



# Ceylon Government Gazette

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PART II.—Legal and Judicial.

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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 amend Ordinance No. 4 of 1900 to provide for the Grant of Certificates to the Tindals and Engineers of Launches.

Preamble.

WHEREAS it is expedient to amend Ordinance No. 4 of 1900 in certain particulars and to provide for the grant of certificates to the tindals and engineers of launches licensed under the said Ordinance or under "The Masters Attendant's Ordinances, 1865 to 1905:" 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 Boats Ordinance Amendment Ordinance, 1906," and unless the context otherwise requires shall be construed and read as one with "The Boats Ordinance, 1900," hereinafter referred to as the "principal Ordinance," and unless the context otherwise requires shall also be construed and read as one with "The Masters Attendant's Ordinances, 1865 to 1905."

Repeal of old form D.

2 Form D in the Schedule hereto is substituted for form D in Schedule II. of the principal Ordinance.

Section 4 of Ordinance No. 4 of 1900 amended.

3 For section 4 of the principal Ordinance the following section shall be substituted:

Boat to be licensed.

4. Subject to the provisions contained in section 29 no boat shall be used for carrying goods or passengers for hire or otherwise or for the purpose of towage for hire or

otherwise from any port or place in this island to any other port or place in the island or in any portion of the sea adjacent to this island, or in any river, canal, lake, or inland water within the same, unless the owner thereof shall have obtained a license for the same, from the proper authority having jurisdiction within the province or town in which such owner resides or exercises his calling, under the provisions of this Ordinance.

Section 5 of Ordinance No. 4 of 1900 amended.  
Application for license to be supported by certificates of survey.

4 For section 5 of the principal Ordinance the following section shall be substituted :

5. (1) In the case of boats applying to be licensed under this Ordinance any owner of a boat who may be desirous of obtaining a license to use such boat for the purpose of carrying goods or passengers for hire or otherwise or for the purpose of towage for hire or otherwise shall make an application in writing to that effect to such proper authority, which application shall be substantially in the Form D in the schedule hereto, and shall state accurately the cargo capacity of, and the number of passengers (if any) intended to be carried in such boat, the length, breadth, and depth of such boat, the number of the crew to be carried by such boat, and whether such boat is propelled by steam, electric or other motor power, or otherwise, and the class of boat for which such license is desired, and shall contain a true and full description of the names and residences of the owners or owner of the boat. Every such application shall be signed by the applicant, who shall satisfy the proper authority by producing before him—

- (a) In the case of boats propelled by sails or oars a certificate from a properly qualified surveyor that such boat is in good order and fit to be used for the purpose of carrying goods or passengers or both, as the case may be ;
- (b) In the case of launches a certificate from a properly qualified surveyor that the hull and fittings of such launch are in sound seaworthy order and fit to be used for the purpose of carrying goods or passengers or both, as the case may be ; and a further certificate from a properly qualified surveyor that the steam, electric, or other motor power and the machinery by which such launch is propelled are fit for the purpose for which such launch is to be used and are in good and serviceable working order ; and
- (c) In the case of boats, barges, or other vessels fitted with machinery for the purpose of pumping water, oil, or any liquid substance, a certificate from a properly qualified surveyor that the machinery and pumping gear are fit for the purpose intended.

(2) The applicant shall pay such fee for each certificate required hereby as shall be customary within the port or place within which such boat or launch is to ply or be used.

(3) If it shall become necessary to license any boat belonging to two or more persons in partnership, or to a corporate body, or to a joint stock company, such application may be made by one of the partners or by the persons managing the affairs of such partnership, body, or company.

Section 6 amended.

5 Section 6 of the principal Ordinance is hereby amended by inserting the words "licensed under this Ordinance" between the word "boat" and the word "shall" in line 1 of the said section.

Sub-section (4) of section 27 amended.

6 For sub-section (4) of section 27 of the principal Ordinance the following sub-section shall be substituted :

(4) Using a boat for the purpose of carrying goods or passengers without a license or for the purpose of towage without a license or after any such license shall have expired.

Sub-section (8)  
of section 27  
amended.

7. For sub-section 8 of section 27 of the principal Ordinance the following sub-section shall be substituted :

(8) Plying a boat licensed under this Ordinance in any port which has been declared by Proclamation to have been brought within the provisions of "The Masters Attendant's Ordinance, 1865," without having obtained a license under such Ordinance.

Section 28  
amended.

8 Section 28 of the principal Ordinance shall be amended by deleting the words "for hire" wherever they appear, and adding to the end thereof the following proviso :

Provided that so much of this Ordinance as provides for the grants of certificates to the tindals and engineers of launches and the production of survey certificates from properly qualified surveyors shall apply to launches and other vessels fitted with machinery to be licensed under "The Masters Attendant's Ordinances, 1865 to 1905," anything in this section to the contrary notwithstanding.

Section 30  
amended.

9 For section 30 of the principal Ordinance the following section shall be substituted :

30. If in any prosecution or proceeding under this Ordinance any question shall arise as to whether any boat has been used for the conveyance of any passengers or goods or for the purpose of towage without a license, or as to whether a license has been obtained for any boat within the meaning thereof, or as to whether any person has made the declaration required by section 5, the proof that such license has been obtained or the declaration made shall be upon the accused, or the party against whom such prosecution or proceeding shall be had.

Proviso.

Provided that it shall be lawful for the court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint, and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

Section 31  
amended.

10 For section 31 of the principal Ordinance the following section shall be substituted :

31. Where a person is charged with any offence against sub-section (4) of section 27, and it is established by the prosecution to the satisfaction of the court that there were more persons carried in such boat than were necessary for its working, such person shall be presumed to have used such boat for the purpose of carrying passengers.

Burden of proof.

11 The following chapter shall be added to and form chapter IV. of the principal Ordinance :

Definition.

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

- (1) The term "launch" shall apply to any boat of less than fifty tons burden propelled by steam, electric, or other motor power which ordinarily plies in any port in Ceylon, or in any canal, river, lake, or other inland water in Ceylon.
- (2) The word "tindal" means any person (except a pilot or harbour master) having for the time being charge or control of a launch.
- (3) The word "voyage" includes also the plying of a launch at or about any port or place.
- (4) The word "prescribed" means prescribed by rule made under this Ordinance by the Master Attendant with the approval of the Governor in Executive Council.

The term "Master Attendant" means the Master Attendant of Colombo.

Appointment of  
examiners.

36. The Master Attendant may from time to time appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as tindals or as engineers of launches.

Grant of masters' or engineers' certificates of competency.

37. (1) The Master Attendant shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as the tindal or as the engineer, as the case may be, of a launch.

(2) Every such certificate shall be in the prescribed form.

Power of Master Attendant to require re-examination or further inquiry.

38. Before granting a certificate under the last foregoing section the Master Attendant may, if he has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

Grant of certificate of service.

39. (1) The Master Attendant may in his discretion grant without examination to any person who has served as a tindal or as an engineer of any launch before the First day of January, 1904, a certificate of service to the effect that he may act as a tindal or as an engineer of a launch.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Ordinance after examination.

Certificate to be made in duplicate.

40. Every certificate of competency or service granted under this Ordinance shall be made in duplicate, and one copy shall be delivered to the person entitled to a certificate and the other shall be kept and recorded in the prescribed form.

Grant of copy of certificate in certain cases.

41. Whenever a tindal or engineer proves to the satisfaction of the Master Attendant that he has without fault on his part lost or been deprived of his original certificate he shall be entitled on payment of a fee of two rupees and fifty cents to be paid to the Master Attendant to a copy of such certificate in lieu of such original.

Nature of certificates necessary for tindals and engineers of steam launches.

42. (1) A launch shall not proceed on any voyage unless she has—

(a) As her tindal a person possessing a tindal's certificate granted under this Ordinance, or a master's certificate granted under Ordinance No. 7 of 1863, or a certificate granted by the Board of Trade that he is competent to act as master, or as first, second, or only mate of a foreign-going ship, or as master of a home-trade passenger ship, or a colonial certificate of competency as master or mate to which the provisions of "The Merchant Shipping Act, 1904," relative to certificates have been made applicable by an order of His Majesty in Council under section 102 of the said Act.

(b) As her engineer a person possessing an engineer's certificate granted under this Ordinance, or an engineer's certificate granted by the Board of Trade, or a colonial certificate of competency as an engineer to which the provisions of the said Act have been made applicable as aforesaid.

Provided that a launch shall be deemed to have complied with this section if she has as her tindal and engineer a person possessing both a tindal's certificate and an engineer's certificate in accordance with this Ordinance.

(2) If any launch proceeds on a voyage in contravention of this section the owner and the master of the launch shall each be liable to a fine, which may extend to one thousand rupees.

Power of Master Attendant to make rules.

43. The Master Attendant may make rules to regulate the granting of certificates of competency under this Ordinance, and may by such rules—

(a) Provide for the conduct of the examination of persons desirous of obtaining certificates of competency as tindals or as engineers under this Ordinance.

(b) Prescribe the qualification to be respectively required of persons desirous of obtaining such certificate.

- (c) Fix the fees to be paid by applicants for examination.  
 (d) Prescribe the form in which certificates shall be given—

and such rules when approved of by the Governor in Executive Council shall be published in the *Government Gazette*.

The provisions of section 3 of this Ordinance to apply to boats and launches licensed under the Masters Attendant's Ordinances.

12 The provisions of section 3 of this Ordinance, with the exception of the provision as to a special form of application, shall apply *mutatis mutandis* to all boats and launches to be licensed under the provisions of "The Masters Attendant's Ordinances, 1865 to 1905."

SCHEDULE.

Form D.—Application containing Particulars of Boat, Launch, or Vessel.

I, A. B., of ———, do truly declare as follows:—

I am the owner (joint owner or manager, as the case may be) of the boat hereunder described. I reside at ———, and the other owners reside at ———, and I desire a license for the said boat for the conveyance of passengers (or goods or passengers and goods) between ——— and ———, for the period of one year (or as the case may be) from the ——— day of ———, 190—.

The boat for which the license is required is named the ———, will be manned by a crew of not more than ——— or less than ——— persons, is propelled by steam (or as the case may be), has a superficial area of ——— feet, sufficient for the carriage of ——— passengers and ——— crew, or ——— persons in all.

That the class of boat is a boat propelled by oars (a steam launch, vessel fitted with machinery for the purpose of pumping water, or as the case may be), has a cargo capacity of ——— cubic feet by measurement and ——— tons by weight, is ——— feet long from bow to stern, is ——— feet broad amidship, is ——— feet deep amidship.

Declared at ———, the ——— day of ———, 190—.

Signed: A. B.

By His Excellency's command,

Colonial Secretary's Office, A. M. ASHMORE,  
 Colombo, August 24, 1906. Colonial Secretary.

*Statement of Objects and Reasons.*

THE principal object of this Ordinance is to make provision for securing properly qualified "tindals," or officers in command, of boats and launches plying in any port or in the seaboard waters or inland waters of the Colony.

This is provided for by section 11, which has been added as a separate chapter to Ordinance No. 4 of 1900. This chapter contains eight new sections, viz.:—

Section 36 empowers the Master Attendant of Colombo to appoint examiners.

Sections 37 and 39 authorize the issue of certificates of competency and certificates of service to tindals and engineers.

Section 38 contemplates candidates being re-examined if necessary.

Section 40 requires the certificate to be made in duplicate.

Section 41 empowers the Master Attendant to issue a copy of his certificate to a tindal or engineer who has lost his original certificate.

Section 42 prohibits a steam launch from making a voyage unless provided with a certificated tindal and a certificated engineer.

Section 43 empowers the Master Attendant to make rules regulating the granting of certificates.

In order to give more full effect to this new chapter, the following sections of Ordinance No. 4 of 1900 have all been amended, viz.:—

Section 4, which requires boats to be licensed.

Section 5, which gives the particulars to be furnished on applications for licenses by the proper authority to boats, and its provisions have been extended to launches and vessels fitted with machinery for pumping water or any liquid.

Section 6 has a trifling amendment.

Sub-sections 4 and 8 of section 27 have been slightly amended.

A slight amendment has been made and a proviso added to section 28, and further slight amendments have been made to sections 30 and 31.

And lastly, section 12 of the present Ordinance applies the provisions of section 5 of Ordinance No. 4 of 1900, as amended by section 4 of this Ordinance, to boats and launches licensed under the Masters Attendant's Ordinances.

July 16, 1906.

J. H. TEMPLER,  
 Acting Attorney-General.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Estate of the late Don John Ameresekere, deceased, of Wennawatta in Ambatalenpahala of Alutkuru Korale South.  
No. 2,631 C.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 11th day of August, 1906, in the presence of Mr. D. E. Wanigesooria, Proctor, on the part of the petitioner Don Robert Ameresekere of Wennawatta aforesaid; and the affidavit of the said petitioner, dated the 7th day of August, 1906, having been read:

It is ordered that the aforesaid petitioner be and he is hereby declared entitled to have letters of administration to the estate of his late father, Don John Ameresekere, the above-named deceased, issued to him, unless the respondents (1) Dona Maria Wanaguruhamine of Wennawatta aforesaid, (2) Dona Louisa Ameresekere, wife of (3) Don Pauluarachehige William de Silva Jayesekere, Muhandiram of Dompe, in the Gangaboda pattu of Siyane korale, and (4) Don Thomas Ameresekere of Kiriella in the Meda pattu of Kuruwiti korale in the District of Ratnapura, shall, on or before the 13th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,  
District Judge.

The 11th day of August, 1906.

In the District Court of Negombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Adikari Appuhamillage Appuralla Appuhamy of Rassapane, deceased.  
No. 962.

Rajethewa Mohottiappuhamillage Dona Leisohamy of Rassapane.....Petitioner.  
Vs.

(1) Adikari Appuhamillage Rapiel Appuhamy, (2) Adikari Appuhamillage Carolis Appuhamy, (3) Adikari Appuhamillage Samaneri Appuhamy, all of Rassapane..... Respondents.

THIS matter coming on for disposal before A. de A. Seneviratne, Esq., District Judge of Negombo, on the 11th day of August, 1906, in the presence of Mr. J. F. Corea, Proctor, on the part of the petitioner Rajethewa Mohottiappuhamillage Dona Leisohamy of Rassapane; and the affidavit of the said petitioner, dated the 11th day of August, 1906, having been read:

It is ordered that the petitioner, the said Rajethewa Mohottiappuhamillage Dona Leisohamy, be and she is hereby declared entitled, as widow and heiress of the deceased, to have letters of administration to the estate of the late Adikari Appuhamillage Appuralla Appuhamy of Rassapane, deceased, unless the respondents above-named or any person on their behalf shall, on or before the 18th September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

A. DE A. SENEVIRATNE,  
District Judge.

The 11th day of August, 1906.

In the District Court of Kalutara.

*Order Nisi declaring will proved.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Pelpolagey Don Agris Appuhamy of Galtude.  
No. 450.

THIS matter coming on for disposal before P. E. Peiris, Esq., District Judge of Kalutara, on the 10th day of August, 1906, in the presence of Mr. S. Goonetilleke, Proctor, on the part of the petitioner Pelpolagey Don Charles Appuhamy of Gampola; and the affidavit of the said petitioner, dated 18th day of July, 1906, having been read:

It is ordered that the last will and testament of the late Pelpolagey Don Agris Appuhamy of Galtude, deceased, dated 14th April, 1906, original of which is now deposited in this court, be and the same is hereby declared proved, unless the respondents, (1) Lizzy Perera Hamine, (2) Pelpolagey Lizzy Hamine, (3) Pelpolagey Jane Hamine, (4) Pelpolagey Missy Hamine, (5) Pelpolagey Lilian Hamine, (6) Pelpolagey Sadoris Appuhamy, (7) Pelpolagey Podi Appuhamy, (8) Pelpolagey Don Richard Appuhamy, (9) Pelpolagey Anni Hamine, and (10) Pelpolagey Margaret Hamine respondents, the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 10th respondents, by their guardian *ad litem* the 1st respondent, shall, on or before the 6th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Pelpolagey Don Charles Appuhamy of Gampola 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 above-named shall, on or before the 6th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PEIRIS,  
District Judge.  
The 10th day of August, 1906.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Estate of the late Thaivanaipillai, wife of Venasittamby Ponniah of Chavakachcheri, deceased.  
No. 1,777.

Velauthar Chuvaminathar of Chavakachcheri.....Petitioner.  
Vs.

(1) Venasittampi Ponniah, (2) Chinnattampiar Kathiravelar, and (3) wife Chinnappillai, all of Chavakachcheri. Respondent.

THIS matter of the petition of Velauthar Chuvaminathar of Chavakachcheri, praying for letters of administration to the estate of the above-named deceased, Thaivanaipillai, wife of Venasittamby Ponniah, coming on for disposal before W. R. B. Sanders, Esq. District Judge, on the 13th day of August, 1906, in the presence of Mr. S. Kandayya, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 9th day of August, 1906, 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 respondents or any other person shall, on or before the 14th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,  
District Judge.  
This 13th day of August, 1906.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the  
Jurisdiction. late Selliah Abraham of Kwala  
No. 1,780. Lumpur in the Straits Settlements, deceased.

Philip Moses of Jaffna town ..... Petitioner.

Vs.

Selliah John of Jaffna town ..... Respondent.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased Selliah Abraham, coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the 17th day of August, 1906, in the presence of Mr. N. Sivakolunder, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 15th day of August, 1906, having been read: It is declared that the petitioner is one of the next of kin of the said intestate, and is entitled to have letters of administration to estate of the said intestate issued to him, unless the respondent or other person shall, on or before the 18th day of September, 1906, show cause to the satisfaction of the court to the contrary.

W. R. B. SANDERS,  
District Judge.

This 17th day of August, 1906.

In the District Court of Mullaittivu.

*Order Nisi.*

Testamentary In the Matter of the Estate of the  
Jurisdiction. late Anantan Kasikkuddy of Samalankulam, deceased.

Suppramaniam Modliar Sivasidamparam  
of Oddusuddan ..... Petitioner.

Vs.

(1) Nakamuttu, widow of Ananther Kasikkuddy, (2) Kasikkuddy Kanapathipillai, (3) Marimuttu, wife of Vairamuttu, (4) Ponny, daughter of Kasikkuddy, (5) Sinnapillai, daughter of Kasikkuty, all of Samalankulam ..... Respondents.

THIS matter of the petition of Suppramaniam Modliar Sivasidamparam of Oddusuddan, praying for letters of administration to the estate of the above-named deceased Ananther Kasikkuddy, coming on for disposal before C. V. Brayne, Esq., District Judge, on the 26th day of July, 1906, in the presence of the petitioner; and the affidavit of the petitioner, dated the 26th day of July, 1906, having been read, it is declared that the petitioner is the official administrator, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 31st day of August,

1906, show sufficient cause to the satisfaction of this court to the contrary.

C. V. BRAYNE,  
District Judge.

This 26th day of July, 1906.  
Extended to 27th September, 1906.

By order,  
C. VELU PILLAI,  
Secretary.

20th August, 1906.

In the District Court of Matara.

*Order Nisi.*

Testamentary In the Matter of the Estate of the  
Jurisdiction. late Abeynaikegey Don Siman,  
No. 1,515. deceased, late of Lalpe.

THIS matter coming on for disposal before T. R. E. Loftus, Esq., District Judge of Matara, on the 5th day of June, 1906, on the motion of Mr. Proctor J. S. Wirasinha on the part of the petitioner Randeniye Kankanagey Balahamy of Lalpe; and the affidavit of the said petitioner, dated 27th March, 1906, having been read: It is ordered that the said Randeniye Kananagey Balahamy be and she is hereby declared entitled to have letters of administration to the estate of A. Don Siman, deceased, unless the respondents Abeynaikegey Heenhamy and Abeynaikegey Babahamy, both of Lalpe, shall, on or before the 26th day of June, 1906, show sufficient cause to the satisfaction of this court to the contrary.

T. R. E. LOFTUS,  
District Judge.

The 5th day of June, 1906.  
The above notice is extended for the 6th day of September, 1906.

T. R. E. LOFTUS,  
District Judge.

In the District Court of Chilaw.

*Order Nisi.*

Testamentary In the Matter of the Estate of the  
Jurisdiction. late Siyanna Kavenna Kader Aly  
No. 717. of Battulu-oya, deceased.

Patmapulle of Battulu-oya ..... Petitioner.

And

Siyanna Kavenna Rauter of Battulu-oya. Respondent.

THIS matter coming on for disposal before R. G. Saunders, Esq., District Judge, Chilaw, on the 18th July, 1906, in the presence of the petitioner Patmapulle of Battulu-oya; and after reading her petition and affidavit, dated 18th July, 1906, it is ordered that the petitioner Patmapulle be and she is hereby declared entitled to have letters of administration issued to her to the estate of the late Siyanna Kavenna Kader Aly of Battulu-oya, deceased, unless the respondent or any other person interested shall, on or before the 10th September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

R. G. SAUNDERS,  
District Judge.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,190. In the matter of the insolvency of  
Kaluwedewage Charles of Peliyagoda  
in the Ragam pattu of Alutkuru  
Korale South.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on the 27th day of September, 1906, for the grant of a certificate to the above-named insolvent.

By order of court,  
J. B. MISSE,  
Secretary.

Colombo, August 24, 1906.

In the District Court of Kalutara.

No. 116. In the matter of the insolvency of  
Gamaetige Don Erolis Appuhamy  
of Horawala.

NOTICE is hereby given that a certificate as of the 3rd class has this day been granted to the insolvent in the above matter.

By order of court,  
WM. DE SILVA,  
Secretary.

Kalutara, August 27, 1906.

In the District Court of Galle.

No. 361. In the matter of the insolvency of Saibo Dorey Abdul Rahim of Galupiyadda.

NOTICE is hereby given that the certificate meeting of the creditors of the above-named insolvent will take place at the sitting of this court on the 1st day of October, 1906.

By order of court.

D. M. JANSZ,  
Secretary.

Galle, August 24, 1906.

In the District Court of Ratnapura.

No. 41. In the matter of the insolvency of Hassana Markar Abdul Aziz of Ratnapura.

NOTICE is hereby given that the second sittings in the above matter has been postponed for September 12, 1906.

By order of court,  
L. DE SILVA,  
Secretary.

District Court,  
Ratnapura, August 28, 1906.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Colombo.

(1) Florence Cornelia Dias Bandaranayaka, (2) Mary Catherine Dias Bandaranayaka, both of Green street, Colombo ..... Plaintiffs.

No. 21,995. Vs.

(1) Dona Esther Seneviratne, (2) Don Alfred Seneviratne of Ketawalamulla, Dematagoda, Colombo ..... Defendants.

NOTICE is hereby given that on Monday, October 1, 1906, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiffs, and declared bound and executable and decreed to be sold by the decree entered in the above action, for the recovery of the sum of Rs. 6,970.73, with interest on Rs. 6,500 at 10 per cent. per annum from June 22, 1905, till March 23, 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 lot of land with the buildings standing thereon, situated at Temple road, Ketawalamulla in Dematagoda, within the Municipality of Colombo, and bearing assessment Nos. 31 and 31a marked letter B in the plan hereinafter referred to; and bounded on the north by the part marked A sold to Mr. E. S. W. Senathiraja, on the east by the property of H. Grigoris Appu, on the south by the property of W. Gabriel Perera, and on the west by the road; containing in extent 3 roods and 5.56 perches, according to the figure of survey thereof, dated July 27, 1893, made by S. C. P. Gunawardana, Surveyor, together with all rights, members, easements, advantages, and appertinances whatsoever to the said premises belonging or anywise appertaining or used or enjoyed therewith, and all the estate, right, title, interest, claim, and demand whatsoever of the first defendant.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, August 29, 1906.

In the Court of Requests of Colombo.

Atalage Don John of Kalubowila in the Palle pattu of Salpiti korale ..... Plaintiff.  
No. 33,184. Vs.

Rajapasse Patirenehelage Abraham Perera of Kirillapane in the Palle pattu of Salpiti korale ..... Defendant.

NOTICE is hereby given that on Saturday, September 29, 1906, will be sold by public auction at the respective premises the right, title, and interest of said the defendant in the following property, for the recovery of the sum of Rs. 52, with legal interest from October 11, 1905, till payment in full and costs, Rs. 19.75, viz. :—

At 11 A.M.

(1) An undivided  $\frac{1}{4}$  part of Timbirigahawatta and of the building standing thereon, situated at Kirillapane in the Palle pattu of Salpiti korale; the entire land is bounded on the north by Timbirigahawatta, on the east by Gorakagahawatta, on the south by Meegahawatta, and on the west by Timbirigahawatta; containing in extent  $1\frac{1}{2}$  acre more or less.

At 12.30 P.M.

(2) A portion of Meegahawatte, together with the buildings standing thereon, situated at Kalubowila in the Palle pattu of Salpiti korale; and bounded on the north by the land belonging to Abeyratne Mudaliyar, on the east by the land belonging to Karalis Silva, on the south by the road to Ratnapura, and on the west by a portion of this land; containing in extent 2 roods more or less.

Fiscal's Office, - E. ONDATJE,  
Colombo, August 29, 1906. Deputy Fiscal.

### Central Province.

In the District Court of Kandy.

Srivijaya Sundara Yapa Bandaralage Beddewela Ukku Banda of Ampitiya .... Plainti  
No. 17,318. Vs.

Kahagalle Ranamuke Mudianselagegedara Punchedi Banda Gurunanse of Pilimatalawa ..... Defendant.

NOTICE is hereby given that on September 22, 1906, at 12 o'clock noon, will be sold by public auction at the premises the following property



mortgaged upon bond No. 6,590, dated March 10, 1898, and decreed to be sold by the judgment entered in this case, namely:—

Iddawalagodewatta of two pelas and five lahas in paddy sowing extent, together with the tiled and thatched buildings and everything thereon; and bounded on the east by the ela, on the south by the high road, on the west by the ditch and fence, and on the north also by the ditch and fence, situate at Pilimalalawa in Medapalata of Yatinuwara.

Amount of writ, Rs. 714.65 and interest.

A. V. WOUTERSZ,  
Deputy Fiscal.

Fiscal's Office,  
Kandy, August 29, 1906.

#### North-Western Province.

In the District Court of Galle.

Don Cornelis Abeysekera of Galle, administrator of the estate of Kodagoda Gamage Kostan de Silva, deceased ..... Plaintiff.  
No. 5,994. Vs.

Manan Leineris de Silva Amarasekera and others ..... Defendants.

NOTICE is hereby given that on Saturday, September 22, 1906, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz:—

1. The entire soil and trees of lot A of the garden called Ronda Mudiyansegewatta, together with the buildings thereon, at Deminigoda in Ratgama.
2. The entire soil and trees of lot B of Ronda Mudiyansegewatta and the 15 cubits tiled house and other houses thereon, at ditto.
- 2 (a) The movables seized, namely (1) one jakwood almira with table, (2) six jakwood chairs, (3) four jakwood easy chairs, (4) two jakwood couches, (5) four jakwood tables, (6) three brass spittoons, and (7) two brass lamps.
3. Undivided 1/10 part exclusive of the planter's share of the plantation of Weliketiyewatta at Deminigoda in Ratgama.
4. Undivided 1/4 part of the soil and trees exclusive of the planter's share of the 2nd plantation of Halambage Watukebella at Deminigoda in Ratgama.
5. One-fourth of 1/2 of the planter's share of the cocoanut plantation and 3/8 of 1/2 of the planter's share of the cinnamon plantation of Mahadoowawatta at Deminigoda in Ratgama.
6. All the trees, soil, and plantations of the garden called Walagewatta *alias* Gederawatta, in extent 3 acres, at Ranapanadeniya.

Amount of writ, Rs. 1,553.40.

C. T. LEEBRUGGEN,  
Deputy Fiscal.

Fiscal's Office,  
Galle, August 29, 1906.

In the District Court of Galle.

Cassim Sultan Bawa of Galle Fort. .... Plaintiff.  
No. 8,185. Vs.

Unga Ganitage Enso of Dangedara. .... Defendant.

NOTICE is hereby given that on Saturday, September 22, 1906, at 12 o'clock noon, will be sold by public auction at the spot the following mortgaged property, viz:—

All that boutique marked No. 4,245 and presently marked No. 243, together with the allotment of land

on which it stands, and containing in extent one perch, situated at Green Market street of the Galle Bazaar.

Writ amount, Rs. 1,578, with interest on Rs. 1,483.75 at 9 per cent. per annum from July 6, 1906, and poundage.

C. T. LEEBRUGGEN,  
Deputy Fiscal.

Fiscal's Office,  
Galle, August 29, 1906.

#### North-Western Province.

In the District Court of Colombo.

John Carl Koehnan of Bambalapitiya in Colombo ..... Plaintiff.  
Nos. 23,300 C and Vs.  
23,304 C.

Gabriel Fernandez of the Grand Hotel, Kurunegala ..... Defendant.

NOTICE is hereby given that on Saturday, September 29, 1906, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz:—

The land called Talatuange estate situated in the villages Talatuange and Uthmalwatte in the Mula Galboda Megoda korale in Weudawili hatpattu in the District of Kurunegala, North-Western Province; bounded on the north by the chenas of Appulami and Menikrala; east by the chenas of Dingur Appunaidu and Punchirala and the village limit of Udakotuwa; on the south by the chenas of Appunaidu and others, Pillewa of Pincha, chenas of Ramnaidu and others, and the chena of Peduru Appu; and on the west by the chenas of Kiribaiya and Ganita. Talatuange tank, and the chena of Poula; containing in extent 41 acres with everything thereon.

Amount to be levied is Rs. 3,612.56, with interest and poundage.

C. V. KESSELA,  
for Fiscal.  
Fiscal's Office,  
Kurunegala, August 27, 1906.

In the District Court of Puttalam.

(1) Henry Creasy, (2) C. M. Brito, and (3) A. P. Sunderanayagam, all of Colombo, executors of the last will and testament of Dr. P. B. Brito ..... Plaintiffs.  
No. 1,843. Vs.

Agnes Paulina Amarasinghe of Puttalam, presently of Pallanchenai in Negombo District ..... Defendant.

NOTICE is hereby given that on Saturday, September 29, 1906, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz:—

An undivided one-third share of all that and those portion of land, estate, and premises called and known as Mawady Uchcham *alias* Tammasumavilla Walawuwatte, situated at Chenaikudierppu in the Puttalam pattu of the North-Western Province; bounded on the north by the land claimed by Abdul Assis Naina Marakar, east by the live fence and drain of land, also called and known as Mawady

Uchcham *alias* Taminnavillu Walawuwatte, south by the high road leading to Anuradhapura, and west by Udayarkulam and Udaichykulam; and containing in extent about 55 acres, excluding however from the said one-third share, two acres of land, one of which the defendant had conveyed to Joseph Ratnayaka and the other reserved by her to be gifted to the Puttalam Convent (Registered Chilaw F 5/264), and all the right, title, interest, and claim

whatsoever of the said defendant into, upon, or out of the said premises mortgaged by the defendant.  
Amount of the writ. Rs. 621.66.

J. ARTHUR DE SILVA,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Puttalam, August 27, 1906.

**B**Y virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Galle will be holden at the Court-house at Galle on Tuesday, September 25, 1906, at 10 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above-mentioned, and not to depart without leave asked and granted.

Fiscal's Office, C. T. LEEBRUGGEN,  
Galle, August 28 1906. for Fiscal.