



# Ceylon Government Gazette

Published by Authority.

No. 6,341 — FRIDAY, NOVEMBER 19, 1909.

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PART II.—Legal and Judicial.

PART III.—Provincial Administration.  
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### DRAFT ORDINANCES.

#### MINUTE.

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

**An Ordinance for Regulating the Procedure on Appeals from the Supreme Court of Ceylon to His Majesty in Council.**

Preamble.

**W**HEREAS it is expedient to make better provision for regulating the Procedure on Appeals from the Supreme Court of Ceylon to His Majesty in Council: 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 Appeals (Privy Council) Ordinance, 1909," and shall come into operation on such date as the Governor in Executive Council shall, by Proclamation in the *Government Gazette*, appoint.

Interpretation.

2 In this Ordinance and in the Rules in Schedule I. hereto, unless the context otherwise requires—

"Appeal" means Appeal to His Majesty in Council.

"His Majesty" includes His Majesty's heirs and successors.

"Judgment" includes decree, order, sentence, or decision.

“ Court.” means the Supreme Court of Ceylon consisting of either not less than three Judges, or of not less than two Judges, or of a single Judge, according as the matter in question is one which by virtue of the Ordinance or Ordinances constituting and regulating the Supreme Court or of any Rules made thereunder properly appertains to a Court of not less than three Judges, or to a Court of not less than two Judges, or of a single Judge.

“ Record ” means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence, and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal.

“ Registrar ” means the Registrar or other proper officer having the custody of the records in the Court appealed from.

Repeals.

3 The Ordinances specified in Schedule II. hereto are hereby repealed to the extent mentioned in that Schedule.

Rules for regulating Appeals from Supreme Court to Privy Council.

4 From and after the commencement of this Ordinance the right of parties to civil suits or actions in the Supreme Court to appeal to His Majesty in Council against the judgments and orders of such Court shall be subject to and regulated by—

- (a) The limitations and conditions prescribed by the Rules set out in Schedule I. hereto, or by such other Rules as may from time to time be made by His Majesty in Council; and
- (b) Such general Rules and Orders of Court as the Judges of the Supreme Court may from time to time make in exercise of any power conferred upon them by any enactment for the time being in force.

Power of Supreme Court to regulate procedure under Ordinance.

5 (1) The Judges of the Supreme Court or any three of them, of whom the Chief Justice or Acting Chief Justice shall be one, may from time to time make such general rules and orders of Court as to them shall seem meet for regulating the form and manner of proceeding, where not specially provided for by the Rules in Schedule I. hereto or by any Rules made by His Majesty in Council, to be observed in any proceedings before the Supreme Court under this Ordinance or under such Rules as aforesaid.

(2) In particular and without prejudice to the generality of the power conferred by the foregoing sub-section such Rules may—

- (a) Declare in any case where express provision in that behalf is not made by the Ordinances constituting and regulating the Supreme Court, whether the several matters and proceedings referred to in the Rules in Schedule I. hereto properly appertain to a Court of not less than three Judges, or to a Court of not less than two Judges, or to a single Judge;
- (b) Require the Appellant to deposit the amount required to defray the cost of translating, transcribing, indexing, and transmitting to His Majesty in Council a correct copy of the Record of the action and prescribe the time, which shall not exceed three months from the date of the hearing of the application for leave to appeal, within which such deposit shall be made;
- (c) Prescribe the fees to be paid to the Registrar of the Supreme Court for examining and certifying copies of the Record for transmission to the Registrar of the Privy Council.

Pending Appeals; where case has not been brought before Court in review.

6 (1) Where, at the commencement of this Ordinance, application has been made to the Supreme Court under section 780 of “ The Civil Procedure Code, 1889,” to have a judgment brought before the Court by way of review, but such judgment has not been brought up before the Court in review, or has been brought up in review and the judgment of the Court in review has not been pronounced, then the party desiring to

appeal shall, unless the Court shall have refused to grant the certificate referred to in section 781 of the said Civil Procedure Code, apply within thirty days from the commencement of this Ordinance for leave to appeal in accordance with Rule 2 of the Rules in Schedule I. hereto, and all further proceedings with regard to the Appeal shall be regulated by the said Rules.

(2) Where in any such case as aforesaid the party desiring to appeal has given security in pursuance of section 780 of the said Civil Procedure Code for the payment of the costs of the hearing in review, the Court, upon the application of the person by whom such security was given, shall order such security to be discharged or the amount thereof to be paid to him.

Pending Appeals; where case has been heard in review, but order allowing Appeal has not been made.

7 (1) Where, at the commencement of this Ordinance, judgment of the Court in review has been pronounced, but the periods limited by section 783 of the Civil Procedure Code for applying for leave to appeal and for giving the security and making the deposit required by that section have not expired, the party desiring to appeal may proceed in manner prescribed by the said section, and the Court, if it is satisfied that the Appellant has complied with the requirements of such section within the periods thereby prescribed, shall grant final leave to appeal, and such Appeal shall be subject in all respect to the Rules in Schedule I.

(2) Where, at the said date, the periods mentioned in sub-section (1) have expired and the Appellant has failed to comply with any of such requirements within the prescribed period, the Appeal shall be deemed to stand dismissed for non-prosecution without an express order of the Court:

Procedure with regard to Appeals which have been allowed under section 784 of the Civil Procedure Code.

8 The provisions of the Rules in Schedule I. hereto relating to Appellants who have obtained final leave to appeal shall be applicable to Appellants whose Appeals the Court, at the commencement of this Ordinance, shall have allowed in manner provided by section 784 of the said Civil Procedure Code.

#### SCHEDULE I.

##### Rules.

1. Subject to the provisions of these rules, an Appeal shall lie—

Amount in respect of which an Appeal lies as of right.

(a) As of right, from any final judgment of the Court, where the matter in dispute on the Appeal amounts to or is of the value of five thousand rupees or upwards, or where the Appeal involves directly or indirectly some claim or question to or respecting property or some civil right amounting to or of the value of five thousand rupees or upwards; and

Appeals at the discretion of the Court.

(b) At the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

Application for leave to appeal.

2. Application to the Court for leave to appeal shall be made by petition within thirty days from the date of the judgment to be appealed from, and the applicant shall give the opposite party notice of his intended application.

Security to be given by Appellant.

3. Leave to appeal under rule 1 shall only be granted by the Court in the first instance—

(a) Upon condition of the Appellant, within a period to be fixed by the Court but not exceeding three months from the date of the hearing of the application for leave to appeal, entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding three thousand rupees for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the respondent in the event of the Appellants not obtaining an order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay Respondent's costs of the Appeal (as the case may

Other conditions.	(b) Upon such other conditions (if any) as to the time or times within which the Appellant shall take the necessary steps for the purpose of procuring the preparation of the Record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.
Revocation of acceptance of security.	4. At any time before giving final leave to appeal the Court may, upon cause shown, revoke the acceptance of any such security and make further direction thereon.
Power to order further security.	5. If at any time after final leave to appeal is allowed, but before the transmission of the copy of the Record to His Majesty in Council, such security appears inadequate, the Court may order the Appellant to furnish within a specified time other and sufficient security.
Failure to comply with order.	6. If the Appellant fails to comply with such order, the proceedings shall be stayed, and the Appeal shall not proceed without an order in that behalf of His Majesty in Council, and in the meantime execution of the decree appealed against shall not be stayed.
Judgment to be executed on security being given for restitution.	7. Where the judgment appealed from requires the Appellant to pay money or perform a duty, the Court shall have power, when granting leave to appeal, to direct that the said judgment shall be carried into execution if the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such order as His Majesty in Council shall think fit to make thereon.
Court may stay execution on Appellant giving security.	8. Provided, nevertheless, that if the Appellant shall establish to the satisfaction of the Court that real and substantial justice requires that, pending such Appeal, execution should be stayed, the Court may order the execution of such judgment to be stayed if the Appellant shall give sufficient security for the due performance of such order as His Majesty in Council shall think fit to make thereon.
Security when not required in case of immovable property.	9. In any case where the subject of litigation shall consist of immovable property, and the judgment appealed from shall not change, affect, or relate to the actual occupation thereof, no security shall be demanded, either from the Respondent or Appellant, for the performance of the judgment to be pronounced or made upon such Appeal; but if such judgment shall change, affect, or relate to the occupation of any such property, then such security shall not be of greater amount than may be necessary to secure the restitution free from all damage or loss of such property or of the intermediate profit which, pending any such Appeal, may probably accrue from the intermediate occupation thereof.
Security in case of movable property.	10. In any case where the subject of litigation shall consist of money or other chattels, or of any personal debt or demand, the security to be demanded, either from the Respondent or Appellant, for the performance of the judgment to be pronounced or made upon such Appeal shall be either a bond to be entered into in the amount or value of such subject of litigation by one or more sufficient surety or sureties, or such security shall be given by way of mortgage or voluntary condemnation of or upon some immovable property situate and lying within this Island, and being of the full value of such subject of litigation over and above the amount of all mortgages and charges of whatever nature upon or affecting the same.
Preparation of Record subject to supervision of Court.	11. The preparation of the Record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.
Exclusion of documents from Record.	12. The Registrar, as well as the parties and their legal Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and generally to reduce the bulk of the Record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the Record.

- Objection to inclusion of any document.
13. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the Record as finally printed (whether in Ceylon or in England) shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.
- Printing of Record.
14. The Record shall be printed in accordance with the Rules set forth in the Appendix hereto. It may be so printed either in Ceylon or in England.
- Procedure when Record is printed in Ceylon.
15. Where the Record is printed in Ceylon, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council forty copies of such Record, one of which copies he shall certify to be correct by signing his name on or initialling every eighth page thereof, and by affixing thereto the Seal of the Court.
- Procedure when Record is to be printed in England.
16. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.
- Procedure where part of Record is printed in Ceylon and part is to be printed in England.
17. Where part of the Record is printed in Ceylon and part is to be printed in England, Rules 15 and 16 shall, as far as practicable, apply to such parts as are printed in Ceylon and such as are to be printed in England respectively.
- Reasons for judgment of Court to be dispatched.
18. The reasons given by the Judge, or any of the Judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises shall by such Judge or Judges be communicated in writing to the Registrar, and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.
- Consolidation of Appeals.
19. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the Appeals should be consolidated, the Court may direct the Appeals to be consolidated, and grant leave to appeal by a single Order.
- Withdrawal of Appeal before final leave to appeal is allowed.
20. An Appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his Appeal on such terms as to costs and otherwise as the Court may direct.
- Delay of Appellant in getting final leave to appeal.
21. Where an Appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such Order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the Respondent, rescind the order granting conditional leave to appeal, notwithstanding the Appellant's compliance with the conditions imposed by such Order, and may give such directions as to the costs of the Appeal and the security entered into by the Appellant as the Court shall think fit, or make such further or other order in the premises as, in the opinion of the Court, the justice of the case requires.
- Application for final leave to appeal.
22. On an application for final leave to appeal, the Court may inquire whether notice or sufficient notice of the application has been given by the Appellant to all parties concerned, and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.
- Prosecution of Appeal after final leave to appeal has been granted.
23. An Appellant who has obtained final leave to appeal shall prosecute his Appeal in accordance with the Rules for the time being regulating the general practice and procedure in Appeals to His Majesty in Council.
- Withdrawal of Appeal after final leave to appeal has been granted.
24. Where an Appellant, having obtained final leave to appeal, desires, prior to the dispatch of the Record to England, to withdraw his Appeal, the Court may, upon an application in that behalf made by the Appellant, grant him a certificate to the effect

that the Appeal has been withdrawn, and the Appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

Delay of Appellant in getting Record despatched to England.

25. Where an Appellant, having obtained final leave to appeal, fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the Record to England, the Respondent may, after giving the Appellant due notice of his intended application, apply to the Court for a certificate that the Appeal has not been effectually prosecuted by the Appellant, and if the Court sees fit to grant such a certificate, the Appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of His Majesty in Council, and the costs of the Appeal and the security entered into by the Appellant shall be dealt with in such manner as the Court may think fit to direct.

Death or change of status of a party to the Appeal before the dispatch of the Record to England.

26. Where at any time between the order granting final leave to appeal and the dispatch of the Record to England the Record becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the Record in place of, or in addition to, the party who has died, or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the Record as aforesaid without express Order of His Majesty in Council.

Death or change of status of a party to the Appeal after dispatch of the Record to England.

27. Where the Record subsequently to its dispatch to England becomes defective by reason of the death, or change of status, of a party to the Appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered on the Record in place of, or in addition to, the party who has died, or undergone a change of status.

Printing of Case.

28. The Case of each party to the Appeal may be printed either in Ceylon or in England, and shall, in either event, be printed in accordance with the Rules set forth in the Appendix hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the counsel who attends at the hearing of the Appeal, or by the party himself if he conducts his Appeal in person.

Further provisions.

29. The Case shall consist of paragraphs numbered consecutively, and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the Case of long extracts from the Record. The taxing officer, in taxing the costs of the Appeal, shall, either of his own motion or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

Taxation of costs.

30. Where the Judicial Committee directs a party to bear the costs of an Appeal incurred in Ceylon, such costs shall be taxed by the proper officer of the Court in accordance with the Rules for the time being regulating taxation in the Court.

Execution of judgment of His Majesty in Council.

31. Any Order which His Majesty in Council may think fit to make on an Appeal from a judgment of the Court may be enforced and executed in manner hereinafter appearing :—

Whoever desires to enforce or to obtain execution of any Order of His Majesty in Council shall apply by petition, accompanied by a certified copy of the decree or order made in appeal and sought to be enforced or executed, to the Court.

Such Court shall, when the court which made the first decree appealed from is the Supreme Court, enforce and execute such order in the manner and according to the rules applicable to the enforcement and execution of its original decrees; but when the court which made the first decree appealed from is a court other

than the Supreme Court, shall transmit the Order of His Majesty to the court which made such decree, or to such other court as His Majesty by his said Order may direct, and shall (upon the application of either party) give such directions as may be required for the enforcement or execution of the same; and the court to which the said Order is so transmitted shall enforce and execute it accordingly, in the manner and according to the rules applicable to the enforcement and execution of its original decrees.

Right to admit  
Appeal without  
reference to  
these Rules.

32. Nothing in these Rules contained shall be deemed to interfere with the right of His Majesty upon the humble Petition of any person aggrieved by any judgment of the Court, to admit his Appeal therefrom upon such conditions as His Majesty in Council shall think fit to impose.

*Appendix.*

1. Records and Cases in Appeals to His Majesty in Council shall be printed in the form known as demy quarto (*i.e.*, 54 ems in length and 42 in width).

2. The size of the paper used shall be such that the sheet when folded and trimmed will be 11 inches in height and 8½ inches in width.

3. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter, and notes.

4. The number of lines in each page of Pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

SCHEDULE II.

Ordinances Repealed.

No. and Year.	Short Title.	Extent of Repeal.
1 of 1889	.. "The Courts Ordinance, 1889"	Section 42 and sub-section (1) of section 53 as respectively amended by Ordinance No. 24 of 1901.
2 of 1889	.. "The Civil Procedure Code, 1889"	Chapter LXIII. (sections 779 to 789) as amended by Ordinance No. 23 of 1901, and chapter LXIV.

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, November 12, 1909.

HUGH CLIFFORD,  
Colonial Secretary.

*Statement of Objects and Reasons.*

THE object of this Ordinance is to introduce the Draft Colonial Appeal Rules, which have been approved by the Judicial Committee of the Privy Council. These Draft Colonial Appeal Rules were prepared to give effect to the views of the Colonial Conference, 1907; that the conditions which give the right of appeal to the Privy Council should be uniform in the case of all the Colonial subjects of His Majesty.

2. In many Colonies that Draft Colonial Appeal Rules will be introduced by means of an Order of His Majesty in Council. But in Ceylon, where the procedure on appeals to the Privy Council is regulated by Ordinance, it is considered desirable that the rules should be embodied in an Ordinance.

3. The Draft Ordinance repeals the existing enactments regulating procedure on appeals from the Supreme Court to the Privy Council; and enacts that such appeals shall be subject to the Colonial Appeal Rules, which, with some modifications, are appended in a schedule.

4. The most important changes in procedure which will be effected by the Ordinance are the following:—

- (a) The preliminary hearing in review by a Full Court of three Judges will be dispensed with; and the appeal will lie directly from the judgment of the Supreme Court.
- (b) No alteration is made in the class of judgments from which appeal is allowed as of right, but the Supreme Court is empowered to give special leave to appeal in other cases where the question involved "is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision."
- (c) Application for leave must be made within thirty days from the date of the judgment to be appealed from. In most Colonies twenty-one days is considered a fair time, but in view of the present procedure in that respect this period has been extended.
- (d) Special provision is made to prevent delay in applying for final leave to appeal to facilitate the withdrawal of appeals and to obviate delay in despatching the record to England.

Attorney-General's Chambers,  
Colombo, October 26, 1909.

ALFRED G. LASCELLES,  
Attorney-General.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi declaring Will proved.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Gamamedaliyanage Gabriel Philip Perera of Pamunugama in Ragam pattu of Alutkuru korale, deceased.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on November 1, 1909, in the presence of Mr. G. M. Silva, Proctor, on the part of the petitioner Jayakodi Arachchige Dona Thekala Hamine of Pamunugama aforesaid; and the affidavit (1) of the said petitioner dated October 26, 1909, and (2) of the five attesting witnesses dated October 8, 1909, having been read: It is ordered that the will of Gamamedaliyanage Gabriel Philip Perera deceased, dated April 1, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the said Jayakodi Arachchige Dona Thekala Hamine, is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless any person or persons interested shall, on or before November 25, 1909, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,  
District Judge.

November 1, 1909.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Emily Blanche Mackwood, wife of Frank Mitchell Mackwood of Peak View, Colombo, deceased.

Frank Mitchell Mackwood ..... Petitioner.

And

(1) Frank Edward Mackwood, (2) Alice Frances Mackwood, (3.) Mabel Blanche Mackwood, (4) Helen Beatrice Mitchell Mackwood, (5) John Charsley Mackwood, (6) George Gilbert Mackwood. Respondents.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on November 3, 1909, in the presence of Messrs. Julius and Creasy, Proctors, on the part of the petitioner above-named; and the affidavit of the said petitioner dated October 26, 1909, having been read: A certificate of death of the above-named deceased and a minute of consent to the appointment of the petitioner, as administrator without calling upon him to give security and without service of *Order Nisi* from the first four respondents, having been produced.

It is ordered that the said petitioner be and he is hereby declared entitled, as husband of the deceased above-named, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the 5th and 6th respondents above-named or any other person or persons interested shall, on or before November 25, 1909, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,  
District Judge.

November 3, 1909.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Mawla Cunjy Bawa of Siripina lane in Colombo.

Mohamado Lebbe Aisa Ummah of Siripina lane in Colombo..... Petitioner.

And

(1) Cunjy Bawa Mohamado Ibrahim, (2) Cunjy Bawa Mohamado Ismail, (3) Cunjy Bawa Abdul Hamido, (4) Cunjy Bawa Amina Ummah, and (5) Cunjy Bawa Nabeesa Ummah, all of Siripina lane in Colombo..... Respondents.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on November 2, 1909, in the presence of Mr. V. Ekanayaka, Proctor, on the part of the petitioner above-named; and the affidavit of the said petitioner dated October 29, 1909, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as the widow and an heir of the deceased above-named, to administer the estate of the said deceased and that letters of administration do issue to her accordingly, unless the respondents above-named or any other person or persons interested shall, on or before November 25, 1909, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,  
District Judge.

November 2, 1909.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Trust Disposition and Settlement and Codicil of Robert Hugh Wallace, late of 12, Holles street, Cavendish Square, London, deceased.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on November 11, 1909, in the presence of Mr. Sydney Alexander Julius, Proctor, on the part of the petitioner Ernest Reed Williams of Colombo; and the affidavit of the said petitioner dated November 3, 1909, and the power of attorney in favour of the said petitioner and Supreme Court order dated October 19, 1909, having been read: It is ordered that the trust disposition and settlement and codicils of the above-named Robert Hugh Wallace, deceased, all dated November 8, 1908, of which an extract has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Ernest Reed Williams is the attorney of the executors named in the said will, and that he is entitled to have letters of administration with copy of trust disposition and settlement and codicils annexed issued to him accordingly, unless any person or persons interested shall, on or before November 25, 1909, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,  
District Judge.

November 11, 1909.



In the District Court of Colombo.

*Order Nisi.*

Testamentary In the matter of the Last Will and Testament of David Edwards, late of 12, Freeland road, Ealing, England, deceased.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on November 11, 1909, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner Robert Farquhar Spottiswood Hardie of Colombo; and the affidavit of the said petitioner dated November 4, 1909, and the power of attorney in favour of the said petitioner and the Supreme Court order dated October 22, 1909, having been read:

It is ordered that the will of the above-named David Edwards, deceased, dated August 31, 1887, of which an extract has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Robert Farquhar Spottiswood Hardie is the attorney of the executrix named in the said will, and that he is entitled to have letters of administration with copy of the will annexed issued to him accordingly, unless any person or persons interested shall, on or before November 25, 1909, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,  
District Judge.  
November 11, 1909.

In the District Court of Colombo.

*Order Nisi declaring Will proved, &c.*

Testamentary In the Matter of the Last Will and Testament of the late Wanniachchige Leisa Hamy of Neelanmahara, in Palle pattu of Salpiti korale, deceased, widow of the late Merinnage Carolis de Costa.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on November 12, 1909, in the presence of Messrs. De Vos & Gratiaen, Proctors, on the part of the petitioners (1) Madapatage Don Simon and (2) Madapatage Don Salman, Police Headman, both of Neelanmahara aforesaid; and the affidavit (1) of the said petitioner dated July 15, 1909, and (2) of the attesting Notary dated November 1, 1909, having been read:

It is ordered that the will of the said Wanniachchige Leisa Hamy, deceased, dated April 12, 1908, of which the original has been produced and it now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said (1) Madapatage Don Simon and (2) Madapatage Don Salman, Police Headman, the executors named in the said will, and that they are entitled to have probate thereof issued to them accordingly, unless any person or persons interested shall, on or before December 2, 1909, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,  
District Judge.  
November 12, 1909.

In the District Court of Colombo.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testament of James Milligan of Tuticorin, in the District of Tinnevely, in South India, deceased.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on November 17, 1909, in the presence of Mr. E. G. Gratiaen, Proctor, on the part of the petitioner

William Arnold Speldewinde de Vos of Colombo; and (1) the affidavit of the said petitioner dated November 17, 1909, (2) the exemplification of the last will and testament of the above-named deceased, (3) the order of the Supreme Court dated November 16, 1909, conferring sole testamentary jurisdiction on this court, and (4) the power of attorney in favour of the petitioner dated November 1, 1909, having been read:

It is ordered that the will of James Milligan, deceased, dated November 15, 1905, of which an exemplification has been produced and now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said William Arnold Speldewinde de Vos is the attorney of Daniel Miller, one of the executors named in the said will, and that he is entitled to have letters of administration with will annexed in respect of the estate of the said James Milligan in Ceylon issued to him accordingly, unless any person interested shall, on or before November 25, 1909, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,  
District Judge.  
November 17, 1909.

In the District Court of Kalutara.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testament of Geekiyanage Dineris Silva of Talpita, deceased.

THIS matter coming on for disposal before A. C. G. Wijeyekoon, Esq., Acting District Judge of Kalutara, on November 10, 1909, in the presence of Mr. R. R. de Soya, Proctor, on the part of the petitioner Yonmerenne Simanhewage Rosina Silva of Talpita; and the affidavit of the said petitioner dated October 14, 1909, having been read: It is ordered that the last will and testament of Geekiyanage Dineris of Talpita, deceased, dated March 26, 1897, and now deposited in this court, be and the same is hereby declared proved, unless the respondents (1) Geekiyanage Helena Silva and her husband (2) Sandradure Arlis Silva, (3) Geekiyanage Mowlis Silva, (4) Geekiyanage Amiso Silva, (5) Geekiyanage Jameshamy Silva, (6) Geekiyanage Lean Silva, (7) Geekiyanage Joselyn Silva, all of Talpita—the 4th, 5th, 6th, and 7th minor respondents by their guardian *ad litem* Geekiyanage Mowlis Silva, the 3rd respondent, shall, on or before December 1, 1909, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Yonmerenne Simanhewage Rosina Silva of Talpita is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless the respondents above-named shall, on or before December 1, 1909, show cause to the satisfaction of this court to the contrary.

A. C. G. WIJEYEKOON,  
Acting District Judge.  
November 10, 1909.

In the District Court of Negombo.

*Order Nisi declaring Will proved, &c.*

In the Matter of the Last Will and Testament of Dissanayaka Talangama Appuhamilage Paulis Perera Samarasinghe Seneviratna Gurananse, deceased, of Asgiriwalpola.

THIS matter coming on for disposal before B. Constantine, Esq., District Judge of Negombo, on October 30, 1909, in the presence of Mr. Don William Samaratinga, Proctor, on the part of the petitioner, Dissanayaka Talangama Appuhamilage Simon Perera Samarasinghe Seneviratna Appuhamy of Asgiriwalpola; and the affidavit of the said petitioner dated October 28, 1909, having been read:

It is ordered that the last will and testament of Dissanayaka Talangama Appuhamillage Paulis Perera Samarasinghe Seneviratna Gurunanse dated September 4, 1909, be and the same is hereby declared proved.

October 30, 1909. B. CONSTANTINE,  
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the  
Jurisdiction. late Don Hendrick Perera Appu-  
No. 2,735. hamy, deceased, of Matale.

THIS matter coming on for disposal before Charles Ambrose LaBrooy, Esq., Acting District Judge of Kandy, on November 1, 1909, in the presence of Messrs. Jonklaas & Van Langenberg, Proctors, on the part of the petitioners (1) Louis Petronella Wikkaramasinghe, (2) Don William Wikkaramasinghe, Chief Clerk, Court of Requests, Kandy, both of Kandy; and the affidavit of Louis Petronella Wikkaramasinghe above-named, dated October 25, 1909, having been read:

It is ordered that the 1st petitioner Louis Petronella Wikkaramasinghe of Kandy, be and she is hereby declared entitled to letters of administration to the estate of Don Hendrick Perera Appuhamy of Matale, deceased, as an heir of the said deceased, unless (1) Elizabeth Cicilia Silva of Matale, (2) Robert Perera, P. R.'s clerk, Hambantota, (3) H. A. Perera, Fiscal's Office, Anuradhapura, (4) Alice Perera, (5) Alexander Perera, both of Matale, and (6) Rosey Kuruppu, (7) A. B. Kuruppu, (8) Percy Perera, all of Nawalapitiya, shall, on or before November 25, 1909, show sufficient cause to the satisfaction of this court to the contrary.

November 1, 1909. C. A. LABROOY,  
Acting District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Rebecca, widow of Vythy Muttiah  
No. 2,220. of Nallore, deceased.

Vythy Ponniah of Nallore ..... Petitioner;  
Elizabeth Rasammah, widow of Santhia-  
pillai of Nallore, now of Kotahena,  
Colombo ..... Respondent.

THIS matter of the petition of Vythy Ponniah of Nallore, praying for letters of administration to the estate of the above-named deceased, Rebecca, widow of Vythy Muttiah, coming on for disposal before R. N. Thaine, Esq., District Judge, on October 14, 1909, in the presence of Messrs. Tambiah S. Cooke and P. S. J. Chrysostom, Proctors, on the part of the petitioner; and affidavit of the petitioner dated October 13, 1909, having been read: It is declared that the petitioner is the brother 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 November 30, 1909, show sufficient cause to the satisfaction of this court to the contrary.

October 14, 1909. R. N. THAINE,  
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of Heena-  
Jurisdiction. tigala Badalge Arnolis Hamy  
No. 3,812. Baas, deceased, of Kumbalwella.

THIS matter coming on for disposal before W. E. Thorpe, Esq., District Judge, Galle, on October 29, 1909, in the presence of Mr. D. G. Goonewardena, Proctor, on the part of the petitioner

Heenatigala Badalge Tedoris Hamy; and the affidavit of the petitioner dated October 29, 1909, having been read: It is ordered and declared that the said Heenatigala Badalge Tedoris Hamy is a son of the deceased, and that he is as such entitled to have letters of administration issued to him accordingly, unless the respondents (1) Heenatigala Badalge Seadoris Hamy of Colombo, (2) Heenatigala Badalge Lairis Hamy of Matara, (3) Heenatigala Badalge Wilisinda Hamy, wife of (4) Delphe Chitracharige Arnolis Hamy, (5) Heenatigala Badalge Cicilihamy, wife of (6) Alutwala Acharige Teberis Hamy, all of Kumbalwella in Galle, shall, on or before December 2, 1909, show sufficient cause to the satisfaction of this court to the contrary.

October 29, 1909. W. E. THORPE,  
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of Don  
Jurisdiction. Andris alias Arnolis Jayawardana,  
No. 3,908. deceased, of Ganegoda.

THIS matter coming on for disposal before W. E. Thorpe, Esq., District Judge, Galle, on October 11, 1909, in the presence of Mr. Jayasundere on the part of the petitioner and Godawatte Lianage Hinni Hamine of Ganegoda; and the affidavit of the petitioner dated October 7, 1909, having been read:

It is ordered that the 5th respondent be appointed guardian *ad litem* over the 3rd and 4th respondents, unless the respondents shall, on or before November 11, 1909, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered and declared that the said Godawatte Lianage Hamine, mother of the deceased, is the executrix named in the said will, and that she is as such entitled to have letters of administration issued to her accordingly, unless the respondents (1) Jayawardana Bilinduhamy, (2) Kendarwala Patiranage Carolis Wickramasena, both of Hittetia, Matara, (3) Jayawardana Punchihamy, (4) Jayawardana Jane Nona, (5) Don Mathes Jayawardana, all of Ganegoda, shall, on or before November 11, 1909, show sufficient cause to the satisfaction of this court to the contrary.

October 11, 1909. W. E. THORPE,  
District Judge.

Extended to December 6, 1909.

By order,  
V. R. MOLDRICH,  
Secretary.

In the District Court of Galle.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of Don  
Jurisdiction. Juwanis Jayawardana, deceased,  
No. 3,909. of Ganegoda.

THIS matter coming on for disposal before W. E. Thorpe, Esq., District Judge, Galle, on October 11, 1909, in the presence of Mr. A. D. Jayasundere, Proctor, on the part of the petitioner Godawatte Lianage Hinni Hamine; and the affidavit of the petitioner dated September 28, 1909, having been read:

It is ordered that the will of Don Juwanis Jayawardana, deceased, dated May 28, 1909, be and the same is hereby declared proved, unless the respondents shall, on or before November 11, 1909, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Godawatte Lianage Hinni Hamine is the widow of the deceased,

and that she is as such entitled to have letters of administration with copy of will annexed be issued to her accordingly, unless the respondents shall, on or before November 11, 1909, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 5th respondent be appointed guardian *ad litem* over the 3rd and 4th respondents, unless the respondents (1) Jayawardena Bilinduhamine, wife of (2) Kendewala Patiranege Carolis Wickramasena, both of Hittetia, Matara, (3) Jayawardena Punchihamine, (4) Jayawardena Jane Nona, (5) Don Mathes Jayawardena, all of Ganegoda, shall, on or before November 11, 1909, show sufficient cause to the contrary.

October 11, 1909. W. E. THORPE,  
District Judge.

Extended to December 6, 1909.

By order,  
V. R. MOLDRICH,  
Secretary.

In the District Court of Galle.

*Order Nisi declaring Will proved, &c.*

Testamentary In the Matter of the Last Will and  
Jurisdiction. Testament of Nanayakkara Wasan  
No. 3,911. Pallege *alias* Endera Arachchige  
Don Davith Goonawardana Gar-  
diye Arachchy, deceased, of Wata-  
raka.

THIS matter coming on for disposal before W. E. Thorpe, Esq., District Judge of Galle, on October 25, 1909, in the presence of Mr. A. D. Jayasundere on the part of the petitioners Nanayakkara Wissan Pallege *alias* Endera Arachchige Girigoris de Silva of Unawatuna and Nanayakkara Wissan Pallege *alias* Endera Arachchige Francis de Silva; and the affidavit of the petitioners dated October 23, 1909, and the affidavit of C. D. S. Wijesekera, Notary, A. C. de Lanarolle, and G. Amarasingha, dated October 23, 1909, having been read:

It is ordered that the will of Nanayakkara Wissan Pallege *alias* Endera Arachchige Girigoris de Silva (2) Nanayakkara Wissan Pallege *alias* Endera Arachchige Francis de Silva are the executors named in the said will and that they are as such entitled to have probate of the same issued to them accordingly.

October 25, 1909. W. E. THORPE,  
District Judge.

In the District Court of Chilaw.

Testamentary In the Matter of the Last Will and  
Jurisdiction. Testament of Warnacula Aditta  
No. 823. Arse Nile Itta Valentinu de Mel of  
Marawila, deceased.

Warnacula Aditta Arse Nile Itta Miche-  
lia de Mel of Marawila. . . . . Petitioner.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge, Chilaw, on November 16, 1909, in the presence of Mr. G. V. E. Perera, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 16, 1909, having been read: It is ordered that the will of Warnacula Aditta Arse Nile Itta Valentinu de Mel, deceased, dated October 3, 1909, and now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said petitioner is the executor named in the will, and that she is entitled to have probate of the same issued to her accordingly.

It is further ordered that Marsel de Mel of Marawila, uncle of the minor Lucy de Mel, be and he is hereby appointed guardian *ad litem*, unless any person interested shall, on or before December 6, 1909, show sufficient cause to the contrary to the satisfaction of this court.

November 16, 1909. T. W. ROBERTS,  
District Judge.

In the District Court of Ratnapura.

*Order Nisi.*

Testamentary In the Matter of the Intestate  
Jurisdiction. Estate of Singapulige Don Cor-  
No. 578. nelis Appuhamy of Boltumbe,  
deceased.

Singapulige Don Sinno Appuhamy of  
Boltumbe . . . . . Petitioner.

And

Singapulige Subalishamy of Boltumbe. . . . . Respondent.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Ratnapura, on October 10, 1909, in the presence of Mr. R. Nalliah Asirvatham, Proctor, on the part of the petitioner above-named; and the affidavit of the said petitioner dated September 2, 1909, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a nephew of the deceased above-named, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondent above-named or any other person interested shall, on or before October 13, 1909, show sufficient cause to the satisfaction of this court to the contrary.

W. H. B. CARBERY,  
District Judge.

The date for showing cause is extended to Novem-  
ber 24, 1909.

W. H. B. CARBERY,  
District Judge.

October 10, 1909.

In the District Court of Ratnapura.

*Order Nisi.*

No. 580. In the Matter of the Intestate Estate  
of Samarakoon Liyanage Dingiri-  
mahatmaya of Embilipitiya.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Ratnapura, on November 4, 1909, in the presence of Mr. N. Asiriwadam, on the part of the petitioner E. M. de Costa, Secretary of the District Court of Ratnapura, and the affidavit of E. M. de Costa, Secretary of the District Court of Ratnapura, dated November 2, 1909, having been read:

It is ordered that, that the petitioner E. M. de Costa, Secretary of the District Court of Ratnapura, be and he is hereby declared entitled to have letters of administration issued to him to the intestate estate of the deceased Samarakoon Liyanage Dingirimahatmaya of Embilipitiya, unless sufficient cause be shown to the contrary on December 1, 1909, by the respondents (1) Samaraton Weeraton Arachchige Punchihamine *alias* Sawu Haminey of Udugalmote, Giruwa Pattu West for herself and as guardian *ad litem* of the 2nd respondent Samarakoon Liyanage Podihaminey.

W. H. B. CARBERY,  
District Judge.

Ratnapura, November 4, 1909.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,361. In the matter of the insolvency of Meepagalage Johannes Perera of No. 246, Alutmawata, Colombo.

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 December 16, 1909, for the grant of a certificate of conformity to the insolvent.

By order of court,  
D. M. JANSZ,  
Secretary.

Colombo, November 12, 1909.

In the District Court of Colombo.

No. 2,375. In the matter of the insolvency of Ana Kawenna Khasa Mohideen of Siripina's lane in Wolfendahl street, Colombo.

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 December 2, 1909, for the grant of a certificate of conformity to the insolvent.

By order of court,  
D. M. JANSZ,  
Secretary.

Colombo, November 11, 1909.

In the District Court of Colombo.

No. 2,381. In the matter of the insolvency of D. S. Samerawickrema of Mattumagala, in the Adikari pattu of Alutkuru korale.

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 December 16, 1909, for the grant of a certificate of conformity to the insolvent.

By order of court,  
D. M. JANSZ,  
Secretary.

Colombo, November 16, 1909.

In the District Court of Colombo.

No. 2,385. In the matter of the insolvency of Bammana Arachchige Don Peiris of Bambalapitiya in Colombo.

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 December 16, 1909, for the grant of a certificate of conformity to the insolvent.

By order of court,  
D. M. JANSZ,  
Secretary.

Colombo, November 11, 1909.

In the District Court of Kalutara.

No. 132. In the matter of the insolvency of Albert C. Weerasinghe of Panadure.

NOTICE is hereby given that the sitting of this court in the above matter is adjourned to November 19, 1909, for examination of insolvent.

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

Kalutara, November 11, 1909.

In the District Court of Kalutara.

No. 134. In the matter of the insolvency of Johannes Rodrigo of Panadure.

WHEREAS Johannes Rodrigo of Panadure has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853, and it appears that he has been in actual custody within the walls of a prison for debt for more than 21 days.

Notice is hereby given that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on November 26, 1909, and January 14, 1910, will take place for the 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,  
WM. DE SILVA,  
Secretary.

Kalutara, November 13, 1909.

In the District Court of Nuwara Eliya, holden at Hatton.

No. 1,566. In the matter of insolvency of Suwana Sana Sandanam, Head Kangany of Kirkoswald estate, Bogawantalawa.

NOTICE is hereby given that the second sitting of this court in the above matter is fixed for December 8, 1909.

By order of court,  
O. S. MAHAMADU,  
Secretary.

November 12, 1909.

In the District Court of Galle.

No. 394. In the matter of the insolvency of Miskin Bawa Mohamadu Cassim of Galupiyadda.

NOTICE is hereby given that the certificate meeting of the above-named insolvent will take place at the sitting of this court on December 6, 1909.

By order of court,  
V. R. MOLDRICH,  
Secretary.

Galle, November 11, 1909.

In the District Court of Badulla.

No. 100. In the matter of the insolvency of Ena Cader Saibo of Kohilekandura in Badulla.

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 December 8, 1909, for the grant of a certificate of conformity to the insolvent.

By order of court,  
THOS. HARDING,  
Secretary.

Badulla, November 16, 1909.

## NOTICES OF FISCALS' SALES.

## Western Province.

In the Court of Request of Colombo.

K. S. S. A. L. Alagappa Chetty of Sea street, Colombo ..... Plaintiff.  
No. 15,928. Vs.

(1) O. L. Mahamed and (2) S. E. Mohamado Casseem, both of Maradana, Colombo ..... Defendants.

NOTICE is hereby given that on Thursday, December 16, 1909, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property, for the recovery of the sum of Rs. 250, with legal interest thereon from September 3, 1909, till payment in full and costs of suit, Rs. 31.75 viz. :—

The premises bearing assessment Nos. 17 and 18, situated at 2nd division, Maradana, within the Municipality of Colombo; bounded on the east by 2nd division, Maradana road, on the south by premises No. 18, belonging to Seeni Kader, on the west by the property belonging to Ana Seena Seeni Cader, and on the north by premises Nos. 15 and 16, belonging to Ponnachi Umma; containing in extent 30 perches more or less.

E. ONDATEJ,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, November 17, 1909.

In the District Court of Colombo.

X. R. M. I. T. Letchimanen Chetty of Sea street, Colombo ..... Plaintiff.  
No. 27,940. Vs.

(1) O. L. M. Slama Lebbe of No. 14, Skinner's Road South, Colombo, (2) Payna Reena Mayna Kana Rdna Letchimanen Chetty of Sea street, Colombo ..... Defendants.

NOTICE is hereby given that on Monday, December 20, 1909, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 2,950, with interest on Rs. 2,000 at 9 per cent. per annum from November 16, 1908, till payment in full and costs of suit, viz. :—

The indenture of the lease No. 6,028 made on April 26, 1909, and attested by M. P. Samarasinghe of Colombo, Notary Public, for and during a term or period of three years, commencing from May 1, 1909, effecting the following properties, viz. :—

1. All those two allotments of high land and low land in one annexed property called Dawatagahawatta, bearing present assessment No. 1, situated and lying at New Bazaar in Hulftsdorp, now known as Prince's Gate, within the Municipality of Colombo; bounded on the north by the property of Peiris Gunatilleka, on the east by the Skinner's Road South, on the south by the Prince's Gate, thirty feet wide, and west by the property of T. Perera Weerasekera; containing in extent 1 acre.

2. All that and those the land, house, buildings, and premises situated at New Bazaar, now known as Vincent street, within the Municipality of Colombo,

at present bearing assessment No. 1a, and comprising the following allotments which adjoin each other and forms one property :—

(a) All that defined allotment of land, premises known as Dawalagahakumbura, situated at New Bazaar aforesaid; which said defined allotment is bounded on the north and west by the low ground of R. L. P. Gunetilleke, on the east by the low ground of O. L. Usuff, and on the south by the low ground of the said D. D. Aron Perera; containing in extent 22 perches as per plan dated December 18, 1894; and (b) all that defined allotment of land from the said premises known as Dawalagahakumbura, situated at New Bazaar aforesaid; which defined allotment is bounded on the north and west by the low ground of R. L. Peiris, on the east by the low ground of O. L. Usuff, and on the south by the low ground of the said lessor D. D. Aron Perera; containing in extent 20 perches together with all and singular, the rights, privileges, easements, servitudes, and appurtenances whatsoever to the said premises belonging or used or enjoyed therewith, or reputed or known as part and parcel thereof, and all the estate, right, title, interest, claim, and demand whatsoever of the lessor into, out of, or upon the same.

E. ONDATEJ,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, November 17, 1909.

In the District Court of Colombo.

Manaduwa Mulacharigey Don Lewis Silva of Pettah in Colombo ..... Plaintiff.  
No. 28,727. Vs.

(1) Joseph de Silva, (2) Jane Alice Leelawati Ekanayake Goonesinhe, both of Nedimale, in the Palle pattu of Salpiti korale ..... Defendants.

NOTICE is hereby given that on Friday, December 17, 1909, at 3.30 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, for the recovery of the sum of Rs. 385, together with interest on Rs. 350 at the rate of 30 per cent. per annum from April 2, 1909, to April 28, 1909, and thereafter at 9 per cent. per annum till payment in full and cost of suit, viz. :—

An undivided  $\frac{1}{2}$  share of the land called Ranawaragahawatta *alias* pillewa and Ambaligahawatta inclusive of Madangahawatta and Moragahawatta with the building now used as one property, situated at Pallidora in the Palle pattu of Salpiti korale; and bounded on the north by the wall separating the property from a portion of Madangahawatta belonging to Egodage Esana Perera, the wall separating this property from a portion of Ranawaragahawatta and the high road, east by the live fence separating the property of David Perera Rupasingha and Ambagahakumbura belonging to Savial and others, south by the live fence which separate this property from the field of John George Dias Appuhamy, and west by the wall separating this property from the remaining portion of Madangahawatta belonging to Kuruvitage Davith Singho Appuhamy and from a portion of Ranawaragahawatta; containing in extent 1 acre 3 roods and 35 $\frac{1}{2}$  perches.

E. ONDATEJ,  
Deputy Fiscal.  
Fiscal's Office,  
Colombo, November 17, 1909.

## In the District Court of Colombo.

I. L. Marikar Hadjar of Dam street,  
Colombo ..... Plaintiff.

No. 28,750. Vs.

Bawa Lebbe Ahamado Lebbe of  
Kahataowita, presently of Pettah,  
Colombo, administrator of the estate  
of Bawa Lebbe Mohamado Usoof,  
deceased ..... Defendant.

NOTICE is hereby given that on Saturday,  
December 18, 1909, will be sold by public  
auction at the respective premises the right, title,  
and interest of the said defendant in the following  
property for the recovery of the sum of Rs. 3,150,  
with interest thereon at 9 per cent. per annum from  
April 2, 1909, till payment in full, viz. :—

At 1 P.M.

1. The land called Gorakagahawatta, situated at  
Walbotale in the Udugaha pattu of Hapitigam  
korale; and bounded on the north by the live fence of  
the land belonging to Bawa Lebbe Ahamado Lebbe and  
others, on the east by the land belonging to heirs of  
Galahitirallage Appusingho, on the south by the land  
belonging to Jagonis Perera, and on the west by the  
road leading to Walbotale Keenadeniya; containing  
in extent 1 acre and 2 roods excluding the thatched  
boutique and the tiled boutique with the ground  
appertaining thereto.

At 1.30 P.M.

2. An undivided  $\frac{1}{2}$  part of the tiled boutique and  
of the ground on which it stands, lying in the garden  
called Gorakagahawatta, situated at Walbotale afore-  
said; and bounded on the north by the wall of the  
boutique belonging to Smail Lebbe Ahamado Lebbe  
and others, on the east by the cart road leading from  
Walbotale to Keenadeniya, on the south and west by  
the cart road leading from Pasyala to Giriulla; contain-  
ing in extent about 30 perches.

At 2 P.M.

3. An undivided  $\frac{1}{2}$  part of the field called Pura-  
kumbura, situated at Walbotale aforesaid; and  
bounded on the north by the bund and the land  
belonging to the estate of Ungappuhamy, on the east  
by the land belonging to Davith Appuhamy and  
others, on the south by the live fence of the land  
belonging to Suai Lebbe Ahamado Lebbe and others,  
and on the west by the liminary dam of the field  
belonging of Jagonis Perera and others; containing  
in extent 12 bushels of paddy sowing excluding the  
cart road leading from Pasyala to Giriulla.

At 2.30 P.M.

4. An undivided  $\frac{1}{2}$  part of Ketakelagahawatta,  
situated at Walbotale aforesaid; and bounded on the  
north by the land of temple and the land belonging  
to others, on the east by the land belonging to the  
heirs of the late Punchirala and Nekatigewatta, on  
the south by the live fence of the land belonging to  
Thelenis, Police Vidane, and others, and on the west  
by the live fence of the land belonging to Muna Abdul  
Rahiman; containing in extent  $1\frac{1}{2}$  acres more or less  
excluding the cart road leading from Walbotale to  
Keenadeniya.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, November 17, 1909.

## In the District Court of Colombo.

Percival Robert Loos of Havelock Town,  
Colombo ..... Plaintiff.

No. 29,661. Vs.

(1) Kadija Umma and (2) Tamby Saiboo  
Mohamado Cassim, both of Peer  
Saibo's lane, but now of Dematagoda,  
Colombo ..... Defendants.

NOTICE is hereby given that on Wednesday,  
December 15, 1909, at 3 o'clock in the after-  
noon, will be sold by public auction at the premises  
the following property ordered to be sold by the order  
of court dated November 15, 1909, for the recovery  
of the sum of Rs. 1,635, with interest thereon at the  
rate of 9 per cent. per annum from September 8,  
1909, till payment in full and costs, viz. :—

All that part of a garden called Ambagahawatta  
with the buildings standing thereon bearing assess-  
ment No. 236A, situated at Dematagoda in Maradana,  
Ward No. 7, within the Municipality of Colombo;  
bounded on the north by the garden of Assy Natchia,  
now by a passage adjoining the Government reserva-  
tion along the railway to Avisawella, on the east by  
the garden of Sekadoo Marikar Uduma Lebbe  
Marikar, now the property of S. R. Mohamado Hadjie,  
on the south by the garden of Mettachy and Saiboo  
Dorey Tey Marikar, now the property of Shaik  
Mohamado, and on the west by the garden of Meera  
Lebbe Ismail Lebbe Madar Lebbe, and now the  
property of Agonis Perera; containing in extent  
4 and  $\frac{51}{100}$  square perches.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, November 18, 1909.

## In the District Court of Negombo.

Gamameddaliyanage Juse Perera Appu-  
hamy of Pamunugama ..... Plaintiff.

No. 7,677. Vs.

Mahapatabendige Juse Perera of Tudella, Defendant.

NOTICE is hereby given that on December 11,  
1909, commencing at 10 o'clock in the forenoon  
will be sold by public auction at the premises the  
following property mortgaged by bond No. 3,521,  
dated January 4, 1899, and No. 4,247 dated January  
17, 1905, and declared liable to be sold by the decree  
entered in the above case, viz. :—

(1) The eastern portion of the garden called  
Navasigahawatta, situate at Tudella in the Ragam  
pattu of Alutkuru korale; and bounded on the north  
by the limits or boundaries of lands belonging to  
Bastian Fernando and Mahapatabendige Juse Perera,  
on the east by the limit or boundary of the land of  
Mahapatabendige Juse Perera, on the south by the  
limit or boundary of the land of Kariyakarawana-  
patabendige Pedro Perera, and on the west by the  
limit or boundary of the garden belonging to Maha-  
malahettiarachchige Pedro Perera and others; con-  
taining in extent about 1 acre.

(2) The  $\frac{1}{2}$  share of the garden called Gorakagaha-  
watta alias owita, situate at ditto, together with the  
tiled house standing thereon; and bounded on the  
north by the fence of the half share of this land  
belonging to Kariyakarawanapatabendige Silvestiri  
Perera and others, on the east by the land belonging  
to Poruthottage Marsal Perera and others, on the  
south by the portion of this land belonging to Kariya-  
karawanapatabendige Silvestiri Perera and others,  
and on the west by lands belonging to Visidagamage  
Paulu Alvis and others; containing in extent about  
3 roods and  $\frac{1172}{100}$  perches.

Amount to be levied Rs. 2,552'31 with interest on Rs. 2,414'81 at 9 per cent. per annum from July 23, 1909, till payment in full.

FRED. G. HEPPONSTALL,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Negombo, November 16, 1909.

#### Central Province.

In the District Court of Kandy.

Kuna Pana Rawanna Mana Ramen Chetty of India represented in Ceylon by his Attorney Rawanna Mana Supramanian Chetty, No. 20, Brownrigg street, Kandy ..... Plaintiff.

E. M. Shattock ..... Substituted plaintiff.  
No. 17,795. Vs.

S. de Pless Pol of Haramby House in Victoria Drive, Kandy ..... Defendant.

NOTICE is hereby given that on December 18, 1909, commencing at 3 P.M., will be sold by public auction at Haramby House, Kandy, the following property belonging to the said defendant, viz. :—

1 bundle mattress, 2 mirror frames, 1 broken mirror, 1 box containing twelve pieces glass, 15 pieces gas pipes, 15 rattan boxes, 1 digging fork, 1 tub, 2 mammotties, 2 scythes, 1 rake, 3 window frames, 4 pieces carpets, 1 bundle mattress, 4 bentwood chairs, 2 small chairs, 10 plate flowerpots, 1 door curtain, 2 tin boxes, 2 wire mattresses, 1 chamber set, 1 lot tubes, 1 table, 1 box crockery, 1 ice box, 22 small writing tables, 1 wardrobe with mirror, 1 long plank, 15 plate flower pots, 17 bentwood chairs, 1 table with mirror, 1 wardrobe with mirror, 1 large table, 1 shelf, 1 aimirah, 5 shelves, 6 ward robes with mirrors, 8 tables with mirrors, 1 wardrobe with mirror, 1 table with mirror, 1 wardrobe with mirror, 2 benches, 24 nedun wood chairs, 1 table with mirror, 1 wardrobe with mirror, 1 table with mirror, 1 wardrobe with mirror, 2 barrels, kitchen utensils, 3 tables, 1 roll wire, 4 billiard room settees, and 2 iron gates.

Amount of writ, Rs. 2,189'72 and interest thereon.

A. V. WOUTERSZ,  
Deputy Fiscal.

Fiscal's Office,  
Kandy, November 17, 1809.

In the District Court of Kandy.

Missions Handlings Gassel Chalt, Switzerland ..... Plaintiff.

No. 17,945. Vs.

S. de Pless Pol of Kandy ..... Defendant.

In the District Court of Kandy.

Thomas Walker Palmer, Robert Henry Alderman and others, carrying on business under the name and style of T. W. Palmer & Company ..... Plaintiffs.

No. 17,794. Vs.

S. de Pless Pol of Kandy ..... Defendant.

In the District Court of Kandy.

Clerk Pumett & Company, New Cross road, London ..... Plaintiffs.

No. 17,852. Vs.

S. de Pless Pol of Kandy ..... Defendant.

NOTICE is hereby given that on December 18, 1909, commencing at 3 P.M., will be sold by

public auction at Haramby House, at Kandy, the property of the said defendant, viz. :—

One bundle mattress, 2 mirror frames, 1 broken mirror, 1 box containing 12 pieces of glass, 15 pieces gas pipes, 15 rattan boxes, 1 digging fork, 1 tub, 2 mammotties, 2 scythes, 1 rake, 3 panes window, 4 pieces carpets, 1 bundle mattress, 4 bentwood chairs, 2 small chairs, 10 plate flower pots, 1 door curtain, 2 tin boxes, 2 wire mattresses, 1 chamber set, 1 lot tubes, 1 table, 1 box crockery, 1 ice box, 22 small writing tables, 1 wardrobe with mirror, 1 long plank, 15 plate flowerpots, 17 bentwood chairs, 1 table with mirror, 1 wardrobe with mirror, 1 large table, 1 shelf, 1 almirah, 5 shelves, 6 wardrobes with mirrors, 8 tables with mirrors, 1 wardrobe with mirror, 1 table with mirror, 1 wardrobe with mirror, 2 benches, 24 nedun chairs, 1 table with mirror, 1 wardrobe with mirror, 1 table with mirror, 1 wardrobe with mirror, 2 barrels, kitchen utensils, three tables, 1 roll wire, 4 billiard room settees, and 4 iron gates.

Amount of writ, No. 17,945; Rs. 687'44 and interest.

Amount of writ, No. 17,794, Rs. 2,616'14 and interest.

Amount of writ, No. 17,852, Rs. 3,275'44 and interest.

A. V. WOUTERSZ,  
Deputy Fiscal.

Fiscal's Office,  
Kandy, November 16, 1909.

#### Northern Province.

In the District Court of Jaffna.

A. Arumukam Sithamparappillai of Pulo West, administrator of the estate of the late Sivapakkiam, daughter of Thiagarasapillai of Alvay North ..... Plaintiff.

No. 5,804. Vs.

Saravanamuttu Thiagarasapillai of Alvay North ..... Defendant.

NOTICE is hereby given that on Tuesday, December 14, 1909, at 10 o'clock in the forenoon, will be sold by public auction at the spot the following property, hypothecated to the plaintiff and decreed to be sold by decree entered in the above action for the recovery of Rs. 468'62, with interest thereon at the rate of 9 per cent. per annum from September 21, 1906, until payment in full, and costs of suit being Rs. 155'27, and charges, viz. :—

(1) A divided extent of 5½ lachams of varagu culture, with its appurtenances which includes 7/24 share of the well standing on the western side of a piece of land situated at Mappanakurichy in Alvay, called Kinattampartheny, containing or reputed to contain in extent 77½ lachams of varagu culture. The said 5½ lachams of varagu culture with its appurtenances is bounded or reputed to be bounded on the east by the property of Murukar and others, north by the Sea-beach road, west by the property of Thiagarajapillai and others, and on the south by lane.

(2) An undivided ¼ share of a piece of land situated at Alvay Mappanakurichy, called Kinattampartheny, containing or reputed to contain in extent 10 lachams of varagu culture, with its appurtenances; bounded or reputed to be bounded on the east by lane and by the property of Thiakarapillai and others, north by Charity Inn and artificial tank, west by the property of Sinnathankam and others, and on the south by the property of Chelliah and others.



(3) An undivided 223/4,320 share of the ground and of an old well and other appurtenances of a piece of land situated at Alvay Pettaiyarkurichy, called Puchchiantheny, containing or reputed to contain in extent 66½ lachams of varagu culture, with its appurtenances; bounded or reputed to be bounded on the east by the property of Kathirkamar and others, north by road, west by the property of Ampalavanar and others, and on the south by the property of Sathasivam and others.

V. THAMBIPILLAI,  
Deputy Fiscal.

Fiscal's Office,  
Jaffna, November 15, 1909.

In the District Court of Jaffna.

A. Arumukam Sithamparappillai of Puloly West, administrator of the estate of the late Sivapakkiam, daughter of Thiagarasapillai of Alvay North . . . . . Plaintiff.  
No. 5,804. Vs.

Saravanamuttu Thiakarasapillai of Alvay North . . . . . Defendant.

NOTICE is hereby given that on Wednesday, December 15, 1909, at 10 o'clock in the forenoon, will be sold by public auction at the spot the following property, hypothecated to the plaintiff and decreed to be sold by decree entered in the above action for the recovery of Rs. 468.62, with interest thereon at the rate of 9 per cent. per annum from September 21, 1906, until payment in full, and costs of suit being Rs. 155.27, and charges, viz. :—

An undivided 1/144th share of a piece of land situated at Malavarayakurichy in Puloly West, called Nedunkulavelithenyvadametku, containing or reputed to contain in extent 227¼ lachams of varagu culture with its appurtenances, but exclusive of ¼ share on the south-western side; bounded or reputed to be bounded on the east by the property of Taivansippillai and others; north by the property of Nagalinka Mudaliar, and others, west by road forming the village limit of Alvay and by the property of Velupillai and others, and on the south by the property of Sivakamypillai and others.

V. THAMBIPILLAI,  
Deputy Fiscal.

Fiscal's Office,  
Jaffna, November 15, 1909.

In the Court of Requests of Jaffna.

Kanapathyar Perampalam of Vannarponnai East . . . . . Plaintiff.  
No. 7,537 A. Vs.

Mayilvaganampillai Thatparanantthapillai of Vannarponnai . . . . . Defendant.

NOTICE is hereby given that on Monday, December 13, 1909, at 10 o'clock in the forenoon will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 150, with interest thereon at the rate of 12 per cent. per annum from May 7, 1906, until payment in full, provided that such interest does not exceed Rs. 150 and costs of suit being Rs. 25.25 and charges, viz. :—

In an undivided ¼ share with its appurtenances of a piece of land situated at Vannarponnai East, called Punnantharai, Paraiaiankadu and other parcels, containing or reputed to contain in extent 7 9/16 lachams of varagu culture, with stone-built house, well, and other appurtenances, bounded or reputed to be bounded on the east by the property of the heirs of the late Gnanampal, wife of Muttukkumar and others, north by the property of Tayalamunappillai,

widow of Sivasithamparam Chettiar, west by road, and on the south by the property of Vaittianatha Cheddiar Nakalingam and wife, Sanrukavadyvu and shareholders.

V. THAMBIPILLAI,  
Deputy Fiscal.

Fiscal's Office,  
Jaffna, November 13, 1909.

### Southern Province.

In the District Court of Galle.

Kalupahanage Mathes de Silva of Degalla . . . Plaintiff.  
No. 8,750. Vs.

Kalupahanage Babunhami of Degalla and another . . . . . Defendants.

NOTICE is hereby given that on Thursday, December 16, 1909, 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 plaintiff in the following property, viz. :—

1. The southern portion of lot No. 3 of Pokunabodawatta and the incomplete building standing on the said portion situate at Degalla.

2. The northern portion of lot No. 3 of Pokunabodawatta and the buildings standing on the said portion situate at Degalla.

3. Lot No. 2 of Pokunabodawatta and the buildings standings thereon situate at Degalla.

4. An undivided half part of land Hikgahawatta alias Nikagahawatta situate at Degalla.

Writ amount Rs. 280.36 and poundage.

N.B.—Notice appearing in *Gazette* No. 6,338 of November 5, 1909, is cancelled.

C. T. LEENBRUGGEN,  
for Fiscal.

Fiscal's Office,  
Galle, November 16, 1909.

In the District Court of Galle.

M. K. M. P. R. Letchiman Chetty of Galle . . . . . Plaintiff.

No. 9,044. Vs.

W. L. M. Abdul Rahiman of Talapitiya . . Defendant.

NOTICE is hereby given on Monday, December 20, 1909, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. An undivided ¼ part of all the fruit trees and soil of the land Mohidin Lebbe Sidde Lebbe Padinchiwaunwatta, containing 1 acre 1 rood and 4.62 perches situate at Galmangoda in Welitara.

That on Tuesday, December 21, 1909, commencing at 2 P.M.

2. Two allotments Nos. 14,333 and 14,335 of the land called Mutugaltuduwa alias Maligatenna; containing in extent 8 acres 3 roods and 4 perches, situate at Meepe.

3. An allotment of land bearing No. 14,334 of the land called Mutugaltuduwa alias Maligatenna, containing in extent 4 acres 2 roods and 5 perches, situate at Meepe, and depicted in plan No. 192,751.

4. An allotment of land bearing No. 14,338 of the land called Mutugaltuduwa alias Maligatenna, containing in extent 4 acres 2 roods and 5 perches, situate at Meepe.



5. An allotment of land bearing No 14,338 of the land called Mutugaltuduwa *alias* Maligatenna, containing in extent 3 acres 1 rood and 22 perches and depicted in plan No. 192,753, situate at Meepe.

6. An allotment of land bearing No. 14,332 of the and called Mutugaltuduwa *alias* Maligatenna, containing in extent 3 acres 1 rood and 10 perches, and depicted in plan No. 192,749, situate at Meepe.

7. An allotment of land bearing No. 14,337 of the land called Mutugaltuduwa *alias* Maligatenna, containing in extent 1 acre 3 roods and 13 perches, situate at Meepe.

Writ amount, Rs. 2,551.29 with legal interest on Rs. 2,450.99 from June 15, 1908.

C. T. LEEMBRUGGEN,  
for Fiscal.

Fiscal's Office,  
Galle, November 16, 1909.

### North-Western Province.

In the District Court of Puttalam.

P. R. L. V. Udaiyappa Chetty of  
Puttalam ..... Plaintiff  
No. 2,098. Vs.

Hydrus Lebbe Naina Mohamedo Lebbe  
of Thely in Akkara pattu ..... Defendant.

NOTICE is hereby given that on December 10 1909, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

(1) The boundaries of the portion of land containing in extent 9 acres to the eastern side of the garden called Kudiyirunthetotam, situate at the village of Thely in Akkarai pattu, are on the north by the common fence of the garden belonging to the defendant and others, east by the road, south by the common fence of the garden belonging to S. M. Mohamado Mira Lebbe Markar and others, and on the west by the common fence of the garden belonging to S. M. Mohamado Mira Lebbe Markar and Muna Cader Saibo Markar out of the land within these four boundaries excluding 15 coconut trees and the land thereof belonging to Abubaker Natchia, and on the north-eastern side, and the coconut trees for the planter's share of Mira Lebbe, on the south-eastern side of the remaining land, the whole of the remaining land with the coconut trees, palmyra trees, and the rest of all articles thereon belonging to the defendant.

Amount of writ Rs. 3,641.38½ and interest.

J. ARTHUR DE SILVA,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Puttalam, November 11, 1909.

In the District Court of Puttalam.  
Pena Rina Lena Vena Udayappa Chetty  
of Puttalam ..... Plaintiff.  
No. 2,106. Vs.

Naina Lebbe Marakar Abuakker Marai-  
kar of Kalpitiya ..... Defendant.

NOTICE is hereby given that on December 11, 1909, commencing at 12 noon, will be sold by public auction at the premises the right, title, and

interest of the said defendant in the following property, viz. :—

The entire coconut garden containing in extent about 75 acres called Arulappentotum, situate at the village Senhankuda in Kalpitiya, Puttalam, the boundaries of this are on the north the common fence of the garden belonging to Seynedin Markar Uduma Lebbe Markar, on the east the road, on the south the common fence of the garden belonging to the above Seynedin Markar Uduma Lebbe Markar and others, and on the west the common fence of the separate garden belonging to the defendant and Joseph de Rosairo de Vaz Pillai, and to the above Seynedin Markar Uduma Lebbe Markar.

(b) The garden containing in extent about 7 acres called Tharltaidaditotum, situate at Sanhankuda, the boundaries of this are on the north the common fence of the garden belonging to Joseph de Rosairo de Vaz Pillai, and the common fence of the separate garden belonging to Katchi Markar, Police Headman and others, on the east the common fence of the separate garden belonging to defendant and to Uduma Lebbe Markar Rawter Nachchia and others, and on the south by the common fence of the separate garden belonging to the estate of the deceased, Elvetamby Casie Mohideen Markar and others, and on the west the garden belonging to the above Elvetamby Casie Mohidin Markar and lane.

(c) The house and compound containing in extent about 3 acres called Naina Levve Markar Vidavalavu, situate at Periasonagetheru in Kalpitiya town of Puttalam District, with the coconut trees and the rest of all articles thereon, the boundaries of these are on the north, east, south, and west by the footpaths.

(d) The whole of the undivided ¾ share belonging to the defendant in the coconut garden containing in extent 7 acres called Kudavaditotum, situate at Kurunjapiddy in Akkarai pattu, the boundaries of the above garden are on the north the gardens belonging to Magudu Naina Markar and others, on the east the gardens belonging to Urikkar and others, south the garden called Kankunitotum belonging to Uduma Lebbe Markar and to the estate of the deceased, Kader Wawa and others, and on the west the gardens belonging to the above Magudu Naina Markar Uduma Lebbe Markar and others, the above lands are mortgaged upon bond No. 11,260 dated May 31, 1905, and attested by Anthony de Rosairo Mudaliyar, Notary Public.

Amount of writ Rs. 6,268.73, and interest.

J. ARTHUR DE SILVA,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Puttalam, November 11, 1909.

In the District Court of Chilaw.

Wena Arumugam Mudali of Chilaw ..... Plaintiff.  
No. 4,005. Vs.

Mohammado Saibu Yapher Saibu of Moor  
street in Chilaw ..... Defendant.

NOTICE is hereby given that on Monday, December 20, 1909, commencing 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, specially mortgaged with the plaintiff by bond No. 5,936, dated October 25, 1904, viz. :—

(1) The garden of about 3 roods and 2 perches in extent with the plantations thereon situated at Palakulam in Munnessaram pattu, Pitigal Korale North, in the District of Chilaw (subject to secondary mortgage).

(2) Three-fifth shares of the field called Paniyaweli of about 40 parrahas paddy sowing extent, situated at Palakulam aforesaid (subject to primary mortgage).

(3) The garden marked letter A of about 19 perches in extent with the plantations thereon, situate at Palakulam aforesaid (subject to primary mortgage).

Amount to be levied Rs. 700 and poundage.

Deputy Fiscal's Office, A. V. HERAT,  
Chilaw, November 15, 1909. Deputy Fiscal.

In the District Court of Chilaw.

Kader Tamby Mohammado Cassim of  
Pulichchakulama ..... Plaintiff.

No. 4,037. Vs.

Kader Ibrahim Neina Sego Meera Lebbe  
of Pulichchakulama ..... Defendant.

NOTICE is hereby given that on Saturday, December 18, 1909, commencing 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. :—

(1) An undivided  $\frac{1}{2}$  share of the land called Nikalansena of about 18 acres in extent, situated at Battuluya in Anaivilundan Pattu North of Sengal-oya in the District of Chilaw.

(2) The field called Ambalansena of about 30 parrahas paddy sowing extent, situated at Pulichchakulama aforesaid.

Amount to be levied Rs. 500, with legal interest on Rs. 500 from April 14, 1909, till payment, and poundage.

A. V. HERAT,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Chilaw, November 15, 1909.

### Province of Sabaragamuwa.

In the District Court of Colombo.

M. S. P. Meyappa Chetty of Sea street,  
Colombo ..... Plaintiff.

No. 28,400. Vs.

(1) Nayna Oona Marikar of New Moor  
street, Colombo, (2) A. L. Mustapa  
Lebbe Marikar of Ratnapura ..... Defendant.

NOTICE is hereby given that on December 20, 1909, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property the recovery of the sum of Rs. 723.75 with interest thereon at 9 per cent. per annum from September 23, 1908, till payment in full and costs of suit:—

1. An undivided  $\frac{1}{2}$  share of the land called Did-deniya-kella and Horagahakella adjoining each other, situated at Walandene in the Uda pattu of Kuruwiti korale in the Province of Sabaragamuwa, bounded on the east by the ditch of the land belonging to Gahalakotuweralage people, south by the jungle land belonging to Manamperi Mudiyanse-lage people, west by road leading to Malangama, north by Kanawin-pinwatta and Udahawalawwewatta; containing within the boundaries in extent 1,000 amunams of paddy sowing.

2. An undivided  $\frac{1}{2}$  share of Dehigaswattedeniya, situated in the village aforesaid, and bounded on the east by Pansalewatta and Ambagahawila, south by Patalewatta and Weudamukalana, west by Polkandewila and Kuppangodella, north by deniya land of Manamperi Mudiyanse-lage people; containing within the boundaries about 50 amunams of paddy sowing.

Fiscal's Office, R. E. D. ABEYRATNA,  
Ratnapura, November 11, 1909. Deputy Fiscal.

## DISTRICT AND MINOR COURTS NOTICES.

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 two labourers of Sirisanda estate, against the proprietor or proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 18.

November 15, 1909.

P. E. KALUPAHANA,  
Chief Clerk.

BY 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 of the District of Kurunegala will be holden at the court-house at Kandy, on Wednesday, December 1, 1909, at 11 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.

S. D. SAMARASINHA,  
Fiscal's Office, for Fiscal.  
Kurunegala, November 8, 1909.