



Ceylon Government Gazette

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PART I.—General: Minutes, Proclamations, Appointments, and General Government Notifications. | PART III.—Provincial Administration.
 PART II.—Legal and Judicial. | PART IV.—Land Settlement.
 PART V.—Mercantile, Marine, Municipal, Local, &c.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend in certain particulars "The Branch Roads Ordinance, 1896."

Preamble.

WHEREAS it is expedient to amend in certain particulars "The Branch Roads Ordinance, 1896," hereinafter referred to as the principal Ordinance: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.

Short title.

1 This Ordinance may be cited as "The Branch Roads (Amendment) Ordinance, 1907."

2 For sections 3 to 21 inclusive of the principal Ordinance there shall be substituted the following sections, namely:

Interpretation.

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

"Proprietor" means the sole or any joint owner or lessee of an estate.

"Provincial committee" means the provincial committee constituted and appointed under the provisions of "The Road Ordinance, 1861."

“Cost of acquisition” means the cost of acquiring the land required to be permanently occupied by reason of the construction of a branch road.

“Cost of compensation” means the cost of making compensation for any damage occasioned to adjoining property by or in the course of the construction of a branch road.

“Cost of construction” includes both the cost of acquisition and the cost of compensation, as well as the actual cost of constructing the branch road.

“Estate” means a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons and forming a separate property.

Exemption of proprietor of paddy lands.

4. Nothing in this Ordinance shall be held to apply to proprietors of paddy lands or lands cultivated with paddy or other grain.

CHAPTER II.

CONSTRUCTION OF BRANCH ROADS.

Application for construction of road.

Particulars to be set out in application.

5. The proprietors of any two or more estates situated in the same locality, to which there is no available cart road leading from some convenient principal thoroughfare, may make application in writing to the provincial committee of the province in which such estates are situated, that the provisions of this Ordinance be extended to the said locality, and such application shall set forth, so far as the same may be ascertained, the following particulars :

- (1) The description of the locality ;
- (2) The names of all the estates therein ;
- (3) The names of the proprietors, or, if they be absent from the Island, of the resident manager or superintendent, and of the agents, if any, of each estate ;
- (4) The acreage of each estate, so far as it is known, with the extent of land under cultivation ;
- (5) The estimated length in miles of the road required to be made to connect the said estates with the most convenient principal thoroughfare.

If estates within two provinces, the Governor to choose the province the committee of which shall be empowered to act.

The provincial committee to define limits of district upon day appointed ;

If the estates fall within two provinces, it shall be lawful for the Governor to choose the province the provincial committee of which shall be empowered to act as provided by this Ordinance ; and upon such choice being made and published in the *Government Gazette*, the provincial committee so chosen shall have power to act as hereinafter provided.

or at any adjourned meeting.

Committee empowered to vary or alter limits, if occasion arise.

6. On receipt of such application the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to define the limits of the district, the estates in which will—if the proposal for the construction of such branch road under the provisions of this Ordinance be assented to by the proprietors of two-thirds of the acreage in such district—be assessed for the construction and maintenance of such road. In such notice the provincial committee shall appoint the time and place at which it will take evidence if necessary, and receive and consider objections, and after making such inquiry as it may deem requisite, and considering any such objection, shall proceed to define the limits of such district ; or, if need be, shall adjourn such meeting as often as it considers necessary to any day or days to be fixed by it, when it shall upon such adjourned meeting define the limits of such district. And it shall be competent to the provincial committee from time to time, if occasion arise, to alter and vary such limits so as to include such estates as may have been newly opened or may have been inadvertently or otherwise excluded, or, if it considers just, to exclude any estate which may have been erroneously included. Provided, however, that the provincial committee shall, by

publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to alter and vary the limits of any district, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district; and the limits so altered shall thereupon be the limits of such district as if they had been originally defined, and the estates included within such limits, altered as aforesaid, shall become bound and be liable to be assessed for the upkeep and repair of such branch roads as if they had been originally included within such district.

Sums assessed for construction to be recovered in manner hereinafter provided.

Provided further that it shall be competent to the chairman of the provincial committee to call upon the proprietor or resident manager of any estate other than an estate or part of an estate formed out of land purchased from the Crown after such road shall have been constructed, included within such limits so altered as aforesaid, to pay the sum which he would have been liable to pay had such estate been originally assessed for construction of such road, as well as such sum as may be assessed for the repair and upkeep of such road from such time as such estate began to use such road; and in default of payment of any such sum the same shall be recovered in manner hereinafter provided for the recovery of sums assessed.

Proprietors to be called upon to declare whether they desire to bring district under the Ordinance.

7. (1) Upon the limits of the district being defined as aforesaid, the chairman of the provincial committee shall transmit to the proprietor (or, in case of his absence from the island, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent if any, in this island, of the proprietor) of every estate within the limits of such district, so defined as aforesaid, a requisition calling upon him to declare in writing within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such district for the purpose of the construction therein of a branch road. Such requisition shall be in form A of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause such requisition to be affixed to some conspicuous part of the estate, and published in two consecutive numbers of the *Government Gazette*. If no answer be received at the office of the said committee within the time limited by such requisition, the person to whom the same was forwarded shall be deemed to have assented to the proposal referred to therein.

If no agent. requisition to be affixed.

Proprietors may express willingness to pay cost of acquiring land.

(2) It shall be lawful for the proprietors, in reply to such requisition, to state that they are prepared to contribute, in addition to the moiety of the cost of making such branch road within such district, the whole cost of acquisition and compensation.

If proprietors of two-thirds of acreage assent. committee to forward application to Governor with report.

8. If it shall appear to the provincial committee, from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend and be applied to the said district for the purpose of constructing therein a branch road, it shall forthwith forward the application to Government, together with its report as to the necessity for the said road, and as to the direction and terminus which it recommends as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Governor to direct the Director of Public Works to examine the said district and to report to the provincial committee as to the best mode of giving effect to the proposal, and to frame and submit an estimate of the probable cost of properly constructing and metalling the proposed road in such sections as in that behalf provided in section 18.

Director of Public Works to report and submit estimates for construction.

Provincial
committee to
appoint
assessors.

9. (1) Upon the receipt of the report of the Director of Public Works it shall be lawful for the provincial committee to appoint two assessors by writing under the hand of the chairman. The assessors so appointed shall, upon the receipt of such appointment forthwith issue a notice to the person in charge of each of the estates through which the proposed road will pass, that they will, on a day to be named in such notice, visit such estate and summarily inquire into the value of the land belonging to such estate to be taken over for the construction of the proposed road, and fix the rate per acre at which land required to be permanently occupied for the construction of the road within each estate will be acquired from the proprietor thereof, and also the rate per acre to be paid for land damaged in the course of the construction of the road.

(2) The assessors so appointed shall, when fixing the rate per acre to be paid to any proprietor, at the same time fix and determine the equivalent in money of any benefit which will accrue to such estate by the construction of the proposed road.

(3) The decisions of the assessors as to the rate per acre determined in accordance with sub-section (1) of this section, and as to the amount fixed as the money equivalent of the benefit accruing to any estate by the construction of the proposed road shall be respectively subject to an appeal to the provincial committee, who may affirm or disallow the same respectively, and the provincial committee may, if it thinks fit, send the same back to the assessors to re-assess the same, or it may appoint an additional assessor or fresh assessors for this purpose, and such re-assessment shall be subject to a like appeal, and every such decision not appealed from within the time hereinafter provided, or when affirmed by the provincial committee on appeal, shall be final, and shall bind the proprietor of the estate in respect of which such decision has been made.

(4) The proprietor of an estate or his agent or representative in the colony taking an appeal under the preceding section shall have thirty days from the date on which the assessors shall have posted a copy of their decision to the person in charge of such estate in which to appeal to the provincial committee from such decision.

(5) Whenever a final decision has been come to in manner hereinafter prescribed as to the amount to be paid as cost of acquisition and compensation and the amount of the money equivalent of the benefit accruing to any estate by the construction of the proposed road has been finally determined, any sum fixed as the money equivalent of the benefit accruing to an estate shall be deducted from the sum to be paid to such estate as cost of acquisition and compensation, and the proprietor of such estate shall be entitled to receive the balance, if any. Provided that if the sum to be paid to the estate as compensation is less than the sum fixed as the money equivalent of the benefit accruing to the estate as aforesaid, the proprietor shall not be liable to make good the deficiency.

10. (1) As soon as the rates per acre payable in respect of the lands required to be permanently occupied for the construction of the road within the several estates have been determined, the provincial committee shall forward to the Colonial Secretary the report and estimate of the Director of Public Works prepared under section 8, and also a report showing—

(a) The rates per acre which the assessors under section 9 (1) or, in the event of an appeal, the provincial committee under section 9 (3) have determined shall be payable in respect of land required to be permanently occupied for the construction of the road.

Governor may
propose a vote
of moiety of cost
out of public
funds: and, if
voted,
proprietors
become liable
for the other
moiety.

(b) The equivalent in money of the benefit which will accrue to the several estates by the construction of the road as determined by the assessors under section 9 (2) or, in the event of an appeal, by the provincial committee under section 9 (3).

(c) Whether the proprietors of at least two-thirds of the acreage of the district have or have not stated in reply to the requisition served on them under the provisions of section 7 that they are prepared to contribute, in addition to the moiety of the cost of making the branch road, the whole cost of acquisition, together with the whole cost of compensation.

(2) Upon receipt of such report the Governor may, if he thinks fit, propose an estimate in the Legislative Council for an amount equal to a moiety of the cost of constructing the proposed branch road.

(3) When the report of the provincial committee shows that the proprietors of the requisite proportion of the acreage of the district are prepared to contribute, in addition to the moiety of the cost of constructing the proposed branch road, the whole cost of acquisition and compensation, the estimate shall not include any provision of such last-named cost. Upon such estimate being voted by the Legislative Council, the proprietors of all the estates within the limits of the district as defined as aforesaid shall become and be severally liable to contribute, in accordance with the rates to be determined by assessment as hereinafter provided, an amount equal to the other moiety of the cost of constructing the road, together with the whole cost of acquisition and compensation to be ascertained as hereinafter provided.

(4) Where the report shows that the proprietors are not prepared to pay the whole cost of acquisition and compensation, the estimate shall include, in addition to a moiety of the cost of constructing the proposed branch road, such sum as shall be considered sufficient to cover a moiety of the cost of acquisition and compensation.

Upon such estimate being voted by the Legislative Council the proprietors of all the estates within the limits defined as aforesaid shall be and become and be severally bound and liable to contribute in manner aforesaid an amount equal to a moiety of the cost of constructing the proposed road, together with a moiety of the cost of acquisition and compensation to be ascertained as hereinafter provided.

CHAPTER III.

PROVINCIAL ROAD AND LOCAL COMMITTEES.

Chairman to convene meeting for election of local committees.

11. Upon a vote being passed by the Legislative Council (a) for a moiety of the cost of constructing such road or on account of such moiety; or (b) for the moiety of the cost of making such road, excluding the cost of acquisition and the cost of compensation or on account of such moiety, and notice thereof being communicated to the provincial committee, the chairman thereof shall, by notice in two consecutive numbers of the *Government Gazette* and such other means of publication as he may think necessary, convene at some suitable place a general meeting of the proprietors or resident managers of the estates therein to elect a local committee, which shall consist of not less than three nor more than five members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so convened for the election of such committee shall consist of such number of proprietors or resident managers within the district as shall represent not less than one-third of the acreage.

Proceedings at election.

12. At such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of the local committee. The chairman of the provincial committee, if present, or, if

he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn such meeting to any other time or place. All questions and resolutions shall be determined by a majority of the votes of the proprietors or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of the local committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the provincial committee, with the names of the persons elected as members of the local committee, and the provincial committee shall cause such names to be published in the *Government Gazette*.

Members to hold office for two years. Proceedings in case of vacancy.

13. The persons elected to act as members of the local committee shall hold office for two years, and shall be eligible for re-election at the end of that term. In case of any member resigning, dying, or leaving the island, or becoming incapable to act, the other members for the time being may, in the manner provided in section 15, elect another proprietor or resident manager to serve in his place for the remainder of the term for which the member so resigning, dying, or leaving the island, or becoming incapable to act, was elected.

Biennial meeting for election of local committee.

14. At the expiration of every two years from the appointment of the first local committee the chairman of the provincial committee shall convene, in manner provided in section 11, a meeting of proprietors or resident managers for the election of a new local committee. At such meeting the chairman of the provincial committee, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman, and in all other respects the proceedings at such meeting shall be governed by the provisions of section 12.

Appointment of chairman.

15. The local committee so elected shall appoint one of its members as chairman, who shall hold office during the said term of two years; and in case of any vacancy the local committee shall elect another member to act as chairman. And it shall be the duty of the chairman so appointed to convene, by notice in two consecutive numbers of the *Government Gazette*, and by such other means as he may deem necessary, a meeting of the members, whenever required by the Government or by the provincial committee, appointing the time and place for such meeting; the chairman, or, if he be absent, such other member of the local committee as the meeting shall elect, shall preside at every such meeting and shall duly record the proceedings of such meeting and forward the same to the provincial committee.

Majority of members to decide all questions.

16. All acts whatsoever authorized or required to be done by any local committee may and shall be done by the majority of members of such committee present at any meeting convened as aforesaid or at any adjournment of such meeting, three of them to form a quorum. Provided that when the votes of the members present shall be equally divided the chairman shall, beside his vote as a member, have a casting vote.

If members not elected, the provincial committee may nominate a local committee.

17. (1) If the proprietors or resident managers of estates in any district fail to elect a committee for the district at the meeting convened for that purpose or at the adjourned meeting, it shall be competent to the provincial committee to nominate not less than three nor more than five proprietors or resident managers residing within the district to be the local committee. The persons so nominated shall hold office for two years, and a local committee so nominated

may do any of the acts or perform any of the duties which an elected local committee is authorized to do or perform under the provisions of this chapter.

(2) If the local committee, whether elected or nominated, shall fail to perform the duties imposed upon it by this Ordinance, the same may be performed by the provincial committee.

If local committee fail to perform duties imposed on it, provincial committee to act.

Assessment.
Local committee to convene meetings to determine the assessment of estates and report to provincial committee.

18. The local committee shall, so soon thereafter as it may be required so to do by the provincial committee, convene, by notice in two consecutive numbers of the *Government Gazette*, and by such other means as they may deem necessary, a meeting of the proprietors or resident managers of the estates within the district, at some specified time and place within such district, and the local committee shall thereat or at any adjourned meeting after hearing objections, if any, and taking evidence, if necessary, determine, and make report to the provincial committee, on—

- (1) The sections into which the road is to be divided for construction assessments ;
- (2) The sections into which the road is to be divided for upkeep assessments ;
- (3) The estates which in their opinion are interested in and will use each section of the road or of any part thereof ;
- (4) The acreage or reputed acreage of the land belonging to each estate ;
- (5) The names of the proprietors, resident managers, or superintendents, and of the agents.

Proviso.

Provided, however, that the sections into which the road is divided for construction assessment shall in no case exceed half a mile in length, that the sections into which the road is divided for upkeep assessment shall in no case exceed one mile in length, and that an estate using any portion of a section shall be assessed for the whole of such section.

Provincial committee to determine objections to assessment proposed by local committee and to determine proportion due by each estate.

19. (1) On receipt of such report the provincial committee shall cause a notice to be published in two consecutive numbers of the *Government Gazette*, and made public by such other means as it may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the provincial committee shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing by the total number of acres of the estate which, in its opinion, are interested in and will use each section (subject to the exception in section 20 specified), the sum of money equal to (a) where the Government contributes half the cost of acquisition and compensation, a moiety of the total cost of the construction of such section of the proposed road ; and (b) in the absence of such contribution of the Government a moiety of the total cost of making each section, together with the whole cost of acquisition and compensation in respect of such section, and thus apportioning the amount due upon and for each acre, and the rate so assessed by the provincial committee shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of the provincial committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the island to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in this island of the proprietor) a requisition calling upon him to pay into the Colonial Treasury, within such time as shall be therein specified, the amount of the contribution due by him ; provided that in any case in which the Governor, with the advice of the Executive Council, shall order that the amount of the contribution due by the proprietors may be payable in instalments, interest at the rate of four per centum per annum shall be charged on the balance due after payment

of each instalment, and the requisition shall specify the amount of interest payable on each such date.

Provided further that it shall be lawful for the proprietor to pay into the Colonial Treasury at any time the amount of the contribution unpaid, and interest (if any) due by him at such time, and thereupon his liability to make any further payment in respect of interest shall cease.

The requisition under this section shall be in the form B of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause the requisition to be affixed in some conspicuous part of the estate. The chairman shall also cause a notice to be published in two consecutive numbers of the *Government Gazette* and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which, the instalments by which, and the dates upon which, the several contributions are to be paid into the Colonial Treasury.

Assessment of sums payable for land occupied or damaged.

(2) Upon the completion of any road undertaken under this Ordinance, the Surveyor-General, upon the requisition of the chairman of the provincial committee, shall prepare a plan showing—

- (a) The land permanently occupied by the road; and
- (b) The several lots of land damaged by the construction of the road.

Such plan shall be conclusive evidence of the area occupied for the purposes of the road, or damaged in the course of constructing the same.

(3) The sums payable to the several proprietors in respect of the lands permanently occupied by the road or damaged in the course of constructing the same shall thereupon be calculated according to the rates fixed under section 9 (1), and the amount thereof, after deducting therefrom the sum, if any, which the assessors under section 9 (2) have fixed and determined as the equivalent of the benefit accruing to the estate by the construction of the road, shall be paid to the persons entitled to receive the same.

(4) The amount payable to the several proprietors in compensation for damage caused to their adjoining land by the construction of the road shall be assessed as nearly as may be, *mutatis mutandis*, in the manner provided by section 9 (1) for the determination of the value of the land taken over for the construction of the road. The amount so determined shall be paid to the persons entitled to receive the same after deducting the balance, if any, which remains to be deducted, after making the deductions provided for by the last preceding section of the equivalent in money, fixed and determined as aforesaid of the benefits accruing to the estate by the construction of the road.

(5) The provincial committee shall proceed to assess the proportion of the moneys paid as aforesaid which is due by each estate in the manner provided by section 19 (1) for the assessment of the cost of constructing the road; and the amounts so assessed shall be recoverable from the proprietors of the several estates in the manner by this Ordinance provided for the recovery of the rates assessed under section 19 (1).

Exemption from assessment of uncultivated and abandoned lands.

Proviso 1: Such exemption to be promptly claimed.

20. If by reason of any estate, or any portion not less than half of the entire extent thereof, being obviously unfit for cultivation, or having been cultivated and abandoned, or from any other cause it shall seem to the provincial committee right to exempt such estate or portion thereof from the assessment, it shall be lawful for such committee to do so, and to proceed in its assessment as if there was no such land in the district. Provided that to entitle a proprietor to such exemption he or some person representing him shall claim the same at the time and place appointed.

Proviso 2: Such estates to be liable if afterwards cultivated.

Proviso 3: Estates exempted may subsequently be included.

Application of moneys recovered.

by the provincial committee for hearing objections of proprietors or of agents to estates included within the limits of the district, as provided by section 19 (I), and shall at his own cost and expense satisfy the committee, by such proof as it shall call for, that he is entitled to such exemption. Provided further that should the proprietor of any such estate or portion thereof, or any person claiming under him, bring such estate or portion thereof into cultivation afterwards, and use the road for the purpose of, or with a view to such cultivation, it shall be competent for such provincial committee to call upon such proprietor or person to pay the sum which he would have been liable to pay had such estate or portion thereof not been exempted from the original assessment, together with any sums which shall have become due for upkeep and repair since such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed. Provided further that should the proprietor of any estate who had claimed and obtained exemption upon the ground of such road not being the proper outlet, or other cause, or any person on his behalf, use such road, it shall be competent for such provincial committee to include such estate within the limits of the district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had such estate not been exempted from the original assessment, and also any sum not exceeding double the amount of all rates and assessments for the upkeep and repair of such road subsequent to the time when such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

21. Moneys recovered under the preceding section, and moneys recovered from estates added to a district as altered under the provisions of section 6, shall—

- (a) If recovered as construction assessment moneys, be divided amongst the proprietors (at the date of such recovery) of estates which have previously paid construction assessment, in shares proportionate to the sums so previously paid; and
- (b) If recovered as upkeep or repair assessment moneys, be retained by the provincial committee and applied towards the future upkeep and repair of the roads.

By His Excellency's command,

Colonial Secretary's Office, G. M. FOWLER,
Colombo, February 7, 1907. Acting Colonial Secretary.

Statement of Objects and Reasons.

THE object of the draft Ordinance is to remove difficulties which have arisen in the procedure laid down by "The Branch Roads Ordinance, 1896," with regard to the assessment of the amount payable to proprietors for land taken or damaged for the purpose of constructing branch roads.

The difficulties referred to arise from the circumstance that the Ordinance requires the compensation to be assessed at an early stage of the procedure, and before the extent of land required or damaged has been ascertained by survey. This requirement has been found, in some cases, impracticable, and has led to considerable confusion.

2. The general effect of the amendments introduced by the draft Ordinance is that the rate per acre to be paid for land occupied or damaged will first be determined by assessors, and the actual amount payable will be determined on the basis of a survey made after the completion of the road.

3. For the sake of clearness, chapters II. and III. of the principal Ordinance have been repealed and re-enacted as amended.

4. The sections in which alterations have been made are 7, 9, 10, 11, and 19.

ALFRED G. LASCELLES,
Attorney-General.

Colombo, January 18, 1907.

MINUTE.

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

An Ordinance to provide for the Destruction of Plant Pests and for the Sanitation of Plants in this Colony.

- Preamble. **W**HEREAS it is expedient to provide for the destruction of plant pests and for the sanitation of plants in this Colony : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :
- Short title. **1** This Ordinance may be cited as "The Plant Pests Ordinance, 190 ."
- Interpretation. **2** In this Ordinance, unless the context otherwise requires—
- "Plant" includes all members of the vegetable kingdom, whether living or dead, or any part or parts of such.
- "Pest" means such insects, parasitic plants, or fungi as the Governor in Executive Council shall from time to time declare to be pests for the purposes of this Ordinance.
- "Owner or occupier" means the proprietor, lessee, superintendent, or other person in, actual charge of any cultivated or uncultivated land.
- "Officer of the board" means all headmen holding acts or warrants of appointment under the hand of the Governor, or of the government agent of a province, or of the assistant government agent of a district, and any person authorized to act as an officer of the Plant Pests Board, hereinafter constituted, on a warrant signed by the chairman of such board.
- "Committee of agricultural experiments" means the body for the time being appointed by the Governor to be a committee of agricultural experiments.
- Proclamation of pests. **3** The Governor in Executive Council may from time to time publish, by Proclamation in the *Government Gazette*, and may revoke, alter, modify, or add to, schedules specifying—
- (a) The insects, parasitic plants, or fungi which are declared to be pests for the purposes of this Ordinance ; and
- (b) The measures which it shall be within the power of any board, as hereinafter constituted, to require to be taken for the prevention, arrest, or eradication of such pests.
- Establishment of Plant Pests Boards. **4** It shall be lawful for the Governor, after consulting when necessary the Ceylon Planters' Association or the Ceylon Board of Agriculture, to establish for any revenue district a board, to be termed "The Plant Pests Board," to be constituted and appointed in manner following :—The government agent of a province shall be an official member of every such board within his province, and the assistant government agent of the district shall be an official member of the board appointed for his district ; and it shall be lawful for the Governor to appoint not less than four nor more than seven persons as unofficial members of the board, the persons so appointed to hold office for a term of three years. Provided

that of the persons so appointed two at least shall be persons recommended by the local planters' association if any, or if there be more than one planters' association within the district, by all such bodies conjointly; and provided that of the remaining persons so appointed one each at least be selected as a representative of the Burgher, Sinhalese, Tamil, or Mohammedan communities respectively, or of so many of those communities as constitute any considerable proportion of the resident owners or occupiers of land in that district; and the government agent, or in his absence the assistant government agent, within his own district, shall be chairman of the board; and the chairman may appoint a secretary to the board and officers of the board.

Meetings of the board.

5 The board shall meet at such times and in such places as may be directed by the chairman. At least seven days' notice of such meeting shall be given to each member of the board, unless in any case of exceptional urgency the chairman shall deem it necessary to call a meeting at shorter notice. Provided that if any two members shall call upon the chairman, by writing under their hands, to convene a special meeting of such board, it shall be the duty of the chairman to convene such meeting with the least possible delay, giving notice of such meeting to each member forthwith.

Report of existence of pests to chairman.

6 On the existence or suspected existence of any pest being brought to the notice of any member or officer of the board, it shall be his duty to report the same forthwith to the chairman of the board.

Duty of chairman on receipt of information.

7 Upon receipt of such information the chairman shall either at once convene a meeting of the board, or shall, if it appear necessary, depute one or more members of the board or some officer of the board to make inquiries; and upon receipt of the report of such member or members or officer the chairman may convene a meeting of the board.

Power of board to require preventive or remedial measures to be taken.

8 On being satisfied of the existence of any pest, the board may require, by means of a notice served on the owner or occupier of any land affected by such pest, the carrying out, within such time as the board may specify, of such measures for the eradication, arrest, or prevention of the pest in question as may seem to it desirable and have been approved by the Peradeniya Committee of Agricultural Experiments; provided that such measures are in accordance with the requirements laid down in the schedule of such measures in force for the time being as provided in section 3 of this Ordinance.

Offences.

9 (1) If any person on whom a notice has been served under the provisions of the last preceding section wilfully fails or neglects to carry out the requisition of the board contained in such notice within the time specified therein, or if he obstructs or impedes or assists in obstructing or impeding any officer or member of the board in the execution of any duty under this Ordinance, he shall be guilty of an offence.

(2) Every prosecution for an offence under this Ordinance shall be instituted in the police court of the division in which the offence was committed, and such court may impose the full penalties herein prescribed, anything in the Criminal Procedure Code or in any other Ordinance to the contrary notwithstanding.

Enforcement of requisitions of board. Power of such officer to carry out preventive or remedial measures.

10 In the event of the failure or neglect of the owner or occupier of any land to comply with the notice served on him as aforesaid, it shall be lawful for an officer of the board, acting under the written authority of the chairman, to enter upon any such land and to cause to enter thereon such persons, with such instruments and things as may be necessary, and to proceed to do thereon, or cause to be done, all such things as may be necessary for carrying out the requisition of the board; and upon the chairman of the board certifying to the police court of the district within which such land is situated the costs which have been *bona fide* incurred in carrying out such requisition, such court shall summon the person on account of whose failure or neglect such costs were incurred to appear

Recovery of costs.

before it on a certain day, then and there to make payment of the costs which shall appear to such court to have been properly incurred in that behalf; and if such person shall refuse or fail to make such payment forthwith, or within such time as the court shall appoint, the court shall proceed to recover such payment in the same manner as it would proceed to recover any fine incurred under any sentence of such court.

Powers and procedure of board.

11 All acts whatsoever authorized or required by virtue of this Ordinance to be done by any board may and shall be done and decided by the majority of the members of the said board present at any meeting thereof, such members not being less than three of the whole number of the board, unless where, by any of the provisions of this Ordinance, one member of the said board is expressly empowered to do and decide any act, matter, or thing whatsoever. Provided that when the votes of the members present shall be equally divided, the chairman shall, besides his vote as a member, have a casting vote.

Power to enter on and examine land suspected to be affected by pest.

12 It shall be lawful for the board to authorize any officer or member of the board by writing under the hand of the chairman of the board to enter upon any land reported to be affected by any pest and to inspect and examine any plant or plants on such land; and the owner or occupier of such land shall permit such officer or member of the board at all reasonable times to have access to such land for the purpose of inspecting and examining any plant or plants.

Notices, &c., issued by board to be signed by chairman.

13 Every notice, order, or authority issued under the provisions of this Ordinance by the board or by the chairman of the board shall be in writing under the hand of the chairman; and no person shall enter upon any land for the purposes of this Ordinance without an authority signed by the chairman of the board, wherein shall be stated the purpose for which such person is authorized to enter upon such land.

Service of notice.

14 When any notice is required by this Ordinance to be given to the owner or occupier of any land, such notice addressed to the owner or occupier may be served on the owner or occupier of such land, or left with some adult member or servant of his family, or if the notice cannot be so served, or if there be no known owner or occupier, may be put up on some conspicuous part of such land, and it shall not be necessary in any such notice to name the owner or occupier. Provided always that when the owner or occupier of his residence are known to the chairman of the board, it shall be the duty of the chairman to cause every notice required to be given to the owner or occupier, or to send every such notice by registered post addressed to his residence.

Punishment.

15 If any person is guilty of an offence under this Ordinance, he shall be liable on conviction to imprisonment of either description for a term not exceeding six months, or to a fine not exceeding two hundred and fifty rupees, or to both.

Authorization of prosecutions.

16 No prosecution shall be instituted under this Ordinance except with the authority of the board, and in the name of the chairman of the board.

Payments of compensation.

17 The owner or occupier shall not be entitled to compensation for any damage occasioned by any act done in pursuance of the requisition of the board, but it shall be lawful for the Governor in Executive Council to order that such compensation as he may think fit shall be paid to the owner or occupier of any land who is required to destroy any plant or plants on such land; provided that such owner or occupier shall make his application for compensation through the chairman of the board within three months of the destruction of such plant or plants, and that if he fail to make such application within the aforesaid period he shall have no claim for consideration of his application; and provided further, that in no instance shall the compensation awarded exceed the actual value of the plant or plants at the date of such destruction.

Duty of board to report existence of pest.

18 It shall be the duty of the chairman of the board appointed for any district, whenever the board is satisfied of the existence of any pest within that district, to send notice of the existence of such pest forthwith to the chairman of the boards appointed for the adjoining districts and to the government agent of the province and to the Colonial Secretary and to the chairman of the Committee of Agricultural Experiments.

Vexatious conduct of officer.

19 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence; or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding fifty rupees.

By His Excellency's command,

Colonial Secretary's Office, G. M. FOWLER,
Colombo, February 7, 1907. Acting Colonial Secretary.

Objects and Reasons.

THE circumstances which led to the abandonment of the Agricultural Pests Bill and the substitution of the present Draft Ordinance are explained in the report of the Sub-Committee, which was read in Council on the 6th February.

2. The present Bill is in substance the measure recommended by the Agricultural Society, with some modifications of detail and expression. The principal feature of the Bill is the establishment in the revenue districts to which the Ordinance is applied of permanent boards with powers, whenever the existence of plant disease is brought to their notice, to enforce the adoption of such preventive or remedial measures as have been approved of by the Committee of Agricultural Experiments.

3. With regard to the difficult question of compensation, the Bill confers a discretionary power on the Governor in Executive Council to payment of compensation to owners who are required to destroy plants, the compensation awarded in no case to exceed the actual value of the plant destroyed.

Colombo, February 8, 1907.

ALFRED G. LASCELLES,
Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Don Girigoris Ameresinghe Appuhamy, late of Hendala, deceased.
No. 2,717 C.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 18th day of January, 1907, in the presence of Mr. J. A. Perera, Proctor, on the part of the petitioner Don Stephen Ameresinghe of Hendala; and the affidavit of the said petitioner, dated 17th January, 1907, having been read:

It is ordered that the petitioner above-named be and he is hereby declared entitled, as son of the deceased above-named, to administer the estate of the said deceased, and that letters of administration of the said estate be accordingly issued to him, unless the respondents (1) Dona Maria Nanayakkare, wife of (2) Liyanegge Don Juan Nanayakkare, (3) Dona Justina Ameresinghe, (4) Dona Susana Ameresinghe, (5) Don Paulis Ameresinghe, (6) Don Marshall Ameresinghe, (7) Don Simon Ameresinghe, and (8) Don Palis Ameresinghe, all of Hendala, shall, on or before the 21st day of February, 1907, show sufficient cause to the contrary to the satisfaction of this court.

J. R. WEINMAN,
District Judge.

The 18th January, 1907.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Nancy Regina Perera, late of Cemetery road, Kotahena, in Colombo, deceased.
No. 2,718.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 23rd day of January, 1907, in the presence of Mr. J. Leopold Perera, Proctor, on the part of the petitioner Martin Walter Perera of Veyangoda; and the affidavit of the said petitioner, dated the 8th January, 1907, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as a son of the deceased, to administer the estate of the said deceased, and that letters of administration to the said estate be issued to him, unless the respondents (1) Rosaline Evangeline Perera, wife of (2) A. William Perera, both of Cemetery road, Kotahena, in Colombo, (3) Clara Alice Perera, wife of (4) J. D. S. W. Gunawardana, both of Ganegama, Baddegama, in Galle District, (5) Wilfred Alexander Perera, and (6) Catherine Nancy Perera, by her guardian *ad litem* the 2nd respondent above-named, both of Cemetery road, aforesaid, or any other person interested shall, on or before the 21st day of February, 1907, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
District Judge.

The 23rd January, 1907.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Helena Fernando, widow of Sokino Fernando, deceased, of Negombo.
No. 991.

THIS matter coming on for disposal before A. de A. Seneviratne, Esq., District Judge of Negombo, on the 16th day of January, 1907, in the presence of Mr. J. E. de Zoysa, Proctor, on the part of the petitioners John Rodrigo and Don Peter Coonghe, both of Negombo; and the affidavit of the said petitioners, dated 15th January, 1907, having been read: It is declared that the said petitioners John Rodrigo and Don Peter Coonghe are entitled to have letters of administration issued to them, as sons-in-law of the deceased Helena Fernando, unless the respondents (1) Lucia Fernando, wife of John Rodrigo, (2) Emerancia Fernando, wife of Don Peter Coonghe, and (3) Joseph Fernando, all of Udayartoppu, shall, on or before the 6th day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

A. DE A. SENEVIRATNE,
District Judge.

The 16th January, 1907.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Pahale Delgahagodagedara Bodiya Duraya, deceased, of Batugoda in Pallegampaha of Harispattuwa.
No. 2,535.

THIS matter coming on for disposal before John Harvey Templer, Esq., District Judge of Kandy, on the 26th day of January, 1907, in the presence of Messrs. Beven & Beven, Proctors, on the part of the petitioner Pahale Delgahagodagedara Naida of Batugoda aforesaid; and the affidavit of the said petitioner, dated 23rd January 1907, having been read:

It is ordered that the petitioner Pahale Delgahagodagedara Naida of Batugoda in Pallegampaha of Harispattu, deceased, as the son of the deceased, be declared entitled to have letters of administration to the estate of the said deceased issued to him, unless (1) Pahale Delgahagodagedara Punchi, (2) Pahale Delgahagodagedara Sayalu, (3) Pahale Delgahagodagedara Kiri by their guardian *ad litem* Karunawella Rajapaksegedara Nanduwa of Batugoda in Pallegampaha of Harispattu, shall, on or before the 25th day of February, 1907, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
District Judge.

The 26th day of January, 1907.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estates of the late Daskera Heratmudianselagedara Ram Menika and Ketakumbure Heratmudianselagedara Siatoo, deceased, of Ketakumbura in Medapalata of Udunuwara.
No. 2,540.

THIS matter coming on for disposal before John Harvey Templer, Esq., District Judge of Kandy, on the 1st day of February, 1907, in the presence of Messrs. Beven & Beven, Proctors, on

the part of the petitioner Daskera Heratmudianselagedara Kiri Banda of Daskera in Medapalata of Udunuwara; and the affidavit of the said petitioner, dated 1st February, 1907, having been read:

It is ordered that the petitioner Daskera Heratmudianselagedara Kiri Banda of Daskera in Medapalata of Udunuwara be and he is hereby declared entitled to letters of administration to the estates of Daskera Heratmudianselagedara Ram Menika and Ketakumbure Heratmudianselagedara Siatoo, both of Ketakumbura in Medapalata of Udunuwara, deceased, as the uncle of the heirs of the said deceased, unless (1) Ketakumbure Heratmudianselagedara Muthu Menika, (2) Ketakumbure Heratmudianselagedara Heen Banda of Daskera aforesaid, by their guardian *ad litem* Ketakumbure Heratmudianselagedara Punchirala of Ketakumburo in Medapalata of Udunuwara, shall, on or before the 1st day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
District Judge.

The 1st day of February, 1907.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Arumugam Nagamuttu of Moolai, in the District of Jaffna, late of Trincomalee, deceased.
No. 233.

Parupatampillai, widow of Arumugam Nagamuttu, of Moolai..... Petitioner.
Vs.

(1) Ponnampalam Murukesu, (2) his wife Chellam of Moolai, and (3) Arumugam Vatharaniam of Moolai..... Respondents.

THIS matter of the petition of Parupatampillai, widow of Arumugam Nagamuttu of Moolai, praying for letters of administration to the estate of the above-named deceased Arumugam Nagamuttu, coming on for disposal before C. S. Vaughan, Esq., District Judge, on the 28th day of January, 1907, in the presence of Mr. J. R. Canagaratna, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 24th day of January, 1907, having been read: It is declared that the petitioner is the widow of the said intestate, and as such is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondent or any other person shall, on or before the 18th day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

C. S. VAUGHAN,
District Judge.

This 28th day of January, 1907.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Iledchumippillai, wife of Sinnatamby Supiramaniam of Manipalai, deceased.]
No. 1,826.

Murukar Nannitamby of Chankanai..... Petitioner.
Vs.

Sinnatamby Supiramaniam of Manipalai. . Respondent.

THIS matter of the petition of Murukar Nannitamby of Chankanai, the above-named petitioner, praying for letters of administration to the estate of the above-named deceased Iledchumippillai, wife of Sinnatamby Supiramaniam, coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the

9th day of January, 1907, in the presence of Mr. S. Sittampalam, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 9th day of January, 1907, having been read: It is declared that the petitioner is the father of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before the 1st day of February, 1907, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

This 9th day of January, 1907.

Time for showing cause is extended to 25th February, 1907.

W. R. B. SANDERS,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of Albert
Jurisdiction. Bastiansz and Franciska Abeyawardana
No. 3,678. wardana Goonasekera, deceased,
of Galle.

THIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge, Galle, on the 9th day of October, 1906, in the presence of Mr. D. G. Goonawaradene, Proctor, on the part of the petitioner Peter Edward Bastiansz of Kaluwella in Galle; and the affidavit of the petitioner, dated 24th September, 1906, having been read: It is ordered and declared that the said Peter Edward Bastiansz of Kaluwella is a son of the deceased, and that he is as such entitled to letters of administration issued to him accordingly, unless the respondents—(1) Anna Bastiansz of Kaluwella, (2) Marshall Bastiansz of Baddegama, (3) Caroline Bastiansz, wife of (4) Alexander de Silva, (5) Margaret Bastiansz, wife of (6) Henry Ferdinandus, all of Kaluwella, (7) Martin Bastiansz, now employed in the General Post Office, Colombo, (8) Johannes Bastiansz of Ratnapura, (9) Louisa Bastiansz, (10) Adline Gertrude Bastiansz, wife of (11) F. M. Van Velzen, all of Kaluwella—shall on or before the 20th day of November, 1906, show sufficient cause to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,
District Judge.

The 9th day of October, 1906.

The date for showing cause is extended to 25th day of February, 1907.

G. A. BAUMGARTNER,
District Judge.

January 31, 1907.

In the District Court of Galle.

Order Absolute declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Charles Wickramasinghe
No. 3,690. Jayasekara, deceased, of
Baddegama.

THIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge of Galle, on the 4th day of January, 1907, in the presence of the petitioner Dona Gimarah Goonasekara of Baddegama; and the affidavit of the petitioner Dona Gimarah Goonasekara, dated 4th January, 1907, and affidavit of James Dissanayake and Aron Peter Sumanasekara, dated 4th January, 1907, having been read: It is ordered that the will of Charles Wickramasinghe Jayasekara, deceased, dated 9th February, 1901, be and the same is hereby declared proved.

It is further declared that the said Dona Gimarah Goonasekara is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly.

G. A. BAUMGARTNER,
District Judge.

The 4th day of January, 1907.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Frederick Henry de Silva, de-
No. 3,694. ceased, of Ambalangoda.

THIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge, Galle, on the 24th day of January, 1907, in the presence of Mr. F. J. de Vos, Proctor, on the part of the petitioner Malliyawadu Carlina de Silva; and the affidavit of the petitioner, dated the 23rd January, 1907, having been read:

It is ordered and declared that the said Malliyawadu Carlina de Silva is the mother of the deceased, and that she is as such entitled to have letters of administration issued to her accordingly, unless the respondents—(1) Galappitta Mestriige Charlotte Sophia Fernando, wife of (2) Wannakkuwattewaduge George Philip Fernando, (3) Galappatti Mestriige Jane Emalia de Silva, (4) Galappatti Mestriige George Vincent de Silva, all of Ambalangoda—shall, on or before the 27th day of February, 1907, show sufficient cause to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,
District Judge.

The 23rd day of January, 1907.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Packir Tamby Sinne Tamby,
No. 3,698. deceased, of China Garden.

THIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge, Galle, on the 28th day of January, 1907, in the presence of Mr. F. J. de Vos, Proctor, on the part of the petitioner Sinne Wappu Sella Umma of China Garden; and the affidavit of the petitioner, dated 17th January, 1907, having been read:

It is ordered and declared that the said Sinne Wappu Sella Umma is the widow of the deceased, and that she is as such entitled to have letters of administration issued to her accordingly, unless the respondent Saibo Dorey Ismail Lebbe Markar of Galle Fort shall, on or before the 1st day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,
District Judge.

The 28th day of January, 1907.

In the District Court of Galle.

Order absolute declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Gurukandege Dot-
No. 3,699. cho, deceased, of Pitiwella.

THIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge, Galle, on the 28th day of January, 1907, in the presence of Mr. F. J. de Vos, Proctor, on the part of the petitioner Manawaduge Nadoris of Pitiwella; and the affidavit of the petitioner, dated 16th January, 1907, and the

affidavit of Agampodi James Mendis Appu of Rattagama and Sattambige Bastian of Kadurupe, dated 16th January 1907, having been read :

It is ordered that the will of Gurukandage Dotcho' deceased, dated 4th May, 1903, be and the same is hereby declared proved.

It is further declared that the said Manawaduge Nadoris is the executor named in the said will, and that he is as such entitled to have probate of the same issued to him accordingly.

G. A. BAUMGARTNER,
District Judge.

The 28th day of January, 1907.

In the District Court of Galle.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Leana-achchi Mango Nona, late
No. 3,700. of Polwatte in Ambalangoda.

THIS action coming on for disposal before G. A. Baumgartner, Esq., District Judge, Galle, on the 29th day of January, 1907, in the presence of Mr. F. J. de Vos, Proctor, on the part of the petitioner Egodage Carolis de Silva of Ambalangoda; and the affidavit of the petitioner, dated 26th January, 1907, having been read :

It is ordered and declared that Egodage Carolis de Silva is husband of the deceased, and that he is as such entitled to have letters of administration issued to him accordingly, unless the respondents (1) Leana-achchi Cornelis Silva and (2) Wadutantri Balahamy, both of Polwatte in Ambalangoda, shall, on or before the 4th day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,
District Judge.

The 29th day of January, 1907.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Ruanpura Pindoris,
No. 3,701. deceased, of Randoombe.

THIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge of Galle, on the 2nd day of February, 1907, in the presence of Mr. F. J. de Vos, Proctor, on the part of the petitioner Ruanpura Arnolis; and the affidavit of Ruanpura Arnolis of Randoombe and Tussew Coorey Mohotti Ralalage Asaneris Cooray and Rammuttu Amaris, dated 1st February, 1907, and 29th January, 1907, having been read :

It is ordered that the will of Ruanpura Pindoris, deceased, dated 21st day of June, 1900, be and the same is hereby declared proved. It is further declared that the said Ruanpura Arnolis is the executor named in the said will, and that he is as such entitled to have probate of the same issued to him accordingly.

G. A. BAUMGARTNER,
District Judge.

The 2nd day of February, 1907.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Don Andris Wickremaratna
No. 1,538. Jayasekera, Vidane-arachchi, de-
ceased, of Paraduwa.

THIS matter coming on for disposal before T. R. E. Lottus, Esq., District Judge of Matara, on the 5th day of November, 1906, on the motion of Mr. C. L. Muerling on the part of the petitioner Jamis Abewickramasinha Gunawardana of Hattotuwa; and the affidavit of the said petitioner, dated 30th October, 1906, having been read: It is ordered that the said Jamis Abewickramasinha Gunawardana be and he is hereby declared entitled to have letters of administration to the estate of the deceased issued to him, as son-in-law of the said deceased, and that Dona Cornelia Seneratyapa be and she is hereby appointed guardian *ad litem* over the minor Milia Wickramaratna Jayasekera, unless the respondents—(1) Dona Cornelia Seneratyapa of Paraduwa, (2) Francina Wickramaratna Jayasekera of Hattotuwa, (3) Cornelia Wickramaratna Jayasekera of Paraduwa, (4) Don Carolis Wickramesinha Jayasekera, Vidane-arachchi of Paraduwa, (5) Catherina Wickremaratna Jayasekera of Kotagala, (6) Yomas Abewickramasinha Gunawardana of Kotagala, (7) Carolina Wickramaratna Jayasekera of Paraduwa, (8) Don Davit Wickramaratna Jayasekera of Paraduwa—shall, on or before the 12th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

G. S. SAXTON,
District Judge.

The 12th day of November, 1906.

Extended till 18th February, 1907.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Vidanagamage Don Hendreek
No. 1,551. Appuhamy, deceased, of Goda-
gama.

THIS matter coming on for disposal before G. F. Plant, Esq., District Judge of Matara, on the 26th day of January, 1907, on the motion of the petitioner Vidanagamage Don Cornelis Epa of Godagama; and the affidavit of the said petitioner, dated 24th January, 1907, having been read: It is ordered that the said Vidanagamage Don Cornelis Epa be and he is hereby declared entitled to have letters of administration to the estate of the deceased V. G. Don Hendreek Appuhamy issued to him, as son of the said deceased, and that Rajapakse Patiranage Dona Cecilianahamine be and she is hereby appointed guardian over the minors Vidanagamage Dona Christina, Vidanagamage Don Philip Epa, Vidanagamage Don Dreeek Epa, Don Arnolis Epa, Vidanagamage Don Simon Epa, Vidanagamage Hamina, all of Godagama, unless (1) Rajapakse Patiranage Dona Cecilianahamine of Godagama, (2) Vidanagamage Dona Leisinhahamine, (3) Don Lewis Wickremanaike Appuhamy, both of Meddewatta, (4) Vidanagamage Don Andris Epa of Godagama, (5) Vidanagamage Dona Ceciliana of Godagama, shall, on or before the 4th day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

G. F. PLANT,
District Judge.

The 26th day of January, 1907.

In the District Court of Batticaloa.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Nagapper Alvap-
No. 488. pillai of Vandarumulai, deceased.
Arumugam Veluppillai of Kiran.....Petitioner.

And

(1) Kadirgamer Sivagamippillai, widow of Alvappillai; (2) Alvappillai Nagamma, (3) Alvappillai Alagamma, (4) Alvappillai Canagasuriam, (5) Alvappillai Ampalavaner, (6) Alvappillai Sundarem, minors by their guardian *ad litem* the 1st respondent, all of Vandarumulai..... Respondents.

THIS matter coming on for disposal before G. W. Woodhouse, Esq., District Judge of Batticaloa, on the 6th day of February, 1907, in the presence of Mr. S. J. Kanthappa, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated 25th January, 1907, and the affidavit of the witnesses and the Notary, dated 25th January, 1907, having been read:

It is ordered that the will of Nagapper Alvappillai deceased, dated 12th January, 1907, and now deposited in the court, be and the same is hereby declared proved, unless the respondents shall, on or before the 7th day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless the respondents shall, on or before the 7th day of March, 1907, show sufficient cause to the satisfaction of this court to the contrary.

G. W. WOODHOUSE,
District Judge.

This 6th day of February, 1907.

In the District Court of Kurunegala.

Testamentary In this Matter of the Intestate Estate
Jurisdiction. of the late Selohokara Mudiyanse-
No. 858. lage Mudalihami, late Araccila of
Hitokadawala in Gantihe korale,
Wanni hatpattu.

Selohokara Mudiyanse Rahnami of
Hitokadawala Petitioner.

And

(1) Selohokara Mudiyanse Rahnami, (2) Selohokara Mudiyanse Rahnami, (3) Selohokara Mudiyanse Rahnami, both of Hitokadawala, (3) Selohokara Mudiyanse Rahnami of Wewegedara in Dewamedde korale, (4) Puchi Menika of Palugaswewa in Wisideke korale..... Respondents.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kurunegala, in the presence of Mr. Modder on the part of the petitioner; and the affidavit of the petitioner, dated 27th September, 1906, having been read:

It is ordered that Selohokara Mudiyanse Rahnami of Hitokadawala, the said petitioner, be declared entitled to have letters of administration to the estate of the late Selohokara Mudiyanse Rahnami, late Araccila of Hitokadawala, issued to him, as a brother and an heir of the said intestate, unless the respondents aforesaid or any other person interested shall, on or before the 8th day of January, 1907, show sufficient cause to the satisfaction of this court to the contrary.

ALLAN BEVEN,
District Judge.

The 3rd day of December, 1906.

The time allowed for showing cause in the above *Order Nisi* is extended to the 20th day of February, 1907.

BERTRAM HILL,
District Judge.

January 8, 1907.

In the District Court of Kegalla.

Testamentary In the Matter of the Estate of Herat-
Jurisdiction. mudianselage Kiri Banda of Keera-
No. 212. pona, deceased.

Heratmudianselagedara Pinchi Menika
of Keerapona of Yatinuwara, Kandy..Petitioner.

Vs.

Heratmudianselagedara Punchirala of
Walgampaya in Yatinuwara..... Respondent.

THIS matter coming on for disposal before H. J. V. Ekanayaka, Esq., District Judge of Kegalla, on the 19th day of November, 1906, in the presence of Mr. Aelian Ondaatje, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 7th day of November, 1906, having been read: It is ordered that the said petitioner be declared entitled to have letters of administration to the estate of the deceased Heratmudianselagedara Kiri Banda of Keerapona issued to him, as the lawful wife of the aforesaid deceased, unless the respondent aforesaid shall, on or before the 19th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

H. J. V. EKANAYAKA,
District Judge.

The 19th day of November, 1906.

The date for showing cause against this *Order Nisi* is extended for the 20th February, 1907.

H. J. V. EKANAYAKA,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Es-
Jurisdiction. tate of Hewagama Kiri Bath-
No. 213. thuduwege Pabilinahamy of
Moradana, deceased.

Paranakuruwege Dingiri Appu of Mora-
dana Petitioner.

Vs.

(1) Paranakuruwege Sadiris Appu of Moradana, (2) Paranakuruwege Mancho Nona of Moradana, (3) Egodawatte-arachchige Davith Sinno of Moradana, (4) Narangoda Appuhamillage Henderick Sinno of Moradana, (5) Paranakuruwege Menikhamy of Mudugama, (6) Paranakuruwege Charles Sinno of Moradana Respondents.

THIS matter coming on for final disposal before H. J. V. Ekanayaka, Esq., District Judge of Kegalla, on the 3rd day of January, 1907, in the presence of Mr. Aelian Ondaatje, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated 14th December, 1906, having been read: It is declared that the said petitioner is the legal husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents above-named or any other person shall, on or before the 20th day of February, 1907, show sufficient cause to the satisfaction of this court to the contrary.

H. J. V. EKANAYAKA,
District Judge.

The 3rd day of January, 1907.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,261. In the matter of the insolvency of Saidu Fadul Ibunu Saidu Hassen Mawlana of Weligama, now of Old Moor street, Colombo.

WHEREAS Saidu Fadul Ibunu Saidu Hassen Mawlana has filed a declaration of insolvency, and a petition for the sequestration of the estate of the said Saidu Fadul Ibunu Saidu Hassen Mawlana has also been filed under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged

the said Saidu Fadul Ibunu Saidu Hassen Mawlana insolvent accordingly, and that two public sittings of the court, to wit, on March 14 and 28, 1907, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

J. B. Misso,

Colombo, February 9, 1907.

Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

M. S. P. Meyappa Chetty of Sea street,
Colombo.....Plaintiff.
No. 19,524. Vs.

B. R. Fernando of Wellawatta, Colombo..Defendant.

NOTICE is hereby given that on Friday, March 15, 1907, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 1,351.25, with interest thereon at 9 per cent. per annum from December 20, 1903, till payment in full, viz. :—

An allotment of land called Kongahawatta bearing No. 246a and appearing in the registered plan No. 2, together with the buildings and erections standing thereon, situated at Wellawatta in the Palle pattu of Salpiti korale; and bounded on the north by lot No. 245, on the south by lot No. 246, on the east by lot No. 246, and on the west by the high road; containing in extent 16 perches according to the title plan dated March 25, 1891, and authenticated by Major Francis J. Day, Acting Surveyor-General.

E. ONDATJE,

Fiscal's Office, Deputy Fiscal.
Colombo, February 12, 1907.

In the District Court of Colombo.

Frederick Edward de Silva of Turret road,
Colombo, Executor of the Last Will and
Testament of the late Ebenezer Schro-
ter de SilvaPlaintiff.
No. 22,225 C. Vs.

Ellen Mary Wijeyesinghe of Wellawatta,
ColomboDefendant.

NOTICE is hereby given that on Wednesday, March 13, 1907, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises, the following property, mortgaged with the plaintiff and decreed to be sold by the decree entered in the above action, for the recovery of the sum of Rs. 4,250, with interest thereon at 9 per cent. per annum from January 22, 1906, till payment in full, viz. :—

All that the southern moiety of the allotments of land described as lot No. 4 and half of lot No. 3 in the deed No. 527 of the 19th day of December, 1867,

situated at Wellawatta in Ward No. 9, within the Municipality of Colombo, with the buildings thereon, bearing assessment No. 60; bounded on the north by portion lot A allotted to Fanny Selina Dissanayaka, on the east by Layard's road, on the south by Ambelewatta bearing assessment No. 59, and on the west by the high road to Galle; containing in extent 2 acres 1 rood and 38 perches.

E. ONDATJE,

Deputy Fiscal.

Fiscal's Office,
Colombo, February 12, 1907.

In the District Court of Colombo.

George Henry Hogg of Colombo, trustee
of the last will and testament,
dated August 26, 1884, of William
Louis Henry Skeen, deceasedPlaintiff.

No. 24,158. Vs.

James Peter Salgado of Mattakkuliya,
Colombo,Defendant.

NOTICE is hereby given that on Monday, March 11, 1907, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property decreed to be sold by the decree entered in the above action for the recovery of the sum of Rs. 4,500, with interest thereon at 10 per cent. per annum from August 1, 1906, till November 14, 1906, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that field and adjacent owita or high lands with the buildings thereon bearing assessment No. 171/17, situate at Alutmawata in Colombo, within the Municipality of Colombo, in the District of Colombo, Western Province; and bounded on the north by the property of Wattoo-mullegey Manuel Fernando, on the east by the road leading from Vuistwyk, on the south by the property of D. Wilson, Esq., and on the west by the property of Dehiwala-gey Don Abraham Perera and Benjamin Peter Pereira; containing in extent 1 acre 2 roods and 13 perches and 17/100 square perches according to the survey dated October 14, 1857, made by C. C. Smith, Surveyor.

E. ONDATJE,

Deputy Fiscal.

Fiscal's Office,
Colombo, February 12, 1907.

In the District Court of Negombo.

Seena Kana Runa Awana Karuppan
Chetty by his attorney Vana Yeena
Kathavarayar Pulle of Negombo..... Plaintiff.

No. 6,225. Vs.

Mehidukulasuriya Patabendige Anthony
Fernando of Negombo..... Defendant.

NOTICE is hereby given that on March 9, 1907, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the following property, hypothecated by bond No. 7,396 dated March 22, 1901, viz. :—

1. The land called Ratadelgahawatta, situate at First Division, Hunupitiya, within the gravets of Negombo; and bounded on the north by the land formerly of J. P. Aserappa, now of Liyanage Mathes Silva, on the east by the cross road leading to Chilaw and Toppu, on the south by the land now belonging to Joseph de Croos and by the high road, and on the west by the garden belonging to Medadewage Juanis Silva; containing in extent 1 acre 2 roods and 2½ perches more or less, and declared liable to be sold in satisfaction of the decree entered in the above case.

Amount to be levied Rs. 12,638.68, with interest on Rs. 12,395 at 9 per cent. per annum from December 21, 1905, till payment, less Rs. 11,613.50.

FRED G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, February 7, 1907.

In the District Court of Negombo.

Una Lana Wana *alias* Una Lana Wana
Wana Waliappa Chetty of Negombo..... Plaintiff.

No. 6,595. Vs.

(1) Mihidukulasuriya Patabendige
Anthony Fernando and wife (2)
Mary Margaret Fernando, both of
Negombo Defendants.

NOTICE is hereby given that on March 16, 1907, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant, in the following property, viz. :—

An undivided 1/5 share of the divided portion called Wattarama (as partitioned by partition suit No. 1,713, D. C., Negombo) of all that land called Katukendawatta, situate at Katukenda in the Dunagaha pattu of Alutkuru korale; the said portion being bounded on the north and west by Maha-oya, on the east by the lot No. 2 allotted to Domingo Tissera, deceased, and on the south by the road which separates the lot No. 3 allotted to Clara Pinto; containing in extent 58 acres 2 roods and 28 perches more or less.

Amount to be levied, Rs. 432.95, with interest on Rs. 361.20 at 9 per cent. per annum from November 29, 1906, till payment, less Rs. 30.

FRED G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, February 12, 1907.

Southern Province.

In the District Court of Matara.

Endoris de Silva Balasooriya of Nupe.... Plaintiff.

No. 3,626. Vs.

Bernard Amarasekara, Proctor, of Bala-
pitiya..... Defendant.

NOTICE is hereby given that on Saturday, March 16, 1907, commencing at 12 o'clock noon, will be sold by public auction at the premises the following mortgaged property, viz. :—

1. All those undivided two-fourths part of the soil and of the trees of Kahatagahawatta in which Heeme Pattiniya resided, together with all the buildings thereon, at Walagedara; containing about one acre in extent.

2. All that undivided ¾ parts of the land called Kajjugahawatta, situated at Walagedara.

Amount of writ Rs. 1,511.50, with further interest on Rs. 1,000 at 18 per cent. per annum from May 2, 1905, till date of decree, and legal interest on the aggregate amount from the date of decree and Rs. 126 being costs.

C. T. LEMBRUGGEN,
Deputy Fiscal.

Fiscal's Office,
Galle, February 8, 1907.

North-Western Province.

In the District Court of Kurunegala.

Peyna Reena Meyna Renganathan
Chetty of Kurunegala..... Plaintiff.

Nos. 2,592 and 2,594. Vs.

Neyna Cader Meedin of Kurunegala and
three others..... Defendants.

NOTICE is hereby given that on Friday, March 15, 1907, commencing at 8 o'clock in the morning, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, mortgaged by bond No. 6,449, dated September 14, 1899, decreed specially bound and executable on the footing of the said mortgaged bond, to wit :—

1. Bogahamulawatta *alias* Dangahamulawatta and the bare land adjoining thereto on the south, with the building standing thereon, containing in extent about 7 kurunies kurakkan sowing extent or 5 acres 2 roods and 27 perches; and bounded on the east by Bayawamadehena, on the south by the limit of the chena of Menikrala, on the west by the fence to the gala, the fence of the limit of Kiri Ettana, and the fence of the garden of Sirimali, and on the north by Puttalam road.

2. The land called Meegahamulawatta, in extent about 5 seers kurakkan sowing or 1 acre and 4 perches; and bounded on the east and south by fence of the land belonging to the debtor, on the west by field of Appuhamy and the fence of Kiri Ettana's garden, and on the north by Puttalam road.

3. The land called Pamburaghamulla-aswed-duma, in extent 2 pelas paddy sowing or 2 acres 2 roods and 20 perches; and bounded on the east by the bund, on the south by the limitary ridge of the field of Nitohami, and on the north and west by stream; all situate at Aulegama.

4. Siyambalaghamulapaluwatta, in extent about 3 seers kurakkan sowing or 1 acre and 18 perches; and bounded on the east by belt of jungle on the land of Hetuhami, on the south by the limit of the chena

of Kirihamy, on the west by fence of Paluwatta belonging to Tikiri Naide, and on the north by the fence of the field of Kirihamy.

5. An undivided $\frac{1}{2}$ shares of the land called Dangahamulahena, in extent about 10 kurunies kurakkan sowing in the whole; bounded on the east by the chena of Appuhamy Vedarala, on the south by the limit of Kadurugahamulahena of Wahampuraya, on the west by the water mark of the tank and the limit of Ukkurala's chena, and on the north by the village limit of Bamunugedara, both situate at Bayawa.

6. Amunagawakumbura, in extent 1 amunam paddy sowing and Undiyaralagewatta adjoining thereto, in extent about 3 seers kurakkan sowing of 2 acres 1 rood and 33 perches and 1 acre 1 rood and 1 perch respectively; and bounded on the north by mee tree and the limitary ridge of the field of Pinhami and Punchirala, on the east by the kon tree on the chena of Punchihamy and others, on the south by stream, on the west by the limitary ridge of Appuhamy's field, situate at Badabedda.

On Saturday, March 16, 1907, at 1 P.M.

7. An undivided half share of Palugaspitiyakumbura, in extent about 6 pelas paddy sowing in the whole; and bounded on the east by limitary ridge of Punchirala's field, on the south by jungle, on the west by ridge of the field of Punchirala, and on the north by the field belonging to the Crown, situate at Yakadapota.

8. The land called Paluwatta, in extent about 2 seers kurakkan sowing or 2 acres; and bounded on the east by high road, on the south and west by jungle, and on the north by fence of the field, situate at Ilankalalihena.

9. Helambagahamulahena, in extent about 3 lahas kurakkan sowing; and bounded on the east by Puttalam road, on the south by endaru fence, on the west by Helambagahamula road, and on the north by endaru fence, situate at Witikula.

On Tuesday, March 19, 1907, at 1 P.M.

10. Undivided half share of Kirimetiya-watta, in extent about 12 seers of kurakkan sowing extent; and bounded on the north and west by Kuda-oya, on the east by chena of Dingirala Arachchi, and on the south by stream, situate at Gorokgahapotta.

11. Kandewatta, in extent about 4 seers kurakkan sowing; and bounded on the north by Dingirala's garden, on the east by the garden of Jotihamy, on the south by Mudelihamy's garden, and on the west by garden of Kunji Umma, situate at Bunduwa.

12. Gedarakumbura, in extent about 12 lahas paddy sowing; and bounded on the north by the garden of Warliyanu, on the east by field of Mudelihamy, on the south and west by Jotihamy's garden, situate at Bundawa.

On Thursday, March 21, 1907, at 1 P.M.

13. Undivided 11 $\frac{30}{100}$ shares of Gallegomagodahena in extent about 5 amunams kurakkan sowing, the fields in extent about 4 amunams paddy and the tank appertaining thereto; and bounded on the east by stone fence of the village limit of Inguruwattegama and the limitary ridge of Iswetiya and the stream called Kottaella, on the south by the oya, on the west by the village limit of Korakahagama, and on the north by the village limit of Korakahagama and the kumbuk tree near the oya, exclusive however of the fields and tanks, situate at Gallegama.

Amounts to be levied are on writ No. 2,592 Rs. 779.55, with interest at 12 per cent. per annum from February 25, 1904, to October 29, 1904, and at 9 per cent. per annum from October 30, 1904, till payment in full, and costs of suit and poundage, minus Rs. 500 paid on January 26, 1906; and on writ No. 2,594 Rs. 2,500, with interest at 15 per cent. per annum from November 25, 1903, to October 29, 1904, and at 9 per cent. per annum from November 30, 1904, till payment in full, and costs of suit and poundage, minus Rs. 500 paid on June 6, 1906.

C. V. REBEIRA,
Deputy Fiscal.

Fiscal's Office,
Kurunegala, February 12, 1907.

In the District Court of Kurunegala.

(1) Kuna Mana Nana Kumarappa Chetty of Kurunegala, (2) Kuna Mana Nana Meiyappa Chetty, both executors of the last will and testament of the late Kuna Mana Nalla Carpen Chetty, the 2nd plaintiff by attorney, Ana Ramen Chetty of Kurunegala, (3) Kuna Mana Muttu Ramen Chetty by attorney Kuna Mana Nana Kumarappa Chetty of Kurunegala Plaintiffs.

No. 2,942.

Vs.

(1) R. A. Julis Perera Appuhami. (2) R. A. Peris Sinno, both of Maspota in Kudagalboda korale, (3) M. Johannis Cooray of Kurunegala. Defendants.

NOTICE is hereby given that on Saturday, March 9, 1907, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the 1st and 2nd defendants in the following properties mortgaged by bond No. 13,542, dated June 8, 1901, and attested by A. M. Abeysekere, Notary Public, viz. :—

(a) Meegahamulawatta of 3 acres 3 roods and 24 perches in extent with the plantations and the buildings thereon; bounded on the north and west by the limit of the chenas owned by Lianarala now belonging to Kuttayan, east by the Puttalam road, and south by the fence on the limit of the garden of Suwaris Perera, situate at Maspota in Kudagalboda korale.

(b) Hitinawatta of 24 perches in extent with the plantations and the buildings thereon; bounded on the north and east by the fence on the limit of Government lands, south by garden owned by Coruis Appu and now belonging to Girigoris Appu, west by the Puttalam road, and situate at Maspota aforesaid.

(c) Exclusive of 3 acres in extent towards the Puttalam direction out of Pelapolwatta of 5 acres 2 roods and 10 perches, the remaining 2 acres 2 roods and 10 perches in extent towards the Kurunegala direction, together with the plantations, houses, and buildings standing thereon; the entire land being bounded on the north-east by the high road to Puttalam, south-east, south, and south-west by chena lands, situate at Velangane in Kudagalboda korale.

Amount to be levied Rs. 2,000, with costs and poundage.

C. V. REBEIRA,
Deputy Fiscal.

Fiscal's Office,
Kurunegala, February 12, 1907.

In the District Court of Colombo.

- 1, Cargills, Limited, incorporated under "The Companies Acts, 1862 to 1890;"
2, Margaret Eliza Miller and Leonard Frank Hudson, carrying on business in Ceylon under the name, firm, and style of Miller & Company.....Plaintiffs.

No. 23,581.

Vs.

- 1, Gabriel Fernandez Matchadu of Chilaw; 2, Francis Fernandez; 3, Felix Fernandez; 4, Gabriel Fernandez; and 5, Caithan Fernandez, all of Kurunegala, carrying on business in partnership under the name, firm, and style of Joachim Fernandez and Brothers.....Defendants.

NOTICE is hereby given that on Saturday, March 16, 1907, commencing at 10 o'clock in the morning, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following mortgaged properties:—

I.—All that estate called and known as Battangawatta, comprising the following allotments of land, to wit:—

1. All that allotment of land called Mahawellipitiyahena, situated at Konpelegedera in the Dewamedi Udukaha pattu of Devamadi Hatpattu in the district of Kurunegala, North-Western Province; bounded on the north by Appuhamige hena, now Kirihamige Bogahamulahena, east by Galkandahena and Galkanda, south by the Galkanuvehena formerly of Appuhamy, now belonging to Gabriel Fernandez Matchadu, and on the west by Kolamunu-oya; containing about two pelas of kurakkan sowing extent and registered under title D 72/79.

2. All that allotment of land called Konpelegedera, Nugagahamulahena, situated at Bamunugedera Dewamedi Udukaha korale aforesaid; bounded on the north by the property of Gabriel Fernandez Matchadu, east by the Pinhena, south by the pillewa of Kiribanda and Rammenika, and on the west by the oya and the property of Gabriel Fernandez Matchadu; containing about seven kurunies of kurakkan sowing extent and registered under title D 70/367.

3. An allotment of land called Thumbullegollehenyaya, situated at Konpelagedera aforesaid; bounded on the north by Nugewalagawahena and Pinhena, belonging to Kiribanda and others, east by Kolongollehena belonging to Ukkurala and others, south by the chena belonging to Dingirimenika and Kiribanda, and on the west by Lindakumbura; containing about two pelas and five lahas of kurakkan sowing extent and registered under title D 70/110.

4. An allotment of land called Rangwalekanatthenyaya, situated at Konpelagedera aforesaid; bounded on the north by Mahawellipitiyahena belonging to Appuhamy and others, east by Galkanda, south by Nugewalagawahena belonging to Kiribanda and others, and on the west by Kolamunu-oya; containing about two pelas and five lahas of kurakkan sowing extent and registered under title D 70/111.

5. An allotment of land called Lindakumbura, situated at Konpelagedera aforesaid; bounded on the north by Thumbullegollehenyaya, east and south by Tumbullegollehenyaya, and on the west by inniyara of Konpelegedera field belonging to Kiribanda and others; containing about five pelas of paddy sowing extent and registered under title D 70/112, which said five allotments of land now

are comprised in the following two allotments of land which adjoin each other and are called and known as Battangawatta to wit:—

(a) Two allotments of land called Thumbullegollehenyaya and Lindakumbura, situated in the village Konpelagedera aforesaid; bounded on the north by Pinhena and chena of Pathingiwatta Arachhi, east by Pitawela village limit and chena of Mudalihamy, south by chena of Kiribanda, and on the west by chena and field of Kiribanda; containing in extent 22 acres and 20 perches and (b) three allotments of land called Mahawellipitiyahena, Konpelagedera, Nugagahamulahena, and Panwalakanatthenyaya, situated in the villages Konpelagedera and Bamunugedera aforesaid; bounded on the north by the chena of Pathingiwatta Kirihamy and chena of Sohandirala, east by the chena of Kapuruhamy, chena of Pathingiwatta Appu, Pinhena, and chena of G. Fernandez, and on the south and west by Kolamunu-oya; containing in extent 29 acres 2 roods and 31 perches

II.—All that estate called and known as Nettoramulla comprising the following allotments of land, to wit:—

1. All that allotment of land called Buckmegahakumbura, situated at Pambe in Dewamedi Udukaha korale of Dewamedi Hatpattu in the district of Kurunegala, North-Western Province; bounded on the north by a cart road, east and west by the garden of Gabriel Fernandez Matchadu, and on the south by the imbure of Andiagekumbura; containing about fifteen lahas of paddy sowing extent and registered under title D 95/195. ||

2. All that allotment of land called Potuketiyawalakumbura, situated at Pambe aforesaid; bounded on the north by the Kumbukgaha and big ant hill standing on the pillewe belonging to Kapuruhamy, east by the inniyara of the field of Hetuhamy Vedarala, south by the store standing on the liyadde belonging to Hetuhamy Vedarala presently of Gabriel Fernandez Matchadu and the munamalgaha and ant hill standing on Attolawattehena, and on the west by the inniyara of Nettoramullakumbura on which the ettembegaha stands, belonging to Hetuhamy Vedarala presently of Gabriel Fernandez Matchadu; containing about three pelas of paddy sowing extent and registered under title D97/364.

3. All that allotment of land called Kelagahamulahena, situated at Pambe aforesaid; bounded on the north by Crown land, east by the divulgaha standing on the ela bordering the field belonging to Mudalihamy, south by the field belonging to Lapaya Heneya, and on the west by the property of Gabriel Fernandez Matchadu; containing about five lahas of kurakkan sowing extent and registered under title D70/268.

4. All that allotment of land called Potuketiyawalakumbura, situated at Pambe aforesaid; bounded on the east by the chena of John Silva, south by the inniyara of the field of Hetuhamy Vedarala, west by the garden of Gabriel Fernandez Matchadu, and on the north by the kumbukgaha standing on the niere of the field belonging to Bandirala and others; containing two pelas of paddy sowing extent and registered under title D71/277.

5. All that allotment of land called Potuketiyawalakumbura, situated at Pambe aforesaid; bounded on the east by the chena belonging to Buckmiwewe Sabapathy, south by the field of Gabriel Fernandez Matchadu, west by the chena of Gabriel Fernandez Matchadu, and on the north by the boundary road of the Crown land; containing eighteen lahas of paddy sowing extent and registered under title D71/278.

6. All that allotment of land called Nettoramulla, Attalawattehenyaya, situated at Pambe aforesaid; bounded on the north by the kahatagaha standing on the chena belonging to Mudalihamy Maha Ehetuwa, field and Pitiye Etambegaha, south by Crown mukalana and Morapandena, and on the west by Maha-ela and Nagahamullehena; containing about three pelas of kurakkan sowing extent and registered under title D70/234.

7. All that allotment of land called Godella Uda-hena, situated at Gallehena in Dewamede Udukaha korale aforesaid; bounded on the north by the chena of Ranmenika, east by high road, south by the chena belonging to Ukkuhamy and Dingiri Menika, and on the west by the chena of Punchirala; containing about two lahas of kurakkan sowing extent and registered under title D70/235.

8. All that allotment of land called Potuketiyawalakumbura of three pelas of paddy sowing extent and the adjoining pillwe of two lahas of kurakkan sowing extent, situated at Pambe aforesaid; bounded on the north by Galahitiyawekumbura belonging to Banda, Dingiri Menika, Ukku Banda, and Punchirala, east by the land of John Clovis de Silva, south by

the inniyara of the field belonging to Kiri Banda and others and registered under title D95/184.

9. All that allotment of land called Nettoramulla, kumbura, situated at Pambe aforesaid; bounded on the north by the chena of Mudalihamy, east by the field of Lapaya, on the south and west by the land of Gabriel Fernandez Matchadu; containing two pelas of paddy sowing extent and registered under title D 71/288.

Amount to be levied, Rs. 9,470.36 at 5 per cent. per annum on Rs. 3,800 from May 1, 1906, and on Rs. 4,797.74 at 12 per cent. per annum from May 1, 1906, till August 24, 1906, and thereafter at 9 per cent. per annum till payment to the 1st plaintiff and to the 2nd plaintiff the sum of Rs. 6,694.18 with interest on Rs. 4,100 at 5 per cent. per annum from May 1, 1906, and on Rs. 2,025.04 at 12 per cent. per annum from May 1, 1906, till August 24, 1906, and thereafter at 9 per cent. per annum till payment in full and costs of suit.

C. V. REBEIRA,
Deputy Fiscal.
Fiscal's Office,
Kurunegala, February 12, 1907.

L. case

Appointment of a Marshal.

I HERBERT RAYNER FREEMAN, Fiscal for the North-Western Province, do hereby appoint Mr. A. V. Herat to be Marshal for the division of Pitigal Korale North and Central in the District of Chilaw, under the provisions of the Fiscal's Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

This 8th day of February, 1907.

H. R. FREEMAN,
Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

C. R., Avisawella, 5,266.

In the Court of Requests of Avisawella.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Avisawella by three labourers of Ingiriya Magalla estate in Horana against the proprietor or proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 295.

This 5th day of February 1907.

P. E. KALUPAHANA,
Chief Clerk.

Proclamation under Section 6 of Ordinance No. 12 of 1894.

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 Ordinance No. 12 of 1894.

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

A. R. SLATER,
District Judge, Commissioner of Requests,
and Police Magistrate.

Badulla, February 9, 1907.

Schedule.

1. District Court money cases prior to 1896, except those in which—

(a) Mortgage decrees have been entered.

(b) Unclaimed suitor's moneys are lying in deposit.

(c) Satisfaction of judgment decree or order has not been recorded.

(d) Judgment being revived or writ issued ten years have not elapsed.

2. District Court criminal cases prior to 1901.

3. Court of Requests money cases prior to 1896, save those described above (1).

4. Non-summary Police Court inquiries prior to 1901.

5. Summary Police Court cases prior to 1901.

(Under Ordinance No. 7 of 1905).

A. R. SLATER,
District Judge, Commissioner of Requests,
and Police Magistrate.