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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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SUPPLEMENT :

The INDEX to the *Gazette* for the First Half-Year of 1940.

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DRAFT ORDINANCES.

MINUTE.

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

<p>Cap. 258, Vol. VI., p. 66.</p>	<p>L. D.—O 89/39</p> <p>An Ordinance to amend the Defence Force Ordinance.</p> <p>BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—</p>
<p>Short title.</p>	<p>1. This Ordinance may be cited as the Defence Force Amendment Ordinance, No. of 1940.</p>
<p>Insertion of heading above section 17 of Chapter 258.</p>	<p>2. The Defence Force Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended by the insertion, immediately above section 17 of that Ordinance, of the heading "PENSIONS AND GRATUITIES".</p>
<p>Replacement of section 17 of the principal Ordinance.</p> <p>Pensions and gratuities for officers and families in event of death, injury, &c.</p>	<p>3. Section 17 of the principal Ordinance is repealed and the following section is hereby substituted therefor :—</p> <p>17. (1) Subject to the provisions of sub-section (2), a pension or gratuity may be awarded to—</p> <p>(a) any officer or soldier of the Defence Force who receives any wounds or injuries while on active service as aforesaid or while undergoing training or exercise with the Force, or who contracts any disease attributable to the conditions of such active service, training or exercise ; and</p> <p>(b) the widow and family of any such officer or soldier who is killed while on such active service or while undergoing such training or exercise, or who, within seven years of receiving any wounds or injuries or of contracting any disease referred to in paragraph (a), dies of such wounds, injuries or disease, as the case may be.</p> <p>(2) The rates at which and the conditions subject to which pensions or gratuities may be paid under sub-section (1), and the circumstances in which the payment of such pensions may be withheld, shall be such as the Governor may from time to time determine :</p> <p>Provided, however, that in any case where the Governor is satisfied, having regard to the special circumstances of the case, that the rates so determined are inadequate, the Governor may direct that the pension or gratuity shall be paid at such higher rates as may be fixed by him for the purpose.</p> <p style="text-align: center;"><i>Objects and Reasons.</i></p> <p>The existing section 17 of the Defence Force Ordinance (Chapter 258) provides :—</p> <p>(i.) for the payment of pensions and gratuities to officers and soldiers who receive wounds or injuries while on active service, or contract any illness directly traceable to fatigue or exposure incidental to such service ;</p> <p>(ii.) for the payment of pensions and gratuities to the widows and families of officers and soldiers who are killed on active service, or die, within three years after having been wounded or injured, of wounds, or injuries received during such service, or die <i>within three years</i> from illness directly traceable to fatigue or exposure incidental to such service ;</p> <p>(iii.) that no pension payable under the section shall exceed the sum of Rs. 1,000 per annum, and that no gratuity shall exceed Rs. 1,000.</p> <p>2. The following defects exist in this section :—</p> <p>(i.) No provision is made for the payment of pensions or gratuities in cases where wounds are received or illness contracted in the performance of military duties by persons who have <i>not</i> been called out for active service.</p> <p>(ii.) The period of three years referred to in paragraph 1 (ii.) above does not accord with the provisions of the Royal Warrant governing the payment of pensions and gratuities to officers and soldiers of the Regular Army ; the period prescribed in that Warrant is seven years.</p> <p>(iii.) The limit of Rs. 1,000 is inadequate.</p>

3. In order to remove these defects, and to remedy certain difficulties which have been experienced in the past in interpreting this section, the section has been repealed and a comprehensive section framed in clearer language has been substituted for it. Provision has been made to enable the Governor to determine the conditions subject to which the pensions and gratuities may be paid, and the circumstances in which payment will be withheld.

Colombo, September 12, 1940.

G. S. WODEMAN,
Chief Secretary.

MINUTE.

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

L. D.—O 10/39

An Ordinance to amend the Customs Ordinance and the Customs (Amendment) Ordinance, No. 3 of 1939.

Chapter 185
(Volume IV.,
page 491).

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

1. This Ordinance may be cited as the Customs (Amendment) Ordinance, No. of 1940.

Short title.

2. Section 9 of the Customs Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended as follows :—

Amendment
of section 9 of
Chapter 185.

(1) by the substitution, for the words "merchandise imported into this Island", of the words "merchandise imported into or exported from this Island"; and

(2) by the addition, at the end thereof, of the following :—

"(c) express reference in the said Schedule to any customs duty leviable on any goods imported into or exported from the Island shall not affect or be deemed to affect any royalty, cess or duty, by whatsoever name called, which is leviable or payable on the importation or exportation of such goods under any written law other than this Ordinance."

3. Section 10 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution, for the words "add any other goods to those enumerated in the said Schedule", of the words "amend Schedule B by the addition thereto of any goods other than those enumerated therein or by the omission therefrom of any goods enumerated therein or otherwise".

Amendment of
section 10 of the
principal
Ordinance.

4. Sections 11, 12, 13 and 14 of the principal Ordinance are hereby repealed.

Repeal of
sections 11, 12,
13 and 14 of the
principal
Ordinance.
Amendment of
section 23 of
the principal
Ordinance.

5. Section 23 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (1) thereof, by the substitution, for the words "shall allow a rebate of such duty", of the words "shall, subject to the provisions of sub-section (2), allow a rebate of such duty";

(2) by the re-numbering of sub-section (3) as sub-section (4);

(3) by the substitution, for sub-section (2), of the following new sub-section :—

"(2) The Collector of Customs shall allow a rebate of the duty paid on any article hereinbefore exempted, upon the production of a certificate relating to that article in accordance with the provisions of sub-section (1) and upon proof to his satisfaction of the fact that such article was actually imported, exported, purchased or procured, as the case may be, and of such particulars as he may require in regard to the amount of duty paid and the time and place of payment of such duty :

Provided that no such rebate shall be allowed in the case of any article unless the certificate relating to that article is produced within twelve months next after the date on which that article was imported, exported, purchased or procured, as the case may be :

Provided further that the Collector of Customs may refuse to allow a rebate of the duty paid on any article if he is satisfied, after such inquiry as he may deem necessary, that a rebate of the duty paid on that article has previously been allowed in accordance with the provisions of this section." ; and

- (4) by the addition, immediately after the new sub-section (2), of the following new sub-section (3) :—
- “(3) The rebate shall be paid to the officer issuing the certificate required by this section out of the duties received by the Collector of Customs, anything in section 20 to the contrary notwithstanding.”
6. Section 24 of the principal Ordinance is hereby amended in sub-section (3) thereof by the substitution, for the words “such duties”, of the words “the whole or any part of such duties”.
7. The proviso to section 50 of the principal Ordinance is hereby amended in paragraph (b) by the substitution, for the words “be granted”, of the words “been granted”.
8. The principal Ordinance is hereby amended in the heading immediately above section 57 by the substitution, for the words “ISLAND CARRIAGE”, of the words “INLAND CARRIAGE”.
9. Section 78 of the principal Ordinance is hereby amended by the substitution, for the words “shall be deemed guilty of an offence, and shall upon conviction be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;”, of the words—
- “shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding two years, or to both such fine and imprisonment;”
10. The principal Ordinance is hereby amended by the omission of the headings “PART XI.” and “GENERAL REGULATIONS” occurring immediately above section 103, and by the insertion of those headings immediately above section 101.
11. Section 109 of the principal Ordinance is hereby amended, in the marginal note thereto, by the substitution, for “a nnu”, of the word “annul”.
12. Section 119 of the principal Ordinance is hereby amended—
- (1) by the substitution, for all the words from “The following goods” to “namely”, of the following :—
- “The Governor may by Proclamation published in the *Government Gazette* prohibit either absolutely or subject to such restrictions and conditions as he may in his discretion determine, the exportation or the carriage coastwise of all or any of the following goods, namely”; and
- (2) by the substitution, for the words “and if any goods so prohibited shall be exported from Ceylon or carried coastwise”, of the words “and if such goods shall be exported from Ceylon or carried coastwise in contravention of such prohibition or otherwise than in accordance with such restrictions and conditions”.
13. Section 125 of the principal Ordinance is hereby amended by the substitution, for the words “a reasonable suspicion exists that he has been guilty of any such offence mae”, of the words “a reasonable suspicion exists that he has been guilty of any such offence may”.
14. Section 148 of the principal Ordinance is hereby amended by the substitution, for the words “or anything done”, of the words “for anything done”.
15. Section 155 of the principal Ordinance is hereby amended by the substitution, for all the words from “the master” to “become liable to any penalty”, of the words “any person shall have incurred or become liable to any penalty”.
16. Section 159 of the principal Ordinance is hereby amended in the definition of the expression “kerosene oil” by the substitution, for the words “benzol, benzoline”, of the words “benzol, benzoline, benzine”.
17. Schedule A to the principal Ordinance is hereby amended—
- (1) under the heading “IMPORT DUTIES”—
- (a) by the insertion, immediately after that heading, of the following :—
- “Wherever in this Schedule a preferential rate and a general rate of duty are prescribed for any goods, wares, or merchandise, the

Amendment of section 24 of the principal Ordinance.

Amendment of section 50 of the principal Ordinance.

Amendment of heading above section 57 of the principal Ordinance.

Amendment of section 78 of the principal Ordinance.

Omission of headings occurring above section 103 of the principal Ordinance and insertion of those headings immediately above section 101.

Amendment of marginal note to section 109 of the principal Ordinance.

Amendment of section 119 of the principal Ordinance.

Amendment of section 125 of the principal Ordinance.

Amendment of section 148 of the principal Ordinance.

Amendment of section 155 of the principal Ordinance.

Amendment of section 159 of the principal Ordinance.

Amendment of Schedule A to the principal Ordinance.

preferential rate shall, subject to the terms of any resolution under section 9, be levied and paid upon such of the goods, wares and merchandise as shall be proved to the satisfaction of the Principal Collector of Customs to have been produced or manufactured in, and to have been consigned from, the United Kingdom of Great Britain and Northern Ireland, the Dominions, India, Burma, the territories administered by His Majesty's Governments in the Dominions under Mandate or otherwise, the British Colonies, the British Protectorates and Protected States and the mandated Territories of Tanganyika, the Cameroons under British Mandate and Togoland under British Mandate."

- (b) by the substitution, in paragraph (b) of the item "Copra", for the words "has been produced", of the words "has been purchased"; and
- (c) by the substitution, in the Table of Exemptions, for the words "Uniforms and accoutrements appertaining thereto imported by or for a police servant for his personal use", of the words "Uniforms and accoutrements appertaining thereto imported by or for a public servant for his personal use"; and

(2) under the heading "EXPORT DUTIES"—

- (a) by the substitution, for "cacao", of the word "cacao"; and
- (b) by the omission of all the words and figures beginning with the item "Chanks (live)" and ending with the words "Protection Ordinance" at the end of the note after the item "Elephants".

18. Schedule B to the principal Ordinance is hereby amended—

(1) in the Table of Prohibitions and Restrictions Inwards—

- (a) by the omission of all the words beginning with "Dangerous substances" and ending with "landing and deposit thereof"; and
- (b) by the omission of all the words beginning with "Infected cattle" and ending with "contagious distemper"; and

(2) in the Table of Prohibitions and Restrictions Outwards, by the omission of all the words beginning with "Hides and horns" and ending with "Crocodylus Porosus (Tank and Estuarine Crocodiles)."

19. Schedule C to the principal Ordinance is hereby amended in clause (v) of the proviso to paragraph 1 in Part I. of the Schedule, by the substitution, for the words "Port Surgeon", of the words "Port Health Officer".

20. The provisions of sections 4, 7, 8, 10, 11, 13, 14, 16, 17, 18 and 19 shall be deemed for all purposes to have come into operation on the first day of April, 1939, being the date on which the Revised Edition of the Legislative Enactments was brought into force.

21. Section 5 of the Customs (Amendment) Ordinance, No. 3 of 1939, is hereby repealed with effect from the seventeenth day of February, 1939, being the date of the commencement of that Ordinance.

Objects and Reasons.

Section 9 of the Customs Ordinance (Chapter 185) does not make any reference to the export duties which are specified in Schedule A. The omission is rectified by Clause 2 of this Bill.

2. Section 10 of the principal Ordinance empowers the State Council by resolution to add any goods to those enumerated in the Table of Prohibitions and Restrictions in Schedule B to the Ordinance. This does not include the power to omit from that Schedule any goods enumerated therein or added thereto by resolution of the Council. Clause 3 of the Bill therefore amends section 10 (2) of the Ordinance in order to give the Council such power. The opportunity has been taken to provide for the amendment of the items in Schedule B by resolution of the State Council.

3. Sections 11, 12, 13, and 14 of the principal Ordinance are no longer necessary and are accordingly repealed by Clause 4.

4. Clause 5 amends section 23 of the principal Ordinance which provides for the procedure to be adopted in securing exemptions for articles imported for the use of His Majesty's Naval, Military and Air Forces.

Amendment of
Schedule B to the
principal
Ordinance.

Amendment of
Schedule C to the
principal
Ordinance.

Sections 4, 7, 8, 10,
11, 13, 14, 16, 17,
18 and 19 to have
retrospective effect.

Repeal of section
5 of Ordinance
No. 3 of 1939.

5. Section 119 of the principal Ordinance gives the Governor power by Proclamation to prohibit certain goods which are specified in that section to be exported or carried coastwise. It is desirable sometimes to permit the export or coastwise carriage of these goods subject to such restrictions and conditions as the Governor may determine. Clause 12 accordingly effects the necessary amendments in section 119.

6. The object of Clause 15 is to confer on the Principal Collector of Customs the power to mitigate penalties incurred or imposed under section 127 of the principal Ordinance.

7. Clauses 7, 8, 10, 11, 13, 14, 16, 17, and 19 correct certain typographical and other errors in the principal Ordinance as printed in the Revised Edition of the Legislative Enactments. Clause 17 also amends Schedule A under the heading "Import Duties", by the insertion of certain words which will define the expressions "preferential rate" and "general rate" in that Schedule, and under the heading "Export Duties" by the omission of certain items which are unnecessary in view of similar provision in other Ordinances.

8. Clause 18 amends Schedule B by the omission of certain words which are unnecessary in view of similar provision in other Ordinances.

9. Section 78 of the principal Ordinance was amended by section 5 of the Customs (Amendment) Ordinance, No. 3 of 1939, which came into operation on February 17, 1939. A corresponding amendment had been made in the same section by the Editor of the Revised Edition of the Legislative Enactments which was being printed at the time Ordinance No. 3 of 1939 was enacted. The Revised Edition was brought into force on April 1, 1939. The object of Clause 21 is to repeal section 5 of Ordinance No. 3 of 1939 and to amend section 78 so that the penalties prescribed for an offence under that section should be reduced in the manner provided in the amendment effected by Ordinance No. 3 of 1939.

Financial Secretary's Office,
Colombo, September 17, 1940.

C. H. COLLINS,
Acting Financial Secretary.

MINUTE.

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

M. L. A.—B 1839/L. D.—O 43/40

An Ordinance to enable local authorities in Ceylon to make contributions out of their revenue and other moneys at their disposal to war funds and war charities.

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

Short title.

1. This Ordinance may be cited as the Local Authorities (War Contributions) Ordinance, No. of 1940.

Power of local authorities to contribute to war funds.

2. (1) Subject as hereinafter provided, a local authority shall be entitled and is hereby authorised to contribute to any war fund out of its revenue or other moneys at its disposal:

Provided that no resolution relating to any such contribution shall have effect until such resolution has been submitted to and approved by the Executive Committee of Local Administration.

(2) The provisions of sub-section (1) shall have effect notwithstanding anything in any written law by or under which any local authority is constituted or established.

Duration of Ordinance.

3. This Ordinance shall cease to be in operation on such date, not being later than one year after the termination of the war, as the Governor may appoint by Proclamation published in the *Gazette*.

Interpretation.

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

"local authority" means a Municipal Council, Urban Council, Local Board, Sanitary Board or Village Committee;

"war" means the war in which His Majesty is engaged at the time of the enactment of this Ordinance;

"war fund" means any fund, charity, or organisation created, established or maintained for the efficient prosecution of the war or for any other purpose whatsoever relating to or connected with the war.

Objects and Reasons.

The object of this Bill is to enable local authorities to make contributions to war funds and war charities.

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

Colombo, September 18, 1940.

MINUTE.

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

G 2949/L. D.—O 20/40

An Ordinance to amend the Village Communities Ordinance.

Cap. 198.

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

1. This Ordinance may be cited as the Village Communities (Amendment) Ordinance.

Short title.

2. Section 25 of the Village Communities Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of section 25 of Chapter 198.

(a) in sub-section (2) thereof, by the substitution for the words "twenty-one days", wherever they occur collectively therein, of the words "one month";

(b) by the substitution, for sub-sections (3), (4) and (5) thereof, of the following new sub-sections which shall have effect as sub-sections (3), (4), (5) and (6) of that section :—

"(3) Where for any reason the meeting is not held on the date specified in the notice under sub-section (1), the Government Agent may, by such further notice or notices as may be necessary, convene the meeting for any other date, but so however that such other date is within the period of one month prescribed in sub-section (2).

(4) At the meeting convened under sub-section (1) or sub-section (3), as the case may be, the members of the Committee shall elect one of their number to be the Chairman of the Committee.

(5) Whenever the office of Chairman of a Village Committee falls vacant during the term of office of the Committee, the Government Agent shall, within two weeks of his receiving information of the vacancy, by notice or notices served in accordance with the provisions of sub-section (1) or sub-section (3), convene a meeting for the election of a new Chairman, and the date specified for the meeting in such notice or notices shall be such as to ensure that a new Chairman is elected within the period of six weeks next succeeding the occurrence of the vacancy.

(6) Every meeting under this section shall be held at the place and time and on the date specified in the notice convening that meeting, and shall, until the election of a Chairman, be presided over by the Government Agent or by an officer of Government, other than a chief headman, deputed by the Government Agent to act as presiding officer."

3. Section 26 of the principal Ordinance is hereby amended by the repeal of sub-section (2) thereof, and by the re-numbering of sub-section (1) as section 26.

Amendment of section 26 of the principal Ordinance.

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

Substitution of new section for section 29 of the principal Ordinance.

29. Where for any reason the members of a Village Committee fail to elect a Chairman in accordance with the provisions of section 25 or a Vice-Chairman in accordance with the provisions of section 28, it shall be lawful for the Executive Committee to nominate one of the members of that Village Committee to be the Chairman or the Vice-Chairman, as the case may be, and the member so nominated shall be entitled to exercise the like powers, shall perform the like duties, and shall hold office for the like term, as a Chairman or a Vice-Chairman duly elected by that Village Committee.

Power to nominate Chairman or Vice-Chairman when not elected by Village Committee.

5. Section 31 of the principal Ordinance is hereby amended in sub-section (2) thereof, by the substitution for the words "direct the Vice-Chairman to perform", of the words "direct the Vice-Chairman to exercise or perform, whenever the office of Chairman is vacant, or".

Amendment of section 31 of the principal Ordinance.

Amendment of section 53 of the principal Ordinance.

6. Section 53 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following proviso :—

“ Provided that the prior approval of the Governor shall not be necessary in the case of a resolution whereby a Village Committee decides to impose in any year a tax at the same rate as was in force during the preceding year.”

Validation of acts done by a Vice-Chairman during vacancy of the office of Chairman.

7. All acts done after the first day of December, 1939, by the Vice-Chairman of any Village Committee, in the exercise of the powers or the performance of the duties of the Chairman of that Committee while the office of the Chairman was vacant, shall for all purposes be deemed to have been lawfully done, notwithstanding that such Vice-Chairman had not, under section 31 (2) of the principal Ordinance, been authorised by the Chairman or directed by the Government Agent to exercise such powers or to perform such duties.

Objects and Reasons.

Upon the resignation of the Chairman of a Village Committee some time ago, party feeling over the choice of a successor would appear to have become so acute among the members as to prevent the presence of even a quorum at the meeting of the Committee summoned for the purposes of the election. The meeting had thus to be abandoned; and as there had been some delay on the part of the Government Agent in summoning the meeting, any further steps for the election of a new Chairman could not be taken within the time limit fixed by the Village Communities Ordinance. Moreover, the Attorney-General was of opinion that the Executive Committee of Local Administration could not in such circumstances exercise the power to nominate a Chairman under section 29 of the Ordinance. The office has therefore remained unfilled for some months; and the Vice-Chairman has had to attend to the duties of the Chairman although he has not been given the authority required by section 31.

To prevent the recurrence of such deadlocks, it is proposed in this Bill—

- (a) to amend the provisions of section 25 as to the method of summoning and holding the meeting for the election of a Chairman and to extend the time allowed for the election; (Clauses 2 and 3); and
- (b) to substitute for section 29 a new section which will give the Executive Committee of Local Administration the power to nominate a Chairman or a Vice-Chairman whenever the members of a Village Committee fail for any reason to elect one of themselves to fill the office in accordance with the provisions of the Ordinance. (Clause 4).

2. Where the Chairman is absent from duty and has not authorised the Vice-Chairman to act for him, it is essential for the proper administration of the affairs of the Village Committee that the Vice-Chairman should be empowered in some other manner to exercise the powers and perform the duties of the Chairman. For this purpose section 31 of the Ordinance is to be amended so as to give the Government Agent power to direct the Vice-Chairman to discharge the functions of the Chairman when the latter is absent or his office is vacant. (Clause 5).

The necessary validation for the acts of the Vice-Chairman, who is referred to in the opening paragraph of this statement, and of any others in a similar position, is provided in Clause 7.

3. The present opportunity is also taken to introduce a much-needed modification into section 53 of the Ordinance. That section requires that every resolution relating to the imposition of any tax, licence duty or toll should be approved by the Governor. Licence duties and tolls are imposed only at intervals of years. A tax, however, is imposed annually even though the rate of the tax does not vary from year to year. Where there is no change in the rate of a tax, the formal approval of the resolution by which it is imposed ceases to be necessary; and accordingly a proviso to this effect is to be added to the section. (Clause 6).

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

Colombo, September 18, 1940.

MINUTE.

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

L. D.—O 44/39 M. L. A. 527

An Ordinance to amend the Salt Ordinance.

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

- | | |
|--|---|
| <p>1. This Ordinance may be cited as the Salt (Amendment) Ordinance, No. of 1940.</p> | <p>Cap. 167
(Vol. IV.,
p. 236.)</p> <p>Short title.</p> |
| <p>2. The following new section shall be inserted immediately after section 1 of the Salt Ordinance, (hereinafter referred to as "the principal Ordinance"), and shall have effect as section 1A of that Ordinance :—</p> <p>1A. (1) The Governor may appoint—</p> <p>(a) any person by name or by office, to be, or to act as Salt Commissioner ;</p> <p>(b) such other officers and servants as may be necessary for the purposes of this Ordinance.</p> <p>(2) Any power conferred by this Ordinance on the Commissioner may be exercised by any officer authorised in writing for the purpose by the Commissioner.</p> | <p>Insertion of
new section 1A
in Chapter 167.</p> <p>Appointment
of officers.</p> |
| <p>3. Section 2 of the principal Ordinance is hereby amended by the substitution, for all the words from "under the written licence" to the end of that section, of the words "under the authority of a licence granted by the Commissioner".</p> | <p>Amendment of
section 2 of
the principal
Ordinance.</p> |
| <p>4. Section 4 of the principal Ordinance is hereby amended as follows :—</p> <p>(1) by the repeal of sub-section (1), and the substitution therefor of the following :—</p> <p style="padding-left: 40px;">" (1) The Commissioner may from time to time grant licences authorising the possession or sale by retail, in any district mentioned in the Schedule, of salt purchased from a Government store in that district."</p> <p>(2) in sub-section (2), by the substitution, for the words "six months", of the words "one year".</p> | <p>Amendment of
section 4 of
the principal
Ordinance.</p> |
| <p>5. Section 5 of the principal Ordinance is hereby amended by the substitution, for the words "24 quarts," of the words "56 pounds,".</p> | <p>Amendment of
section 5 of
the principal
Ordinance.</p> |
| <p>6. The following new section shall be inserted immediately after section 7 of the principal Ordinance and shall have effect as section 7A of that Ordinance :—</p> <p>7A. (1) The Executive Committee of Local Administration may make such regulations as may appear to the committee to be necessary for the purpose of protecting any saltern or salt lewaya or any bund or channel maintained in connexion with any saltern or salt lewaya.</p> <p>(2) Without prejudice to the generality of the powers conferred by sub-section (1), any regulation made thereunder may—</p> <p>(a) define any area immediately adjoining any saltern or salt lewaya and declare that area to be a protected area for the purposes of this Ordinance ;</p> <p>(b) prohibit or regulate the entry of persons into any saltern, salt lewaya or area so protected ; and</p> <p>(c) provide that any person who does any act in contravention of any provision of any such regulation or fails to comply with any provision of any such regulation shall be guilty of an offence and liable on conviction to a fine not exceeding fifty rupees.</p> <p>(3) No regulation made under sub-section (1) shall have effect until it has been approved by the State Council and ratified by the Governor, nor until notification of such approval and ratification has been published in the <i>Gazette</i>.</p> <p>(4) Every regulation made under sub-section (1) shall, upon the publication of a notification of the approval and ratification of that regulation as provided for in sub-section (3), be as valid and effectual as if it were herein enacted.</p> | <p>Insertion of
new section 7A
in the principal
Ordinance.</p> <p>Protection of
salterns, &c.</p> |

Replacement of section 9 of the principal Ordinance.

Removal of salt.

7. Section 9 of the principal Ordinance is repealed and the following section is hereby substituted therefor :—

9. (1) It shall not be lawful for any person to remove salt in any quantity exceeding seven pounds at any one time from any district mentioned in the Schedule except under the authority of a permit issued by the Commissioner or by a licensed retail dealer.

(2) Every such permit shall specify the name of the person to whom it is issued, the quantity of salt authorised to be removed thereunder, and the place from which, the destination to which, the manner in which, and the date before which, such salt is to be removed. The date specified in any such permit shall not, in the case of a permit issued by the Commissioner, be later than three months, or, in the case of a permit issued by a licensed retailer, be later than fourteen days, after the date on which the permit is issued.

Insertion of new section 9A in the principal Ordinance.

Importation and exportation of salt.

8. The following new section shall be inserted immediately after section 9 of the principal Ordinance, and shall have effect as section 9A of that Ordinance :—

9A. It shall not be lawful for any person to import any salt into Ceylon or to export any salt from Ceylon except under the authority of a permit issued by the Commissioner, and except in accordance with such conditions as may be set out in such permit :

Provided, however, that in the case of any salt which is shipped as stores on board any vessel or aircraft, the permit required by the preceding provisions of this section may be issued by any Collector of Customs.

Amendment of section 10 of the principal Ordinance.

9. Section 10 of the principal Ordinance is hereby amended by the substitution, for all the words from "by licence" to the end of that section, of the words "by licence of the Commissioner."

Amendment of section 12 of the principal Ordinance.

10. Section 12 of the principal Ordinance is hereby amended as follows :—

- (1) by the renumbering of that section as sub-section (1) of that section ;
- (2) in the renumbered sub-section (1) by the substitution, for the words "It shall be unlawful", of the words "Save as otherwise provided in sub-section (2), it shall be unlawful" ;
- (3) by the addition, after the renumbered sub-section (1), of the following new sub-section (2) :—

"(2) Nothing in sub-section (1) shall be deemed to prohibit the possession or sale of denatured salt by any storekeeper or other person selling salt on behalf of the Government.

In this sub-section, "denatured salt" means salt which has been deliberately rendered unfit for human consumption by admixture with petroleum or kerosene, and with soot, charcoal powder or any other conspicuous unpalatable substance."

Amendment of section 13 of the principal Ordinance.

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

- (1) by the renumbering of that section as sub-section (1) of section 13 ;
- (2) in the renumbered sub-section (1), by the omission of the words "by weight, and not by measure," ; and
- (3) by the addition at the end of the renumbered sub-section (1), of the following new sub-section, which shall have effect as sub-section (2) of that section :—

"(2) It shall not be lawful for any person to sell any salt otherwise than by weight."

Amendment of section 14 of the principal Ordinance.

12. Section 14 of the principal Ordinance is hereby amended as follows :—

- (1) by the substitution, for all the words from "and any master or person" to "Collector of Customs ;" of the following :—

"and any master or person in charge of any vessel or aircraft who shall land or ship salt from or on board the vessel or aircraft in contravention of the provisions of section 9A ;" ; and

- (2) by the omission of all the words from "at a rate" to "Magistrate."

Amendment of section 17 of the principal Ordinance.

13. Section 17 of the principal Ordinance is hereby amended by the substitution, for the words, "It shall be lawful, and every police officer or headman is hereby required," of the words "It shall be lawful for any police

officer or headman or for any officer of the Salt Department of a rank not below that of Sub-Inspector or any Excise Officer of a rank not below that of Inspector ”.

14. Section 18 of the principal Ordinance is hereby amended as follows :—

Amendment of section 18 of the principal Ordinance.

- (1) by the substitution, for the words “ any police officer or headman ”, of the words “ any police officer or headman or any officer of the Salt Department of a rank not below that of Sub-Inspector or any Excise Officer of a rank not below that of Inspector ”;
- (2) in the Proviso to that section, by the substitution, for the words “ police officer ” wherever they occur collectively therein, of the words “ police officer, headman or other officer ”.

15. Section 21 of the principal Ordinance is hereby amended by the insertion, after the definition of “ adulterated ”, of the following :—

Amendment of section 21 of the principal Ordinance.

“ Commissioner ” means the Salt Commissioner, appointed under section 1A ;’.

Objects and Reasons.

The Salt Ordinance (Chapter 167) confers on Government Agents and Assistant Government Agents the power to grant licences and permits for the collection, manufacture, sale and possession of salt, but since the appointment of a Salt Adviser to the Government, the provisions of the Ordinance have in fact been administered under the general directions of that officer. The principal purpose of this Bill is to amend the Salt Ordinance in order to provide expressly that the powers and duties vested and imposed on the Government Agents and Assistant Government Agents will be transferred to the Head of the Salt Department.

2. Since the designation “ Salt Adviser ” is considered unsuitable, the Bill will insert in the principal Ordinance a new section providing for the appointment of a Salt Commissioner (Clause 2). Clauses 3, 4, 9 and 15 will effect consequential amendments in various sections of the Ordinance.

3. The provisions of section 7 of the principal Ordinance have not been found to be adequate for the purposes of preventing the illicit collection of salt and damage to the salterns. It has been found in certain instances that persons enter the salterns and salt lewayas ostensibly for the purpose of fishing but in fact with the object of illicitly collecting salt ; effective action cannot be taken against such persons under section 7, since they are usually in possession of fishing tackle and can offer the explanation that they were present upon or in the vicinity of salterns for the purpose of fishing. It has also been found that salterns and bunds have been damaged and polluted by such persons.

The object of Clause 6 of this Bill is to insert in the principal Ordinance a new section 7A, under which the Executive Committee of Local Administration will be empowered to declare defined areas adjoining salterns to be protected areas for the purposes of the Ordinance, and to make regulations prohibiting or regulating the entry of persons into salterns, salt lewayas and areas which have been declared to be protected. The intention is to introduce by regulation provisions by which persons entering these areas will be required to obtain permits from the Department or from the holder of a licence to collect salt. A corresponding amendment of the Cattle Trespass Ordinance which is designed to prevent cattle trespass in salterns and in protected areas will be introduced by the Hon. the Minister for Home Affairs.

4. The opportunity has been taken to effect other minor amendments in the principal Ordinance :—

(1) The effect of section 9 of the principal Ordinance is not very clear, and Clauses 7 and 8 will insert in its place two new sections dealing respectively with the removal of salt from the districts mentioned in the Schedule and with the importation and exportation of salt.

(2) Section 12 of the principal Ordinance prohibits the possession or sale of adulterated salt. The object of Clause 10 of this Bill is to add to that section a new sub-section (2) which will exempt from the prohibition the possession or sale of denatured salt, which has been deliberately rendered unfit for human consumption.

(3) Section 13 of the principal Ordinance provides that salt must be sold by Government and by licensed retailers by weight and not by measure ; the object of Clause 11 of

this Bill is to amend section 13 in order to provide that salt must be sold by weight even by persons who are not licensed retailers.

In certain sections of the principal Ordinance, mention is made of quantities of salt by reference to dry measure; this Bill will amend those sections by substituting references to Avoirdupois weight in place of the references to dry measure (Clauses 5 and 12).

(4) The object of Clauses 13 and 14 is to amend sections 17 and 18 respectively of the principal Ordinance in order to enable Excise officers and officers of the Salt Department to exercise the powers of arrest and search which can at present be exercised only by police officers and headmen. This amendment will secure a stricter enforcement of the provisions of the principal Ordinance.

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

Colombo, September 23, 1940.

DISTRICT AND MINOR COURTS NOTICES.

Return of Uncertificated Insolvents for the First Half-Year ended June 30, 1940.

In the District Court of Avissawella.

Insolvency No. : 7—Name : Meemanage Gabriel Pieris—Residence : Avissawella—Remarks : Protection withdrawn.
Insolvency No. : 8—Name : Weliwita Vithanage Don Juan Appuhamy—Residence : Kosgama Ihala—Remarks : Protection withdrawn.

District Court,
Avissawella, July 6, 1940.

K. D. DE SILVA,
District Judge.

In the District Court of Nuwara Eliya.

No. of case : 29—Name of Insolvent : Melwenna Hewage Lianeris of Grassaugh estate, Nanuoya—Date on which certificate was refused : May 24, 1940—Remarks : Nil.

Nuwara Eliya, July 2, 1940.

HERBERT S. ROBERTS,
District Judge.

In the District Court of Hatton.

Nil.

Hatton, July 23, 1940.

HERBERT S. ROBERTS,
District Judge.

In the Circuit District Court of Balapitiya.

No. of case : 715—Date of institution : March 21, 1939—Name of insolvent : Aruma Kankani Simaris de Silva of Elpitiya—Last order : 1st sitting on September 5, 1940.

July 8, 1940.

S. RAJARATNAM,
Additional District Judge.

In the District Court of Puttalam.

Nil.

District Court,
Puttalam, July 23, 1940.

H. SHIRLEY AMERASIGHE,
Additional District Judge.

In the District Court of Anuradhapura.

Nil.

District Court,
Anuradhapura, July 29, 1940.

W. OLEGASAGREM,
District Judge.

NOTICE is hereby given that three months from the date hereof the records enumerated in the schedule annexed will be destroyed under the provisions of section 5 of Chapter 336 of the Legislative Enactments.

Any person interested in any record may personally or by Proctor or by duly authenticated petition claim upon valid cause shown, that such record should not be destroyed.

Year.	No. of Cases.	No. of Cases to be Destroyed.	Court.
1925-1935 ..	4,800-7,999 ..	3,200 ..	Court of Requests, Badulla
1921-1929 ..	4,351-5,542 ..	1,192 ..	Court of Requests, Badulla-Haldummulla
1927-1935 ..	1,200-7,899 and 11,611-17,899	12,989 ..	Police Court, Badulla
1933-1935 ..	2,600-4,710 ..	2,111 ..	Police Court, Badulla-Haldummulla
		Total ..	19,492

R. R. SELVADURAI,
Commissioner of Requests and Magistrate.

Court of Requests and Magistrate's Court,
Badulla, September 17, 1940.

Minor Courts, Badulla-Haldummulla Circuit Sessions, 1941.

NOTICE is hereby given that the sittings of the Minor Courts, Badulla-Haldummulla, will be held at Bandarawela during the year 1941 on the under-mentioned dates :—

January ..	6-11	July ..	14-19
February ..	3-8	August ..	11-16
March ..	3-8	September ..	8-13
April ..	21-26	October ..	6-11
May ..	19-24	November ..	3-8
June ..	16-21	December ..	1-6

R. R. SELVADURAI,
Commissioner of Requests and Magistrate,
Badulla-Haldummulla.

Magistrate's Court,
Badulla, September 21, 1940.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,249. In the matter of the insolvency of Walter Franklin Harvard Perera of Mount Lavinia, insolvent.

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 October 22, 1940.

September 21, 1940.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,436. In the matter of the insolvency of Sidney Bell of Insolvency Minerva House, Colpetty road, Colombo. Jurisdiction.

NOTICE is hereby given that a certificate meeting of the above-named insolvent will take place at the sitting of this court on October 29, 1940, at 10.45 A.M.

September 24, 1940.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,476. In the matter of the insolvency of Donald Carl La Faber of Waragoda, Kelaniya, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 22, 1940, to consider the grant of a certificate of conformity to the insolvent.

September 10, 1940.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,483. In the matter of the insolvency of Henry de Silva Wijeratne of 69, Ketawalamulla lane, Dematagoda, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court, on October 22, 1940, for the grant of a certificate of conformity to the insolvent.

September 20, 1940.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,491. In the matter of the insolvency of Pirojshaw Dossabhoy Billimoria of 41, Bankshall street, Pettah, insolvent.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at the sitting of this court on November 5, 1940, for considering the grant of a certificate of conformity of otherwise.

September 19, 1940.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Jaffna.
Insolvency No. 183. In the matter of the insolvency of Soosapillai Saverimuttupillai of Main street, in Jaffna, carrying on business under the name, style, and firm of S. M. Pillai Brothers at Main street, in Jaffna.

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 November 4, 1940, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, J. N. CULANTHAIVALU, Secretary.

In the District Court of Jaffna.
Insolvency Jurisdiction. No. 188. In the matter of the insolvency of M. V. Mailvaganam of Grand bazaar, Jaffna, insolvent.

V. Kandiah Chellathurai of Uduvil Petitioner.
WHEREAS V. Kandiah Chellathurai of Uduvil, Jaffna, has filed a declaration of insolvency and a petition for the sequestration of the estate of M. V. Mailvaganam of Grand bazaar, Jaffna, under Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. V. Mailvaganam insolvent accordingly, and that two public sittings of this court to wit, on September 30, 1940, and on October 30, 1940, will take place for the said insolvent to surrender and confirm to agreeably to the provisions of the said Ordinance and for taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, J. N. CULANTHAIVALU, Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

George Bonser de Alwis Seneviratne of Welipenna Plaintiff. No. 10,626/M.

(1) Malleha Vidanarallage Plaintiff. Vs. Alwis Mal-Leha of 274, Layards Broadway, Colombo Defendant.

NOTICE is hereby given that on Tuesday, October 22, 1940, at 3 P.M., will be sold by public auction at the premises the following property mortgaged to the plaintiff by bond No. 867 dated July 29, 1938, executed by C. de Saftam, 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 June 11, 1940, for the recovery of the sum of Rs. 833-18, with interest on Rs. 750 at 16 1/2 per cent. per annum from August 2, 1939, up to May 10, 1940, to the date of the decree, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit taxed at Rs. 259-21, viz., Rs. 111-01 being incurred costs and Rs. 148-20 being prospective costs :-

All that south-western 1/2 of the divided 1/2 part of the land called Delgahawatta presently bearing assessment Nos. 19 and 16 together with the trees, plantations, and buildings standing thereon situated at Ketawalamulla within the Municipality and the town of Colombo in the District of Colombo, Western Province; and which said entire 1/2 portion is bounded on the north-east by the portion belonging to Juwanis Perera, on the south-east by the garden of Mohottige Catherine Silva, south-west by the garden of Wickremaratchige Singho Appuhamy, and on the north-west by the portion of this land belonging to Agostina Fernando; containing in extent 37 1/2 square perches; and which said land and premises according to survey plan dated December 25, 1900, made by David Dewapuratne, Licensed Surveyor, is described as follows:—All that divided western 1/2 of 1/2 part of the land called Delgahawatta situated at Ketawalamulla aforesaid bearing assessment No. 30; and bounded on the north-west by the property of Jayalathge Pusingho, on the north-east by the property of Carolis Appu, on the south-east by the property of D. C. Wickremasekera, and on the south-west by the property of B. S. Perera; containing in extent 20.37 perches, together with all the buildings and plantations standing thereon.

Prior registration A 253/46.

Fiscal's Office, Colombo, September 25, 1940. B. M. CHRISTOFFELSZ, Deputy Fiscal.

In the Court of Requests of Colombo.
V. M. Shabb of 138, New Moor street, Colombo Plaintiff. No. 62,411. Vs.

A. R. M. Shariff of Paranawadiya road, Maradana Defendant.

NOTICE is hereby given that on Monday, October 21, 1940, commencing at 4 P.M., will be sold by public auction at the respective premises in their respective order the following properties for the recovery of the sum of Rs. 80, with legal interest thereon from January 26, 1940, all payment in full, and costs of suit:—Incurred costs Rs. 32-75 and prospective costs Rs. 7, viz.:-

All the right, title, and interest of the defendant to an undivided 1/2 share of the following properties:—

1. An allotment of land marked A bearing assessment No. 118, situated at New Moor street within the Municipality and District of Colombo, Western Province; the said portion marked A being bounded on the north by New Moor street, on the east by the property of Yahya, on the south by the property of Sesma Lebbe and Nawadi Marikkar, and on the west by the remaining 1/2 part B of the same land belonging to Miskin Bawa; containing in extent 4 7/10 perches, according to the figure of survey No. 1022 dated April 30, 1906, and made by Juan Silva, Licensed Surveyor.

2. All that allotment marked B being the western 1/2 part of premises No. 118 situated at New Moor street aforesaid; bounded on the north by New Moor street, east by a portion marked A belonging to Pathumma Umma, on the south by the property of Sesma Lebbe and Nawada Marikkar, and on the west by the property of Mohamadu Lebbe Marikkar; containing in extent 4 7/10 perches as per figure of survey dated March 25, 1912, made by James W. Amarasekera, Registered Licensed Surveyor.

Fiscal's Office, Colombo, September 25, 1940. B. M. CHRISTOFFELSZ, Deputy Fiscal.

In the District Court of Colombo.
R. M. Ramasampillai of Sea street, Colombo Plaintiff. Ismail Lebbe Marikkar Abdul Jawad Marikkar of Esplanade road, Kurunegala Substituted-Plaintiff. No. 50,468. Vs. 16-00

(1) Ajubudeen, son of Ismail Lebbe Marikkar of Alutgama, representative of the estate of the late Ismail Lebbe Marikkar, (2) M. L. M. Ismail Lebbe Marikkar of Kalutara, (3) Aboobucker Lebbe Marikkar Ahamed Cassim Marikkar, and (4) Mohallam Levana Alia Marikkar all of Alutgama Defendants.

NOTICE is hereby given that on Saturday, October 26, 1940, at 3 o'clock in the afternoon, will be sold by public auction at the spot the following property mortgaged with the plaintiff by the defendants and declared bound and executable and ordered to be sold by the decree entered in the said case for the recovery of Rs. 2,490, with interest on Rs. 1,500 at the rate of 18 per cent. per annum from October 3, 1930, to May 15, 1935, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit less Rs. 200 due on the footing of the mortgage bond No. 90 dated April 23, 1921, paid, and less amount, if any, thereafter made, viz.:-

All that allotment of land called Palayatottam, situated at Hettiwatta in Alutgama in the District of Kalutara, Western Province; bounded on the north by the coast (cross) road, leading to Welipenna, on the east by Palayatottam property of Packer Bawa Lebbe Seinadeen Marikkar, on the south by Palayatottam the property of Uduma Lebbe Marikkar Abdul Wahab and others, and on the west by Niniyantottam; and containing in extent 1 rood and 27 perches, together with all trees stone-built boutique buildings standing thereon, and the appurtenances thereof.

Deputy Fiscal's Office, Kalutara, September 18, 1940. S. SUBRAMANIAM, Additional Deputy Fiscal.

Central Province.

In the District Court of Kandy.

(1) Mahakumbureallegedara Appuhamy of Madiligama in Yatinuwara, (2) Kasturi Aratchige Ranhamy of Gallange in Madiligama Plaintiffs. No. 45,749. Vs. 16-00

(1) Warusadevayallegedara Punchi, (2) ditto Pulinguwa, (3) ditto Setuwa, all of Sibatbalapitiya in Wellata of Gangawata korale in Yatinuwara Defendants.

NOTICE is hereby given that on Saturday, October 19, 1940, at 12 noon at the respective premises the following property mortgaged with the plaintiff by bond No. 21,431 dated January 6, 1926, and attested by J. W. Hangantileke, Notary Public of Kandy, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 16, 1940, for the recovery of the sum of Rs. 1,600 with interest at 9 per cent. per annum from June 11, 1935, till payment in full and costs and poundage, viz.:-

An undivided 1/2 share out of the high and low lands and of the house, plantations and everything standing thereon out of the western half share in extent 15 lahas in paddy sowing out of uda uda Hingulkumburewatta of 3 pelias in paddy sowing extent, Alumbawatta of 2 pelias in paddy sowing extent, and the field called Dehigahapitiya aswedduma of 2 pelias in paddy sowing extent, all adjoining each other and forming one property of about 5 pelias and 5 lahas paddy sowing extent, situate at Siyambalapitiya in Gangawata korale of Yatinuwara, in the District of Kandy, Central Province; and the entirety being bounded on the east by below the ella of Joseph Muhandiram's garden, south by Ellewela-oya, west by above the ella of Uda Hingulkumbura, and north by the boundary of Simon Appu Rendarale's field and ella of Koralegekumbura, and registered in A 51/23, and all the right, title, interest, and claim whatsoever of the said defendants in, to, upon or out of the said several premises mortgaged by the defendants.

Fiscal's Office, Kandy, September 23, 1940. H. C. WJESINHA, Deputy Fiscal.

In the District Court of Nuwara Eliya.
Mohammed Cassim Abdul Jawad of Kandy Plaintiff. No. 2,117. Vs.

Uduhawala Dimbul Walawwe J. B. Anulawathie Kumarihamy of Padiyapella, administratrix of the estate of the late Kirimetiya We. R. B. Punchi Pandara Rendarale, retired R. M. of Padiyapella Defendant.

NOTICE is hereby given that on Wednesday, October 30, 1940, at 11 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property mortgaged with the plaintiff by bond No. 1280 dated June 30, 1935, and declared specially bound and executable under the decree entered in the above action and ordered to be sold

by the order of the said court dated April 6, 1940, for the recovery of Rs. 1,000, together with legal interest thereon from November 1, 1938, till payment in full and costs of suit and poundage, viz. :—

All those contiguous two rooms and premises bearing assessment Nos. 101 and 102 known as Maligatennekade of 30 feet in length and 25 feet in breadth or by survey 9 68/100 perches, according to the plan of survey dated August 16, 1926, made by S. A. Soysa of Kandy, Licensed Surveyor, situated at Padiyapellella (within the Sanitary Board limits) in Pallegampaha korale of Udahewaheta in the District of Nuwara Eliya, in the Central Province; and bounded according to the said plan on the north by the property of T. L. Jussey Perera, east by the house of E. D. Ratnayaka, Korala, south by high road, and west by Belihuloya with everything standing thereon.

Deputy Fiscal's Office, IAN M. DE SILVA,
Nuwara Eliya, September 18, 1940. Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.
K. R. Arunasalam Chettiar of Galle Substituted-Plaintiff.
No. 35,585. Vs.

C. Jayasekera of Keppitiyagoda in Nagoda Defendant.

NOTICE is hereby given that on Saturday, October 26, 1940, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. All that undivided 1/5 share of the land called Pambedeniya Group situated at Keppitiyagoda in the (Pangoda) parts of the Galle District, Southern Province, together with a 1/5 share of the rubber plantation thereon; and bounded on the north by Pambedeniya Godakanda, east by Pambedeniyakumbura, south by Pambedeniya and Karawwekanda, and west by Andadola-ela; containing in extent about 7 acres.

2. All that undivided 1/5 share of the land called Pambedeniyakumbura, situated as aforesaid; and bounded on the north by Pambedeniyagodawatta, east by Pambedeniyakumbura and Crown land, south by Pahalawaturawa and Pahamunugodakumbura, west by Andadola-ela, in extent about 11 acres and 2 roods.

Writ amount Rs. 369.60 with interest on Rs. 168 at 24 per cent. per annum from January 23, 1937, to August 3, 1937, and thereafter with legal interest on the aggregate amount till payment in full.

Fiscal's Office, N. G. DE SILVA,
Galle, September 24, 1940. Deputy Fiscal.

In the District Court of Galle.
S. A. Cader of Galle Plaintiff.
No. 37,856. Vs.

L. H. Henry de Silva of Haliwala, Galle Defendant.

NOTICE is hereby given that on Tuesday, October 22, 1940, at 2 o'clock in the afternoon will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

(1) All the soil and fruit trees together with the buildings and plantations standing thereon of the land called a portion of Galodawatta, situated at Ettiligoda within the Four Gravets of Galle, Southern Province; and bounded on the north by Galodakumbura, east by Rendayawala, south by wela, and west by a portion of this land; in extent about 4 acres subject to mortgage bond No. 1004 dated July 1, 1936, attested by A. R. Mohammed Rezeer, Notary Public, for Rs. 500 at 16 per cent. per annum.

(2) An undivided 1/12 of 1/12 part of all the soil and fruit trees of the land called Polduwewatta, situated at Ettiligoda aforesaid; bounded on the east by road and on all other sides by Rendayawala; in extent about 4 acres.

Writ amount Rs. 924.30 together with further interest on Rs. 900 at the rate of 18 per cent. per annum from October 12 to 30, 1939, and thereafter on the aggregate amount with legal interest thereon till payment in full and costs Rs. 72.98.

Fiscal's Office, N. G. DE SILVA,
Galle, September 24, 1940. Deputy Fiscal.

In the District Court of Galle
Miss A. G. M. Jayasinghe of Kitulamptiya Plaintiff.
No. 57,973. Vs.

Reginald Baptist Maligaspe Korale and another of Kitulamptiya Defendant.

NOTICE is hereby given that on Thursday, October 24, 1940, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

An undivided 1/3 share of the soil and trees and of the 21 carpenter's cubits house and of all the other buildings and plantations standing thereon of the land called Ambagahawala bearing assessment No. 50 situated at Madawalamulla within the Four Gravets of Galle, Galle District, Southern Province; and bounded on the north by Wella-bodakumbura alias Kirihamine Liyadda, east by Arachhige Liyadda, south by pillawa, and west by Handungewatta; and containing in extent 1 rood.

Writ amount Rs. 1,286.89 with further interest on Rs. 861.65 at the rate of 12 per cent. per annum from January 11, 1940, up to July 5, 1940, together with legal interest on the aggregate amount from July 6, 1940, to date of payment in full and costs.

Fiscal's Office, N. G. DE SILVA,
Galle, September 24, 1940. Deputy Fiscal.

In the District Court of Matara.

Nigamuni Dadallege Thomis Mendis of Bateegama and others Plaintiffs.
No. 4,822. Vs.

(3) Wattuwewage Wattuhamy of Bateegama and others Defendants.

NOTICE is hereby given that on Wednesday, October 30, 1940, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 957.54 :—

(1) Property of 18a to 18j, 19a to 19f, 20th, 21st, 22nd, 24th and 25th defendants.—All that the soil and trees together with the buildings thereon of the defined lot B of the land called Arehena and Ihalahena, situated at Bateegama, in Wella-watta pattu of Matara District, Southern Province; and bounded on the north by road, east by lot A of the same land, south by Galpolahena, and west by Udadeniya, Hettiwatthehena, lot A 1 of the same land and Welimandiya; and containing in extent 6 acres 1 rood and 8 perches.

(2) Property of 2nd to 17th, 26th, 27th, 29th, 31st to 35th and 37th defendants.—All those undivided 271/283 parts of the soil, trees and of the buildings thereon of the defined lot E of the land called Arehena and Ihalahena, situated at Bateegama aforesaid; and bounded on the north by road, east by lot C of the same land, south by Galpolahena and Dodangahawatta, and west by the same land; and containing in extent 5 acres 2 roods 20 perches.

(3) Property of 40a and 41st defendants.—All that the soil and trees of the defined lot D of the land called Arehena and Ihalahena, situated at Bateegama aforesaid; and bounded on the north by road, east by Kapukoratuwa, and Arehena, south by Dodangahawatta, and west by lot C of the same land; and containing in extent 2 acres 1 rood and 18 perches.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, September 23, 1940. Additional Deputy Fiscal.

In the District Court of Matara.

Kasturi Arachhige Don Cornelis, Vel-Vidane, of Babarenda Plaintiff.
No. 10,174. Vs.

(2) Kasturi Arachhige Dona Katona Hamine of Babarenda, and another Defendants.

NOTICE is hereby given that on Wednesday, October 29, 1940, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd and 3rd defendants in the following property for the recovery of a sum of Rs. 298.65, viz. :—

(1) Property of 2nd defendant.—All that the soil and plantations of the divided land separately lot A of the land called Galketiyeheha, situated at Babarenda in Wella-watta pattu of Matara District, Southern Province; and bounded on the north by T. P. 146,596 and T. P. 146,597, road, and Dodangahawatta, east by Bebillawatta, south by lots C, D and E of the same land, and west by T. P. 146,569; and containing in extent 8 acres 2 roods and 17 perches.

(2) Property of 3rd defendant.—All that entirety of the soil and plantations of the divided and separated lot D of the land called Galketiyeheha, situated at Babarenda aforesaid; and bounded on the north by lot A of the same land, east by lot E of the same land, south by Urugamuwegawatta and Koswattegewatta, and west by lot C of the same land; and containing in extent 2 acres 2 roods and 21 perches.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, September 23, 1940. Additional Deputy Fiscal.

In the District Court of Matara.

Talpe Mefenige James Allis de Silva of Madiha in Matara Plaintiff.
No. 12,874. Vs.

(1) Welle Hewage Sadinahamy and (2) Uyanahewage Dharmadasa, both of Polhena Defendants.

NOTICE is hereby given that on Friday, October 18, 1940, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of the sum of Rs. 813.30 with legal interest, viz. :—

1. All that undivided 18/32 parts of the soil and trees of the land called Kalugewatta alias Gurunmansegawatta together with one-half part of all the buildings thereon and bearing assessment No. 3886, and situated at Polhena in the Four Gravets of Matara, Matara District, Southern Province; and bounded on the north by Alikewatta, east by Wellewatta and Benikkalugewatta, south by Kuttiyewatta and Marulkugewatta, and west by Julgahawatta; and containing in extent 3 roods and 28 perches.

2. All that undivided 1/3 part of the land called Koragewatta bearing assessment No. 3920, and situated at Polhena aforesaid; and bounded on the north by Pittaniya and Wedagewatta, east by Dodangahapittaniya, south by Gajaweeragewatta, and west by Kuttiyewagawatta; and containing in extent 1 rood and 17 perches.

3. All that undivided 1/3 part of the soil and trees and of the buildings of the land called Tantrigewatta bearing assessment No. 3846, and situated at Polhena aforesaid; and bounded on the north by Pelawatta, Talanwila Juwanisewawapukoratuwa and Talanwila, east by ditch and Talanwila, south by Urugamuwegawatta and Paluwatta, and west by Diyakadittawatta; and containing in extent 3 roods and 12 perches.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, September 16, 1940. Additional Deputy Fiscal.

In the Additional Court of Requests of Matara.

Joslin de Silva Karunanayake of Ratgama . . . Substituted-Plaintiff.
No. 19,467 . . . Vs.

(1) Regis de Silva Karunanayake of Talalla, and others . . . Defendants.

NOTICE is hereby given that on Thursday, October 31, 1940, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of a sum of Rs. 481.79, with legal interest from June 12, 1940, till payment in full, viz. :—

1. An undivided $\frac{7}{8}$ parts of the soil and of all the fruit trees of the land called Wellewatta, situated at Talalla in Wellaboda pattu of Matara District, Southern Province; and bounded on the north by Narandenyegewatta and lagoon, east by lagoon and seabeach, south by Palliyewatta *alias* Rendagewatta and west by Palliyewatta and Narandenyegewatta; and containing in extent about $1\frac{1}{2}$ acres.

2. An undivided $\frac{3}{4}$ part of the fruit trees of the 2nd plantation and an undivided $\frac{7}{16}$ parts of the soil and remaining fruit trees of the land called Wella-addara Illangangewatta *alias* Polpitiyewatta, situated at Talalla aforesaid; and bounded on the north by Welagamawatta and Talallevidanegewatta and seabeach, east by seabeach, south by Sunnadeniyegepelawatta, and west by Medawatta and Ralahaminnewatta; and containing in extent about 2 acres.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, September 24, 1940. Additional Deputy Fiscal.

In the Additional Court of Requests of Matara.

Naida Bedaeruge Hendrick Singho Mudalali of Wellamadara . . . Plaintiff.
No. 21,070 . . . Vs.

Carolus Henry Gunawardene of Meddewatta . . . Defendant.

NOTICE is hereby given that on Friday, October 25, 1940, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 237.18 with legal interest on Rs. 214.30 from May 3, 1940, till payment in full, viz. :—

All those undivided $\frac{5}{6}$ parts or shares of the soil and trees, together with all the buildings thereon of the land called Kongahawatta, situated at Meddewatta within the U.C. limits of Matara, Matara District, Southern Province; and bounded on the north by Paranapara, east by a portion of Kongahawatta, south by Araliyawatta and a portion of Brown Hill, and west by Delgahawatta; and containing in extent 1 acre 3 roods and 8 perches.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, September 24, 1940. Additional Deputy Fiscal.

In the District Court of Tangalla.

Sophia Winesapara of Tangalla . . . Plaintiff.
No. 4,275 . . . Vs.

Peter de Silva Wickramasinghe of Tangalla . . . Defendant.

NOTICE is hereby given that on Saturday, October 19, 1940, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 2,935.77, together with further legal interest on Rs. 2,821.66 from June 23, 1940, till payment in full :—

(1) Undivided $\frac{1}{8}$ share of all that land called Thanayamwatta *alias* Ennapitiyewalawwa and of the plantations and of the buildings standing thereon, situated at Tangalla in West Galle pattu of the Hambantota District; and bounded on the north by Surveyor Board road to Ennapitiya, east by high road, south by the property belonging to Messrs. Wickramasuriya and known as Carlton, and west by Maha-agala; containing in extent about $2\frac{1}{2}$ acres.

(2) All that land called and known as Godakumbura estate, situated at Kudahilla in West Giruwa pattu aforesaid; and bounded on the north by Olukanatta, Rukattanagahawatta *alias* Bogahawatta, east by Mahahena, Punchibogahahena, Kahatagahahena and Arehena, south by Miriswate Mukalana and Arehena, and west by high road, Muwamulla and Pitteniyehena; containing in extent (exclusive of the road passing through the land) 28 acres and 34 perches.

Deputy Fiscal's Office, P. D. WEERAMAN,
Tangalla, September 20, 1940. Additional Deputy Fiscal.

North-Central Province.

In the District Court of Anuradhapura.

Ussanga Udayar Kappamuttu of Diulana . . . Plaintiff.
No. 2,191 . . . Vs.

Kuna Uppa Manthra Udachchy of Thampalari in Tamankaduwa, administratrix of the estate of Ana Sitta Udayar of Thampalari . . . Defendant.

NOTICE is hereby given that on Thursday, October 24, 1940, at 10 o'clock in the morning, 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 Rs. 3,015.50, viz. :—

1. A brick house with three rooms, kitchen and portico at Tambala in Tambalatulana, Meda pattu of Tamankaduwa in the North-Central Province; and bounded on the east by fence, south by fence, west by lane and north by fence.

2. Land of eight petties paddy sowing extent at Kumadiya in Kumadiyatulana, Meda pattu of Tamankaduwa in the North-Central Province; and bounded on the north by boundary of Mammathu Pitchai Vidane's land, east by Crown land, south by boundary of A. Neida Udayar's land, and west by boundary of S. Nagoor's land.

3. Land of ten petties paddy sowing extent in Mathuram Kathu field situated at Muttu Meeraveli at Kumadiya aforesaid; and bounded on the north by Crown land, east by boundary of E. Abdul Rahiman Lebbe's land, west by Crown land, and south by Crown land.

Fiscal's Office, A. B. S. N. PULLENAYAGAM,
Anuradhapura, September 24, 1940. for Fiscal.

Province of Sabaragamuwa.

In the District Court of Kalutara.

William Edwin de Soysa of Alutmawatha road, Colombo . . . Plaintiff.
Siriwardana Dewage Cornelis Fernando of Kalutara . . . Substituted-Plaintiff.

No. 14,602 . . . Vs.

(1) Assan Meera Lebbe Marikkar Abdul Hameed Marikkar (dead), (2) Assen Meera Lebbe Marikkar Ahammadu Sally, both of Kalutara, (3) Mohammadu Lebbe Marikkar Beebi Umma, (4) Abdul Hameed Marikkar Sohan Umma, (5) Abdul Hameed Marikkar Ahmed Affie, (6) Abdul Hameed Marikkar Raseed, (7) Abdul Hameed Marikkar Mariyan Beebi (5th to 7th defendants are minors by their guardian *ad litem* the 2nd defendant); 3rd to 7th defendants are substituted in place of 1st defendant, deceased . . . Defendants.

NOTICE is hereby given that on Tuesday, October 22, 1940, at 1 o'clock in the afternoon will be sold by public auction at the premises commencing from the first land the right, title, and interest of the said defendants in the following property, viz. :—

(1) All that land called and known as Lewkelandarahena together with all the plantations, bungalows, cooly lines, machines and other appliances, situated at Tambawita in Tunpalata pattu of Paranakuru korale, in the District of Kegalla, Province of Sabaragamuwa in the Island of Ceylon; and bounded on the east by Leukemukulana and the village limit of Bulugamma, south by P. S. Perera's estate, west by the land belonging to Cassi Lebbe and Ganihigehena, and on the north by Hewadewela; containing in extent 25 acres but according to the figure of survey thereof made by F. N. Kalanberg, Surveyor; bounded as follows :—On the north by Harandeniye-ela, east by Elukemukulana (now Cottagalla estate) and the village limit of Balatgamuwa, south by land claimed by villagers (incorrectly described as tea estate of D. S. Perera), on the west by land claimed by villagers, tea estate of D. S. Perera and Cassi Lebbe's land Gangahagehena; containing in extent 24 acres 2 roods and 7 perches.

(2) All that land called and known as Gangawilehena, situated at Tambawita in Tunpalata pattu aforesaid; and bounded on the north by Hewandeniyehehena belonging to the Crown and Cassi Lebbe, east by Hewandeniyehehena and Tambawitakanda belonging to the Crown, south by Tambawitakanda belonging to the Crown and Uggahadeniyehena belonging to Omaru Lebbe, and on the west by Ratmalgodellehenyaya belonging to Omaru Lebbe Ismail Lebbe and others; containing in extent 24 acres 1 rood and 29 perches.

(3) Undivided half share of all that land called and known as Gangawilehena of about 2 pelas of paddy sowing, situated at Balatgamuwa in Tunpalata pattu of Paranakuru korale aforesaid; and bounded on the north by Galdetta of hena belonging to Crown, east by mala-ela of Katuwagehena, south Galweta or Urapola-gederahena, and on the west by mala-ela of hena belonging to Pohat Walawwa.

(4) Undivided half share of the land called and known as Ganwilehena of about 2 pelas of paddy sowing in extent in the whole, situated in Balatgamuwa aforesaid; and bounded on the north by Crown land, east by Kiribaiya's land, south by oya, and on the west by Oiyannalagehena.

(5) An undivided one-fourth share of an allotment of land called and known as Gangawilemukulana, situated at Madulubowa in Tunpalata pattu, east of Paranakuru korale aforesaid; and bounded on the north by T. P. 195,727, east by Crown land and land claimed by natives, south by reservation along Kuda-oya, and on the west by land claimed by natives; containing in extent 12 acres 2 roods and 33 perches according to the survey and description authenticated by P. D. Warren, Esq., Surveyor-General, bearing No. 266,200 and dated November 4, 1909.

For the recovery of Rs. 15,044.75 less Rs. 1,716 with interest on Rs. 14,700 at 8 per cent. per annum from February 23, 1928, till October 6, 1939, and thereafter at the rate of 9 per cent. per annum on the aggregate till payment in full and costs.

Deputy Fiscal's Office, N. SWAMINATHA AYER,
Kegalla, September 24, 1940. Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

27 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction, the late Nawalage Paulis Silva of Slave Island, No. 9,321. Colombo, deceased.

Dehigaspitiyage Dona Jane Nona of 123 $\frac{1}{2}$ Old Ferry lane, Slave Island, Colombo . . . Petitioner.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on July 4, 1940, in the presence of Mr. Ernest A. de Silva, Barrister-at-Law, the part of the petitioner above named; and the affidavits (1) of the said petitioner dated June 11, 1940, and (2) of the attesting witnesses dated June 12, 1940, having been read :

It is ordered that the last will of Nawalage Paulis Silva, 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 executrix in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before August 15, 1940, show sufficient cause to the satisfaction of this court to the contrary.

July 22, 1940.

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to October 3, 1940.

C. NAGALINGAM,
District Judge.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

25
Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Y. K. R. Arumugam Chettiar *alias* Y. K. R. A. Arumugam Chettiar of Panaya-patti, Pudukottai State, South India, deceased.

Letchumanan Chettiar, son of Arumugam Chettiar of Sea street, Colombo. Petitioner.

Saminathan Chettiar, son of Arumugam Chettiar of Panaya-patti, Pudukottai State, South India. Respondent.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on September 3, 1940, in the presence of Mr. S. Sivasubramaniam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 16, 1940, and the Supreme Court order dated July 9, 1940, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son and sole heir of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before October 3, 1940, show sufficient cause to the satisfaction of this court to the contrary.

September 9, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

23
Testamentary Jurisdiction. In the Matter of the Intestate Estate of Walter Eugene Wijeyesekera, late of Gladsmar, Paman-kada road, Wellawatta, Colombo, deceased.

Mervyn Shelly Gunasekera of Handy Petitioner.

(1) Mrs. Mabel Harriet Wijeyesekera, and (2) Mrs. Marion Gladys Gunasekera *nee* Wijeyesekera, both of Gladsmar, aforesaid. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 13, 1940, in the presence of Mr. Prosper Abraham, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 12, 1940, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son-in-law 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 October 3, 1940, show sufficient cause to the satisfaction of this Court to the contrary.

August 14, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

33
Testamentary Jurisdiction. In the Matter of the Intestate Estate of Mohamed Ismail Mohamed Kubra, late of Messenger street, Colombo, deceased.

Mohamed Hashim Zainabul Kubra of 90, Messenger street, Colombo Petitioner.

(1) Mohamed Nizar Saudoona of "Nawab Manzil" Messenger street, Colombo, minor, appearing by his guardian *ad litem*, the 6th respondent, (2) Abdul Careem Mohamed Mohideen of Wellawatta, (3) Abdul Careem Mohamed Sabidu of Mattacooliya, (4) Abdul Careem Mohamed Razik of Beruwala, (5) Abdul Careem Mohamed Sheriff of Mattacooliya, and (6) Mohamed Hashim Mohamed Nasirdeen of 90, Messenger street, Colombo, guardian *ad litem* of the 1st respondent above named. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 15, 1940, in the presence of Mr. M. N. M. Salahudeen, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 6, 1940, having been read:

It is ordered (a) that the 6th respondent be and he is hereby appointed guardian *ad litem* of the minor, the 1st respondent above named, to represent him for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above named deceased, to have letters of administration to

his estate issued to her, unless the respondents above named or any other person or persons interested, shall on or before October 3, 1940, show sufficient cause to the satisfaction of this court to the contrary.

September 20, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

30
Testamentary Jurisdiction. In the Matter of the Last Will and Testament of James Dissanayake of Waturugama, deceased. No. 9,372.

Don James Dissanayake, School Master of Minuwangoda, in Dasiya pattu of Alutkuru korale Petitioner.

(1) Dissanayakage Saminda of Yatiyana, in Dasiya pattu aforesaid, (2) Dissanayakage Sidiyana of Hakgalla, in Siyane korale, (3) Dissanayakage Sarnelis Dissanayake of Dehiwala, (4) Dissanayakage Alexander Dissanayake of Kandumulla, in Dasiya pattu of Siyane korale. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 23, 1940, in the presence of Mr. Victor A. P. Nanayakkara, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated August 2, 1930, and (2) of the attesting notary and one of the attesting witnesses dated July 31, 1940, having been read:

It is ordered that the last will of James Dissanayake, 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 in the said will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 3, 1940, show sufficient cause to the satisfaction of the court to the contrary.

September 23, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

31
Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of Jayakkody Achehige Don Cornelis of Pallanoruwa in the Kumbukke pattu of Raigam korale, deceased.

Walpolage Yaso Hamy Perera of Pallanoruwa aforesaid Petitioner.

(1) Jayakkody Achehige Charlis Jayakkody, (2) Jayakkody Achehige Piyadasa Hemachandara, (3) Jayakkody Achehige Piyawathie, (4) Jayakkody Achehige Nandawathie, the 1st to 4th respondents appearing by their guardian *ad litem* the 5th, (5) Jayakkody Achehige Don Simon Jayakkody, all of Pallanoruwa aforesaid. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 28, 1940, in the presence of Mr. Ben Samarasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 26, 1940, having been read:

It is ordered (a) that the 5th respondent be and he is hereby appointed guardian *ad litem* of the minors, 1st to 4th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before October 3, 1940, show sufficient cause to the satisfaction of this court to the contrary.

September 12, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

24
Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Mahamarakkala Kurukulasooriya Patabendige Celestine Georgiana Perera of Idama in Moratuwa, deceased.

Reginald William Perera of Lynsdale, Rawatawatta in Moratuwa Petitioner.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 29, 1940, in the presence of Mr. Vincent Thomas Fernando, Proctor, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated August 28, 1940, and (2) of the attesting notary dated August 28, 1940, having been read:

It is ordered that the last will of Mahamarakkala Kurukulasooriya Patabendige Celestine Georgiana Perera, 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 in the said will and that he is entitled to have probate thereof issued to him accordingly, unless any other person or persons interested shall, on or before October 10, 1940, show sufficient cause to the satisfaction of the court to the contrary.

September 16, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Dr. Vairamuttu Kathirgamatamby No. 9,383. 3/1 of "White House", Ward place, Colombo, Deceased.

Chellam Kathirgamatamby of "White House", Ward place, Colombo Petitioner.

(1) Kathirgamatamby Sivasangaran, (2) Kathirgamatamby Natarajan, (3) Kathirgamatamby Visvanathan, (4) Kathirgamatamby Nirmala Devi, all of "White House", Ward place, Colombo, 1st to 4th respondents are minors appearing by the guardian ad litem (5) S. T. Nagalingam of Main street, Jaffna Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 30, 1940, in the presence of Mr. S. Sivasubramaniam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 30, 1940, having been read:

It is ordered (a) that the 5th respondent be and he is hereby appointed guardian ad litem of the minors, the 1st to 4th respondents above named to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before October 10, 1940, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM, District Judge.

September 2, 1940.

In the District Court of Colombo.

Order Absolute.

Testamentary Jurisdiction. 2/0 In the Matter of the Last Will and Testament of James McDowall Macdonald, late of Colombo No. 9,390. in the Island of Ceylon, deceased.

THIS matter coming on for final determination before C. Nagalingam, Esq., District Judge of Colombo, on September 4, 1940, in the presence of Messrs. Julius and Crasay of Colombo, Proctors, on the part of the petitioner, Elizabeth Anne Macdonald of Colombo; and the affidavit of the said petitioner dated August 30, 1940, affidavits as to the due execution of the will, original will and certificate of death of the above-named deceased, having been read: It is ordered that the will of the said deceased dated March 17, 1912, 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 said petitioner, is the sole executrix named in the said will, and that she is entitled to have probate of the said will issued to her on her paying Estate Duty and taking oath of office.

C. NAGALINGAM, District Judge.

September 14, 1940.

In the District Court of Colombo.

Order Absolute in the First Instance declaring Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Mamina Lebbe Abdul Azeez, deceased, of 3, Ripon road, Colpetty, southern Colombo. No. 9,393.

THIS matter coming on for final determination before C. Nagalingam, Esq., District Judge, Colombo, on September 9, 1940, in the presence of Mr. F. Rustonjee, Proctor, on the part of the petitioner, Sofia Abdul Azeez, and the affidavits of (1) the said petitioner dated September 6, 1940, and of the attesting notary and witnesses dated September 3, 1940, having been read:

It is ordered that an order absolute be entered in the first instance, and that probate of the will of Mamina Lebbe Abdul Azeez be issued to Sofia Abdul Azeez on her tendering the usual oath and bond.

C. NAGALINGAM, District Judge.

September 21, 1940.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Margaret Rowland (born McGlashan) of Muizenberg, Cape Town, in the Union of South Africa, deceased. No. 9,399.

In the matter of the British Courts Probate (Re-sealing) Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of 14 days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probate (Re-sealing) Ordinance (Chapter 84) for the sealing of letters of administration in respect of the estate of Margaret Rowland (born McGlashan) of Muizenberg, Cape Town in the Union of South Africa, deceased, granted by the Master of the Supreme Court, Cape of Good Hope Provincial Division, Cape Town, Union of South Africa, on December 29, 1939, to the executor named in the last will of the deceased.

September 19, 1940.

STANLEY F. DE SARAM, Attorney for Owen Herbert Rowland, the sole executor of the last will of Margaret Rowland (born McGlashan) deceased.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. 2/1 In the Matter of the Last Will and Testament of Neill Graeme Campbell, formerly of Bakers Farm, Nuwara Eliya, Ceylon, but late of Drimna-Vullin, Lochgilphead, Argyllshire Scotland, deceased. No. 9,400.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on September 12, 1940, in the presence of Don John Boniface Gomes of Colombo, Proctor on the part of the petitioner, Oscar Percy Mount of Colombo, and the affidavit of the said petitioner dated September 10, 1940, an extract copy of the last will and testament of the above-named deceased, duplicate copy of confirmation in favour of the executor named in the said will, in favour of the petitioner and Supreme Court Order dated September 2, 1940, having been read: It is ordered that the will of the said deceased dated May 8, 1924, of which an extract copy has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said petitioner is one of the attorneys of the executors named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before October 10, 1940, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM, District Judge.

September 12, 1940.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. 3/1 In the Matter of the Estate of the late Pathirage Marthelis Perera, deceased of Batuwita. No. 9,933.

Pathirage Suradasa Perera of Batuwita Petitioner.

(1) Galagederage Thekalahamy Pathirage Yavonis Perera, (3) ditto Sentin Perera, (4) ditto Sirisilina Perera, (5) ditto Agnes Somawathie Perera, (6) ditto Peraratna Perera, (7) ditto Lindor Perera, (8) ditto Boneti Perera, all of Batuwita Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Kalutara, on July 11, 1940, in the presence of Mr. D. R. de Silva, Proctor, on the part of the petitioner, and the affidavit of the above-named petitioner dated June 17, 1940, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as eldest son of the deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before August 29, 1940, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Galagederage Thekalahamy, 1st respondent, be appointed guardian ad litem over the 2nd to 8th respondents, who are minors, for all the purposes of this action, unless the respondents or others interested shall, on or before October 3, 1940, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH, District Judge.

July 11, 1940.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. 2/8 In the Matter of the Last Will and Testament (with codicil) of Henry Leigh of Hellbodde Estate, Pussellawa, in the Island of Ceylon, formerly of 24, Talbot avenue, Bournemouth in the County of Hants, England, planter, deceased. No. T-170.

THIS matter coming on for disposal before Thomas Francis Clark Roberts, Esq., Additional District Judge of Kandy, on September 16, 1940, in the presence of Gracie Harding de Vos, Proctor on the part of the petitioner, Stanley Frederick de Saram of Colombo; and (1) the affidavit of the said petitioner dated September 10, 1940, (2) the power of attorney dated April 30, 1940, and May 8, 1940, having been read: It is ordered that the will of the said Henry Leigh, deceased, No. 1,136 dated July 25, 1933, attested by David Ernest Martensz, Notary Public, with codicil dated September 21, 1939, a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Stanley Frederick de Saram is the attorney of the executors named in the said will and that he is entitled to have letters of administration (with will and codicil annexed) issued to him accordingly, unless any person or persons interested shall, on or before October 17, 1940, show sufficient cause to the satisfaction of this court to the contrary.

T. F. C. ROBERTS, Additional District Judge.

September 16, 1940.

In the District Court of Matara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Mahadurage Liyaneris Appu, late of Naotunna, deceased. No. 4,092.

Handunnetti Ranuluge Dano Appu of Wattegama Petitioner.

Vs.

(1) Mahadurage Simon Appu of Naotunna Respondent.

THIS action coming on for disposal before Simon Amarakoon, Esq., District Judge of Matara, on August 20, 1940, in the presence of Mr. G. E. Dantanarayana, Proctor, on the part of the petitioner above named; and (1) the affidavit of the petitioner dated July 8, 1940, and (2) of the attesting witnesses and the notary dated July 8, 1940, having been read:

It is ordered that the last will of Mahadurage Liyaneris Appu, 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 in the said last will and that he is entitled to have probate issued to him accordingly, unless any person or persons interested shall, on or before September 30, 1940, show sufficient cause to the satisfaction of this court to the contrary.

August 20, 1940.

M. S. SAMARAKOON, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the matter of the Estate of the late Thanukody, wife of Kandiah, deceased, of Karainagar West. No. 876.

Sanmugam Kandiah of Karainagar West Petitioner.

Vs.

(1) Kandiah Nadarajah, (2) Parupathy widow of Sanmugam of ditto Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on June 10, 1940, in the presence of Mr. A. Kanagasabai, Proctor, on the part of the petitioner, and the affidavit of the above-mentioned petitioner dated May 31, 1940, having been read:

It is further declared that the said respondent be and he is hereby appointed guardian *ad litem* over the 1st respondent and that the said petitioner be declared entitled to have letters of administration to the estate of the said intestate, unless the respondents or others interested shall, on or before July 17, 1940, show sufficient cause to the satisfaction of this court to the contrary.

June 26, 1940.

Extended to August 26, 1940.

Extended to September 30, 1940.

C. COOMARASWAMY, District Judge.

C. C., D. J.

C. C., D. J.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Ponneriam, wife of Kanapathippillai Vaitilingam of Karaidive West, deceased. No. 927.

Kanapathippillai Vaitilingam of Karaidive West Petitioner.

Vs.

(1) Vaitilingam Sivalingam, (2) Vaitilingam Satharalingam, and (3) Rame Kasinathar, all of Karaidive West Respondents.

THIS matter of the petition of the petitioner, praying that the 3rd respondent be appointed guardian *ad litem* over the minors, the 1st and 2nd respondents, and that letters of administration to the estate of the above-named deceased be granted to him, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on September 18, 1940, in the presence of Mr. P. S. Nalliah, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read:

It is ordered that the 3rd respondent be appointed guardian *ad litem* over the minors, the 1st and 2nd respondents, for the purpose of protecting their interests and of representing them in these testamentary proceedings and that letters of administration to the estate of the above-named deceased be granted to the

petitioner, as her lawful husband, unless the respondents appear before this court on September 30, 1940, and state objections to the contrary.

September 20, 1940.

C. COOMARASWAMY, District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Ponnamma, wife of Kandavanam of Polikandy. No. 132/P.T. deceased.

Vethavanam Veluppillai Sinnappillai of Polikandy Petitioner.

Sellam, wife of Sinnappillai of Polikandy Respondents.

THIS matter coming on for disposal before Simon Rodrigo, Esq., Additional District Judge, Jaffna, on August 5, 1940, in the presence of Mr. S. P. P. Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner, having been read:

It is ordered that the petitioner, as father of the said intestate, be declared entitled to have letters of administration, and that letters of administration be issued, to him accordingly, unless the respondent or any other person shall, on or before September 12, 1940, show sufficient cause to the satisfaction of this court to the contrary.

August 15, 1940.

Extended for October 3, 1940.

September 12, 1940.

S. RODRIGO, Additional District Judge.

S. R. A. D. J.

In the District Court of Kurunegala.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Subramaniam Navaratnerajah of Wattegama, deceased. No. 4,392.

Mathiratham Navaratnerajah of Kurunegala Petitioner.

Vs.

(1) Navaratnerajah Indram, (2) Navaratnerajah Lohini, (3) Navaratnerajah Vasantika minors, by guardian *ad litem* (4) Chelliah Visakaratham, all of Kurunegala Respondents.

THIS matter coming on for disposal before S. M. de Silva, Esq., District Judge of Kurunegala, on September 3, 1940, in the presence of Messrs. D. A. B. P. Proctor and P. P. Proctor, for the petitioner above named; and the affidavit of the said petitioner dated July 10, 1940, having been read:

It is ordered that the 4th respondent be and he is hereby appointed guardian *ad litem* over the 1st to 3rd minor respondents for the purpose of these proceedings, unless the respondents shall, on or before September 30, 1940, show sufficient cause to the satisfaction of this court to the contrary.

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents or any other person or persons interested shall, on or before September 30, 1940, show sufficient cause to the satisfaction of this court to the contrary.

September 3, 1940.

G. M. DE SILVA, District Judge.

In the District Court of Chilaw.

Order Absolute declaring Will proved in the first instance.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Warnakula Weerasuriya (Marthinu Fernando No. 2,255. Appuhamy of Marawila, deceased.

Warnakulasuriya Lucia Fernando of Marawila Petitioner.

THIS matter coming on for disposal before N. Sinnatamby, Esq., District Judge of Chilaw, on September 3, 1940, in the presence of Mr. W. W. Aloysius Fernando, Proctor, on the part of the petitioner; and the affidavits of the petitioner and the attesting notary and a witness to the last will No. 3,543 dated June 6, 1921, having been read: It is ordered that the said will of the deceased now deposited in this court, be and the same is hereby declared proved.

It is further ordered that the petitioner is the executrix named in the said will and she is entitled to have probate issued to her accordingly.

September 3, 1940.

N. SINNATAMBAY, District Judge.