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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 45/44

An Ordinance to amend the Agricultural Produce Agents (Registration) Ordinance, No. 28 of 1941.

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 Agricultural Produce Agents (Registration) Amendment Ordinance, No. of 1945. Short title.

2. The Agricultural Produce Agents (Registration) Ordinance, No. 28 of 1941, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the insertion, immediately after section 6, of the following new heading and the following new section which shall have effect as section 6A, of the principal Ordinance:— Insertion of new section 6A in Ordinance No. 28 of 1941.

Security to be furnished by Agricultural Produce Agents.

6A (1) The Registrar or an Assistant Registrar may at any time require any licensed agent to furnish, before a specified date, security in a specified amount to the satisfaction of the Registrar or Assistant Registrar, as the case may be, for the due compliance by such agent with the provisions of this Ordinance and the regulations made thereunder. It shall be the duty of every licensed agent, who is required under the preceding provisions of this sub-section to furnish security before a specified date, to furnish such security before that date. Security to be furnished by licensed agents.

(2) The security required to be provided by any licensed agent shall be given—

- (a) by the deposit and hypothecation of money; or
- (b) by the hypothecation of immovable property; or
- (c) in such other manner as may be prescribed.

(3) The security provided by any licensed agent shall be liable to be forfeited in whole or in part in such circumstances as may be prescribed, for the purpose of indemnifying all persons for whom such agent acts or has acted in his capacity as such agent, in respect of any loss or damage caused by any breach by such agent of any provision of this Ordinance or of any regulation made thereunder; and where such agent is a firm, the security provided by such agent shall be liable to be forfeited as aforesaid for the purpose of indemnifying all persons for whom any member of the firm acts or has acted in the capacity of an agricultural produce agent in respect of any loss or damage caused by any breach by any member of the firm of any provision of this Ordinance or of any regulation made thereunder.

- (4) Regulations may be made—
- (a) prescribing the amount in which security shall be given by licensed agents or any class of such agents or any such agents carrying on business in any specified district or area, and the circumstances in which and the conditions and restrictions subject to which such amount may be increased or reduced in any individual case at the discretion of the Registrar;
- (b) prescribing the form of document to be executed by licensed agents or by any class of such agents who furnish security;
- (c) providing for any matter incidental or supplemental to the furnishing of security under this Ordinance.
- Amendment of section 7 of the principal Ordinance.
3. Section 7 of the principal Ordinance is hereby amended by the substitution, for sub-section (1), of the following new sub-section :—
- “(1) The Registrar or an Assistant Registrar may at any time require any licensed agent to open in an approved bank before a specified date, in the name of such agent, an account, to be called the “Agricultural Produce Account”. It shall be the duty of every licensed agent, who is required under the preceding provisions of this sub-section to open an Agricultural Produce Account before a specified date, to open such Account before that date and to furnish to the Registrar, within fourteen days of the opening of such account, a return in the prescribed form containing the prescribed particulars.”
- Amendment of section 8 of the principal Ordinance.
4. Section 8 of the principal Ordinance is hereby amended by the substitution, for the words “licensed agent”, of the words “licensed agent who has been required to open an Agricultural Produce Account”.
- Amendment of section 10A of the principal Ordinance.
5. Section 10A of the principal Ordinance is hereby amended as follows :—
- (1) by the repeal of sub-section (1);
- (2) in sub-section (2) by the substitution, for the words “is exempt from the liability”, of the words “has not been required”;
- (3) by the re-numbering of sub-section (2), as amended by the preceding provisions of this section, as section 10A;
- (4) by the substitution, for the marginal note, of the following new marginal note :—
- “Moneys received by licensed agents who have not been required to open Agricultural Produce Accounts.”
- Amendment of section 24 of the principal Ordinance.
6. Section 24 of the principal Ordinance is hereby amended by the substitution, for paragraph (c), of the following new paragraph :—
- “(c) specify in which of the modes mentioned in section 6A the applicant proposes to provide security if he is required to furnish security under that section;”
- Replacement of section 25 of the principal Ordinance.
7. Section 25 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—
25. The Registrar or Assistant Registrar, on being satisfied that any applicant for a licence as an agricultural produce agent is a fit and proper person to be the holder of such a licence, shall register the applicant as an agricultural produce agent and shall issue to him a licence in the prescribed form.
- Issue of licences.
- Amendment of section 26 of the principal Ordinance.
8. Section 26 of the principal Ordinance is hereby amended in sub-section (3) by the omission of the words “and subject to the other provisions of this Ordinance relating to the furnishing of security”.
- Repeal of section 27 of the principal Ordinance.
9. Section 27 of the principal Ordinance is hereby repealed.
- Sections 2 to 9 to have retrospective effect.
10. The amendments made in the principal Ordinance by this Ordinance shall be deemed for all purposes to have come into operation on the eleventh day of August, 1941, being the date on which the principal Ordinance came into force.

Objects and Reasons

Section 25 of the Agricultural Produce Agents (Registration) Ordinance, No. 28 of 1941, provides that no person is to be licensed as an agricultural produce agent until he has furnished

security in a specified amount. Section 7 (1) requires every licensed agent to open in an approved bank an account to be called the "Agricultural Produce Account".

These obligatory provisions were found to restrict unduly the carrying on of business by agricultural produce agents and were, for that reason, never enforced. It is accordingly proposed by this Bill to remove these restrictions from the principal Ordinance with retrospective effect and, as a safeguard, to vest in the Registrar and the Assistant Registrar the power at any time to call upon a licensed agent to furnish security or to open an Agricultural Produce Account (Clauses 2, 3 and 10).

The other clauses of the Bill deal with consequential amendments.

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

Colombo, January 15, 1945.

DISTRICT AND MINOR COURTS NOTICES.
List of Uncertified Insolvents for the Half Year ended
December 31, 1944.

NJ
T. P. P. GOONETILLEKE,
Nuwara Eliya, January 2, 1945 District Judge.

List of Uncertified Insolvents for the Half Year ended
December 31, 1944.

Insolvency Case No.	Name.	Residence.	Remarks.
7	Mecmanage Gabriel Pieris	Avisawella	Protection withdrawn
8	Weliwita Vithanage Don Kosgama Juwan Appuhamy	Thala	do.

District Court, Avissawella, January 5, 1945. LEONARD B. DE SILVA, District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,673. In the matter of the insolvency of Jayalath Insolvency. aratchige Don Ewilson Abeywickrema of Pannipityya.

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 9, 1945, to consider the grant of a certificate of conformity to the above-named insolvent.

By order of court, M. N. PIERIS,
Colombo, January 16, 1945 Secretary.

NOTICES OF FISCALS' SALES.
Central Province.

In the Court of Requests Matale.

Aha Muttusamy of Trincomalee street, Matale Plaintiff,
No. 8,397. Vs
N. Julius of Udupihilla in Matale Defendant.

NOTICE is hereby given that on Tuesday, February 13, 1945, at 2 o'clock in the afternoon, will be sold by public auction at Udupihilla the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 305, together with interest on Rs. 293 at the rate of 18 per cent. per annum from July 14, 1943, till August 24, 1944, and thereafter legal interest on the aggregate bill payment in full and pounceage, viz. —

The land called Gabadagewatta of 4 acres in extent, situate at Udupihilla in Kohonsiyapattu of Matale in the District of Matale, Central Province, and bounded on the east by agala or Gansabhawa road, south by Gurunnehegeewatta and Lindagawawatta, west by stone fence and north by Ihalawawawatta, together with the tiled house and the plantations standing thereon. Registered in B 106/4.

Deputy Fiscal's Office, Matale, January 10, 1945 H. DIAS DESINGHE, Additional Deputy Fiscal

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Stella Jurisdiction Victoria Arseculeratne of 6, Fairfield Gardens, No. 11,196. Borella, Colombo, deceased

Joseph Victor Marcelles Arseculeratne of 6, Fairfield Gardens, Borella, Colombo Petitioner.

(1) John Cecil Francis Arseculeratne (2) Josephine Margaret Stella de Silva Wijeyeratne, both of Fairfield Gardens, Borella, Colombo, (3) Justin Cecil Felix Boniface Arseculeratne of London, England, (4) Phyllis Etheldreda Winifred de Silva Wijeyeratne of Hospital road, Kottady, Jaffna Respondents.

THIS matter coming on for disposal before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on December 21, 1944,

in the presence of Mr. D. M. Galhona, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 15, 1944, having been read.

It is ordered that the petitioner above named be and he is hereby declared entitled, as the eldest son of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before February 1, 1945, show sufficient cause to the satisfaction of this Court to the contrary.

January 10, 1945. S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Wickrama-arachchige Jacolis Perera of Molligoda, deceased. No. 11,206.

Undugodage Isabella Perera Hamine, presently of Molligoda Petitioner.

Vs.

(1) Wickrama-arachchige Jayaratna, (2) ditto Gunasri, both of Molligoda, being minors by their guardian *ad litem*, (3) Undugodage John Perera, Village Headman of Pattiya in Panadura Respondents.

THIS matter coming on for disposal before S. J. C. Schokman, Esq., Additional District Judge of Colombo, on November 23, 1944, in the presence of Mr. C. L. E. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 22, 1944, having been read.

It is ordered that the 3rd respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st and 2nd respondents above named, and the petitioner above named be and she is hereby declared entitled, as the widow of the said deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before February 8, 1945, show sufficient cause to the satisfaction of this court to the contrary.

December 19, 1944. S. J. C. SCHOKMAN,
Additional District Judge.

In the District Court of Avissawella.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Samarasundara Seneviratne Ganegoda Appuhamillage Don Carolis Appuhamy of Uda-kanugala, deceased. No. 345.

Manamperi Mudianselage Podimenne of Uda-kanugala Petitioner.

And

(1) Samarasundara Seneviratne Ganegoda Appuhamillage Dona Chandrawathie Menike, (2) ditto Don Samaraweera Bandara, (3) ditto Don Chandrasena, (4) ditto Don Suriya Bandara, (5) ditto Dona Karunawathie Menike, (6) ditto Dona Yasawathie Menike, (7) ditto Don Choodawansa, (8) ditto Don Chandradasa, (9) ditto Don Karunadasa, all of Uda-kanugala, being minors by their guardian *ad litem*, (10) Samarasundara Seneviratne Ganegoda Appuhamillage Don Abraham Seneviratne of Uda-kanugala Respondents.

THIS matter coming on for disposal before L. B. de Silva, Esq., District Judge of Avissawella, on December 14, 1944, in the presence of Messrs. Kelart & Amerasinghe, Proctors, on the part of the petitioner above named; and the affidavit and petition of the said petitioner dated December 14, 1944, having been read.

It is ordered (a) that the 10th respondent above named be and he is hereby appointed guardian *ad litem* over the 1st to 9th respondents above named who are minors for the purpose of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before January 25, 1945, show sufficient cause to the satisfaction of this court to the contrary.

December 14, 1944. L. B. DE SILVA,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Godwin Reynold de Alwis Amerasekera Guna-
No. 3,299 wardene of Temple road, Negombo, deceased

Lily Letitia de Alwis Amerasekera Gunawardene of Temple
road in Negombo Petitioner.

Vs.

(1) Mrs Edith Clara de Alwis Amerasekera Gunawardene of
Temple road in Negombo. (2) Wickramaachchipathuram-
helage Jane of Bandarawela. (3) Mrs. Margaret Ladduwa-
hetty of Galle Respondents

THIS matter coming on for disposal before T. F. C. Roberts
Esq., District Judge of Negombo, on December 16, 1944, in the
presence of Mr S. D. F. W. Senaratne, Proctor, on the part of the
petitioner above named; and the affidavit of (1) the petitioner
dated November 19, 1944, and (2) the affidavit of the attesting
notary dated December 15, 1944, having been read

It is ordered that the last will and testament No 502 of Godwin
Reynold de Alwis Amerasekera Gunawardene of Temple road,
Negombo, 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 is the executrix named in the said
will and is hereby declared entitled, to have probate thereof issued
to her accordingly, unless any person or persons interested shall
on or before January 29, 1945, show sufficient cause to the satisfac-
tion of the court to the contrary.

December 16, 1944

T. F. C. ROBERTS,
District Judge

In the District Court of Kandy

Order Nisi.

Testamentary In the Matter of the Estate of the late May Ethel
Jurisdiction. Brown, deceased, of Kandy.
No. T. 465.

Philip Percival Brown of Kandy Petitioner
and

(1) Mervyn Leslie Brown, (2) Una Emily Brown, (3) Mervyn
Gwendolme Brown, (4) Sheila Irene Brown, (5) Mervyn
Dopline Brown, (6) Inaz Ziska Brown, (7) Yvonne Delsia
Brown, (8) Marcean Patricia Brown, (9) Philip Percival
Brown, Junior, all of Kandy Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq.,
District Judge of Kandy, on October 2, 1944, in the presence of
Messrs. De Silva & Karumaratne Proctors, on the part of the
petitioner, Philip Percival Brown; and the affidavit of the said
petitioner dated September 12, 1944, having been read

It is ordered that the petitioner be and he is hereby declared
entitled, as the husband of the above-named deceased, to have
letters of administration to the estate of the deceased issued to him,
unless the respondents above named or any other person or persons
interested shall, on or before November 20, 1944, show sufficient
cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent be appointed guard-
ian *ad litem* over the 6th to 9th respondents, unless the respondents
or any other person or persons interested shall, on or before Novem-
ber 20, 1944, show sufficient cause to the satisfaction of this court
to the contrary.

October 2, 1944.

C. NAGALINGAM,
District Judge.

Date for showing cause is extended for February 1, 1945.

November 20, 1944

M. DE A. SAMARAKOON,
District Judge.

In the District Court of Kandy

Order Nisi.

Testamentary In the Matter of the Estate and Effects of the late
Jurisdiction. Wehgodapitiyage William Singho, deceased, of
No. T 472. Ratmalakaduwa in Gampola

THIS matter coming on for disposal before M. A. Samarakoon,
Esq., District Judge, Kandy, on November 16, 1944, in the presence
of Messrs. Coomaraswamy & Wijeyaratne, Proctors, on the part
of the petitioner. Manimalgahawatto Panchi Ukku of Ratmal-
akaduwa aforesaid; and the affidavit of the said petitioner dated
June 3, 1944, having been read

It is ordered that the petitioner be and she is hereby declared
entitled, as the widow of the above-named deceased, to letters of
administration to the estate of the deceased issued to her, unless the
respondents, (1) Weligodapitiyage Sathurusinghe, and (2) Wehgod-
apitiyage Lily, both of Ratmalakaduwa or any other person or
persons interested shall, on or before January 29, 1945, show sufficient
cause to the contrary.

It is further ordered that the 1st respondent be appointed
guardian *ad litem* over the 2nd respondent, unless the respondents
or any other person or persons interested shall, on or before January
29, 1945, show sufficient cause to the satisfaction of this court to the
contrary.

November 16, 1944

M. A. SAMARAKOON,
District Judge

In the District Court of Jaffna.

Order Nisi.

No. 335 Testy. In the Matter of the Estate of the late Kanagarayer
Tillanather of Puttoor, deceased

Kanagarayer Sunnatam of Puttoor Petitioner.

Vs.

(1) Kanagarayer Selvadurai. (2) Sunnatam Sunnatamby of
ditto Respondents

THIS matter coming on for disposal before H. A. de Silva, Esq.,
District Judge, Jaffna, on December 4, 1944, in the presence of

Mr. R. Emerson, Proctor, on the part of the petitioner; and the
petition and affidavit having been duly read over, it is ordered
that the petitioner be declared entitled to have letters of administra-
tion to the estate of K. Tillanather, as a creditor and heir, unless
the respondents shall appear before this court on January 22, 1945,
and state objections or show cause to the contrary.

H. A. DE SILVA,
District Judge.

In the District Court of Kurunegala.

Order Nisi.

Testamentary In the Matter of the Estate of the late Abraham
Jurisdiction. Perera Jayatilake late of Pallepitiya in Yatikhala
No. 4,537 korale, deceased

Josline Missie Jayanetti Hamme of Pallepitiya Petitioner.

Vs.

(1) Walter Lionel Jayatilake, (2) Margaret Pabasiri Jaya-
tilake, (3) Mulin Premalatha Jayatilake, (4) Austan Lesly
Jayatilake, (5) Somawathie Mallika Jayatilake, all of Palle-
pitiya, (6) Don Welatantiri Jayatilake of Kuliya-
pitiya Respondents.

THIS matter coming on for disposal before S. S. J. Gunasekara,
Esq., District Judge of Kurunegala, on December 22, 1944, in the
presence of Mr O. M. P. Perera, Proctor, for the petitioner above
named, and the affidavit of the said petitioner dated December 14,
1944, having been read

It is ordered that the 6th respondent be and he is hereby appointed
guardian *ad litem* over the 1st to 5th minor respondents for the
purpose of these proceedings, unless the respondents shall, on or
before February 9, 1945, show sufficient cause to the satisfaction
of this court to the contrary.

It is ordered that the said petitioner be and she is hereby declared
entitled, as widow of the above-named deceased, to have letters of
administration to his estate issued to her, unless the respondents or
any other person or persons interested shall, on or before Feb-
ruary 9, 1945, show sufficient cause to the satisfaction of this court
to the contrary

December 22, 1944.

S. S. J. GUNASEKARA,
District Judge

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of the
Case No. 777 late Meer Saibo Marikar Seimul Abdeen Marikar
of Puttalam, deceased.

Pitchey Thamby Marikar Hajarath Unnma, widow of Seimul
Abdeen Marikar of Puttalam Petitioner.

Vs.

(1) Seimul Abdeen Marikar Muhammad Ismail, (2) Seimul
Abdeen Marikar Muhammad Ussein, (3) Seimul Abdeen
Marikar Ayisha Beevy, wife of M. C. M. Thamby Nana
Marikar, all of Puttalam, (4) Seimul Abdeen Marikar Muham-
mad Tahir of Puttalam, a minor appearing by their proposed
guardian *ad litem*, (5) Pitchey Thamby Marikar Muhammad
Ibrahim Marikar of Puttalam Respondents.

THIS matter coming on for disposal before V. H. Wijeyaratne,
Esq., District Judge of Puttalam, on June 5, 1944, on the motion
of Mr Emmanuel Muttukumaru, Proctor, on the part of the petitioner;
and the petition of the petitioner dated June 5, 1944; and affidavit
dated May 12, 1944, and the affidavit of the witnesses to the last
will dated May 12, 1944, having been read: It is ordered that the
will of the deceased above named dated December 30, 1943, and 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
the executrix named in the said will and that she is entitled to have
probate of the same issued to her accordingly.

It is further ordered that the above-named Pitchey Thamby
Marikar Muhammad Ibrahim Marikar, the 5th respondent, be and
he is hereby appointed the guardian *ad litem* over the 4th minor
respondent above named, unless the respondents above named
or any other person or persons interested in the matter of this ap-
plication shall, on or before November 20, 1944, show sufficient
cause to the contrary.

October 10, 1944

V. H. WIJEYARATNE,
District Judge.

Time for showing cause against the *Order Nisi* is extended to
December 11, 1944.

November 20, 1944.

V. H. WIJEYARATNE,
District Judge.

Time for showing cause against the *Order Nisi* is extended to
January 8, 1945

December 11, 1944.

V. H. WIJEYARATNE,
District Judge.

Time for showing cause against the *Order Nisi* is extended to
January 29, 1945

January 8, 1945

V. H. WIJEYARATNE,
District Judge.