from stamp duty.

Exemption from stamp duty.

15. Notwithstanding anything in section 4 of the Income Tax Ordinance or in any other written law, the Commissioner of Income Tax, Estate Duty and Stamps, or any officer of his departments authorised by him in that behalf, may communicate to the Commissioner for War Risks Insurance any matter or information which comes to his knowledge in his capacity as Commissioner of Income Tax, Estate Duty and Stamps, and may also transmit to the Commissioner for War Risks Insurance any return or document received by him or in his possession in his capacity as Commissioner of Income Tax, Estate Duty and Stamps; and the Commissioner for War Risks Insurance may, notwithstanding anything in the Evidence Ordinance relating to the proof of documents, produce or cause to be produced in any court, in any proceedings against any person for an offence under this Ordinance, a copy of any particulars contained in any return or document so transmitted, certified by him or on his behalf to be a correct copy of such particulars:

Communication to Commissioner for War Risks Insurance of information available in departments of Commissioner of Income Tax, Estate Duty and Stamps.

Cap. 188.

Cap. 11.

Provided that the Commissioner of Income Tax, Estate Duty and Stamps or the Commissioner for War Risks Insurance shall not in any case be compelled to produce in any court either the original of any such return or document or a copy of any particulars contained in any such return or document.

16. (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Regulations.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters :—

- (a) all matters authorised or required by this Ordinance to be prescribed ;
- (b) risks other than those prescribed by this Ordinance which shall be deemed to be war risks for the purposes of this Ordinance ;
- (c) the forms of policies of insurance, the maximum period in respect of which such policies shall be issued, the rates on which premiums on such policies shall be payable, and the minimum amount which shall be payable as any one premium on such policies.

(3) No regulation made by the Executive Committee shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Gazette*.

(4) A regulation made by the Executive Committee, when approved by the State Council and ratified by the Governor shall, upon notification of such approval and ratification in the *Gazette*, be as valid and effectual as if it were herein enacted.

Interpretation.

17. In this Ordinance, unless the context otherwise requires—

- “ agricultural products ” means products of agriculture, horticulture or silviculture ;
- “ Commissioner ” means the Commissioner for War Risks Insurance appointed under section 2 ;
- “ Executive Committee ” means the Executive Committee of Labour, Industry and Commerce ;
- “ Fund ” means the War Risks (Goods) Insurance Fund established under section 9 ;
- “ goods ” means any materials, commodities or articles other than money and includes agricultural products ;
- “ Government ” means the Government of Ceylon ;
- “ prescribed ” means prescribed by this Ordinance or by regulation ;
- “ regulation ” means a regulation made under this Ordinance ;
- “ seller ” or “ seller of goods ” includes a seller of goods acting as an agent ;
- “ situated in Ceylon ”, when used with reference to goods, means situate on land or borne on inland waters or borne on waters of Ceylon in transit from ship to shore or shore to ship ; but, except as aforesaid, does not include goods sea-borne in ports or on waters of Ceylon ;
- “ supplier ” or “ supplier of goods ” means a person carrying on a business in the course of which he supplies goods for the purpose of or in pursuance of a contract made by him for work, labour and materials ;
- “ war risks ” means the risks of loss or damage—
- (a) caused by—
 - (i) the discharge of any missile (including liquids and gas) ; or
 - (ii) the use of any weapon, explosive or other noxious thing ; or
 - (iii) the doing of any other injurious act, either by the enemy or in combating the enemy or repelling an imagined attack by the enemy ; or during the training of armed forces or during military exercises ; or
 - (b) caused by the impact on any property of any enemy aircraft, or any aircraft belonging to, or held by any person on behalf of or for the benefit of His Majesty or any allied power, or any part of or anything dropped from any such aircraft ;

and includes such other risks, arising from action taken by an enemy, or from action taken in combating an enemy or in repelling an imagined attack by an enemy, or during the training of armed forces or during military exercises, as may be prescribed.

SCHEDULE.

(Section 3 (5).)

Goods deemed not to be insurable under the Ordinance.

1. In relation to a person carrying on the business of producing agricultural products, the following goods produced by that person when on land occupied by him in the course of that business, that is to say, agricultural products and articles of food and drink wholly or partly manufactured or derived from any such product, and fleeces and the skins of animals.

2. Timber, floating, and timber on the site where felled.
3. Coal (including anthracite and cannel coal), coke, coal, tar pitch and manufactured fuel of which coal or coke is the chief constituent.
4. Non-metalliferous mine and quarry products, unmanufactured, other than mica.
5. Bricks and tiles of brick-earth and clay and refractory bricks, blocks and tiles, other than glazed bricks and tiles.
6. Synthetic magnesite.
7. Cement and cement clinker.
8. Lime.
9. Slates for roofing, slates for damp courses and slate slabs.
10. Concrete products of all descriptions.
11. The following manufactures of stone :—
Pavement kerbs and setts ; channels, slabs and flags ;
and manufactured stone for building purposes.
12. Iron ore and iron pyrites.
13. Manganese ore of all descriptions, except manganese ores for use in the manufacture of chemicals, electric batteries, manganese metal, glass or ceramics.
14. Ores, concentrates, drosses and residues for smelting of aluminium, antimony, copper, lead, nickel and zinc (or spelter), and drosses and residues of tin.
15. Ores, concentrates, mattes, drosses and residues of gold, silver, platinum, palladium, iridium, rhodium, osmium and ruthenium.
16. Iron and steel scrap.
17. Cinder, scale and slag.
18. Scrap of the following metals and alloys thereof—
Aluminium, antimony, copper, lead, nickel, tin and zinc (or spelter).
19. Iron and steel of the following descriptions :—
(a) Pig iron ;
(b) Ferro-alloys, other than in powder form ;
(c) Ingots, billets, blooms and slabs ; tin plate bars and sheet bars ;
(d) Plates coated or uncoated, whether fabricated or not ;
(e) Sheets, coated or uncoated ;
(f) Angles, channels, tees, joists, piling sections and other sectional material, whether fabricated or not ;
(g) Rounds, rods, wire rods, squares, hexagons, flats and all other sections and shapes ;
(h) Bolts of $\frac{1}{2}$ in. in diameter and over, unmachined ; rivets of $\frac{1}{2}$ in. in diameter and over, unmachined ;
(i) Rails, sleepers, fishplates and sole plates ;
(j) Tinplates, terne plates, black plates and silver finished plates ;
(k) Hoop and strip, hot or cold rolled ;
(l) Tyres, axles and wheels ;
(m) Goods of the following descriptions (not including bolts, rivets, nuts, washers, screws or spikes) :—
Iron castings (except where wholly or partly machined) ; steel castings ; forgings ; stampings (except where wholly or partly machined) ; pressings ;
(n) Colliery arches and pit props ;
(o) Hot finished wrought iron and steel tubes and standard fittings therefor, however made ; cast iron pipes and standard fittings therefor ; malleable cast fittings for pipes and tubes ;
(p) Assemblies of plates and sectional materials as component parts of structures.
20. Copper, unwrought, whether refined or not, in ingots, bars, billets, wire-bars, blocks, slabs, cakes, cathodes, anodes, and rods, and copper shot.
21. Aluminium, antimony, tin and zinc (or spelter), unwrought, in ingots, pigs, blocks, cakes, bars and slabs ; lead and nickel, unwrought, in all forms.
22. Alloys of aluminium, antimony, copper, lead, nickel, tin, zinc (or spelter), unwrought, in ingots, pigs, blocks, cakes, bars and slabs.
23. Lead in white lead stacks and chambers.
24. Gold, silver, platinum, palladium, iridium, rhodium, osmium, and ruthenium and alloys thereof, in grain, ingot, bar, sheet, tube, wire or powder and ply metal in the form of sheet, tube or wire, of which any of the said metals or any alloy thereof is a component.
25. Articles and findings made solely (except for fittings and embellishments if any), of gold, platinum, palladium, iridium, rhodium, osmium or ruthenium.
26. Silver at the following stages of manufacture :—settings, stampings, draftings, spinnings, castings and pressings.
27. Unmounted diamonds, whether rough or polished and industrial diamonds, mounted or unmounted.
28. Natural pearls, mounted or unmounted.
29. Other precious and semi-precious stones, unmounted, cut or uncut.
30. Gem set jewellery, that is to say, precious and semi-precious stones mounted in gold, platinum, palladium, iridium, rhodium, osmium or ruthenium.
31. Jewelled watch cases.
32. Printing machinery of the following descriptions, and component parts thereof :—
Typesetting ; letter press (including rotary and flat bed) ; lithographic ; photogravure ; stereotyping.

33. The following compounds of radium of a concentration exceeding ten per cent. :—

Bromide, carbonate, chloride and sulphate.

34. Spent oxide of iron.

35. Recovered sewage grease; sewage sludge; and manure manufactured or derived from sewage.

36. Paintings in oil or water colours; pencil, ink and charcoal drawings and pastels on canvas or paper (including board); hand printed impressions taken from blocks, plates or like material, whether framed or unframed; reproductions by the colour-collotype process; sculpture, whether in the round, in relief or in intaglio.

37. Printed books, being not less than 50 years old, and manuscripts.

38. Objects of art or craftsmanship being not less than one hundred years old.

39. Postage stamps (intended for collection purposes) denoting a postal service or services, being marks or devices embossed or impressed or comprised in a label.

40. Goods forming the subject of a hire purchase agreement or agreements where the hirer is a person not carrying on the business of selling, letting or hiring goods of the description so hired and wherein provision is made for payment in not less than four instalments spread over a period of not less than six months.

41. Gas of the kind supplied by public utility undertakings and gas oil owned by producers of such gas.

42. Water.

43. Electricity.

44. Plumbago.

Objects and Reasons.

The object of this Bill is to provide for a Scheme whereby the Government will insure goods belonging to sellers and suppliers of such goods against risks of damage or destruction by enemy action or war operations. Agricultural products will be included in the category of "goods". It is essential, however, that all goods which are to be covered by policies of insurance should be situated in Ceylon and should not be included in the list of goods set out in the Schedule and declared to be non-insurable for the purposes of the proposed law. This list is substantially the same as the corresponding list of non-insurable goods in the United Kingdom.

2. It is considered desirable that local legislation for the insurance of goods against war risks should follow the United Kingdom model as closely as possible in order that advantage may be taken of the facilities afforded by the Colonial War Risks Insurance (Guarantees) Act, 1941, which was enacted a few months ago so as to empower the Secretary of State to agree to make good, out of moneys voted by Parliament for the purpose, deficiencies in funds established in the Colonies for insuring commodities against war risks.

3. A Commissioner for War Risks Insurance will be appointed (Clause 2) and he will be responsible for the administration of the new law under the general direction and control of the Executive Committee of Labour, Industry and Commerce. It is proposed, however, to employ as agents of the Government some of the insurance companies doing business in Ceylon (Clause 6.)

4. Clause 5 provides for a War Risks (Goods) Insurance Scheme. Insurance for goods valued at Rs. 10,000 and over will be compulsory (Clause 7); but a seller or supplier who is the owner of insurable goods valued at less than that figure will, under the proposed Scheme, be able to insure such goods with the Government on a voluntary basis. Goods can be insured only by the owners of such goods; but "ownership" has been so defined (Clause 4) as to include persons with an interest in the goods short of full ownership. When the Government Scheme is brought into operation, local companies will be debarred from participating in insurance business of the nature proposed to be undertaken by the Government except as agents of the Government (Clause 8). All premiums will be paid into a special Fund which will be used for the payment of claims as they arise.

5. Following the procedure adopted in the Straits Settlements, provision has been included (Clause 5) whereby goods which pay a special insurance fee on importation or exportation will automatically be deemed to be insured against war risks. This alternative method of insurance will, however, be brought into operation only by Order of the Governor if experience proves that insurance should be effected otherwise than by the issue of policies of insurance.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, January 22, 1942.