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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.

R 50/26

MINUTE.

The following Draft of a proposed Ordinance to consolidate and amend the Law relating to Buddhist Temporalities in the Colony is published for general information. The Government will be glad to receive the observations of all persons interested in Buddhism on the provisions of the Bill :—

An Ordinance to consolidate and amend the Law relating to Buddhist Temporalities in the Colony.

Preamble.

WHEREAS it has been found that the provisions of "The Buddhist Temporalities Ordinance, 1905," have failed to give adequate protection to the Buddhist Temporalities :

And whereas it is expedient to provide such a system of administration and control over such Temporalities as will afford to them such adequate protection :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

PART I.

Preliminary.

Short title and commencement.

1 This Ordinance may be cited as "The Buddhist Temporalities Ordinance, 1930," and shall come into operation on a date to be fixed by the Governor in Executive Council by Proclamation in the "Government Gazette."

Interpretation.

2 In this Ordinance, unless the context otherwise requires—

"Government Agent" includes an Assistant Government Agent of a revenue district in which there is no Government Agent ;

"Temple" means vihare, dagoba, dewale, kovila, or any place of Buddhist worship, and includes the Dalada Maligawa, Sripadasthane, and the Atamasthane of Anuradhapura, but does not include a dewale or kovila for which it is not customary to appoint a basnayaka nilame ;

"Trustee" means a trustee of a temple under the provisions of this Ordinance, and includes the diyawadana nilame, a basnayaka nilame, and a viharadhipati acting as a trustee ;

"Bhikshu" means a bhikshu, whether upasampada or samanera ;

"Layman" means a person who is not a bhikshu ;

"Viharadhipati" means the principal bhikshu of a temple other than a dewale or kovila, whether resident or not ;

"Paraveni panguwa" means an allotment of land held by one or more hereditary tenants subject to the performance of service or rendering of dues to a temple ;

"Maruvena panguwa" means an allotment of land held by one or more tenants-at-will under a temple, and subject to the performance of service or rendering of dues to a temple ;

"Court" means the District Court having jurisdiction in the matter in question.

PART II.

Trustees.

Trustees for temples.

3 (1) There shall, in manner hereafter provided, be a trustee for every temple mentioned in Schedule A to this Ordinance :

Provided always that the Governor in Executive Council may by order published in the "Government Gazette" add to or remove from Schedule A any temple or otherwise vary the said schedule.

(2) A person may be trustee for one or more temples.

4 (1) In the case of the Dalada Maligawa, the diyawadana nilame for the time being shall be trustee of the said temple for his life, unless he shall resign or be suspended or dismissed under the provisions of this Ordinance :

Diyawadana nilame to be trustee of Dalada Maligawa.

Provided always that, except in the case of the diyawadana nilame in office at the time of the commencement of this Ordinance, a diyawadana nilame shall, notwithstanding anything in this sub-section contained, cease to hold such office after he attains the age of seventy years.

(2) On a vacancy occurring in the office of diyawadana nilame for any cause whatsoever, it shall be lawful for the mahanayaka of Malwatte Vihare and the mahanayaka of Asgiri Vihare, the Adigars and Disawas, being Kandyans and Buddhists, the Ratemahatmayas, being Buddhists, holding office within the revenue district of Kandy, and the basnayaka nilames of dewales situate within such revenue district to elect a successor to the office of diyawadana nilame.

(3) A meeting shall be convened by the Government Agent of the Central Province within two months of the vacancy in such office occurring.

(4) Such meeting shall be held at Kandy, and notice in writing shall be sent by registered post of the time and place thereof by such Government Agent, addressed to each person entitled to be present at his last known place of abode not less than one month before the date fixed by him for such meeting.

(5) At such meeting the voting shall be by ballot, and the person receiving the highest number of votes of those present at the meeting on any such ballot shall be deemed to have been elected. Provided that if two or more persons shall obtain an equal number of votes, being the highest, then a second ballot shall be held and the person receiving the highest number of votes shall be deemed to be elected. If such second ballot should also result in a tie, then the Government Agent shall determine by lot which of the persons whose votes are equal shall be elected.

(6) At such meeting the Government Agent shall preside.

(7) The Government Agent shall forthwith report the result of the election to the Public Trustee.

5 (1) In the case of a dewale, the basnayaka nilame thereof for the time being shall be the trustee of the said dewale for his life, unless he shall resign, or be suspended or dismissed under the provisions of this Ordinance :

Basnayaka nilame of a dewale to be trustee.

Provided always that, except in the case of a basnayaka nilame in office at the time of the commencement of this Ordinance, a basnayaka nilame shall, notwithstanding anything in this sub-section contained, cease to hold such office after he attains the age of seventy years.

(2) On a vacancy occurring in the office of basnayaka nilame of a dewale for any cause whatsoever, it shall be lawful in the Kandyan Provinces for the Ratemahatmayas and Korals, being Buddhists, of the revenue district in which such dewale is situated, and in the Maritime Provinces for the Mudaliyars and Muhandirams of korales or pattus and the Vidana Arachchis, being Buddhists, of such revenue district, the basnayaka nilames of dewales in such revenue district, and if such dewale is situated within the Kandy Revenue District, the diyawadana nilame, to elect a successor to such office of basnayaka nilame.

(3) A meeting shall be convened by the Government Agent within two months of the vacancy in such office occurring.

(4) Such meeting shall be held at the headquarters of the revenue district in which the dewale is situated. Notice in writing shall be sent by registered post of the time and place of such meeting by the said Government Agent addressed to each person entitled to be present at his last known place of abode not less than one month before the date fixed by him for such meeting.

(5) At such meeting the voting shall be by ballot, and the person receiving the highest number of votes of those present at the meeting on any such ballot shall be deemed to have

been elected. Provided that if two or more persons shall obtain an equal number of votes, being the highest, then a second ballot shall be held and the person receiving the highest number of votes shall be deemed to be elected. If such second ballot should also result in a tie, then the Government Agent shall determine by lot which of the persons whose votes are equal shall be elected.

(6) At such meeting the Government Agent shall preside.

(7) The Government Agent shall forthwith report the result of the election to the Public Trustee.

Appointment of trustees for temples in Schedule A.

6 (1) As soon as conveniently may be after the commencement of this Ordinance, and, subsequently, whenever occasion arises for the appointment of a trustee of any temple in Schedule A to this Ordinance, which is in charge of a viharadhipati, such viharadhipati shall report to the Public Trustee the name of the person as trustee of such temple. Such name may be that of the viharadhipati himself, or of any other bhikshu or of a layman.

(2) If the name of a properly qualified person is not submitted as aforesaid within one month after the passing of this Ordinance or, subsequently, within one month of the occasion for the appointment of a trustee arising, the Public Trustee may appoint a trustee or extend the time for such submission. Should no such trustee be nominated within the time specified or such extended time and no appointment be made by the Public Trustee, the viharadhipati shall be the trustee.

(3) Where by reason of any dispute as to the person entitled to be the viharadhipati of any temple the name of a properly qualified person is not submitted as aforesaid or the names of more persons than one are submitted, the Public Trustee may provisionally appoint any properly qualified person to be trustee pending the settlement of such dispute.

(4) For the Atamasthane there shall be a board of trustees consisting of three members, namely, the high priest for the time being of the Bo-maluwa or a Buddhist layman nominated by him in writing, the head of the Nuwarawewa family for the time being or a Buddhist layman nominated by him in writing, and a Buddhist layman to be nominated in writing by the Mahanayaka of the Asgiri Vihare, the Mahanayaka of Malwatte Vihare and the Mahanayaka of Maligakande Vihare (or the Principal of Vidyodaya Pirivena at Maligakande) or by a majority of them.

The board shall elect a chairman from among the members of the board.

The chairman shall preside at all meetings of the board, and the board shall not be competent to act unless all members are present.

All matters decided at a meeting of the board shall be by a majority of the members.

(5) The Public Trustee shall issue a letter of recognition to every person nominated a trustee, including a person nominated to the board of trustees of the Atamasthane, unless his recognition would contravene the provisions of this Ordinance.

All trustees to give security.

7 (1) Subject to the express provisions of this Ordinance, all trustees shall, before carrying on or entering upon their duties as trustees, give such security for the due exercise and performance of their powers, duties, and responsibilities as trustees under this Ordinance as the Public Trustee shall in each case require :

Provided always that if any trustee is a bhikshu, the Public Trustee shall not require him to give his own personal security, but shall require him to provide two or more sufficient sureties in his place.

(2) Any trustee who exercises or performs, or attempts to exercise or perform, any such power, duty, or responsibility in contravention of the provisions of the last preceding subsection shall be guilty of a summary offence, and shall be liable on conviction to a fine not exceeding one hundred rupees for each such contravention.

(3) Any trustee who does not give security as in this section provided within three months of the commencement of this Ordinance or of his election, appointment, recognition or nomination, or within such further time as the Public Trustee may in any particular case direct, shall be deemed to have vacated his office.

8 No person shall be elected, nominated or appointed, or, if elected, nominated or appointed, shall act as trustee—

- (a) Unless he is a Buddhist;
- (b) Except in the case of a bhikshu, unless he is the owner of immovable property of the value (after allowing for any mortgage debts thereon) of not less than one thousand rupees, or is in receipt of a clear annual income of not less than five hundred rupees;
- (c) Unless he has completed his twenty-fifth year;
- (d) If he has been sentenced by a criminal court to death or to imprisonment for an offence punishable with imprisonment of either description for a term exceeding three months, such sentence not having been subsequently reversed in appeal, and such person's disqualification on account of such sentence not having been removed by an order of the Governor in Executive Council;
- (e) Except with the sanction of the Governor if he has been dismissed from the Government service;
- (f) If either he or his wife is a paraveni or maruvena tenant of the temple, or a lessee of any land of the temple;
- (g) Except with the approval of the Public Trustee if he is over 70 years of age.

Provided always that if a suitable candidate possessed of the above qualifications cannot be found, the Public Trustee may, in the case of a vihare or dagoba, appoint any person nominated by the viharadhipati, though not so qualified.

9 (1) The Public Trustee shall have power to suspend any trustee, whether in office at the commencement of this Ordinance or elected, appointed, recognized, or nominated subsequently to such commencement, for gross negligence, misconduct, or incapacity.

(2) In every case in which it is proposed to proceed against a trustee with a view to his dismissal, charges shall be framed in writing, and the trustee concerned called upon for his reply thereto. The Public Trustee shall then refer the matter to the court for adjudication.

10 If any trustee, whether appointed before the commencement of this Ordinance or not, shall refuse to accept office, or shall resign or die or vacate his office, or shall become insolvent, or incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, or shall cease to be qualified or shall become disqualified, or shall be absent from the Island for more than one year, or shall be dismissed, then another trustee shall be forthwith elected or nominated or appointed in his stead in manner in this Ordinance provided.

11 In the case of the refusal to accept office, death, vacation of office, incapacity, disqualification, resignation, suspension, dismissal or insolvency of any trustee, it shall be competent for the Public Trustee to make provisional arrangements for the performance of the duties of the office pending the election, nomination or appointment of a successor, and any person who may be provisionally appointed to act as trustee shall have all the powers and be liable to all the responsibilities and duties of a trustee appointed under this Ordinance.

Provided that in the case of the Dalada Maligawa and of the Dewalas in Schedule A to this Ordinance the trustee so provisionally appointed shall be one of the persons entitled to elect the Diyawadana Nilame or Basnayaka Nilame under section 4 (2) or 5 (2).

Provided further that in the case of the departure of a trustee from this Island the person nominated by the trustee in writing shall act for such trustee on such trustee's responsibility. Such nomination shall be reported forthwith to the Public Trustee.

Qualification of trustee.

Suspension or dismissal of trustee.

Appointment of trustee on vacancy.

Provisional appointment of trustee during vacancy or suspension or temporary absence.

Provided further that in the case of the appointment of a person to act for the Diyawadana Nilame, the appointment shall be subject to the approval of the Mahanayaka of Malwatte Vihare and of the Mahanayaka of Asgiri Vihare.

Trustee may sue and be sued, but shall not be personally liable in costs.

12 It shall be lawful for the trustee of a temple, or, where there is no trustee, for the viharadhipati of such temple, to sue under the name and style of "trustee of (*name of temple*)" for the recovery of any property vested in him under this Ordinance or of the possession thereof, and for any other purpose requisite for the carrying into effect the objects of this Ordinance. He shall also be liable to be sued under the same name and style, but shall not be personally liable in costs for any act *bona fide* done by him under any of the powers or authorities vested in him under this Ordinance.

Actions against trustees in default.

13 (1) The Public Trustee or any person interested in any temple, or in the performance of the worship or of the service thereof or the trusts relating thereto, may, without joining as plaintiff any of the other persons interested therein, sue before the court having jurisdiction in the district within which such temple may be situated any trustee, or, where there is no trustee, the viharadhipati, of such temple, for any misfeasance, breach of trust, or neglect of duty committed by such trustee or viharadhipati in respect of the trusts vested in or confided to him, and such court may direct the specific performance of any act by such trustee or viharadhipati, and may decree damages and costs against such trustee or viharadhipati, and may also direct the removal of such trustee or viharadhipati from his trusteeship :

Provided that before entertaining any plaint by any person interested as aforesaid the court shall satisfy itself that the plaintiff has failed to obtain redress from the Public Trustee.

(2) The interest required in order to entitle a person to sue under this section need not be a pecuniary or a direct or immediate interest, or such an interest as would entitle the person to take any part in the management or superintendence of the trusts. Any person having a right of attendance, or having been in the habit of attending at the performance of the worship or service of any temple, or of partaking in the benefit of any distribution of alms, shall be deemed to be a person interested within the meaning of this section.

(3) The Public Trustee shall have power, either on his own motion or on the complaint of any person interested in any temple or in the performance of the worship or of the service thereof or the trusts relating thereto, to hold an inquiry into any alleged misfeasance, breach of trust, or neglect of duty by any trustee or viharadhipati in respect of the trusts vested in or conveyed to him, and shall for that purpose have all the powers of a Commissioner appointed under the provisions of Ordinance No. 9 of 1872.

Neglect of duty by trustees.

14 If any trustee of a temple or, where there is no trustee, if the viharadhipati of such temple shall wilfully refuse or neglect to perform any of the duties imposed on him under this Ordinance, he shall be guilty of a summary offence, and shall on conviction be liable to a fine not exceeding one hundred rupees, or to simple imprisonment for any term not exceeding three months :

Provided that nothing in this section contained shall affect any other liability to which such trustee or viharadhipati may be liable in respect of any such refusal or neglect as aforesaid.

PART III.

Temple Property

Temples not to acquire lands without licence of Governor.

15 (1) From and after the commencement of this Ordinance it shall not be lawful for any temple, or for any person in trust for, or on behalf of, or for the benefit of, any temple to acquire any immovable property, or any interest in any immovable property, unless the licence of the Governor under the public seal of the Island be first had and obtained.

(2) If any person shall by devise, grant, or conveyance, or otherwise purport or attempt to vest in any such temple or in any person or persons in trust, for, or for the benefit of, or on behalf of, any such temple, any immovable property, or any interest therein, and such licence as aforesaid is not obtained, such property or interest shall devolve on, and become vested in, the lawful heir or heirs of such person, notwithstanding such devise, grant, or conveyance.

16 All property, movable and immovable, belonging or in anywise appertaining to or appropriated to the use of any temple, together with all the issues, rents, moneys, and profits of the same, and all offerings made for the use of such temple other than the pudgalika offerings which are offered for the exclusive personal use of any individual bhikshu, shall vest in the trustee for the time being of such temple, or, where there is no trustee, in the viharadhipati of such temple, subject, however, to any leases and other tenancies, charges, and incumbrances affecting any such immovable property.

All movable and immovable property and all offerings to vest in trustee.

17 Any commutation of the services due by any temple tenants which has been or may hereafter be made under the provisions of "The Service Tenures Ordinance, 1870," shall from the time of this Ordinance coming into operation become due and payable to the trustee of such temple, or, where there is no trustee, to the viharadhipati of such temple. The Dalada Maligawa, Sripadasthane, and Atamasthane shall, for the purposes of the "The Service Tenures Ordinance, 1870," be deemed to be temples, anything in the said Ordinance to the contrary notwithstanding.

Commutation under "Service Tenures Ordinance, 1870," to be paid to trustees.

18 All contracts made before the date of the coming into operation of this Ordinance in favour of any temple or of any person on its behalf, and all rights of action arising out of such contracts, may be enforced by the trustee of such temple, or, where there is no trustee, by the viharadhipati of such temple, as far as circumstances will admit, as though such contract had been entered into with him; and all persons who at the said date owe any money to any temple or to any person on its behalf shall pay the same to such trustee, or viharadhipati, who is hereby empowered to recover the same by action if necessary.

Trustee to enforce contracts in favour of, and to recover moneys payable to, temple.

19 All pudgalika immovable property that is acquired by any individual bhikshu for his exclusive personal use, if not alienated by such bhikshu during his lifetime, shall be deemed to be the property of the temple to which such bhikshu belongs.

Pudgalika immovable property acquired by bhikshu for own use.

20 (1) In the case of temples in which the Public Trustee may by writing under his hand so direct, all issues, rents, moneys, profits, and offerings received by the trustee, or, where there is no trustee, by the viharadhipati, for or on behalf of any temple shall be deposited in the Ceylon Savings Bank or in a bank approved by the Public Trustee in a separate account in the name of the temple.

Money to be deposited in bank.

(2) Bank pass books shall be open to the inspection of the auditor mentioned in section 36 of this Ordinance or of any officer designated by the Public Trustee at any time.

(3) No such trustee or viharadhipati shall retain in his hand any sum exceeding one hundred rupees, save with the permission in writing of the Public Trustee.

21 All issues, rents, moneys, profits, and offerings received by any trustee or viharadhipati for or on behalf of a temple shall be appropriated by such trustee or viharadhipati, as the case may be, for the following purposes:

Application of income of temples by trustees.

- (a) The proper repair and furnishing of such temple and the upkeep of the roads and buildings belonging thereto; provided that where a vihara and a dewale are in one and the same building, the funds of either may be used for repairs to and improvements of the structure;
- (b) The maintenance of the bhikshus and ministerial officers attached to such temple;

- (c) The due performance of religious services and such customary ceremonies as heretofore carried on, in, or by, or in connection with such temple ;
- (d) The promotion of education ;
- (e) The relief of the poor in the case of a dewale or kovila, and the customary hospitality to bhikshus and others in the case of a vihare ;
- (f) The payment of compensation under sections 24 and 27 and of all legal expenses properly incurred in carrying out the provisions of this Ordinance ;
- (g) The payment of such share of the expenses incurred or to be incurred in carrying out the provisions of this Ordinance as shall be determined by the Governor ;
- (h) The remuneration of trustees and the payment of expenses incurred by them in carrying out the provisions of this Ordinance ; and
- (i) Such other purposes as may be sanctioned by the Public Trustee.

Alienation of immovable property invalid.

22 Save as hereinafter provided no mortgage, sale, or other alienation of immovable property belonging to any temple, including maruvena pangu, but excluding paraveni pangu, shall be valid or of any effect in law.

Alienation of paraveni panguwa.

23 (1) No mortgage, sale, or other alienation of paraveni pangu held of any temple shall be valid or of any effect in law unless notice in writing of such intended mortgage, sale, or other alienation has been given to the Public Trustee, by the mortgagee, vendee, or other alienee, and the Public Trustee has returned a written acknowledgment of the receipt of such notice to the person sending the same.

(2) The Public Trustee shall keep a register of such mortgages, sales, and alienations, and a copy of each entry shall be sent by him to the trustee concerned.

Recovery of property improperly alienated.

24 (1) Whenever the Public Trustee is satisfied that any immovable property belonging to any temple has been before the commencement of this Ordinance mortgaged, sold, or otherwise alienated to the detriment of such temple, or shall be hereafter mortgaged, sold, or otherwise alienated contrary to the provisions of this Ordinance, it shall be the duty of the Public Trustee to direct the trustee, or, where there is no trustee, the viharadhipati, to institute legal proceedings to set aside such mortgage, sale, or alienation, and to recover possession of such property :

Provided that in the absence of collusion between the parties the court in setting aside any mortgage, sale, or alienation shall award to the mortgagee, vendee, or alienee reasonable compensation for any permanent improvements made by him to or upon such property.

(2) If any such trustee or viharadhipati refuses, neglects, or delays in taking or prosecuting such proceedings, the Public Trustee may authorize in writing any other person to do so.

Power of trustees, or of viharadhipati where there is no trustee, to lease temple lands.

25 (1) It shall be lawful for a trustee, or, where there is no trustee, for the viharadhipati, from time to time and for such rent and on such conditions as he shall deem reasonable to lease, subject to the provisions of this section, all or any of the lands vested in him under the provisions of this Ordinance; of not more than five hundred rupees in value or five acres in extent, save and except such gardens and chena lands as may be reserved by the Public Trustee for the use of the paraveni pangu tenants :

Provided always that no such lease shall be for a longer period than one year, except with the consent of the Public Trustee.

(2) Immovable property over five hundred rupees in value or five acres in extent shall not be leased, except with the sanction of the Public Trustee.

(3) Such sanction in every case shall be in writing certified under the hand of the Public Trustee.

(4) (a) All leases of property over five hundred rupees in value or five acres in extent shall be by tender.

(b) The trustee or viharadhipati, as the case may be, after receiving the approval of the Public Trustee, shall, if the Public Trustee so directs, publish the full conditions of the lease in one or more of the local newspapers, specifying a date not earlier than six weeks after such publication, after which no tenders will be received by him.

(c) All such tenders shall be sent to the trustee or viharadhipati and a duplicate copy to the Public Trustee by the tenderer.

(d) Such tenders shall be scheduled and sent with the recommendation of the trustee or viharadhipati to the Public Trustee, who may make such order thereon as he may think fit.

(5) No lease in any case shall be for a period exceeding ninety-nine years, and in all cases of leases for a period exceeding thirty years, a covenant shall be inserted therein providing for the revision of the rent at every period of ten years from the date of the commencement of the lease, provided that in no case shall the rent due be increased at any such revision by more than fifty per centum of the rent payable during the previous ten years.

(6) No trustee or other person holding any office under the provisions of this Ordinance shall hold on lease any land or building belonging to any temple in respect of which he holds office or is a trustee.

(7) In all cases where the sanction of the Public Trustee is not required, the name and extent of the land leased, together with the amount of the rent and conditions, shall be reported within one month of the granting of the lease by the trustee or viharadhipati to the Public Trustee.

(8) All leases made in contravention of any of the provisions of this Ordinance shall be null and void and of no effect whatsoever in law.

26 All assignments of leases of temple land shall require the approval of the Public Trustee, and any assignment made without his sanction in writing shall be null and void and of no effect whatsoever in law.

Assignment of leases of temple lands.

27 (1) Whenever it is proved to the satisfaction of a competent court that—

Court may set aside leases in certain cases.

(a) Any property of any temple has before the commencement of this Ordinance been leased—

- (i.) For a longer term of years than is consistent with the interest of such temple; or
- (ii.) On terms showing an improvident alienation; or
- (iii.) For clearly inadequate consideration; or
- (iv.) For the private benefit of the lessor or any of his relatives or servants; or
- (v.) With a fraudulent intent;

(b) Any lease of the property of any temple or assignment thereof has been made in contravention of the provisions of this Ordinance ;

such court shall on the application of the trustee, or, if there is no trustee, of the viharadhipati of such temple, or if the trustee or viharadhipati fails to make such application on the direction of the Public Trustee, then on the application of any person authorized in writing by the Public Trustee, either set aside such lease and restore possession of the property to the trustee or viharadhipati entitled to hold the same under this Ordinance or modify the conditions of the same :

(2) An application under the preceding sub-section may be made by summary procedure, provided that the court may in any case direct that any such application shall be by regular procedure.

(3) Where there has been no collusion between the lessor and the lessee in respect of the lease so set aside, the court shall award to the lessee reasonable compensation for permanent improvements to the property effected by him during his tenure of the land.

Recovery of possession of property from trustee who has vacated office, or viharadhipati.

28 (1) Whenever the trustee of any temple who has vacated his office as trustee for any cause whatsoever under the provisions of this Ordinance or of any Ordinance hereby repealed, or any viharadhipati, shall hold or occupy, either directly or through any other person on his behalf, any movable or immovable property belonging to any temple, and shall refuse or neglect to deliver possession of such property to the trustee for the time being of the said temple, or to any person authorized in that behalf by the Public Trustee, it shall be competent for such trustee, or for the Public Trustee, or the person authorized as aforesaid, as the case may be, to apply by way of summary procedure to the court for a writ requiring such first-named trustee or viharadhipati to deliver possession of the property to such other trustee or person aforesaid.

(2) On the hearing of such application it shall be competent to such court to issue its writ to the Fiscal or Deputy Fiscal and give possession accordingly as if it were a writ issued in execution of its own decree.

(3) A certificate under the hand of the Public Trustee to the effect that the person mentioned therein has vacated his office of trustee as aforesaid shall be conclusive evidence of the fact stated therein.

General powers of court.

29 The court may on the application of the Public Trustee, or any trustee of a temple, or, where there is no trustee, of the viharadhipati of such temple—

- (a) Give relief against any accidental mistake or omission or any informality occurring in the course of any matter arising under this Ordinance ;
- (b) Extend the time fixed for any action or proceeding in this Ordinance ;
- (c) Order any person within a time fixed in the order to discharge any duty imposed upon him by this Ordinance ;

and for the purpose of the exercise of its powers under this section may make any order that the justice of the case may require.

Prescription not to apply.

30 In the case of any claim for the recovery of any property, movable or immovable, belonging or alleged to belong to any temple, or for the assertion of title to any such property, the claim shall not be held to be barred or prejudiced by any provision of Ordinance No. 22 of 1871 ; provided that this section shall not affect rights acquired prior to the commencement of this Ordinance.

Exemption of temples from provisions of Part III.

31 The Governor in Executive Council may, by order published in the "Government Gazette," exclude any temple or class of temple from all or any of the provisions of this part.

PART IV.

Accounts, Audit.

Temples to which Part IV applies.

32 This part of this Ordinance shall apply only to temples mentioned in Schedule A to this Ordinance. But the Governor may, by order published in the "Government Gazette," extend its application to any other temple.

Trustee or viharadhipati to keep complete and detailed accounts of income and disbursements.

33 (1) It shall be the duty of every trustee, or, where there is no trustee, of the viharadhipati, to keep, in a form to be prescribed by the Public Trustee—

- (a) Complete and detailed accounts—
 - (i.) of the offerings made to the temple, and of the issues, rents, moneys, and profits received by him from the movable and immovable property belonging thereto ;
 - (ii.) of the disbursements made by him for the purposes defined in section 21 of this Ordinance.

(b) An inventory of all movable and immovable property belonging to the temple.

(2) Any trustee or viharadhipati who contravenes the provisions of this section shall be guilty of a summary offence, and be liable on conviction to a fine not exceeding two hundred rupees.

34 (1) It shall be the duty of every trustee of a temple, or, where there is no trustee, of the viharadhipati of such temple, to make up a statement of such accounts at the close of every half-year ending June 30 and December 31 in each year, and such trustee or viharadhipati shall sign a declaration at the foot thereof that the accounts are "true and correct."

Accounts to be made up half-yearly and submitted.

(2) (a) Such trustee or viharadhipati shall submit his accounts countersigned, in the case of the Dalada Maligawa, by the mahanayakas of Malwatte and Asgiri Vihares, and in the case of any other temple other than a dewale or other than one of which the viharadhipati is trustee, by the viharadhipati, within thirty days of the end of each half-year to the Public Trustee.

(b) Should the mahanayakas or viharadhipati fail to countersign the accounts, they shall be forwarded with a statement to that effect.

(3) Any trustee or viharadhipati who contravenes any of the provisions of this section shall be guilty of a summary offence, and be liable on conviction to a fine not exceeding two hundred rupees.

35 (1) It shall be the duty of a viharadhipati to furnish to the trustee of the temple and to the Public Trustee, when called upon to do so, all such information as he may possess regarding—

Duty of viharadhipati to furnish information to trustee and the Public Trustee

- (a) The annual income of the temple from the offerings made to such temple;
- (b) The nature, extent, and value of paraveni and maruvena pangu and other lands belonging to such temple; and
- (c) The monthly or annual value of the rents, issues, and profits of movable and immovable property belonging to or held by such temple by virtue of any title whatsoever.

(2) Any viharadhipati who, without just cause withholds any information required to be given by this section, or who wilfully gives false information regarding the same, or who without just cause retains possession of any property vested in trustees under the provisions of this Ordinance, or wilfully obstructs any trustee or causes any trustee to be obstructed in the discharge of his duties, shall be guilty of a summary offence, and be liable on conviction to a fine not exceeding two hundred rupees.

36 The Public Trustee shall send all accounts of such trustees or viharadhipatis to the Colonial Auditor, who shall cause the same to be audited by an officer of his department (hereinafter referred to as the "auditor"), and such officer shall have all the powers given to an auditor under section 41 of the Public Trustee Ordinance, No. 1 of 1922.

Audit of accounts.

37 The auditor shall at the close of his audit send a report in writing, together with all declarations which may have been made and signed before him, to the Public Trustee, who may take such action under the provisions of this Ordinance as he shall think proper.

Auditor to report to the Public Trustee.

38 If the issues, rents, moneys, profits, and offerings shall not be duly accounted for as required in this part of this Ordinance, it shall be the duty of the Public Trustee to hold such inquiry as he may think fit, and to cause to be prosecuted any trustee or viharadhipati who may reasonably be suspected of having committed a criminal breach of trust.

If income not duly accounted for, Public Trustee to hold inquiry, and if necessary cause the prosecution of trustees reasonably suspected of breach of trust.

PART V.

General.

39 (1) It shall be the duty of the mahanayaka or ordaining nayaka of every nikaya or peruwa to make and complete, within six months of the commencement of this Ordinance, a register of the upasampada bhikshus belonging to each such nikaya or peruwa, as the case may be.

Register of bhikshus.

(2) Such register shall be in the form in Schedule B to this Ordinance, with such modifications as may from time to time be prescribed by regulations made by the Governor in Executive Council.

(3) Such register shall be made in a bound paper volume, of which the pages shall be numbered consecutively, and a certified copy thereof shall be sent to the Registrar-General as soon as the same shall have been completed.

(4) The mahanayaka or ordaining nayaka shall forthwith make all such corrections, additions, or alterations in such register as may be necessary to keep it up to date, and shall immediately, on making any such corrections, additions, or alterations, send copies thereof to the Registrar-General.

(5) Any mahanayaka or ordaining nayaka acting in contravention of the provisions of this section shall be guilty of a summary offence, and liable on conviction to a fine not exceeding fifty rupees.

(6) Such register shall be *prima facie* evidence in all courts and for all purposes of the facts therein contained.

(7) If any person, whose name does not appear on such register acts, or holds himself out, as an upasampada bhikshu, he shall be guilty of a summary offence, and be liable on conviction to a fine not exceeding fifty rupees.

Samanera not to perform functions of viharadhipati after one year.

40 After the expiration of one year from the commencement of this Ordinance, no samanera shall be qualified to perform any functions of a viharadhipati under this Ordinance.

Power to make regulations.

41 (1) It shall be lawful for the Governor in Executive Council to make regulations—

- (a) For the preservation and protection of such Buddhist shrines, temples, inscriptions, and monuments as may be considered to be of historical, archaeological, or artistic interest, and for preventing the same from being defaced by inappropriate or incongruous repairs or additions;
- (b) For the care and custody of articles of value belonging to temples;
- (c) For the levying of contributions from the property of temples for carrying out the provisions of this Ordinance; and
- (d) For the appointment of a board for the purpose of carrying out regulations made under this section.

(2) All regulations so made shall be published in the "Government Gazette," and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein.

(3) The breach of any regulation made in pursuance of this section shall be an offence, and shall be punishable on summary conviction by a fine not exceeding one hundred rupees, and in the case of a continuing offence by a further fine not exceeding five rupees for each subsequent day on which such offence continues.

PART VI.

Transitory and Repeal Provisions.

Continuation of former trustees until appointment of new trustees.

42 Every trustee duly appointed for any temple in accordance with any Ordinance repealed by this Ordinance and holding office immediately before the commencement of this Ordinance shall continue in office until the appointment of a trustee or board of trustees for such temple under this Ordinance and until such appointment shall have the same powers and duties and shall be subject to the same responsibilities as are conferred or imposed upon a trustee or board of trustees appointed for such temple under this Ordinance.

Provided that in the case of temples other than those mentioned in Schedule A, the trustees of any such temple in office at the time of the commencement of this Ordinance shall forthwith hand over all property, funds, records of such temple, books and documents in their charge to the viharadhipati.

Provided further that nothing in this section contained shall, except as in this Ordinance provided, affect the tenure of office of the Diyawadana Nilame or of any basnayaka nilame in office at the time of the commencement of this Ordinance.

43 (1) On the commencement of this Ordinance every committee constituted under any Ordinance repealed by this Ordinance shall forthwith deposit at the kachcheri of the revenue district all property, funds, records, books, and documents of which it shall be possessed under or by reason of the provisions of any Ordinance hereby repealed.

Dissolved committees to deposit property, &c., at kachcheri.

(2) In the event of any contravention of the provisions of this section, the secretary or person performing the duties of any such office shall be guilty of a summary offence, and shall be liable on conviction to a fine not exceeding fifty rupees; and to a further fine of five rupees for every day during which such contravention continues.

44 Subject to any provisions hereinbefore contained, all the property, funds, records, books, and documents of which any committee shall be possessed under or by reason of the provisions of any Ordinance hereby repealed and all the rights, powers and duties, debts, liabilities and obligations of such committee shall be deemed to be transferred to the Public Trustee.

Property, &c., of committees to be transferred to Public Trustee.

45 The Buddhist Temporalities Ordinance, 1905, and the Buddhist Temporalities (Amendment) Ordinance, No. 15 of 1919, are hereby repealed.

Repeal

SCHEDULE A.
(Sections 3 and 32.)

Kandy District.

Dalada Maligawa.	Dodanwala Dewale.
Maha Dewale with Alutnuwara Dewale in Four Korales.	Alawatugoda Saman Dewale.
Kandy Natha Dewale.	Niyangampaya Vihare.
Kandy Pattini Dewale with Hanguranketa Pattini Dewale.	Huduhumpola Vihare.
Kandy Kataragam Dewale.	Degaldoruwa Vihare.
Gangarama Vihare.	Nittawela Vihare.
Lankatilaka Vihare and Dewale.	Talawa Vihare.
	Bambaragala Vihare.
	Kondadeniya Vihare.

Nuwara Eliya District.

Hanguranketa Maha Dewale.	Puspipitiya Vihare.
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Matale District.

Dambulla Vihare and Maha Dewale.	Aluvihare Uda and Palle Vihares.
	Pallegane Vihare.

Province of Uva.

Ruhunu Maha Kataragam Dewale.	Soragune Dewale.
Badulla Kataragam Dewale.	Mahyangane Vihare.
Badulla Pattini Dewale.	Bogoda Vihare.
Mutiyangane Vihare.	Rambukpota Vihare.

Ratnapura District.

Sabaragamu Maha Saman Dewale.	Pelmadulla Vihare.
Alutnuwara Dewale.	Potgul Vihare.
Kottimbulwala Vihare.	Sripadasthane.
Aramanapola <i>alias</i> Ganegama Vihare.	Kiriella Nedun Vihare.
	Pallebadda Vihare and Nindagama.

Kegalla District.

Ambulugala Vihare.	Selawa Vihare.
Dorawaka Natha Dewale.	Deraniyagala Saman Dewale.
Wattarama Vihare.	Wanduradeniya <i>alias</i> Iddamalpana Vihare.
Alutnuwara and Ganewatta Vihares.	

North-Central Province.

Atamasthane, viz., (1) Abhayagiriya, (2) Bodinvahanse, (3) Jetavanarama, (4) Lankarama, (5) Lowamahapaya, (6) Mirisawetiya, (7) Ruwanweliseya, (8) Thuparama.	Mihintale.
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Western Province.

Kelaniya Vihare.		Pepiliyana Vihare..
Attanagalla Vihare.		

Southern Province.

Tissamaharama Maha Vehera and Sandagiri Vehera.		Kahagal Vihare.
Yathala and Menik Veheras.		Wanawasa <i>alias</i> Kuda Vihare of Tangalla.
Mulkirigala Vihare.		Hatagala Vihare.

Kurunegala District.

Ridi Vihare.		Dambadeniya Vihare.
Maraluwawa Vihare.		Humbuluwa Vihare.
Angangala Vihare.		Madawala Vihare (in Damba- deni Hatpattu).
Ginikarawa Vihare.		Gonnawa Vishnu Dewale.
Meddepola Vihare.		Padeniya Vihare.
Bingiriya Vihare.		Budumuttawa Vihare.
Epaladeniya Vihare.		

SCHEDULE B.

(Section 39.)

Register of Upasampada Bhikshus.

1	2	3	4	5	6	7	8	9	10	11	12	13
Consecutive Number.	Province of District of Birth.	Village of Birth and Ge Name.	Name of Father.	Name of Tutor.	Name of Ordaining Bhikshu and of Vihare.	Names of Karnacharis (සර්වඥයන්).	Date of Initiation and of Ordination.	Name of Upathayaya.	Name assumed at Ordination.	Residence.	Name of Tutor applying for Ordination.	Age and Date of Registration.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, April 22, 1930.F. G. TYRRELL,
Acting Colonial Secretary.*Explanatory Note.*

This Bill is based on the Buddhist Temporalities Bill introduced into the Legislative Council on October 5, 1922, as a result of the report of the Commissioners appointed to inquire into the working of the Buddhist Temporalities Ordinance, No. 8 of 1905 (Sessional Paper XXIV.—1920).

2. The more important amendments contained in this Bill have been introduced with the following objects:—

(a) To restore to the priesthood the control of Buddhist temporalities by allowing the viharadhipati to submit his own name or that of another priest or a layman to the Public Trustee for recognition as trustee (clause 6 which reproduces in an amended form clause 29 of the Bill of 1922—cf. paragraph 7, page 13, of the Interim Report of the Commissioners).

(b) To secure better control of the conduct of trustees—

(i.) by requiring security to be given to the satisfaction of the Public Trustee (clause 7 which reproduces in an amended form clause 31 of the Bill of 1922—cf. paragraph 7B (d) of the Interim Report);

(ii.) by substituting as the supervising authority the Public Trustee in place of the district committees which have been abolished;

(iii.) by providing for the keeping of books and a proper audit (clauses 33, 34 and 36, which respectively reproduce in an amended form clauses 58, 59 and 61 of the Bill of 1922—cf. paragraph 7c of the Interim Report);

(iv.) by providing for the suspension or dismissal of trustees (clause 9 which is based on clause 33 of the Bill of 1922), and their punishment for neglect of duty (clause 14 which reproduces clause 38 of the Bill of 1922);

(v.) by providing that the Public Trustee shall hold an inquiry and prosecute a trustee who does not account for the issues, rents, profits and offerings of the temple (clause 38 which reproduces in an amended form clause 65 of the Bill of 1922).

(c) To prevent the acquisition by prescription of rights against temple property by providing that the provisions of Ordinance No. 22 of 1871 shall not bar any action for the recovery of such property (clause 30 which reproduces in an amended form clause 55 of the Bill of 1922—cf. paragraph 8 of Interim Report and paragraph 20 of Final Report). This provision does not affect any rights acquired prior to the commencement of the Bill.

3. Clauses 4 and 5 make provision for the election of the Diyawadana Nilame and the basnayaka nilames at meetings to be presided over by the Government Agent. Provision is also made that the result of such election shall be reported to the Public Trustee (these clauses are based on clauses 27 and 28 of the Bill of 1922).

4. Clause 6 (4) provides for the appointment of a board of three trustees for the Atamasthane.

5. Clause 8 (which is based on clause 32 of the Bill of 1922) lays down the qualification of trustees.

6. Clause 10 (which is based on clause 34 of the Bill of 1922) makes provision for the vacation of office and the appointment of new trustees.

7. Clause 11 which gives the Public Trustee the right to make a provisional appointment pending the election of a new trustee or during the temporary absence of a trustee from the Island is based on clause 35 of the Bill of 1922.

8. Clause 18 (which reproduces clause 43 of the Bill of 1922) makes provision for enforcing existing contracts and recovery of debts.

9. Provision is made by clause 19 with regard to pudgalika immovable property of a bhikshu. Such property is deemed to be the property of the temple if not disposed of during his lifetime (this clause is based on clause 44 of the Bill of 1922—cf. paragraph 8 of Final Report).

10. Clause 20 (which is based on clause 45 of the Bill of 1922) gives the Public Trustee the discretion to direct that the monies received by any trustee should be deposited in a bank in the name of the temple.

11. Clauses 22, 23 and 25 (which are based respectively on clauses 47, 48 and 50 of the Bill of 1922) deal with the sale, mortgage and lease of temple land (cf. paragraph 20 of Final Report).

12. Clauses 24 and 27 (which are based on clauses 49 and 52, respectively, of the Bill of 1922) deal with the recovery of immovable property alienated or leased to the detriment of the temple (cf. paragraph 7B of the Interim Report).

13. Clause 28 (which is based on clause 53 of the Bill of 1922) provides a procedure by which a new trustee may obtain possession of movable or immovable property in the hands of a trustee vacating office.

14. Clauses 32 to 37 (which are based on sections 57 to 64 of the Bill of 1922) deal with the keeping of books and the audit of accounts (cf. paragraph 7c of Interim Report).

15. Clause 39 (which reproduces clause 66 of the Bill of 1922) provides for the preparation of a register of bhikshus (cf. paragraphs 29 and 30 of the Final Report).

16. Clause 41 gives the Governor in Executive Council power to make regulations for certain purposes.

17. Clauses 42 to 45 consist of transitory and repeal provisions.

MINUTE.

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

An Ordinance to make provision for a loan for the construction of the Tangalla Railway Extension and for the provision of the capital required for certain Railway Works.

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

- 1** This Ordinance may be cited as the Tangalla Railway Extension Loan Ordinance, 1930.
- 2** The Governor is hereby authorized to raise by a loan a total sum not exceeding sixteen million rupees to be appropriated and applied in accordance with the provisions of section 9 of this Ordinance and for the purposes specified in the Schedule hereto, and, in addition to such sum as aforesaid, such further sum as may be necessary to defray the expenses of the raising of the loan: Provided that no expenditure shall be incurred in respect of the item numbered (7) in the Schedule unless such expenditure shall first have been approved by resolution of the Legislative Council and by the Secretary of State.
- 3** The principal monies and interest subscribed or payable in respect of the loan authorized by this Ordinance are hereby charged upon and shall be payable out of the general revenue and assets of the Colony.
- 4** The loan authorized by this Ordinance may be raised by such instalments, at such time or times, and by such of the following methods as the Governor may direct:—
- (a) By the issue of stock under the provisions of the Ceylon Inscribed Rupee Stock Ordinance, 1892;
 - (b) By the issue of stock or debentures or both under the provisions of the General Loan and Inscribed Stock Ordinance, No. 5 of 1921;
 - (c) By any other method or methods approved by a resolution of the Legislative Council and by the Secretary of State.
- 5** For the purpose of calculating the total sum which may be borrowed under the authority of this Ordinance any sum borrowed in sterling currency shall be converted into rupees at the rate of one shilling and six pence to the rupee.
- 6** It shall be lawful for the Governor to direct that any sum provided under any item of the Schedule hereto which may not be required for the purpose indicated in that item may be appropriated and applied to any other purpose indicated in the said Schedule:
- Provided that no such transfer of money from any one purpose to any other purpose shall be made unless such transfer shall first have been approved by a resolution of the Legislative Council and by the Secretary of State.
- 7** Notwithstanding the proviso to section 2 of the Ceylon Inscribed Rupee Stock Ordinance, 1892, any stock issued under the provisions of that Ordinance for a purpose authorized by or under this Ordinance may bear interest at a rate not exceeding six per cent. per annum.
- 8** If the loan or any part thereof authorized by this Ordinance shall be issued under the provisions of the Ceylon Inscribed Rupee Stock Ordinance, 1892, or under the provisions of the General Loan and Inscribed Stock Ordinance, No. 5 of 1921, the date from which contributions to the sinking fund in respect of any stock or debentures so issued shall commence shall be such date, not later than three years after the date from which interest on such stock or debentures shall be payable, as the Governor shall determine.

Short title.

Authority to Governor to borrow for certain purposes.

Loan to be a charge upon general revenue and assets.

Method of issuing loan.

No. 8 of 1892, II. 167.

II. 174.

Rate of exchange in calculation of amount of sterling loan.

Transfer of sums from an item of Schedule to another purpose.

Enlargement of limitation of interest imposed by section 2 of Ordinance No. 8 of 1892, II. 167.

Date of commencement of contributions to sinking fund under Ordinances Nos. 8 of 1892 and 5 of 1921, II. 167, 174.

9 (1) In anticipation of the issue of the whole or any portion of the loan authorized by this Ordinance, the Governor may, if he shall think fit, raise such instalments of such loan as he may deem to be required by the issue of Treasury Bills under the Colonial Treasury Bills Ordinance, No. 7 of 1923, or the Colonial Treasury Bills Ordinance, No. 8 of 1923.

(2) Sums raised under this section shall be applied in the manner authorized for the loan in anticipation of which they are raised, and upon the raising of such loan the Governor may—

- (a) expend from such loan such sums as may from time to time be necessary to meet the liabilities of the Colony in respect of any such Treasury Bill; and
- (b) refund from such loan to the general revenue of the Colony a sum equal to the amount which shall have been or may be expended therefrom in respect of such liabilities.

Power to issue Treasury Bills and to repay expenditure in respect thereof from money borrowed under this Ordinance. III. 1023, 1024.

SCHEDULE.

	Rs.
(1) Tangalla Railway Extension ..	6,260,000
(2) Duplication of Coast Line, Panadura to Kalutara South ..	2,000,000
(3) Additional Rolling Stock ..	1,000,000
(4) Additions and improvements to and remodelling of stations—	
	Rs.
Alutgama ..	210,000
Nawalapitiya ..	370,000
Nanu-oya ..	425,000
	1,005,000
(5) New carriage sidings, Baseline Road, Kelani Valley Line ..	325,000
(6) Bungalow and Lines—	
	Rs.
Ratmalana ..	575,000
Nawalapitiya, Trincomalee, &c. ..	500,000
	1,075,000
(7) Other Railway extraordinary works ..	4,335,000

By His Excellency's command,

Colonial Secretary's Office,
Colombo, April 10, 1930.

B. H. BOURDILLON,
Colonial Secretary.

Objects and Reasons.

The object of the Bill is to authorize the raising of a loan amounting to Rs. 16,000,000 for the construction of the Tangalla Railway Extension, and for the provision of the capital required for the necessary development of the Ceylon Government Railway during the 5 years 1930-31 to 1934-35.

2. The sum of Rs. 6,260,000 included in the Schedule, Item (1), for the construction of the Tangalla Railway Extension represents the revised estimate framed by Mr. F. W. Bakewell, Acting Chief Construction Engineer, in October, 1928, with certain additions made on the advice of the Colonial Treasurer, Sir W. Woods; the revised figure was accepted by the Railway Advisory Board as a sound one in May, 1929.

3. Provision has already been made in the Public Works Loan Ordinance, 1929, for the estimated cost of the acquisition of land for the duplication of the Coast line from Panadura to Kalutara South, and the sum of Rs. 2,000,000 included in the Schedule, Item (2), is the sum required for construction of the duplication.

4. A sum of Rs. 1,000,000 is allocated in Item (3) of the Schedule to the provision of additional rolling stock likely to be required in the next 5 years.

5. Preliminary work has already been undertaken towards the enlargement of Nanu-oya Station, and the Railway is already within measurable distance of having to proceed with the enlargement of Alutgama and Nawalapitiya Stations (Item (4) of the Schedule).

6. New carriage sidings at Baseline Road for the Kelani Valley Line will be required at an early date and the sum included in Item (5) of the Schedule is the approximate estimated cost of this work.

7. The provision for bungalows and lines in Item (6) of the Schedule is required to complete the programme already laid down for the places indicated.

8. The sum of Rs. 4,335,000 in Item (7) of the Schedule represents provision at the moderate rate of approximately Rs. 9 lacs per annum for 5 years for miscellaneous works. No expenditure may be incurred from this general item without the prior approval of the Legislative Council and of the Secretary of State. As an indication of the works to be undertaken from this item, the following instances may be taken as typical:—New station at Kokkuvil, Rs. 128,000; Completion of interlocking, Kalutara South to Galle, Rs. 131,000; Safety measures, Northern Line, Rs. 75,000.

9. The Bill provides for the transfer of funds from one purpose to another, subject to the approval of the Secretary of State and the Legislative Council.

10. It is provided in clause 4 that the loan may be raised either in accordance with existing rules regulating the issue of loans in the form of stock or debentures issued in Ceylon or in England or by any other method approved by the Secretary of State and the Legislative Council. This last provision has been included to meet the possibility that it may be found desirable to issue part of the loan in the form of Bonds or Promissory Notes of a short currency.

11. Provision is also made for anticipating the issue of the whole or a part of the loan by the issue of Colonial Treasury Bills either in Ceylon or in England.

Attorney-General's Chambers,
Colombo, March 11, 1930.

E. ST. J. JACKSON,
Attorney-General.

L 374/26

MINUTE.

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

II. 7. **An Ordinance to amend Ordinance No. 15 of 1889 intituled "An Ordinance relating to Land Surveyors, Auctioneers, and Brokers".**

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

Short title.

1 This Ordinance may be cited as The Land Surveyors, Auctioneers, and Brokers Amendment Ordinance, 1930.

Amendment of section 3 of the principal Ordinance.

2 Section 3 of the principal Ordinance is hereby amended by the insertion of the words "it has been" between the word "unless" and the word "made" in the fourth line thereof, and by the addition of the following words at the end thereof:—

"and has not been declared defective by the Surveyor-General".

3 Section 7 (2) of the principal Ordinance is hereby amended by the addition of the following paragraphs at the end thereof :—

Amendment of section 7 of the principal Ordinance.

- (g) Prescribing the manner in which surveys are to be made, the manner and form in which the plans, books and other records pertaining to a survey are to be prepared, and the details to be inserted in such plans, books and records.
- (h) Requiring the transmission to the Surveyor-General of plans, books and other records pertaining to a survey and fixing the time within which they are to be so transmitted.
- (i) Defining the degree of accuracy to be attained in surveys and the limit of error to be allowed.
- (j) Prescribing the steps to be taken for testing the accuracy of surveys and providing for the correction of any inaccuracies that may be discovered.

4 Section 9 (3) of the principal Ordinance is hereby repealed.

Amendment of section 9 of the principal Ordinance.

5 The following section is hereby inserted in the principal Ordinance immediately after section 9 thereof :—

Insertion of new section 9A in the principal Ordinance.

9A (1) Whenever any irregularity, error or omission is alleged to have been discovered in any plan, book or other record pertaining to a survey or whenever it is alleged that a surveyor has committed any irregularity in the discharge of his duties, the Surveyor-General may by notice in writing to the surveyor concerned require him to explain in writing the circumstances in which the alleged irregularity, error or omission occurred and state his justification therefor, if any.

Inquiries into irregularities, errors and omissions in surveys &c.

(2) If after considering any explanation given by the said surveyor, the Surveyor-General thinks that there are reasonable grounds for holding an inquiry into his conduct, he shall hold an inquiry.

(3) The Surveyor-General may, for the purposes of any such inquiry, by notice in writing require such surveyor to produce for his inspection or for the inspection of any other officer of his department any plans, books or other writings made by the surveyor in the discharge of his duties; and, after giving the surveyor an opportunity to justify the alleged irregularity, error or omission, shall decide whether in fact an irregularity, error or omission has occurred or not.

(4) If the surveyor admits the irregularity, error or omission, or if after the inquiry it is decided that an irregularity, error or omission has occurred, the Surveyor-General may by notice in writing require the surveyor to correct the said irregularity, error or omission in the plan, book or other record pertaining to the survey and to take such other steps as he may direct for rectifying the consequences of the said irregularity, error or omission.

(5) Where in the course of any such inquiry, the Surveyor-General finds as a fact that the plan of any land fails to represent it or misrepresents it to such an extent that damage or loss might result to any person who is or may become interested therein, the Surveyor-General may give notice of such fact to the owner of the land and declare the said plan and all plans based on it to be defective.

(6) A surveyor who without reasonable excuse, proof whereof shall lie on him, fails to comply with any requirement or direction issued to him under this section by the Surveyor-General, shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding fifty rupees.

(7) In this section, the word "surveyor" includes a certified surveyor, a permanently licensed surveyor, a permanently licensed leveller, an authorized surveyor, or the holder of an annual licence granted under this Ordinance to practise as a land surveyor or as a leveller or as a surveyor and leveller.

Insertion of new section 10E in the principal Ordinance.

Presumptions regarding plans.

6 The following section is hereby inserted in the principal Ordinance immediately after section 10D thereof :—

10E (1) No survey plan shall be deemed to be incorrect or irregular merely by reason of any failure on the part of the surveyor who made or prepared the plan to observe any regulations made under this Ordinance regarding matters of form or regarding the proper transmission to the Surveyor-General of documents connected with the survey on which the plan was made or prepared.

(2) Neither the Government nor any officer thereof shall be liable for any defective survey performed by a surveyor notwithstanding that a plan, book or other record pertaining to it has been accepted as in order by the Surveyor-General.

Insertion of new section 19 in the principal Ordinance.

Short title.

7 The following section is hereby inserted in the principal Ordinance immediately after section 18 thereof :—

19 This Ordinance may be cited as the Surveyors, Auctioneers, and Brokers Ordinance, 1889.

By His Excellency's command,

B. H. BOURDILLON,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, April 9, 1930.

Objects and Reasons.

The purpose of this Bill is to provide for the more effective supervision by the Surveyor-General of the work done by private surveyors and to enable a central repository to be established in his office for all future survey plans and the books and records on which they are based.

2. Clause 3 enlarges the regulation making power under section 7 (2) of the principal Ordinance. Regulations may as a result of this amendment prescribe, *inter alia*, the form of survey plans, the details to be inserted in such plans and the degree of accuracy to be attained. Regulations may also be made requiring copies of all future plans, books and records pertaining to surveys to be sent periodically to the Surveyor-General, who will thus have an opportunity of scrutinizing and filing them in his office.

3. Clause 5 enlarges the Surveyor-General's powers to inquire into irregularities, errors and omissions in plans, and these powers will be more easily exercised in future, since plans will be submitted to him in accordance with regulations made under the new section 7 (2) (h). The new section 9A incorporates the powers which the Surveyor-General already enjoys under section 9 (3) of the principal Ordinance which is now repealed by clause 4.

4. Clause 6 is designed to save survey plans from any presumption of inaccuracy merely because the surveyor has failed to comply with the rules framed under section 7 (2) of the principal Ordinance, and it further protects Government from any of the possible consequences that may follow from the Surveyor-General accepting as in order a plan that is really inaccurate or otherwise defective.

5. Clause 2, by an amendment of section 3 of the principal Ordinance, renders a survey plan that has been declared defective by the Surveyor-General inadmissible in evidence in a civil court.

6. Clause 7 supplies a short title to the principal Ordinance.

Attorney-General's Chambers, E. ST. J. JACKSON,
Colombo, March 8, 1930. Attorney-General.

NOTICES OF INSOLVENCY.

In the District Court of Negombo.

No. 204. In the matter of the insolvency of Menere-
Insolvency. pitiyage Don Anthony Karunaratna of
Manaweriya.

NOTICE is hereby given that the first sitting of this
court in the above matter has been adjourned to May 23,
1930, at 10 A.M.

By order of court, C. EMMANUEL,
Negombo, May 1, 1930. Secretary.

In the District Court of Nuwara Eliya.

No. 16. In the matter of the insolvency of O. P. Guna-
wardana of Denapitiya in Matara, presently
of Talawakele.

WHEREAS O. P. Gunawardana has filed a declaration
of insolvency, and a petition for the sequestration of
his estate has also been filed by D. J. Kasturi Aratchi
of Langdale estate, Nanu-oya, under the Ordinance
No. 7 of 1853: Notice is hereby given that the said
court has adjudged the said O. P. Gunawardana insolvent
accordingly; and that two public sittings of the
court, to wit, on May 14, 1930, and June 4, 1930,
will take place for the said insolvent to surrender and
conform to, agreeably to the provisions of the said
Ordinance, of which creditors are hereby required to
take notice.

By order of court, C. CANAPATHIPILLAI,
Nuwara Eliya, April 28, 1930. Secretary.

In the District Court of Galle.

No. 601. In the matter of the insolvency of Ebrahim
Ahamed Ally of Galle.

NOTICE is hereby given that a meeting of the
creditors of the examination of the above-named
insolvent will take place at the sitting of this court
on June 30, 1930.

By order of court, C. W. GOONEWARDENE,
Secretary.

In the District Court of Galle.

No. 606. In the matter of the insolvency of Arnolis de
Silva Kodikara of Ambalangoda.

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 July 7, 1930, for assignee's
report.

By order of court, C. W. GOONEWARDENE,
Secretary.

In the District Court of Galle.

No. 612. In the matter of the insolvency of Dinamuni
Hendrick Mendis of Dickwella.

NOTICE is hereby given that a certificate meeting
of the creditors of the above-named insolvent will
take place at the sitting of this court on June 25, 1930.

By order of court, C. W. GOONEWARDENE,
Secretary.

In the District Court of Galle.

No. 617. In the matter of the insolvency of D. R.
Dantanarayana of Galwadugoda.

NOTICE is hereby given that a meeting of the
creditors of the above-named insolvent will take place
at the sitting of this court on May 21, 1930, for the
filing of balance sheet.

By order of court, C. W. GOONEWARDENE,
Secretary.

In the District Court of Galle.

No. 629. In the matter of the insolvency of Yakghaha
Hewage Methoris of Dangedera.

NOTICE is hereby given that a meeting of the
creditors of the above-named insolvent will take place
at the sitting of this court on May 19, 1930, for appoint-
ment of an assignee.

By order of court, C. W. GOONEWARDENE,
Secretary.

In the District Court of Galle.

No. 630. In the matter of the insolvency of Naikaluge
Sawris Silva of Unawatuna.

NOTICE is hereby given that a meeting of the
creditors of the above-named insolvent will take place
at the sitting of this court on May 19, 1930, for appoint-
ment of an assignee.

By order of court, C. W. GOONEWARDENE,
Secretary.

In the District Court of Matara.

Insolvency In the matter of the insolvency of Usoof
No. 57. Lebbe Mohammed of Kotuwegoda, Matara.

WHEREAS Usoof Lebbe Mohammed has filed a
declaration of insolvency, and a petition for the seques-
tration of his estate has also been filed by Jankuru-
hennedige Carolis de Silva of Kotuwegoda in Matara,
under the Ordinance No. 7 of 1853: Notice is hereby
given that the said court has adjudged the said Usoof
Lebbe Mohammed insolvent accordingly; and that
two public sittings of the court, to wit, on May 19 and
June 2, 1930, will take place for the said insolvent
to surrender and conform to agreeably to the provisions
of the said Ordinance, and for the taking of the other
steps set forth in the said Ordinance, of which creditors
are hereby required to take notice.

By order of court, R. MALALGODA,
Matara, April 29, 1930. Secretary.

In the District Court of Kurunegala.

No. 91. In the matter of the insolvency of Boruppuge Don Marshal Perera of Bingiriya.

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 June 30, 1930, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. B. AMBAHERA,
Kurunegala, April 30, 1930. Acting Secretary.

In the District Court of Badulla.

No. 6. In the matter of the insolvency of Vena Ana Koowenna Sena Kamsa Mohideen of Bandarawela.

NOTICE is hereby given that the adjourned meeting of the creditors of the above-named insolvent will take place at the sitting of this court on June 4, 1930, to consider the grant of the certificate of conformity.

By order of court, B. J. ARASARATNAM,
Badulla, April 29, 1930. Secretary.

NOTICES OF FISCALS' SALES.

R₂ 16/1
Western Province.

In the District Court of Colombo.

Bellanage Jaan Fernando of Ratmalana in the Palle pattu of Salpiti korale Plaintiff.

No. 20,788. Vs.

(1) Maggonage Harmanis Fernando of Boralesgomuwa, (2) ditto Bemo Fernando of Nawinna, (4) ditto Noiya Fernando of Boralesgomuwa, (6) Jasinge Don Brampy Singo of Dematagoda, (11) Weerasinghe Atchige Leisa Perera of Nawinna, and (12) Alboruge Jimonis Silva of Boralesgomuwa Defendants.

NOTICE is hereby given that on Friday, June 13, 1930, will be sold by public auction at the respective premises the following property for the recovery of the sum of Rs. 69.57 from plaintiff, Rs. 76.69 from the 1st defendant, Rs. 38.34 from the 2nd defendant, Rs. 38.34 from the 4th defendant, Rs. 17.39 from the 11th defendant, and Rs. 86.97 from the 12th defendant, being *pro rata* costs and compensation due to the 6th defendant, viz. :—

At 1.30 P.M.

The right, title, and interest of the plaintiff in and to the following property, to wit :—

1. The lot marded "A" in plan No. 2,368 dated January 19, 1929, made by James Rodrigo, Licensed Surveyor, of the land called Godaparagahawatta, situated at Boralesgomuwa in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; which said lot is bounded on the north by the field of Nawinna Kottage Don Philippu, now owita, east by a portion of this land, south by lot "D" allotted to the 6th defendant, and west by reservation for a road; containing in extent 1 acre.

At 2 P.M.

The right, title, and interest of the 1st, 2nd, and 4th defendants in and to the following property, to wit :—

2. The lot marked "B" in the said plan of the land called Godaparagahawatta with the house marked "B" standing thereon, situated at Boralesgomuwa aforesaid,

the said lot being bounded on the north by the field of Nawinna Kottage Don Philippu, now owita, east by reservation for a road, south by lot "C" allotted to the 5th defendant, and west by Radagewatta, being a portion of this land; containing in extent 1 acre.

At 2.30 P.M.

The right, title, and interest of the 11th defendant in and to the following property, to wit :—

3. The lot marked "F" in the said plan of the land called Godaparagahawatta, situated at Boralesgomuwa aforesaid; the said lot being bounded on the north by lot "D" allotted to the 6th defendant, east by portion of this land, south by lot "G" allotted to the 12th defendant, and west by reservation for a road; containing in extent 1 rood.

At 3 P.M.

The right, title, and interest of the 12th defendant in and to the following property, to wit :—

4. The lot marked "G" in the said plan of the land called Godaparagahawatta with the house marked "D" standing thereon situated at Boralesgomuwa aforesaid; the said lot being bounded on the north by lot "A" allotted to the 11th defendant, east by portion of this land, south by lot "E" allotted to the 8th and 9th defendants and added defendant, and west by dewata road and the reservation for a road; containing in extent 1 acre and 1 rood.

Fiscal's Office,
Colombo, May 6, 1930.

N. WICKRAMASINGHE,
Deputy Fiscal.

25 R₂ 8/1
In the District Court of Colombo.

N. S. Natchiappa Chetty of Sea street, Colombo Plaintiff.

No. 36,190. Vs.

(1) A. Vamadeva of Colombo and two others Defendants.

NOTICE is hereby given that on Friday, June 6, 1930, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of

Rs. 2,000, with interest thereon at 18 per cent. per annum from December 11, 1929, till payment, and costs of suit, viz. :—

All that allotment of land marked lot No. 25B, together with the building thereon called Tranby, bearing assessment No. 636 M/1, 23/12A, presently No. 69, situated at Dickman's road, Bambalapitiya, within the Municipality and District of Colombo, Western Province; bounded on the north by lot No. 22, on the east by lot No. 26, on the south by Dickman's road, and on the west by lot No. 25A; containing in extent 1 rood and 1 45/100 perches.

Registered A 183/286.

Fiscal's Office,
Colombo, May 6, 1930.

N. WICKRAMASINGHE,
Deputy Fiscal.

In the District Court of Colombo.

P. S. A. R. A. R. Arunasalam Chettiar of 73,
Sea street, Colombo Plaintiff.

No. 36,258.

Vs.

(1) Don Manuelge Dona Mary Hamine and her husband (2) Muttunenitilleka Arupaksegey The-manis Perera Appuhamy, (3) ditto Don Sema-pala Perera, all of Etul Kotte in the District of Colombo Defendants.

NOTICE is hereby given that on Saturday, May 31, 1930, at 11 A.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 2,135 dated July 27, 1929, and attested by M. S. Akbar of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the Order of Court dated February 21, 1930, for the recovery of the sum of Rs. 3,657.50, with interest on Rs. 3,500 at 18 per cent. per annum from January 24, 1930, till January 28, 1930, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs, viz. :—

All those contiguous allotments of land called Kongahawatta *alias* Telembugahawatta marked A and B, a defined portion of Timbirigahawatta marked C, and a defined portion of Bogahawatta marked D, now forming one property, situated at Etul Kotte in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; and bounded on the north by the property of the heirs of the late Don Manuelgey Don Carolis Appu, property now of Nawagomuwege Marthelis Perera, and half part of this land of Weerasekera Aratchige Dona Ausinohami, now of Colombo, Tantrige Dona Isabella Perera, on the east by a high road leading to Dehiwala and the properties belonging to Don Manuelge Dona Pavistinahami, Don Manuelge Don David and Sarnelis, Magalage Liyanora Perera, and the property of Magalage Karunasena, on the south by lot C and the property belonging to Don Manuelge Dona Pavistinahami and a path, and on the west by the property of the heirs of the late Don Manuelge Don Carolis Appu and the property now of Nawagomuwege Marthelis Perera; containing in extent 1 rood and 34 13/100 perches, together with buildings standing thereon, and all the estate, right, title, interest, property, benefit, claim, and demand whatsoever of the defendants in, to, out, or upon the same. Prior registration M 305/9, Colombo, January 30, 1930.

Fiscal's Office,
Colombo, May 6, 1930.

N. WICKRAMASINGHE,
Deputy Fiscal.

In the Court of Requests of Colombo.

Xavier Marian Alles of Kotahena in Colombo. Plaintiff.

No. 56,581.

Vs.

Walter Hankinson Silva Goonatilleke of Berlington,
Mirihana road, Nugegoda, in Pita Kotte Peruwa
of Salpiti korale Defendant.

NOTICE is hereby given that on Monday, June 9, 1930, at 2 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 351 dated June 4, 1929, and attested by Albert F. Pieris, Notary Public, and ordered to be sold by the Order of Court dated April 10, 1930, for the recovery of the sum of Rs. 180 and Rs. 21.25 costs incurred and Rs. 4 prospective costs, viz. :—

All that allotment of land called Batadeniyakle, with the buildings, plantations, and everything thereon, situated at Talangama in the Palle pattu of Hewagama korale in the District of Colombo, Western Province; bounded on the north by the land described in plans Nos. 77,385 and 77,383, on the east by the lands described in plan No. 77,423, on the south by a road, and on the west by land purchased by C. C. de Silva; and containing in extent 12 acres 3 roods and 29 perches according to the title plan No. 77,386 dated February 28, 1870, authenticated by Lieutenant-Col. J. G. Jervois, Acting Surveyor-General. Prior Registration G 99/230.

Fiscal's Office,
Colombo, May 6, 1930.

N. WICKRAMASINGHE,
Deputy Fiscal.

In the District Court of Kalutara.

Pumacharige Asaneris of Kalutara North Plaintiff.

No. 15,098.

Vs.

Kaluwadewage Martin Fernando of Kalutara,
administrator of the estate of the late Adaline
Beatrice Jayasekera of Kalutara North ... Defendant.

NOTICE is hereby given that on Monday, June 2, 1930, commencing at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property (mortgaged by the defendant with plaintiff and declared bound and executable for the decree entered in the said case) for the recovery of Rs. 943.35, with interest on Rs. 500, at 16 per cent. per annum from October 24, 1928, till August 30, 1929, and thereafter at 9 per cent. per annum on the aggregate till payment in full, and costs of suit, viz. :—

1. An undivided $\frac{1}{4}$ share of the allotment of the land called Godaporagahahena marked lot No. 3 in plan No. 1,363 dated June 12, 1888, made by Don Thomas Wijeratna, Surveyor, situated at Palatota in Kalutarabadda, Kalutara totamune, Kalutara District, Western Province; and bounded on the north by land said to belong to the Crown, east by lot No. 4, south-east by T. P. Nos. 55,580 and 56,532, south-west by T. P. No. 55,581, and west by lot No. 2; and containing in extent 5 acres 3 roods and 23 75/100 perches.

2. An undivided $\frac{1}{4}$ share of the allotment of land called Godaporagahahena *alias* watta marked lot No. 4 in plan No. 1,363 dated June 12, 1888, made by Don

Thomas Wijeratna, Surveyor, situated at Palatota aforesaid; and bounded on the north by land said to belong to the Crown and T. P. 55,580, south-east and south by T. P. 55,780, and west by lot No. 3; and containing in extent 5 acres 3 roods and 23 $\frac{75}{100}$ perches.

Deputy Fiscal's Office,
Kalutara, May 6, 1930.

H. SAMERESINGHA,
Deputy Fiscal.

Central Province.

In the Courts of Requests of Matale.

Don Alsina Jayasinghe of Nagolle Plaintiff.

No. 20,111. Vs.

Wilfred Abeyratna Ratwatte Junior of
Nagolle Defendant.

NOTICE is hereby given that on Wednesday, June 18, 1930, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 120.50, with legal interest on Rs. 103.75, November 19, 1929, till payment in full, and Rs. 16.75 being costs, viz. :—

All that field called Lenadeniyawagalekumbura of about 3 pelas and 5 lahas paddy sowing extent, situate at Nagolle in Kohonsiya pattu within the limits of the Matale Urban District Council; and bounded on the east by Pitangekumbura and Pansalewatta, south by Potawe-ela, west by Lenadeniyawatte-ela, Thalagederawatta, and high road, and on the north by the limit of Kosgollekumbura registered in the Matale Land Registry in Volume A. 3/153 and mortgaged with the plaintiff upon bond No. 367 dated August 21, 1929, attested by W. Gopallawa of Matale, Notary Public.

Deputy Fiscal's Office,
Matale, May 5, 1930.

S. D. CUMARASWAMY,
Additional Deputy Fiscal.

In the District Court of Colombo.

A. M. S. Sulaima Lebbe of Pettah, Colombo .. Plaintiff.

No. 35,002. Vs.

(1) M. P. Mohamed of Piachaud's lane, Maradana, Colombo, and (2) S. L. Mohamed Abdul Cader of Maliban street, Colombo Defendants.

NOTICE is hereby given that on Friday, June 6, 1930, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 2,452.50, with legal interest thereon from October 14, 1929, till payment in full, less Rs. 200, viz. :—

All that defined western portion of 38 feet in breadth and 118 feet in length from and out of the western half share of all that land called Dematagahamulawatta

bearing assessment No. 58, containing in extent about 2 measures kurakkan sowing, situated at Gongawela within the limits of the Matale Urban District Council in Kohonsiya pattu of Matale South; and which said defined western portion is bounded on the east by road leading to rail road from Godapola, south by the limit of garden belonging to Mohammadu Meedin, west by the limit of the boutique and premises dedicated to the mosque by Sera Mudaliar Saibo Hadjar and the limit of premises belonging to Maimoom Umma's boutique and limit of premises of Poona Mohammadu Abdul Cader's boutique, and on the north by the limit of the land sold to Seyadu Noordeen by Mohammadu Meedin; together with everything standing thereon.

S. D. CUMARASWAMY,
Additional Deputy Fiscal.

Deputy Fiscal's Office,
Matale, May 5, 1930.

In the District Court of Kandy.

A. R. O. L. Olagappa Chettiyar of Matale.... Plaintiff.

No. 38,901. Vs.

R. Vanstarrex of Crystal Hill, Matale, and three others Defendants.

NOTICE is hereby given that on Thursday, June 5, 1930, at 1 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 3,907.79, with legal interest on Rs. 3,765 from November 27, 1929 till payment in full, and poundage, viz. :—

An undivided $\frac{1}{7}$ share of all that estate called and known as Crystal Hill estate, containing in extent 226 acres more or less, and a like share of the plantations, buildings, machinery, tools, implements, cattle, and other live and dead stock appertaining thereto, situated at Owola in Matale Pallesiya pattu of Matale East; and bounded on the east by Koswane estate, south by Koswane estate, Crown forest, and lands belonging to natives, west by Rattota road, and on the north by lands belonging to natives.

2. An undivided $\frac{1}{7}$ share of all that allotment of land called Aliyapannikkuyagekumburepillewa of about 1 rood and 39 perches in extent more or less, situated at Kaikawela, aforesaid pattu; and bounded on the east and south by the fence of Samuel Appuhamy's garden, west by Rattota road, and on the north by land belonging to Abaran Appuhamy; together with everything thereon.

3. An undivided $\frac{1}{7}$ share of all that land called Bambaragahahena *alias* Sayanwatta of about 7 acres 3 roods and 7 perches in extent, situated at Weragama in aforesaid pattu; and bounded on the east by Crown forest, south by Diyasiyambalawehena, now the property of Dona Cecilia Margaret Perera Wickramasinghe, west by Rattota road, and on the north by the garden of Don Arnolis Gunasekera; together with everything thereon.

S. D. CUMARASWAMY,
Additional Deputy Fiscal.

Deputy Fiscal's Office,
Matale, May 5, 1930.

In the District Court of Kandya

A. R. O. L. Olagappa Chettiyar of Matala, Plaintiff.

No. 38,902.

Vs.

R. Vanstarrex of Crystal Hill estate, Kaikawela, Defendant.

NOTICE is hereby given that on Thursday, June 5, 1930, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 991.01, with legal interest on Rs. 903.50 from November 27, 1929, till payment in full, and poundage, viz. :—

An undivided 1/7 share of all that estate called and known as Crystal Hill estate, containing in extent 226 acres more or less, and a like, share of the plantations, buildings, machinery, tools, implements, cattle, and other live and dead stock appertaining thereto, situated at Owela in Matala Pallesiya pattu of Matala East; and bounded on the east by Koswane estate, south by Koswane estate, Crown forest, and lands belonging to the natives, west by Rattota road, and on the north by lands belonging to natives.

2. An undivided 1/7 share of all that allotment of land called Aliyapannikkuyagekumburapillewa of about 1 rood and 39 perches in extent more or less, situated at Kaikawela aforesaid; and bounded on the east and south by the fence of Samuel Appuhamy's garden, west by Rattota road, and on the north by land belonging to Abaran Appuhamy; together with everything thereon.

3. An undivided 1/7 share of all that land called Bambaragahahena *alias* Sayanwatta of about 7 acres 3 roods and 7 perches in extent more or less, situated at Weragama ir aforesaid pattu; and bounded on the east by Crown forest, south by Diyasiyambalawehena, now the property of Dona Cecilia Margaret Perera Wickramasinghe, west by Rattota road, and on the north by the garden of Don Arnolis Gunasekera; together with everything thereon.

Deputy Fiscal's Office,
Matala, May 5, 1930.S. D. CUMARASWAMY,
Additional Deputy Fiscal.

Northern Province.

In the Court of Requests of Jaffna.

Ramalingam Veluppillai of Vannarponnai East, Plaintiff.

No. 19,634/A.

Vs.

(1) Eliyathamby Kathiravelu and (2) Kathiravelu Sanmugam of Mandaitivu, Defendants.

NOTICE is hereby given that on Saturday, May 31, 1930, commencing at 9 A.M. in the forenoon, will be sold by public auction at the respective spots the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 263.90, with interest on Rs. 260 at the rate of 18 per cent. per annum from May 27, 1929, until payment in full, and costs Rs. 30.25, poundage, and charges, viz. :—

1. A piece of land situated at Mandaitivu in Allaipiddy parish, Islands division of the Jaffna District, Northern Province, called Urivayalveli, containing or reputed to contain in extent 4 acres 3 roods and 21

perches; bounded or reputed to be bounded on the east and north by road, on the west by property of Masilamany Thambyaiyah, and on the south by property of Kanthappar Chellappah.

2. A piece of land situated at Mandaitivu as aforesaid called Nochchiththoddam, containing or reputed to contain in extent 2½ lachams varagu culture, with palmyras and coconut tree; bounded or reputed to be bounded on the east and north by property of Kathiravelu Sanmugam and shareholders, on the west by property of Sinnaththankachehy, widow of Eliyathamby, and on the south by property of Amarapathy, wife of Kathiravelu.

The lands are said to be under mortgage.

Fiscal's Office,
Jaffna, May 2, 1930.S. TURAYAPPAH,
for Fiscal.

Eastern Province.

In the District Court of Batticaloa.

E. V. A. R. M. Ravuther Mohamadu of Batticaloa, Plaintiff.

No. 6,457.

Vs.

Saddambiralege Andrew Fernando, presently of Kalcudah; Saddambiralege Alfred Fernando of Eddystone, Maggona, Defendants.

NOTICE is hereby given that on Saturday, May 31, 1930, commencing at 10 o'clock in the forenoon, will be sold by public auction at the spots the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 3,416, with interest thereon at 9 per cent. per annum from September 29, 1928, till payment in full, and costs (not taxed yet), principal and interest not to exceed Rs. 4,000, less Rs. 73.50, viz. :—

(1) The land called Periyavadithotam, situated at Punnaicudah in Eravur pattu, Batticaloa District, Eastern Province, containing in extent on the eastern side 84 fathoms, western side 78 fathoms, northern side 42 fathoms, and southern side 54 fathoms, together with house, coconut trees, and all its rights; bounded on the east by seashore, south by the property of Hadji Pody, west and north by Thona; out of this an undivided ¼ share, with all its rights.

(2) The coconut estate composed of lots Nos. 3,640, 3,641, 3,642, 3,645, 3,646, 3,170, 1,064, 285, and K 4½, situated at Kaluvankerni aforesaid, containing in extent 72 acres 3 roods and 14 perches, with coconut trees and all other rights; bounded on the east by the seashore, south by minor road, west by Crown land and property of S. Sinnan, and north by the property of Tisseverasinghe; out of this an undivided ¼ share, with all its rights.

(3) The land lot No. 10,538, situated at Vandarmoolai aforesaid, containing in extent on the eastern side 53½ fathoms and southern side 38½ fathoms, western side 42 fathoms, northern side 55½ fathoms, together with boutique, house, building, well, coconut tress, and all its rights; bounded on the east by minor road, south by road, west by the property of Kunchithamby, and north by the property of K. K. Sinnathamby and others; out of this an undivided ¼ share, with all its rights.

(4) The coconut garden called Thennamaravalavu, situated at Vandaromoolai aforesaid, containing in extent on the eastern side 72 fathoms, western side, 55 fathoms, northern side 72 fathoms, and southern side 67 fathoms, with coconut trees and all other rights; bounded on the east by lane, south by road, west by minor road, and north by the property of S. T. Fernando and Sinnathamby; out of this an undivided $\frac{1}{2}$ share, with all its rights.

(5) The coconut estate composed of lots Nos. 11,523, 11,524, 11,525, 11,526, 11,421, 11,423, and 11,425, situated at Kalkudah in Koralai pattu, Batticaloa District; and containing in extent 27 acres 3 roods and 19 perches, together with bungalow, well, coconut trees, and all other rights; bounded on the north and west by Thona, east by seashore, south by the property of Hadjipody; out of this an undivided $\frac{1}{2}$ share, with all its rights.

Fiscal's Office, C. W. CANAGASABY,
Batticaloa, April 30, 1930. Additional Deputy Fiscal.

North-Western Province.

In the District Court of Negombo.

Seena Ana Rina Seena Thana Sidambaram Chettiyar of Negombo Plaintiff.

No. 3,946. Vs.

Mahamaluge Aron Perera of Mudukatuwa, as the administrator of the estate of the late M. A. Selentinu Fernando Defendant.

NOTICE is hereby given that on Thursday, May 29, 1930, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,086.65, with interest on Rs. 1,000 at 15 per cent. per annum from December 19, 1929, till February 5, 1930, and thereafter 9 per cent. per annum till payment, and poundage, viz. :—

1. The land called Bandarewatta with the buildings and plantations standing thereon, situate at Mudukatuwa in Meda palata of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded on the north by portion of this land of Ana Maria Perera, east and south by land of the heirs of Mudliyar Seneviratne, and west by portion of this land of Pelis Fernando and Ana Maria Perera; containing in extent about 1 acre.

2. Seventy-three coconut trees, without soil, and the buildings standing thereon, from and out of the land called Kohombagahawatta and Ehetugahawatta, adjoining each other, situate at Mudukatuwa aforesaid; and bounded on the north, south, and west by the land of the heirs of Mudliyar Seneviratne, and east by land planted by Philippu Kankanama; containing in extent about 1 acre.

3. Fifty-two coconut trees, without soil, of the land called Weralawatta, situate at Mudukatuwa aforesaid; and bounded on the north and east by land of the villagers, south by land of the heirs of Vidana Arachchi, and west by seashore; containing in extent about 1 rood.

4. The plantations of the land called Kajugahawatta, exclusive of the soil, situate at Mudukatuwa aforesaid; and bounded on the north by portion of this land of the villagers, east by land planted by Elias Fernando, south by land planted by Manuel Perera, and west by land planted by Jusey Fernando; containing in extent about 2 acres.

Deputy Fiscal's Office, F. G. DALPETHADO,
Chilaw, May 5, 1930. Deputy Fiscal.

In the Court of Requests of Negombo.

S. P. L. Ramen Chettiyar of Kochchikade Plaintiff.
No. 36,284. Vs.

(1) Madurapperuma Arachchilage Ranhamy Appuhamy and two others of Kahatawila Defendants.

NOTICE is hereby given that on Monday, June 2, 1930, at 10 o'clock 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 Rs. 212.25, with interest on Rs. 150 at 24 per cent. per annum from August 14, 1929, to October 4, 1929, and thereafter at 9 per cent. per annum till payment, and poundage, viz. :—

1. An undivided $\frac{17}{70}$ share of the land called Kongahawatta, situate at Kahatawila in Meda palata of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded on the north and east by Kongahawatta belonging to Kandappu, south by Bakmighakumbura belonging to the said person, and west by land belonging to Mituruhamy; containing in extent 3 seers of kurakkan sowing soil.

2. An undivided $\frac{2}{3}$ share of the land called Delgahawatta alias Kahatagahawatta, situate at Kahatawila aforesaid; and bounded on the north by land of Kandappu Vidanarala, east by Kiriwelkumbura belonging to Samel Sinno and others, south by land of Sardiell Appuhamy and others, and west by cart road; containing in extent 4 acres.

Deputy Fiscal's Office, F. G. DALPETHADO,
Chilaw, May 5, 1930. Deputy Fiscal.

In the Court of Requests of Negombo.

S. P. L. Ramen Chettiyar of Kochchikade Plaintiff.
No. 36,400. Vs.

Senanayake Mudiyanse Lage Bartin Appuhamy of Kirimetiya Defendant.

NOTICE is hereby given that on Thursday, June 5, 1930, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 301.25, with interest on Rs. 250 at 24 per cent. per annum from September 16, 1929, till October 25, 1929, and thereafter at 9 per cent. per annum till payment, and poundage, viz. :—

(1) An undivided $\frac{1}{9}$ share of the field called Delgahawatta alias Horagahawewa, situate at Haldanduwana in Otara palata of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded on the north by Crown jungle, east by village limit of Bujjampola, south by field of Lensohamy and others, and west by land of H. Appusinnu Appuhamy and others; containing in extent about 20 parras of paddy sowing soil.

(2) An undivided $\frac{1}{9}$ share of Divulgahawatta, situate at Kirimetiya in Otara palata aforesaid; and bounded on the north by field of H. Appusinnu Appuhamy and others, east by land of H. Appusinnu Appuhamy and land of Joranis Appuhamy and land of James Appuhamy, south by land of H. Appusinnu Appuhamy, and west by field of H. Appusinnu Appuhamy and land of Horanis Appuhamy and others; containing in extent about 4 acres.

(3) An undivided $\frac{1}{3}$ share of two contiguous portions of land called Kongahawatta, situate at Kirimetiya aforesaid; and bounded on the north by lands of Jayaturala and others, east by land of Arachchi

Appu and others and land appearing in plan No. 84,017, south by reservation for a road, and west by Crown land; containing in extent 2 acres 2 roods and 30 perches.

Deputy Fiscal's Office, F. G. DALPETHADO,
Chilaw, May 5, 1930. Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Colombo.

H. B. Phillips of Rosmead place in Colombo, carrying on business in the National Bank buildings, Colombo, under the name, style, and firm of H. B. Phillips and Company..... Plaintiff.
No. 35,992. Vs.

Owen Bernard Wijeyesekera of Staples street in Colombo, carrying on business in Colombo, under the name, style, and firm of Wijeyesekera and Company Defendant.

NOTICE is hereby given that on May 31, 1930, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

Sale on May 31, 1930, at 4 P.M.

An allotment of land called Gadadessa Estate or Pinnagollewatta, situated in the village Balatgomuwa in Tumpalata pattu east of Paranakuru korale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the north by land described in title plan No. 111,211, on the east by lands described in title plans Nos. 111,211 and 43,525, on the south by Kaludiewala-ela and Bukanda-oya, and on the west by land described in title plan No. 331,893, Gampolayayapillewa claimed by D. Lapaya and Puwakolle-ela; containing in extent 14 acres 3 roods and 20 perches, according to the survey and description bearing No. 374,677 dated March 8, 1926, and authenticated by A. H. G. Dawson, Esq., Acting Surveyor-General.

For the recovery of the sum of Rs. 7,832, with interest thereon at 9 per cent. per annum from November 18, 1929, till February 6, 1930, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full.

Deputy Fiscal's Office, S. DE SILVA,
Kegalla, May 2, 1930. Additional Deputy Fiscal.

I, ROBERT NIEMANN THAINE, Fiscal for the Western Province, do hereby appoint Mr. A. R. S. Karunaratna to be Marshal for the division of Panadure comprising the Raigam korale and the Panadure totamune belonging to the Revenue District of Kalutara, and that portion of Salpiti korale in the Revenue District of Colombo, lying south of village Angulana and of the road leading from the Wewala ferry to the Lunawa bridge near the 10th milepost on the Galle road and thence to Mampe road and from it to Mattegoda and following villages, viz., Katuwawala, Werehera, Nilamahara, Niwantiya, Bokundara, Dulammahara, Jaligoda, and Wewala, situate in Salpiti korale aforesaid, under the provisions of Fiscals' Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal for the 7th and 8th days of May, 1930, for which this shall be his warrant.

R. N. THAINE,
Fiscal.

Fiscal's Office,
Colombo, May 6, 1930.

In the District Court of Colombo.

S. O. S. P. Pillappa Pillai of Sea street in Colombo Plaintiff.
No. 36,147. Vs. 46/12/1

D. R. Jayasundera of 15, Daniel's avenue, Kirillapona road, Havelock town, Colombo.. Defendant.

NOTICE is hereby given that on May 30, 1930, commencing at the hours specified below, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, viz. :—

Sale on May 30, 1930, at 2 P.M.

1. All that land called Nayahena, now watta, containing in extent 2 amunams of paddy sowing, situated at Panagomuwa in Egodapotha pattu of Galboda korale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the north by the liminary road, east and south by the village limit of Uduwewala, and on the west by the drain.

Sale on May 30, 1930, commencing at 3 P.M.

2. All that land called Moragahawattemukalana alias Pilakandemukalana, now watta, containing in extent 13 acres 1 rood and 26 perches, situated at Uduwewala in Egodapotha pattu as aforesaid; and bounded on the north by the land claimed by Wijehamy Unnanse and villagers, and the piece of land reserved along the Dodangaha-ela, east by the Crown land, south by the land mentioned in T. P. 263,758, and west by lots Nos. 914 and 911 in P. P. 2,296 and the land claimed by Wijehamy Unnanse and the villagers and the piece of land reserved along Moragaha-ela and Dodangaha-ela.

3. All that land called Pilakandehena, now rubber land, containing in extent 6 pelas of paddy sowing, situated at Uduwewala aforesaid; and bounded on the north by Mukalana, east by the limit of Horatalpedigehena, south by Mala-ela, and on the west by the village limit of Panagomuwa.

For the recovery of the sum of Rs. 737-80, with interest on Rs. 700 at 12 per cent. per annum from January 17, 1930, to the date of decree, i.e., February 12, 1930, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit.

Deputy Fiscal's Office, S. DE SILVA,
Kegalla, May 6, 1930. Additional Deputy Fiscal.

I, ROBERT NIEMANN THAINE, Fiscal for the Western Province, do hereby appoint Mr. L. P. Nawaratna to be Marshal for the District of Negombo, Western Province, and authorize him to perform the duties and exercise the authority of Marshal from May 4 to 11, 1930, for which this shall be his warrant.

Fiscal's Office,
Colombo, May 3, 1930.

R. N. THAINE,
Fiscal.

I, MAXWELL MAC LAGAN WEDDERBURN, Fiscal for the Southern Province, do hereby appoint Mr. J. Arudpiragasam, Record keeper, Police Court, Balapitiya, to be Marshal for the Balapitiya District, for May 9, 1930, under the provisions in the Fiscals' Ordinance, 1897, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,
Galle, May 1, 1930.

M. M. WEDDERBURN,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Usliyanage William Perera of Welikada in the Palle pattu of Salpiti korale, deceased.

Wanni Atchige Mai Nona Fonseka of Welikada aforesaid Petitioner.

And

- (1) Usliyanage Arumapala Perera, (2) ditto Hemawathie Perera, (3) ditto Tilly Nona Perera, (4) ditto Amarapala Perera, (5) ditto Karunawathie Perera, (6) Wickramage Don Paulis Appuhamy, all of Welikada aforesaid . . Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on March 26, 1930, in the presence of Mr. N. J. V. Cooray, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 21, 1930, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before May 22, 1930, show sufficient cause to the satisfaction of this court to the contrary.

G. C. THAMBIYAH,
District Judge.

March 26, 1930.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Agampodi Aron de Thabrew Appuhamy of Dehiowita, deceased.

Agampodi Torry Nathaniel de Thabrew of Dehiowita Petitioner.

And

- (1) Agampodi Hector de Thabrew of Ahungalla, Kosgoda, (2) ditto Laura Isabella de Thabrew Hamine of Kandy, (3) ditto Jinnie Henry de Thabrew of Ahungalla, Kosgoda, minors, appearing by their guardian *ad litem* (4) Wijemuni Douglas de Zoysa of Kandy, (5) Agampodi Ablian de Thabrew of Dehiowita Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on March 27, 1930, in the presence of Messrs. De Livera & Jacolyn, Proctors, on the part of the petitioner above named; and the affidavit of the petitioner dated March 27, 1930, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before May 22, 1930, show sufficient cause to the satisfaction of this court to the contrary.

O. L. DE KRETSEK,
District Judge.

March 27, 1930.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Boralugodage Emis Perera of Aturugiriya, deceased.

Jasinge Dona Babahamy of Aturugiriya Petitioner.

And

- (1) Boralugodage Panohamy Perera alias Sopia, (2) ditto Davith Perera, (3) ditto Rego Perera, (4) ditto Soid Perera, (5) ditto Babahamy, (6) ditto Podinona Perera Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on March 28, 1930, in the presence of Mr. D. H. Jayasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 24, 1930, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before May 29, 1930, show sufficient cause to the satisfaction of this court to the contrary.

O. L. DE KRETSEK,
District Judge.

March 28, 1930.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Liyanage Simon Perera of Meegahawatta, deceased.

Siyambalapiti Madalige Noihamy of Meegahawatta Petitioner.

And

- (1) Liyanage Pesanona Perera, (2) ditto Dalpynona Perera, (3) ditto Simitha Perera, (4) ditto Asiline Perera, (5) ditto Sugathan Perera, (6) ditto Alpynona Perera, all of Meegahawatta, the 5th and 6th respondents appearing through their guardian *ad litem* the 7th respondent, (7) Mabula Marapperuma Aratchige Don Luwis of Ahugamana, (8) Wickrema Aratchige PUNCHINONA of Embraluwa Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on April 2, 1930, in the presence of Mr. D. F. J. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 31, 1930, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before May 22, 1930, show sufficient cause to the satisfaction of this court to the contrary.

G. C. THAMBIYAH,
District Judge.

April 2, 1930.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of the late Wannakuwattewaduge Anthony Fernando of Korawalwella in Moratuwa, deceased. No. 5,039.

Wannakuwattewaduge Robert Fernando of Korawalwella in Moratuwa Petitioner.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Colombo, on April 1, 1930, in the presence of Mr. G. C. E. Peiris, Proctor, on the part of the petitioner above named, and the affidavits (1) of the said petitioner dated March 25, 1930, and (2) of the attesting notary and witnesses dated April 1, 1930, having been read:

It is ordered that the last will of Wannakuwattewaduge Anthony Fernando, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before May 15, 1930, show sufficient cause to the satisfaction of this court to the contrary.

April 1, 1930.

G. C. THAMBYAH,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Dissanayakarallage Jeelis Appuhamy of Balagalla in Yatigaha pattu of the Hapitigam korale in the District of Negombo, deceased. No. 2,736.

Between

Dissanayakarallage Carolis Appuhamy of Balagalla Petitioner.

And

(1) Kaluhetti Pandeni of Puchi Nona, (2) Dissanayakarallage Dasi Appu, both of Balagalla, (3) ditto Podinona of Mahale in Dasiya pattu of the Alutkuru korale in the District of Negombo, (4) ditto Agilis Appu of Balagalla Respondents.

THIS action coming on for disposal before M. H. Kantawala, Esq., District Judge of Negombo, on April 10, 1930, in the presence of Mr. D. W. Samaratinga, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated April 10, 1930, and March 24, 1930, respectively, 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 said estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before May 14, 1930, show sufficient cause to the satisfaction of this court to the contrary.

April 10, 1930.

M. H. KANTAWALA,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Hitihamillage Marthelis Appuhamy of Ihalagama in Botale in the Udugaha pattu of Hapitigam korale in the District of Negombo, deceased. No. 5,052.

Kuruppu Aratchise Podi Hamine of Ihalagama in Botale afore-said Petitioner.

And

(1) Hitihamillage Gillert, minor, (2) ditto Charles Appuhamy, both of Ihalagama in Botale afore-said Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on April 9, 1930, in the presence of Mr. N. J. V. Cooray, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 7, 1930, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before May 29, 1930, show sufficient cause to the satisfaction of this court to the contrary.

April 9, 1930.

G. C. THAMBYAH,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Thennakonrallage Podisingho Appuhamy of Kandalama in Udugaha pattu of the Hapitigam korale in the District of Negombo, deceased. No. 2,738.

Between

Nanayakkara Jayasuriya Appuhamy of Docho Nona of Kandalama Petitioner.

And

(1) Thennakonrallage Liyanchinona of Kewelwella in Dunagaha pattu of the Alutkuru korale, (2) ditto Sanchinona of Kandalama Respondents.

THIS matter coming on for disposal before M. H. Kantawala, Esq., District Judge of Negombo, on April 11, 1930, in the presence of Mr. D. W. Samaratinga, Proctor; and the petition and affidavit of the said petitioner dated April 11, 1930, and March 27, 1930, respectively, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to the said estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before May 14, 1930, show sufficient cause to the satisfaction of this court to the contrary.

April 11, 1930.

M. H. KANTAWALA,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Weerapurage John Fernando of Kandawala in the District of Negombo, deceased.

Between

Weerapurage Eshin Fernando of Kandawala.. Petitioner.

And

- (1) Weerasirihewage Allina Fernando, (2) Weerapurage Simon Fernando, (3) ditto Stephen Fernando, (4) ditto Leo Fernando, (5) ditto Lucia Fernando, (6) ditto Simeon Fernando, (7) ditto Frank Fernando, all of Kandawala Respondents.

THIS matter coming on for disposal before M. H. Kantawala, Esq., District Judge of Negombo, on April 29, 1930, in the presence of Mr. M. Austin Fernando, Proctor, on the part of the petitioner; and the petition and affidavit of the said petitioner dated December 18, 1929, and October 7, 1929, respectively, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as the daughter of the above-named deceased, to have letters of administration to the said estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before May 16, 1930, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 7th respondent above named be appointed guardian *ad litem* over the minors, the 2nd to 6th respondents above named, unless the respondents above named or any other person or persons interested shall, on or before May 16, 1930, show sufficient cause to the satisfaction of this court to the contrary.

M. H. KANTAWALA,
District Judge.

April 29, 1930.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Liyana Manage Cavanis deceased, of No. 7,057. Dondra, Matara.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on March 31, 1930, in the presence of Mr. Pandita Goonawardene, Proctor, on the part of the petitioner, Don Andrayas Dewaraja of Dondra, Matara; and the affidavit of the said petitioner dated March 21, 1930, having been read:

It is ordered that the 6th respondent be appointed guardian *ad litem* over 1st to 5th minor respondents, unless the respondents, viz., (1) Liyana Manage Adita, (2) ditto Sarilta, (3) ditto Premawathie, (4) ditto Prameratne, (5) ditto Kusumawathie, all of Dondra, Matara, shall, on or before May 26, 1930, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as brother-in-law of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the above-named respondents shall, on or before May 26, 1930, show sufficient cause to the satisfaction of this court to the contrary.

T. W. ROBERTS,
District Judge.

March 31, 1930.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Aliya Markar Pathumma Beebi, No. 7,022. deceased, of Kumbalwella, Galle.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on February 1, 1930, in the presence of Mr. R. A. H. de Vos, Proctor, on the part of the petitioner, Mohamed Abdul Cader Mohammed Hannes of Kumbalwella, Galle; and the affidavit of the said petitioner dated January 30, 1930, having been read: It is ordered that the 1st respondent be appointed guardian *ad litem* over the 6th, 7th 8th, 9th minor respondents, unless the respondents, viz., (1) Rasa Markar Alia Markar, (2) Mohamed Lebbe Markar Sawdoon Natchiya, wife of the 1st respondent, (3) Aliya Markar Marliya Umma, wife of the petitioner, (4) Aliya Markar Mohamed Ghoudu, (5) Aliya Markar Sahara Umma, (6) Aliya Markar Mohamed Siddeek, (7) Aliya Markar Safa Umma, (8) Aliya Markar Mohamed Saleem, and (9) Mohammed Hannes Sithi Noor, all of Kumbalwella, shall, on or before April 7, 1930, show sufficient cause to the contrary.

It is further declared that the said petitioner, as husband of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents above named shall, on or before April 7, 1930, show sufficient cause to the satisfaction of this court to the contrary.

T. W. ROBERTS,
District Judge.

February 1, 1930.

The date for showing cause is extended to May 19, 1930.

April 7, 1930.

T. W. ROBERTS,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Rahubaddekankanange Abraham de Silva, deceased, of Modera Patuwata in Dodanduwa, deceased.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Galle, on April 2, 1930, in the presence of Mr. George Banasooriya, Proctor, on the part of the petitioner, Jasentupatabendi Missinona de Silva of Modera Patuwata in Dodanduwa; and the affidavit of the said petitioner dated March 12, 1930, having been read:

It is ordered that the 2nd respondent be appointed guardian *ad litem* over the 1st minor respondent, unless the respondents, viz., (1) Rahubaddekankanange Reginald Ramachandra of Modera Patuwata, (2) Andrewasatabendi Irinelis de Vaas of Patabendimulla, Ambalangoda, shall, on or before June 4, 1930, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as widow of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the said respondents shall, on or before June 4, 1930, show sufficient cause to the satisfaction of this court to the contrary.

T. W. ROBERTS,
District Judge.

April 2, 1930.

In the District Court of Matara

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of the late Hewakandeg Don Andris,
No. 3,603. deceased, of Dewalegama.

THIS matter coming on for disposal before M. Prasad, Esq., District Judge of Matara, on March 27, 1930, in the presence of Messrs. Keuneman, Proctors, on the part of the petitioner, Wanni Atchige Lewishamy above named; and the affidavit of the said petitioner dated March 26, 1930, having been read:

It is ordered that the petitioner, Wanni Atchige Lewishamy, is declared entitled, as cousin of the said deceased, to administer the said estate, and that letters of administration do issue to him accordingly, unless the respondents—(1) Egoda Vitaranege Gimarahamy, (2) Hewakandeg Hinni Appoo, (3) ditto Ranginahamy, all of Dewalegama—or any other person or persons interested shall, on or before May 22, 1930, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the above-named 1st respondent be and she is hereby appointed guardian *ad litem* over the 2nd and 3rd minor respondents, unless sufficient cause be shown to the contrary on May 22, 1930.

It is further ordered that the said minor respondents be produced before this court on May 22, 1930.

M. PRASAD,
District Judge.

April 5, 1930.

In the District Court of Jaffna

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Sellachy, wife of Sinnappu Ponniah
No. 7,132. of Kokkuvil, deceased.

Sinnappu Ponniah of Kokkuvil Petitioner.

Vs.

(1) Ponniah Velanthapillai, (2) Ponniah Kanagaratnam, (3) Ponniah Rappithurai, and (4) Sinnatamby Ponnudurai, all of Kokkuvil; the 1st, 2nd, and 3rd respondents are minors appearing by their guardian *ad litem* the above-named 4th respondent Respondents.

THIS matter of the petition of the above-named petitioner, praying that the 4th respondent be appointed guardian *ad litem* over the minors, 1st, 2nd, and 3rd respondents, and for letters of administration to the estate of the above-named deceased, Sellachy, wife of Sinnappu Ponniah of Kokkuvil, coming on for disposal before J. C. W. Rock, Esq., District Judge, on May 14, 1929, in the presence of Mr. V. Manickavasakan, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated May 1, 1929, having been read: It is declared that the 4th respondent be appointed guardian *ad litem* over 1st, 2nd, and 3rd respondents, that the petitioner is the husband of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before August 1, 1929, show sufficient cause to the satisfaction of this court to the contrary.

J. C. W. ROCK,
District Judge.

July 4, 1929.

Time to show cause extended to May 13, 1930.

J. C. W. ROCK,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Subramaniam Karthigesu of Chava-
No. 7,326. kachcheri, deceased.

Thanippulisingam Kandiah of Nunavil Petitioner.

Vs.

(1) Karthigesu Somasundra, (2) Thangaratnam, daughter of Karthigesu, (3) Ulaganayagai, daughter of Karthigesu, (4) Ramnath, wife of Karthigesu, all of Nunavil Respondents.

THIS matter of the petition of the above-named petitioner appointing the 4th respondent as guardian *ad litem* over the 1st, 2nd, and 3rd, and praying that letters of administration to the estate of the above-named deceased be granted to him, coming on for disposal before J. C. W. Rock, Esq., District Judge, Jaffna, on October 28, 1929, in the presence of Mr. K. Kasipillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 22, 1929, having been read:

It is ordered that the above-named petitioner is the brother-in-law of the deceased and maternal uncle of the 1st respondent, an heir of the deceased, and is entitled to have letters of administration issued to him, and that the 4th respondent be appointed guardian *ad litem* over the minors, the 1st, 2nd, and 3rd respondents, unless the above-named respondents shall, on or before December 12, 1929, show sufficient cause to the satisfaction of this court to the contrary.

J. C. W. ROCK,
District Judge.

November 22, 1929.

Time extended till May 23, 1930.

J. C. W. ROCK,
District Judge.

In the District Court of Jaffna

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Ledamupillai, wife of Kathirgamar
No. 7,387. Kandiah of Alvai South, deceased.

Kathirgamar Kandiah of Alvai North Petitioner.

Vs.

(1) Kandiah Velu Marum, minor, (2) Velar Ramalingam of ditto, now of Kalmunai, guardian *ad litem* Respondents.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge, Jaffna, on December 19, 1929, in the presence of Mr. K. V. Rasiah, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the 2nd respondent be appointed guardian *ad litem* over the minor, the 1st respondent, and that the petitioner be declared entitled to have letters of administration to the estate of the said intestate, as her lawful husband, unless the respondent or any person or persons interested shall appear before this court on February 25, 1930, and state objection or show cause to the satisfaction of this court to the contrary.

J. C. W. ROCK,
District Judge.

February 22, 1930.

Time extended to April 1, 1930.

J. C. W. ROCK,
District Judge.

Time extended to May 19, 1930.

J. C. W. ROCK,
District Judge.

In the District Court of Jaffna.
Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Richard Rasanayagam Barr Kumarakulasinghe of Tellippallai, deceased. No. 7,472. Samuel Chelvaretnam Barr Kumarakulasinghe of Tellippallai, presently of Braybrooke, Manning place, Wellawatta, Colombo Petitioner.

- Vs.
(1) Dr. Joseph Chelvaraj Barr Kumarakulasinghe of Wellawatta, Colombo, and (2) Eliza Jane Rasamma Kumarakulasinghe, widow of Richard Rasanayagam Barr Kumarakulasinghe of Tellippallai Respondents.

THIS matter of the petition of the above-named petitioner, praying that letters of administration to the estate of the above-named deceased be issued to the petitioner, coming on for disposal before J. C. W. Rock, Esq., District Judge of Jaffna, on March, 1930, in the presence of Mr. J. K. Arnold, Proctor, on the part of the petitioner and on reading the affidavit and petition of the petitioner.

It is ordered that the above-named petitioner, as one of the heirs of the above-named deceased, be declared entitled to have letters of administration to the estate of the above-named deceased, unless the above-named respondents or any person shall, on or before May 17, 1930, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

March 24, 1930.

J. C. W. ROCK,
District Judge.

In the District Court of Jaffna.
Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Simathamby Sinniah of Kokuvil, deceased. No. 7,468. Thangam, widow of Sinnathamby Sinniah of Kokuvil Petitioner.

- Vs.
(1) Achehnanayappillai, widow of Kularasingam of Kokuvil, (2) Sinniah Subramaniam, Medical Officer, F. M. S., (3) Ponnammalam Karthigesu and his wife (4) Saraswathi, both of Gemas in F. M. S., (5) Sinniah Anasalam, (6) Retnam, daughter of Sinnathamby Sinniah of Kokuvil; the 6th respondent is a minor appearing by her guardian *ad litem*, the above-named 1st respondent Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the late Sinnathamby Sinniah, and that the above-named 1st respondent be appointed guardian *ad litem* over the minor, the above-named 6th respondent, coming on for disposal before J. C. W. Rock, Esq., District Judge, Jaffna, on March 7, 1930, in the presence of Mr. K. Aiyadurai, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the petitioner is entitled to have letters of administration to the estate of the above-named deceased, and that the above-named 1st respondent be and she is hereby appointed as guardian *ad litem* over the minor, the above-named 6th respondent, for the purpose of protecting her interest and representing her in this action, unless the respondents or any other person shall, on or before May 15, 1930, show sufficient cause to the satisfaction of this court to the contrary.

March 13, 1930.

J. C. W. ROCK,
District Judge.

In the District Court of Mannar.
Order Nisi.

Testamentary In the Matter of the Estate of Anton Jurisdiction. Mottam Philippu, late of Kannaddi No. 443. in Nanaddan East, deceased.

Theogu Marisal of Murunkan Petitioner.
Vs.

- (1) Paranthu Agutha, (2) Paranthu Cicilia, both of Murunkan, (3) Antony Ambrone of Sirukkandel Respondents.

THIS matter the petition of Theogu Marisal, praying for letters of administration to the estate of the above-named deceased, Antoni Mottam Philippu, coming on for disposal before Carl E. Arndt, Esq., District Judge, on April 28, 1930, in the presence of Mr. S. Anantham, Proctor, on the part of the petitioner and the affidavit of the petitioner dated April 28, 1930, having been read: It is declared that the petitioner is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before May 27, 1930, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the 3rd respondent be appointed guardian *ad litem* of the 1st and 2nd respondents for the purpose of representing them in these proceedings, unless the respondents above named shall, on or before the said date, show sufficient cause to the satisfaction of this court to the contrary.

April 28, 1930.

CARL E. ARNDT,
District Judge.

In the District Court of Chilaw.
Order Nisi.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of the late Hewagamage Martinus No. 1,969. Perera of Lunuwila, deceased.

Hewagamage Stephen Perera of Lunuwila .. Petitioner.

- And
(1) D. P. Isabella, (2) Isabella Perera of Lunuwila, (2) Mary Perera of New Cetty street, Colombo, (3) H. Marshal Perera of Lunuwila, (4) H. William Perera of ditto, (5) H. Rosa Maria Perera of ditto Respondents.

THIS matter coming on for disposal before M. A. Arulanandan, Esq., District Judge of Chilaw, on January 17, 1930, in the presence of Mr. D. J. Nayalath, Proctor, on the part of the petitioner and of the respondents; and the affidavit of the petitioner dated December 13, 1929, having been read:

It is ordered that the petitioner be and he is hereby declared the administrator of the estate of the said deceased, unless the respondents above named or any other person or persons interested shall, on or before February 14, 1930, show sufficient cause to this court to the contrary.

January 17, 1930.

M. A. ARULANANDAN,
District Judge.

The date for showing cause is extended and re-issued for May 23, 1930.

R. F. DIAS,
District Judge.