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PART II.—Legal and Judicial.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to confirm an Agreement for a Lease of Pearl Fisheries on the Coast of Ceylon and to authorise the Crown Agents for the Colonies to execute such Lease on behalf of the Government of Ceylon.

WHEREAS by an Agreement (hereinafter called "the Preliminary Agreement") dated the 30th day of November 1905 and made in England between the Crown Agents for the Colonies (who and the Crown Agents for the Colonies for the time being are hereinafter referred to as "the Crown Agents") acting on behalf of the Government of Ceylon (hereinafter called "the Government") of the one part and The Gulf Syndicate Limited (hereinafter called "the Syndicate") of the other part It was provided that the Preliminary Agreement should be conditional on the same being confirmed and on the execution of the Lease thereinafter and hereinafter mentioned being authorized by a Special Ordinance to be passed by the Governor and Legislative Council of Ceylon within six calendar months from the date of the Preliminary Agreement and that such Special Ordinance should be in the terms set forth in the Second Schedule to the Preliminary

Agreement with such modifications (if any) as might be agreed upon between the parties to the Preliminary Agreement.

And whereas it was further provided by the Preliminary Agreement that if the Syndicate should within 9 calendar months from the date thereof procure (a) a Company (hereinafter called "the Company") to be formed and registered under the Companies' Acts 1862 to 1900 under the name of The Ceylon Company of Pearl Fishers Limited with a nominal capital of £165,000 and with the object (amongst others) of accepting the Lease and working the Pearl Fisheries therein-after and hereinafter mentioned and (b) that the whole of the share capital of the Company should be subscribed and payable in cash to the satisfaction of the Crown Agents and (c) that the Company should have duly performed all the obligations which under any of the provisions hereinafter contained ought to have been performed by it down to the date of the said Lease or which under the said Lease were to be performed by it on the execution thereof and that if the Syndicate should have duly performed all the obligations hereinafter imposed on it then the Crown Agents would execute in favour of the Company a Lease in the terms of the draft Lease set forth in the First Schedule to the Preliminary Agreement with such modifications (if any) as might be agreed upon between the said parties thereto.

And whereas the draft set forth in the First Schedule to the Preliminary Agreement is a draft Lease by the Crown Agents on behalf of the Government to the Company for the term of 20 years from the date of such Lease of Firstly all that right or privilege which the Government had theretofore exercised and enjoyed of fishing for and taking pearl oysters on the coasts of Ceylon between Talaimannar and Dutch Bay Point to the intent that the Company so far as the Government could secure the same might have the exclusive right liberty and authority to fish for take and carry away pearl oysters within the said limits and Secondly of the plot or plots of land to be ascertained as therein mentioned subject to the payment by the Company to the Government of the yearly rent of Rs. 310,000 and to the performance by the Company of the conditions and agreements therein contained.

And whereas the Company was on the day of 190 duly formed and registered in England under the Companies' Acts 1862 to 1900 by the name of The Ceylon Company of Pearl Fishers Limited with a nominal capital of £165,000 and with the objects (amongst others) of accepting the said Lease and working the said Pearl Fisheries.

And whereas it is expedient that the Preliminary Agreement should be confirmed in manner hereinafter mentioned and that the Crown Agents should be authorised to execute the said Lease on behalf of the Government in the manner hereinafter appearing.

And whereas this Ordinance is in the form set forth in the Second Schedule to the Preliminary Agreement with such modifications as have been agreed upon between the parties thereto.

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

1. This Ordinance may be cited as "The Pearl Fisheries Lease Ordinance 190 ."

2. The Preliminary Agreement shall be and the same is hereby confirmed and made binding on the Government and the Company and the Government and the Company are hereby authorised to carry the Preliminary Agreement into effect.

3. When and so soon as the Syndicate and the Company shall in the opinion of the Crown Agents have respectively performed all the obligations which under the Preliminary Agreement ought to be performed by them respectively in order to entitle the Syndicate to require the said Lease to be granted

Short title.

Confirmation of Preliminary Agreement.

Authority to Crown Agents to execute the Lease on behalf of the Government.

under the Preliminary Agreement the Crown Agents are hereby authorised on behalf of the Government to execute a Lease in favour of the Company in the terms of the draft Lease set forth in the First Schedule to the Preliminary Agreement with such modifications (if any) as have been or may be agreed upon between the Crown Agents and the Company. The said Lease when executed by the Crown Agents shall be binding on His Majesty the King and his successors and on the Government in the same manner as if the Governor had been hereby authorised to execute the said Lease and had executed the same on behalf of His Majesty the King and his successors. The Government or the Governor or the Crown Agents on behalf of the Government are hereby authorised to carry the said Lease into effect and to execute any subsidiary agreement which may from time to time be necessary or expedient for the purpose of giving effect to any of the provisions of the said Lease.

The execution of the Lease by Crown Agents shall be conclusive evidence that it has been duly granted.

The Lease not to be exempted from registration.

4. The execution of the said Lease by the Crown Agents shall for all purposes be conclusive evidence that the said Lease has been duly granted.

5. Nothing herein contained shall exempt the said Lease from registration under or in pursuance of any Ordinance for the time being in force in Ceylon with respect to the registration of deeds affecting land.

By His Excellency's command,
Colonial Secretary's Office, A. M. ASHMORE,
Colombo, January 3, 1906. Colonial Secretary.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of the late Georgl
No. 2,488. Penny of Reamshill, Fyrie in the
County of Aberdeen in Scotland—
deceased.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 13th day of December, 1905, in the presence of Messrs. Julius and Creasy, Proctors, on the part of the petitioner Frank Howie Davidson of Hapugahalanda estate in the District of Matale; and the affidavit of the petitioner, dated the 9th December, 1905, having been read:

It is ordered that the will of the late George Penny, the above-named deceased, dated the 10th day of December, 1901, be and the same is hereby declared proved, unless any person interested shall, on or before the 18th day of January, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Frank Howie Davidson is the attorney of the executors named in the said will, and that he is entitled to have letters of administration, with the said will annexed, issued to him accordingly, unless any person interested shall, on or before the 18th day of January, 1906, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
District Judge.

The 13th day of December, 1905.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Estate and
Jurisdiction. Effects of the late Aynia Maracair
No. 448. Mukkulatumah of Sampantore,
deceased.

Mohamadalipody Vanniah Mohaidin Bava-
podi Maracair of Sampantore... Petitioner.

Vs.

(1) Mohamadalipody Vanniah Ahamadulevvepody Udayar, (2) Mohamadalipody Vanniah Mohamadutambylevvepody Udayar, (3) Mohamadalipody Vanniah Mohaidinbavapody Maracair, (4) M. V. Sakkaranachchy, wife of Udumalevvepody of Sampantore... Respondents.

THIS action coming on for disposal before A. de A. Seneviratne, Esq., District Judge of Batticaloa, on the 24th October, 1905, in the presence of Mr. A. M. Sheriff, Proctor, on the part of the petitioner; and after reading the affidavit of the petitioner dated 17th day of October, 1905, and petition dated 24th October, 1905, praying that the petitioner be appointed administrator of the estate of the late Aynia Maracair Mukkulattumah of Sampantore: It is ordered that the petitioner be and he is hereby appointed to administer the estate of the late Aynia Maracair Mukkulattumah, unless sufficient cause be shown to the contrary, on the 19th day of December, 1905.

It is further ordered that the respondents do pay to the petitioner his costs of and occasioned by this application.

A. SENEVIRATNE,
District Judge.
The 24th October, 1905.

The above *Order Nisi* is extended to 16th January, 1906.

G. W. WOODHOUSE,
District Judge.
This 19th December, 1905.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Estate and
Jurisdiction. Effects of the late Isupulevve
No. 450. Umerulevve of Kattancuddy,
deceased.

Adambawa P. H. E. Mohamadu Mustapha
of Kattancuddy.....Petitioner.

Vs.

(1) Alliar Sinnaumma, (2) Adambawa
Sulakaumah, (3) Umerulevve Kadisaumah,
(4) Meerasaibu Muhamadu Yusup,
(5) Meyadinbawa Meerasaibu of Kattan-
cuddy.....Respondents.

THIS matter coming on for disposal before L. W.
Booth, Esq., District Judge of Batticaloa, on

the 10th day of November, 1905, in the presence of Mr.
A. M. Sheriff, Proctor, on the part of the petitioner;
and the petitioner's affidavit dated 5th day of Novem-
ber, 1905, and petition dated 7th day of November,
1905, having been duly read: It is ordered that the
petitioner be and he is hereby declared entitled to
have letters of administration to the estate of Isupu-
levve Omerulevve, late of Kattankuddy issued, to him,
unless the respondents or any person shall, on or
before the 19th day of December, 1905, show sufficient
cause to the satisfaction of the court to the contrary.

L. W. BOOTH,
District Judge.

The 10th day of November, 1905.

The above *Order Nisi* is extended to 16th January,
1906.

G. W. WOODHOUSE,
District Judge.

The 19th day of December, 1905.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

D. M. Rupesinghe of Wellawatta.....Plaintiff.
No. 21,912 C. Vs.

K. K. M. Hadjiar of Colombo.....Defendant.

NOTICE is hereby given that on Monday, January
29, 1906, at 2 o'clock in the afternoon, will be
sold by public action at this office the following
property for the recovery of the sum of Rs. 5,514.61,
with legal interest on Rs. 4,888.98 from June 1, 1905,
till payment in full, and costs of suit and poundage,
viz. :—

All that bill of lading in duplicate bearing No. 63
in favour of the above-named defendant for 245 bags
of cacao marked K A in a diamond, London, shipped
per ss. Bantu for London and insured under policy
No. 70A/3,291 of December 13, 1905, of the South
British Fire and Marine Insurance Company.

Fiscal's Office, E. ONDATJE,
Colombo, January 4, 1906. Deputy Fiscal.

Erratum.

No. 32,595. C. R., Colombo.
WITH reference to the notice of sale published in
the *Gazette* No. 6,097 of December 30, 1905,

the date of sale of the property mentioned therein
should be January 19, 1906, and not January 19, 1905

Fiscal's Office, E. ONDATJE,
Colombo, January 4, 1906. Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Walawe Palliage Don Allis de Silva of
Kumbalwella in Galle.....Plaintiff.
No. 7,815. Vs.

Asaaha Marikkan Aiso Umma, widow of
A. dulla Cassim of China Garden in Galle...Defendant.

NOTICE is hereby given that on Wednesday,
January 31, 1906, at 2 o'clock in the afternoon,
will be sold by public action at the spot the following
mortgaged property, viz. :—

All the soil and buildings standing on a portion of
Kekiribokkewatta *alias* Chinawatta, and depicted
in survey No. 325 dated June 25, 1866, of the extent
of 10.16 perches, situate at Kumbalwella.

Amount of writ, Rs. 597.60.

Fiscal's Office, C. T. LEEMBRUGGEN,
Galle, January 3, 1906. Deputy Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that a suit has been instituted on December 22, 1905, in the Court of
Requests of Galle by Udayan Kangany, presently of "Indian Walk" estate at Udugama, for and on
behalf of his gang of coolies and sub-kanganies, against the proprietors of Walahanduwa estate, Udugama,
Southern Province, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to
Rs. 9,775.

The 23rd December, 1905.

D. M. JANSZ,
Chief Clerk.

In the Court of Requests of Avisawella.

C. R. 4,792.

NOTICE is hereby given that a suit has been
instituted in the Court of Requests of Avisa-
wella by five labourers of the Razeen estate against

the proprietor or proprietors thereof under the
Ordinance No. 13 of 1889, for the recovery of their
wages amounting to Rs. 4.5.

P. E. KALUPAHANA,
Chief clerk.

This 29th day of December, 1905.