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and General Government Notifications.

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PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 6 of 1911.

An Ordinance to enable the Trustees of St. Peter's Church, Colombo, to sell the same and to apply the Proceeds of the Sale to the Erection of a Cathedral Church, and to enable the disused Military Burial Ground on Galle Face to be used as a Site for the said Cathedral Church.

HENRY MCCALLUM.

Preamble.

WHEREAS by a grant dated the Sixteenth day of May, 1821, the Governor of Ceylon, in exercise of the powers in him vested, granted and assigned unto the Right Reverend Father in God Thomas Fanshaw, by Divine permission Lord Bishop of Calcutta, and his successors in the said Episcopal See, the Honourable and Venerable Thomas James Twistleton, Doctor of Divinity, Archdeacon of Colombo, and his successors in the said Archdeaconry, the Honourable John Rodney, Chief Secretary to the Government, or the Chief Secretary for the time being, and the Officer Commanding the Garrison of Colombo for the time being in trust for the Military Garrison and other British inhabitants of the town, port, and district of Colombo professing the doctrine and discipline of the United Church of England and Ireland, and all who might thereafter belong to the said Garrison or become inhabitants as aforesaid, a piece of ground containing in extent by

admeasurement thirty-five square perches and ninety-three hundredths of a square perch, situate and bounded as by the authenticated survey thereof to the said grant annexed would fully appear, together with all buildings thereon existing, then known and called by the appellation of the Garrison Church in Colombo, and being the property and in the possession of Our Lord the King, to the end and effect that the said Bishop, Archdeacon, Chief Secretary, and Officer Commanding the Troops at Colombo for the time being should and might hold the same in trust for the Garrison and inhabitants aforesaid as a Garrison Church for the celebration of Divine service, the preaching of the Word of God, the administration of the Sacraments and other ecclesiastical rites, and the burial of the dead according to the rubric of the said United Church, and not to any lay and profane use for ever :

And whereas in pursuance of the desire of the said Governor declared and expressed in the above recited grant the said Garrison Church has been consecrated and dedicated to the service of Almighty God and is now known as St. Peter's Church, Colombo :

And whereas it is expedient to enact that the trusts by the hereinbefore recited grant vested in the Right Reverend Father in God Thomas Fanshaw, by Divine permission Lord Bishop of Calcutta, and his successors in the said Episcopal See, have lawfully devolved upon and are now vested in the Lord Bishop of Colombo for the time being, and that the trusts so vested in the Honourable John Rodney, Chief Secretary to the Government of Ceylon, or the Chief Secretary for the time being, have devolved upon and are now vested in the Colonial Secretary to the Government of Ceylon for the time being :

And whereas the said land, church, and buildings have become unsuited for the purposes for which they were granted, and it is expedient that the same should be sold, and the proceeds of such sale should be applied to the erection of a Cathedral Church at Colombo :

And whereas by Ordinance No. 9 of 1862, intituled "An Ordinance for restricting the use of the Galle Face Burial Ground to the Garrison of Colombo, and to make other provision in respect thereof," it was enacted that the two allotments of ground situated on Galle Face in Colombo, mentioned in the 2nd section to the said Ordinance, should be held by the trustees therein named in trust to be used as a cemetery or burial ground for the European Garrison of Colombo :

And whereas the interment of the dead in the said two pieces of land has been discontinued for many years, and it is expedient that the same should be used as a site for the erection of a Cathedral Church : 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 Cathedral Church (Colombo) Ordinance, 1911."

Devolution of trust vested by grant in Bishop of Calcutta and Chief Secretary.

2 The trusts, powers, and authorities which by the above recited grant dated the Sixteenth day of May, 1821, were vested in the Right Reverend Thomas Fanshaw, by Divine permission Lord Bishop of Calcutta, and his successors in the said Episcopal See, and in the Honourable John Rodney, Chief Secretary to the Government, or the Chief Secretary for the time being, shall be deemed to have respectively devolved upon and to be lawfully vested in the Lord Bishop of Colombo for the time being and the Colonial Secretary to the Government of Ceylon for the time being.

Power of trustees to sell St. Peter's Church and apply proceeds to erection of Cathedral Church at Colombo.

3 It shall be lawful for the trustees for the time being of the said grant to sell the said piece of ground conveyed by the said grant, together with the church and buildings thereon, now known as St. Peter's church, Colombo, either by public auction or private contract, upon such terms and subject to such conditions and in such manner as they shall think fit, and by writing under their hands or under the hands of any three of them to convey and transfer the same to the purchaser or purchasers thereof absolutely freed and discharged of and from all and every the trusts, terms, and conditions in the said grant contained and declared concerning the same.

Provided that the trustees for the time being—

- (a) Shall not hand over the said church and buildings, known as St. Peter's Church, Colombo, to any purchaser or purchasers until they have provided suitable accommodation elsewhere, within reasonable distance of their barracks, for the troops for divine service; and
- (b) Shall make proper arrangements to protect and re-provide accommodation for all monuments which have been placed on the walls of the said church and buildings.

If the trustees shall fail or neglect to provide such accommodation to the satisfaction of the Governor before handing over the said church and buildings, or shall fail or neglect to make to the satisfaction of the Governor proper arrangements to protect and re-provide accommodation for such monuments, the Governor may provide such accommodation for the troops for divine service, or make such arrangements for the protection and re-accommodation of the said monuments as he may think fit, and the cost thereof shall be a debt due to the Crown, and recoverable as such from the said trustees.

Application of proceeds of sale to building of Cathedral Church.

4 Upon such sale the trustees of the said grant shall forthwith pay the nett proceeds of the sale, after payment of the expenses thereof, to the Incorporated Trustees of the Church of England in Ceylon, and the said Incorporated Trustees shall stand possessed of such moneys in trust to apply the same, and any income which may arise from the investment thereof, in and towards the erection of a Cathedral Church and subsidiary buildings upon the site referred to in the next following section.

Vesting of disused military cemetery on Galle Face in Incorporated Trustees to be used as site for Cathedral Church.

5 The two allotments of land on Galle Face, which by section 2 of the above recited Ordinance No. 9 of 1862, were vested in the trustees therein mentioned, shall, after the commencement of this Ordinance, be vested in the Incorporated Trustees of the Church of England in Ceylon absolutely freed and discharged from all the trusts, conditions, and provisions affecting or concerning the same enacted by the said Ordinance.

The said Incorporated Trustees shall hold the said two allotments of land upon trust to permit the same to be used as a site for a Cathedral Church and for any subsidiary buildings which may be erected in connection with or for the service of such Cathedral Church. Provided that the Incorporated Trustees shall cause to be re-interred in consecrated ground any human remains which may be disturbed in the erection of the Cathedral Church or of any subsidiary buildings erected in connection with or for the service of the Cathedral Church. If the said Incorporated Trustees shall fail or neglect to cause the re-interment of such remains, the Governor may cause the same to be re-interred, and the cost thereof shall be a debt due to the Crown, and recoverable as such from the Incorporated Trustees.

Cathedral Church vested in Incorporated Trustees, subject to same trusts as were declared concerning St. Peter's Church by the original grant.

6 The Cathedral church, to the erection of which the proceeds of the sale of the piece of land conveyed by the said grant dated the Sixteenth day of May, 1821, and of the church and buildings standing thereon are applicable as aforesaid, shall be vested in and held by the Incorporated Trustees of the Church of England in Ceylon, subject to the same trusts, terms, and conditions, so far as the same are capable of taking effect, as were declared and contained in the said grant dated the Sixteenth day of May, 1821, with reference to the church and buildings erected on the land conveyed by the said grant.

Repeal of Ordinance No. 9 of 1862.

7 The Ordinance No. 9 of 1862, intituled "An Ordinance for restricting the use of the Galle Face Burial Ground to the

Garrison of Colombo, and to make other provision in respect thereof," is hereby repealed.

Passed in Council the Fifth day of May, One thousand Nine hundred and Eleven.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of May, One thousand Nine hundred and Eleven.

HUGH CLIFFORD,
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 7 of 1911.

An Ordinance to provide for the Constitution and Control of Co-operative Credit Societies.

HENRY MCCALLUM.

Preamble.

WHEREAS it is expedient to encourage thrift, self-help, and co-operation among agriculturists, artisans, and persons of limited means, and for that purpose to provide for the constitution and control of co-operative credit societies: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preliminary.

Short title.

1 This Ordinance may be cited as "The Co-operative Credit Societies' Ordinance, 1911."

Definitions.

2 In this Ordinance, unless there is anything repugnant in the subject or context—

- (a) "By-law" means a rule made by a society in the exercise of any power conferred by this Ordinance, or by any rule made under this Ordinance;
- (b) "Committee" means the governing body of a society to whom the management of its affairs is entrusted;
- (c) "Member" includes a person joining in the application for the registration of a society, and a person admitted to membership after registration in accordance with the by-laws and any rules made under this Ordinance;
- (d) "Officer" includes a chairman, secretary, treasurer, member of committee, or other person empowered under the rules applying to any society or the by-laws thereof to give directions in regard to the business of the society;
- (e) "Registrar" means a person appointed to perform the duties of a registrar of co-operative credit societies under this Ordinance; and
- (f) "Society" means a co-operative credit society registered under this Ordinance.

Constitution.

Constitution of societies.

3 (1) A society shall consist of ten or more persons above the age of eighteen years residing in the same town or village or in the same group of villages, provided that, with the sanction of the registrar, any person residing outside of the town, village, or group of villages for which a society is formed may be admitted as a member.

(2) When any question arises as to the age or residence of any person, or as to whether two or more villages shall be considered to form a group for the purposes of this Ordinance, the same shall be decided by the registrar, whose decision shall be final.

Members of
society.

4 The members of a society shall be—

- (a) Persons joining in the application mentioned in section 6, sub-section (1), and registered as a society under sub-section (2) of the same section;
- (b) Persons qualified in accordance with the requirements of section 3 and admitted by the society in accordance with the provisions of this Ordinance and with the by-laws of the society.

Provided that a person so admitted shall not exercise the rights of a member, unless or until he has made such payment to the society in respect of membership, or acquired such interest in the society as may be prescribed by the rules made under this Ordinance or the by-laws of the society.

Registration.

Power to
Governor to
appoint
registrar.

5 The Governor may appoint a person to be registrar of co-operative credit societies for any province or any portion of it.

Registration
and
incorporation
of societies.

6 (1) Any ten or more persons qualified in accordance with the requirements of section 3, and agreeing each to make such payment or acquire such interest as aforesaid, may apply to the registrar to be registered as a society, and the persons by whom or on whose behalf such application is made shall furnish such information in regard to the proposed society as the registrar may require.

(2) If the registrar is satisfied that the persons proposing to form a society are qualified in accordance with the requirements of section 3, and have complied with the provisions of this Ordinance and with the rules made hereunder, he may, if he thinks fit, register the society accordingly, and the society shall thereupon become and be a body corporate by the name under which it is registered, with perpetual succession and a common seal, and with power to hold property movable or immovable, to enter into contracts, to institute and defend civil suits, and to do all things necessary for the purposes of its constitution.

(3) Every society shall have an address registered in accordance with the rules made under this Ordinance, to which all notices and communications may be sent.

(4) If the liability of the members of a society is limited, the word "limited" shall be added to the registered name of the society.

(5) No charge shall be made for registration under this section.

Management.

Liability of
members.

7 The liability of each member of a society for the debts of the society shall be unlimited or limited, as may be provided by the by-laws or by any rules made under this Ordinance.

Disposal of
profits.

8 No dividend or payment on account of profits shall be paid to a member of a society, but all profits made by the society shall be carried to a fund (to be called the reserve fund). Provided that when such reserve fund has attained such proportion to the total of the liabilities of the society, and when the interest on loans to members has been reduced to such rates, as may be determined by the by-laws or rules made under this Ordinance, any further profit of the society, not exceeding three-fourths of the total annual profit, may be distributed to members by way of bonus.

Restrictions on
borrowing.

9 A society may receive deposits from members without restriction, but it may borrow from persons who are not members only to such extent and under such conditions as may be provided by its by-laws or by rules made under this Ordinance.

Restrictions on
loans.

10 (1) A society shall make no loan to any person other than a member. Provided that, with the consent of the registrar, a society may make loans to another society.

(2) Save with the permission of the registrar, to be given by general order in the case of each society, a society shall not lend money on the security of movable property.

(3) The Governor in Executive Council may, by general or special order, prohibit or restrict the lending of money on mortgage of immovable property or any kind thereof by any society.

Deposit of society's funds.	<p>11 A society may deposit its funds in the Ceylon Savings Bank, or in a Savings Bank established in connection with the General Post Office under "The Ceylon Postal and Telegraph Ordinance, 1892," or with any banker or person acting as a banker approved for this purpose by the registrar.</p>
<i>Shares and Interest of Members.</i>	
Limit on capital held by members.	<p>12 Where the liability of the members of a society is limited by shares, a member shall not hold more than such portion of the capital of the society, subject to a maximum of one-fifth, as may be prescribed by any rules made under this Ordinance. Provided that no member of such a society shall hold more shares than represent a nominal value of one thousand rupees.</p>
Votes of members.	<p>13 (1) Where the liability of the members of a society is not limited by shares, each member shall, notwithstanding the amount of his interest in the capital, only have one vote as a member in the affairs of the society.</p> <p>(2) Where the liability of the members of a society is limited by shares, each member shall have as many votes as may be prescribed by the by-laws of the society.</p>
Restrictions on transfer of share or interest.	<p>14 (1) A member shall not transfer any share held by him or his interest in the capital of the society or any part thereof, unless he has held such share or interest for one year at least.</p> <p>(2) The share or interest of a member in the capital of a society shall not be transferred or charged, except to the society or to a member of the society, and subject to any conditions as to maximum holding prescribed by this Ordinance or by the by-laws or by any rules made under this Ordinance.</p>
Shares or interest not liable to attachment.	<p>15 Subject to the provisions of section 20; the share or interest of a member in the capital of a society shall not be liable to attachment or sale under any decree of a court in respect of any debt or liability incurred by such member, and neither his assignee in insolvency nor a receiver appointed under chapter L. of the Civil Procedure Code shall be entitled to, or have any claim on, such share or interest.</p>
Transfer of interest on death of member.	<p>16 On the death of a member the society may pay to, or transfer to, the credit of the person nominated in accordance with the rules made in this behalf, or, if there is no person so nominated, such person as may appear to the committee to be entitled to receive the same as heir or legal representative of the deceased member, a sum representing the value of such member's share or interest, as ascertained in accordance with the rules or by-laws, and all moneys due to him from the society, and the society shall thereupon be absolved from all liability in respect of such share or interest or other moneys as aforesaid.</p>
Liability of past member.	<p>17 The liability of a past member for the debts of the society, as they existed at the time when he ceased to be a member, shall continue for a period of one year from the date of his ceasing to be a member.</p>
Liability of the estates of deceased members.	<p>18 The estate of a deceased member shall be liable for a period of one year from the time of his decease for the debts of the society, as they existed at the time of his decease.</p>
<i>Priority of Society's Claim against a Member.</i>	
Priority of claim of society as against crops, agricultural produce, cattle, implements, and raw material.	<p>19 Subject to the prior claims of the Government on the property of its debtors and of landlords in respect of rent, or any money recoverable as rent, a society shall be entitled, in priority to other creditors, to enforce its claim—</p> <p>(a) Upon the crops or other agricultural produce of a member or past member, at any time within a year from the date when seed or manure was advanced, or money for the purchase of seed or manure was lent to such member or past member in respect of the unpaid portion of such advance or loan;</p> <p>(b) Upon any cattle, agricultural or industrial implements, or raw material for manufactures supplied by the society or purchased in whole or in part with money lent by the society, in respect of the outstanding liability on account of such supply or loan.</p>

Charge and set off in respect of shares or interest of members.

20 A society shall have a charge upon the shares or interest in the capital and on the deposits of a member or past member and upon any dividend, bonus, or profits payable to a member or past member in respect of any debt due from such member or past member to the society, and may set off any sum credited or payable to a member or past member in or towards payment of any such debt.

Audit, Inspection, and Inquiry.

Audit, inspection, and inquiry.

21 (1) The registrar shall audit the accounts of each society once at least in every year.

(2) No charge shall be made in respect of any audit made under sub-section (1).

(3) The audit under sub-section (1) shall include an examination of overdue debts if any, and a valuation of the assets and liabilities of the society.

(4) The registrar, the Government Agent of the Province, or any person authorized in this behalf by the registrar or the Government Agent may at any time inspect the books, accounts, papers, and securities of a society, and every officer shall furnish such information in regard to the transactions and working of the society as the person making such inspection shall require.

(5) The registrar may of his own motion, and shall on the request of the Government Agent or on the application of a majority of the committee, or of not less than one-third of the members, hold an inquiry into the constitution, working, and financial condition of a society, and all officers and members of the society shall furnish such information in regard to the affairs of the society as the registrar may require.

(6) Where an inquiry is held under sub-section (5), the registrar may apportion the costs, or such part of the costs, as he may think right, between the society, the members demanding an inquiry, and the officers or former officers of the society.

(7) Any sum awarded by way of costs under sub-section (6) may be recovered, on application to a Magistrate having jurisdiction in the place where the person from whom the money is claimable resides for the time being, by the distress and sale of any movable property, within the limits of the jurisdiction of such Magistrate, belonging to such person.

Mode of proof of entries in societies' books.

22 A copy of any entry in a book of a society regularly kept in the course of business shall, if certified in such manner as may be prescribed by rules made under this Ordinance, be received in any suit to recover a debt due to the society as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions, and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible, but not further or otherwise.

Dissolution of a Society.

Dissolution.

23 (1) If the registrar, after holding an inquiry under section 21, sub-section (5), or on receipt of an application made by three-fourths of the members of a society, is of opinion that a society ought to be dissolved, he may cancel or may refuse to cancel the registration of the society.

(2) Any member of a society may, within two months from the date of an order under sub-section (1), appeal from such order to the Governor in Executive Council.

(3) Where no appeal is presented within two months from the making of an order cancelling the registration of a society, the order shall take effect on the expiry of that period. Where an appeal is presented within two months, the order shall not take effect until it is confirmed by the Governor in Executive Council.

(4) Where an order made under sub-section (1) cancelling the registration of a society takes effect, the society shall cease to exist as a corporate body.

Cancellation of registration of a society.

24 (1) Where the registration of a society is cancelled under section 23, the registrar may appoint a competent person to be a liquidator of the society.

(2) A liquidator appointed under sub-section (1) shall have power to institute and defend suits on behalf of the society by his name of office, and shall also have power—

- (a) To sue for and recover any sums of money due to the society at the date of such cancellation;
- (b) To determine the contribution to be made by the members and past members of the society respectively to the assets of the society;
- (c) To investigate all claims against the society, and, subject to the provisions of this Ordinance, to decide questions of priority arising between claimants;
- (d) To determine by what persons and in what proportions the costs of the liquidation are to be borne; and
- (e) To give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society.

(3) Subject to any rules of procedure made under this Ordinance, a liquidator appointed under this section shall, in so far as such powers are necessary for carrying out the purposes of this section, have power to summon and enforce the attendance of witnesses, and to compel the production of documents by the same means, and (so far as may be) in the same manner as is provided in the case of a District Court under the Civil Procedure Code.

(4) The rules may provide for an appeal to a District Court from any order made by a liquidator under this section.

(5) Orders made under this section may be enforced as follows:

- (a) When made by a liquidator, by any civil court having local jurisdiction, in the same manner as the decree of such court;
- (b) When made by a District Court, in the matter of any such appeal as aforesaid, in the same manner as a decree of such court made in any suit pending therein.

(6) Save in so far as is hereinbefore expressly provided, no civil court shall have any jurisdiction in respect of any matter connected with the dissolution of a society under this Ordinance.

Exemptions from Taxation.

Power to exempt from stamp duty and registration fees.

25 (1) The Governor in Executive Council by Proclamation in the "Government Gazette" may, in the case of any society, remit—

- (a) The stamp duty with which, under any law for the time being in force, instruments executed by or on behalf of a society, or by an officer or member, and relating to the business of such society, or any class of such instruments are respectively chargeable;
- (b) Any fee payable under the law of registration for the time being in force.

(2) A notification exempting any society from the fees referred to in sub-section (1), clause (b), may provide for the withdrawal of such exemption.

Debts due to Government.

Recovery of sums due to Government.

26 (1) All sums due from a society, or from an officer or member or past member of a society as such, to the Government, including any costs awarded to the Government under section 21, sub-section (6), may be recovered in manner provided for the recovery of Crown debts by Ordinance No. 14 of 1843, intituled "An Ordinance for providing for the better security and recovery of Crown Debts."

(2) Sums due from a society to Government and recoverable under sub-section (1) may be recovered, firstly, from the property of the society; secondly, in the case of a society, of which the liability of the members is limited, from the members, subject to the limit of their liability; and thirdly, in the case of other societies, from the members.

Rules.

Rules.

27 (1) The Governor in Executive Council may, for the whole or any part of a province, and for any society, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) Prescribe the forms to be used in applying for the registration of a society and the procedure in the matter of such applications ;
- (b) Prescribe the conditions to be complied with by persons applying for registration and by persons applying for admission or admitted as members, and provide for the election and admission of members from time to time, and the amount of payment to be made and interests to be acquired before exercising rights of membership ;
- (c) Provide for the withdrawal and expulsion of members, and for the payments to be made to members who withdraw or are expelled, and for the liabilities of past members ;
- (d) Provide for the mode in which the value of a deceased member's interest shall be ascertained, and for the nomination of a person to whom such interest may be paid or transferred ;
- (e) Subject to the provisions of section 12, prescribe the maximum number of shares or portion of the capital of a society which may be held by a member ;
- (f) Prescribe the payments to be made and the conditions to be complied with by members applying for loans, the period for which loans may be made, and the amount which may be lent to an individual member ;
- (g) Prescribe the proportion to the total liabilities to be attained by the reserve fund, and the rate to which interest on loans to members is to be reduced before profits may be distributed to the members ;
- (h) Regulate the manner in which capital may be raised by means of shares or debentures or otherwise ;
- (i) Provide for general meetings of the members, and for the procedure at such meetings and the powers to be exercised by such meetings ;
- (j) Provide for the appointment, suspension, and removal of the members of the committee and other officers, and for the procedure at meetings of the committee, and for the powers to be exercised and the duties to be performed by the committee and other officers ;
- (k) Prescribe the matters in respect of which a society may or shall make by-laws, and for the procedure to be followed in making, altering, and abrogating by-laws, and the sanction to be required to such making, alteration, or abrogation ;
- (l) Prescribe the accounts and books to be kept by a society, and provide for the audit of such accounts, and the charges, if any, to be made for such audit, and for the periodical publication of a balance sheet showing the assets and liabilities of a society ;
- (m) Provide for the persons by whom, and the form in which, copies of entries in books of societies may be certified ;
- (n) Provide for the formation and the maintenance of a register of members, and, where the liability of the members is limited by shares, of a register of shares ;
- (o) Provide for the rate at which interest may be paid on deposits, for the formation and the maintenance of reserve funds, and the objects to which such funds may be applied, and for the investment of any funds under the control of the society ;
- (p) Provide that any dispute touching the business of a society between members or past members of the society or persons claiming through a member or past member, or between a member or past member or persons so claiming and the committee or any officer, shall be referred to the registrar for decision, or, if he so directs, to arbitration, and prescribe the

mode of appointing an arbitrator or arbitrators, and the procedure to be followed in proceedings before the registrar or such arbitrator or arbitrators, and the enforcement of the decisions of the registrar or the awards of arbitrators;

- (q) Prescribe the conditions to be complied with by a society applying for the financial assistance of Government; and
- (r) Determine in what cases an appeal shall lie from the orders of the registrar, and prescribe the procedure to be followed in presenting and disposing of such appeals.

(3) All rules made under this section shall be published in the "Government Gazette," and on such publication shall have effect as if enacted in this Ordinance. Provided that unless and until other rules are made the general rules in the Schedule to this Ordinance shall apply and have effect.

(4) A copy of the rules relating to a society, and of the by-laws thereof for the time being in force, shall be kept open to inspection at all reasonable times, free of charge, at the registered address of the society.

Miscellaneous.

28 The provisions of "The Joint Stock Companies' Ordinance, 1861," shall not apply to societies registered under this Ordinance.

29 (1) Notwithstanding anything contained in this Ordinance, the Governor in Executive Council may by special order in each case, and subject to such conditions as it may impose, permit any association of not less than ten persons above the age of eighteen years to be registered as a society under this Ordinance.

(2) A society so registered shall be subject to the provisions of this Ordinance to the same extent as any other society. Provided that the Governor in Executive Council may at any time by order exempt such society from any of such provisions, or may direct that they shall apply to such society with such modifications as may be specified in the order.

"Joint Stock Companies' Ordinance, 1861," not to apply.

Special power to Governor in Executive Council to register any associations under this Ordinance.

SCHEDULE.

Rules under Section 27, Sub-section (2), of "The Co-operative Societies' Ordinance, 1911."

Heads (a) and (b).

1. Any ten or more persons who are qualified in accordance with the requirements of section 3 of the Ordinance, and each of whom agrees—

- (a) Where the capital is not to be raised by the issue of shares, to make to the society a payment in respect of membership of not less than Rs. 2 or more than Rs. 5;
- (b) Where the capital is to be raised by the issue of shares, to acquire an interest in such society to the extent of not less than one share—

may apply in form A to the Government Agent of the Province in which they reside to be registered under section 6 as a co-operative credit society.

2. The Government Agent shall examine the application, and, if necessary, return it for correction, and when it complies with the provisions of the Ordinance and any rules made thereunder, shall forward it to the registrar.

3. When the registrar has registered any society under section 6, he shall send to the secretary of the society or other officer appointed to perform the duties of a secretary of the society, at the address registered under sub-section (3) of the said section—

- (a) A certificate of registration in form B; and
- (b) A copy of any rules made under the Ordinance in the language and character in which the books and accounts of the society are to be kept.

A.—Form of Application for Registration of a Co-operative Credit Society.

1. Name of proposed society :————.
2. Area of operations :————.
3. Objects of society :————.
4. If capital is to be raised by issue of shares, number and amount of shares which it is proposed to issue :————.
5. In other cases, amount of capital which it is intended to raise by loan or deposit :————.
6. Whether limited or unlimited liability is desired :————.
7. Qualifications proposed for membership of the society :————.
8. Language and character in which the books and accounts will be kept :————.
9. Name of secretary or other officer appointed to perform the duties of secretary of proposed society :————.
10. Address of the society for purposes of registration :————.

We, the undersigned, apply that the above society may be registered as a Co-operative Credit Society under section 6 of "The Co-operative Credit Societies' Ordinance, 1911."

Signatures :

Name.	Age.	Residence.	
		Village or Town.	Province.

B.—Certificate of Registration.

Certified that the application dated ———— made by (*names, &c.*) ———— to be registered under section 6 of "The Co-operative Societies' Ordinance, 1911," as the ————, has been accepted, and that the said society has been registered accordingly as No. ———— of 191—, subject to the conditions stated in the said application and to the provisions of the said Ordinance and the rules made thereunder.

Dated at ————, 191—.

Registrar, Co-operative Credit Societies.

Head (d).

4. Every member of a society shall, at the time of his becoming a member, nominate in writing the persons who, in the event of his death, will succeed to his share and interest in the society, and the name of such nominee shall be entered in a column of the register of members of the society.

5. The value of the share and interest of a deceased member shall be determined by the Committee, who shall for this purpose determine the respective amounts due from and to such member on the date of his death, and deduct the latter from the former.

Head (k).

6. Every society shall, subject to the provisions of the Ordinance and of the rules made thereunder, make by-laws in respect of the following matters, namely :

- (a) The qualifications requisite for membership.
- (b) The liabilities of members, and their election, withdrawal, removal, and expulsion.
- (c) The appointment, powers, duties, and liabilities of the committee, and the removal of members of the committee.
- (d) The appointment and duties of the officers of the society.
- (e) The calling of, and procedure at, the meetings of the society, and the duties and powers of the general meeting.
- (f) The purposes for which loans may be issued.
- (g) The application of gross earnings and profits.
- (h) The formation, maintenance, employment, and investment of a reserve fund.
- (i) The distribution of duties among the members of the committee.
- (j) The reports and statements to be submitted and accounts kept by officers and servants.
- (k) The forms to be used in accounts and registers and other documents, and kept at the registered office and elsewhere.

7. Every society may delegate to its committee the power to make by-laws in respect of the matters specified in (i) to (k) of rule 6.

8. (1) A by-law made under rule 6 shall not take effect or be altered or rescinded otherwise than—

- (a) By the vote of a majority of the members assembled in special meeting; and
- (b) With the sanction of the registrar.

(2) The quorum for a special meeting of the kind referred to in sub-rule (1) (a) shall not be less than two-thirds of the members of the society.

9. A by-law made under rule 7 shall not take effect or be altered or rescinded otherwise than—

- (a) By the vote of a majority of the committee; and
- (b) With the sanction of the registrar.

Head (l).

10. Every society shall on or before April 30 in each year publish—

- (a) A balance sheet showing the income, expenditure, and profits of the society for the year ending on the previous March 31; and
- (b) A statement of the assets and liabilities of the society as they stood on March 31, and a copy of each of these statements shall be despatched to the registrar on or before May 1 in each year.

Head (m).

11. Copies of such entries in the books of a society as may be required for purposes of section 22 shall be made by the secretary of the society, and shall be certified correct by him, and by another officer of the society or member of the committee.

Head (p).

12. Any dispute in respect of the business of a society between any person who—

- (a) Is or has been a member of a society; or
 - (b) Claims through any one who is or has been a member;
- and such society or its committee or any of its officers shall be referred to the registrar for decision.

13. The registrar, on receiving notice of such a dispute as is referred to in rule 12, shall either decide the dispute himself or shall refer it for arbitration to three arbitrators, of whom one shall be nominated by each of the parties to the dispute and the third by the registrar.

14. Where any party to the dispute fails to nominate an arbitrator within fifteen days after receipt of notice from the registrar, the registrar himself shall make the nomination.

15. In proceedings under rule 13 before the registrar or arbitrators the statements of the parties who attend and of such witnesses as they may produce shall be reduced to writing, and upon the evidence so recorded, and after consideration of any documentary evidence produced by either side, a decision or award, as the case may be, shall be given in accordance with justice, equity, and good conscience.

16. Where the decision or award involves the payment of money or delivery of grain, and such payment or delivery is not made within one week, the registrar shall send the record of the proceedings to the Court of Requests within the jurisdiction of which the party condemned or any one or more of the parties condemned reside, and such court shall enforce the decision as if it were a decree duly entered up by it.

17. (1) Any party aggrieved by an award of arbitrators may appeal to the registrar within one month of the date of the award.

(2) Every order made by the registrar under these rules will be final and conclusive.

18. In proceedings under these rules neither party shall be represented by a legal practitioner.

Passed in Council the Fifth day of May, One thousand Nine hundred and Eleven.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of May, One thousand Nine hundred and Eleven.

HUGH CLIFFORD,
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 8 of 1911.

An Ordinance for Establishing an Incorporated Law Society in Ceylon.

HENRY MCCALLUM.

Preamble.

WHEREAS it is expedient for the maintenance of correct and uniform practice and discipline amongst the members of the profession of proctors practising as such or as notaries or in both capacities in this Colony to establish and incorporate a Society for the promotion of the said object: 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 and commencement.

1 This Ordinance may be cited as "The Ceylon Incorporated Law Society Ordinance, 1911," and it shall come into operation at such time as the Governor shall, by Proclamation in the "Government Gazette," appoint.

Incorporation of and authority conferred on the Law Society of Ceylon.

2 A Society consisting of a President, a Vice-President, a Council, and members shall be established in Ceylon composed of proctors duly authorized to practise as such, and shall be a body politic and corporate by the name of "The Law Society of Ceylon," and by such name shall have perpetual succession, and shall adopt and have a common seal, and shall be capable both of purchasing and holding property, movable and immovable, and of selling, mortgaging, transferring, leasing, or otherwise disposing of any such property, and of suing and being sued in its corporate capacity, and of doing all other matters and things incidental or appertaining to a body politic. Provided that it shall not be lawful for the said Society to sell, mortgage, transfer, lease, or otherwise dispose of any immovable property, to which it may become entitled, without the approbation and concurrence of at least two-thirds of the members present at a general meeting.

Constitution of the Council of the Society.

3 The Council of the said Society, including the President and the Vice-President, shall, except in the case of the first Council constituted by this Ordinance, consist of eleven members, and, except in the case of the first Council constituted by this Ordinance, six of such members shall be nominated by the Attorney-General, and the rest elected as hereinafter provided for. The first President of the Society shall be Villiers Alexander Julius, and the first Vice-President shall be elected by the Council constituted by this Ordinance, the President having a casting vote in the case of an equality of votes, and the following persons, to wit, Hector van Cuylenburg, John Ellenson Richard Pereira, Arthur William Alvis, Peter Daniel Anthonisz Mack, William Arnold Speldewinde de Vos, John Alfred Perera, Leslie William Frederick de Saram, and Sydney Julius, shall, in addition to the President aforesaid, be the first members of the Council of the Society. It shall and may be lawful for the President to receive and consider applications from proctors desirous of becoming members, and for a majority of the members of the said Council present at a meeting to be convened by the President, after three weeks' notice, to agree or refuse to enrol the applicants as members of the Society. Provided, however, that such refusal shall not debar a rejected candidate from again applying to be enrolled or from being enrolled as a member of the Society after the first general meeting hereinafter mentioned. Provided also that the President shall cause true and proper minutes of the proceedings at such meetings to be recorded in a book kept for the purpose, including the names of all persons enrolled as well as those refused. So soon as convenient after there shall have been enrolled in the manner aforesaid members sufficient to make up the number of the members of the Society, including the President, Vice-President, and the Council aforesaid, to

Mode of admitting members.

Minute book to be kept.

- twenty, it shall be the duty of the President, by notice in the "Government Gazette" and in at least one of the local newspapers of not less than six weeks, to convene a general meeting of all the members aforesaid for the purpose of electing five members, who, together with the six to be nominated by the Attorney-General, shall constitute a new Council in the place of the Council appointed by this Ordinance. And as soon as may be after the formation of the new Council aforesaid, the said Council shall proceed to the election from among its members of a new President and Vice-President, it being expressly provided that the existing President, Vice-President, and Council shall remain in office and exercise all their functions until the final election and appointment of the new President, Vice-President, and Council, whereupon their appointments shall cease, and thereafter every constitution of a new Council and every election by such new Council of a President and Vice-President shall take place in exactly the same manner and after the same notice as is by this section determined for the constitution of the first new Council and the election of President and Vice-President. At any meeting it shall be competent for members residing more than twenty-five miles from the place where the meeting is held to vote by proxy, but no person residing within twenty-five miles of such place shall be allowed to vote by proxy. Five at least of the members of the Council to be nominated by the Attorney-General and four at least of the members to be elected as aforesaid shall be proctors in practice in Colombo.
- Election of President and Vice-President.**
- Members of the Council to be proctors practising in Colombo.**
- Duration of office of President; &c.**
- Quorum of Council and Society.**
- Fresh Council to be formed at the end of three years.**
- President of meetings.**
- Vacancy in office of member of Council how to be filled up.**
- Duration of office of President, &c.**
- 4 The President, Vice-President, and Council so constituted as aforesaid shall continue in office until the constitution of a new Council as is hereinafter provided for. At all meetings of the Council four members, including the President or Vice-President or other presiding member, shall form a quorum. At least ten members of the Society shall be required to form a quorum at any meeting of the Society.
- 5 At the expiration of three years from the date of his taking office or so soon thereafter as may be convenient the President shall, as is provided for in section 3, convene a special general meeting of the Society for the purpose of electing five members as aforesaid to form, together with six to be nominated by the Attorney-General, a new Council in the place of the one previously constituted. On the formation of a new Council, the members of the old Council, including its President and Vice-President, shall go out of office, and the new Council shall appoint a President and a Vice-President as hereinbefore provided for. The President, Vice-President, and members of a retiring Council shall be eligible for re-election or for re-nomination, as the case may be.
- 6 The Vice-President shall, in the absence of the President, perform all duties and functions appertaining to the office of the President, and preside at the meetings of the Council. Provided that any meeting of such Council at which neither the President nor the Vice-President shall be present may elect its own Chairman.
- 7 In case any member of the said Council shall die or resign or be absent from the Colony for the space of six months, or be absent from six consecutive meetings of the Council, his office shall become vacant. All vacancies occurring under the provisions of this section shall be filled by election at a duly convened meeting of the Society or nomination by the Attorney-General, according as the vacancy is caused by the death, resignation, absence, or default of an elected or nominated member, and any member so elected or nominated to fill any such vacancy shall hold office until the expiration of the term during which the person in whose place he shall have been appointed would have been entitled to hold office.
- 8 The President and Vice-President shall respectively continue in office until the constitution of a new Council, unless prior thereto he die, resign, or cease to be a member of the Council, or be absent from the Colony for the space of six months, in any of which cases his office shall become vacant, and

another member of the Council shall be elected in his room and stead, who shall continue in office until the expiration of the term during which his predecessor would have been entitled to continue in office.

Who eligible to be elected members of the Society.

9 The said Council shall have power from time to time at their meetings to appoint and elect such persons as they shall think fit, being proctors practising within the Colony, or being persons who shall have so practised and shall have voluntarily retired from such practise (not being barristers or advocates), to be members of the Society.

Who shall cease to be members.

10 In case any member of the Society shall in consequence of the order of any court of competent jurisdiction be rendered incapable by reason of malpractice or other professional misconduct of practising in the courts of justice of this Colony or any of them, such person shall forthwith cease to be a member of the Society.

Powers of the Council.

11 Subject and without prejudice to the powers hereinafter vested in the general meetings of the Society, the Council shall be and act in all matters as the accredited agents and representatives of the Society, and shall have the sole and entire management of the Society and of the income and property thereof for the uses, purposes, and benefit of the Society, and shall have the sole and exclusive right of nominating and appointing a Secretary, Treasurer, Librarian, and such other officers, clerks, attendants, and servants as they may deem necessary or useful to the Society, and of removing them if they shall think fit, and shall prescribe their respective duties. And it shall and may be lawful for the Council or any four or more of its members to assemble and meet together as often as they shall think fit and from time to time to do all such acts as shall appear to them or the majority of the Council then present necessary or fitting to be done in order to carry into full operation and effect the object and purposes of the Society. Provided always that the same be not inconsistent with or repugnant to this Ordinance or any existing by-law, Ordinance, or regulation made, ordered, or agreed upon at any special general meeting of the Society, or the laws and Ordinances of this Colony.

By-laws.

12 At any general meeting it shall and may be lawful for the members of the Society to ordain and make such and so many by-laws, rules, and orders as to them or the major part of them shall seem necessary, convenient, and proper for the good government of the Society, and of the members and affairs thereof, and for regulating the times and places at which meetings of the Society shall be held, and for convening the ordinary or any special meetings of the members, and for establishing, maintaining, and regulating the use of a law library, and for the collection of subscriptions from members to defray the expenses of the Society and for the application of moneys so collected, and generally for carrying out the objects for which the Society is founded, with reasonable penalties and fines, to be contained in such by-laws on the offenders for non-performance of or disobedience to the same, and the by-laws, rules, orders, penalties, and fines, or any of them, from time to time, to alter, change, or annul as the said general meeting shall think requisite. Provided that all such by-laws, rules, orders, penalties, and fines shall be reasonable and not repugnant or contrary to the laws of this Colony, and provided that they are approved by the Attorney-General for the time being. In the event of the neglect or omission on the part of the Society to pass the necessary by-laws, rules, or orders for the purposes aforesaid and for those hereinafter mentioned, of which fact the decision of the Attorney-General on representation made to him by the President shall be final, it shall be lawful for the Council to meet and pass such by-laws, rules, or orders, and by-laws, rules, and orders so passed when approved by the Attorney-General shall be as valid and effectual as those passed by the Society and approved by the Attorney-General.

When first general meeting is to be held.

13 A general meeting of the members of the Society shall be held within three calendar months after the election of the first President, Vice-President, and Council, or as soon thereafter as may be practicable, for the making and ordaining of

- Annual meeting. by-laws, rules, and orders for the government of the Society, and an annual meeting shall thereafter be held in Colombo in the month of June in every year, or as soon thereafter as conveniently may be, for the said purposes and for other purposes of the Society, and other meetings shall be held from time to time as occasion shall require.
- Who to preside at general meetings of the Society. 14 At all general meetings the President of the Society, if he shall be present, and if not, then the Vice-President, and in the absence of the President and Vice-President, then some one of the members of the Council to be chosen by the Council, and in the absence of the President, Vice-President, and all the members of the Council, then some member of the Society to be chosen at the meeting, shall preside as Chairman. And at all meetings of the Society and the Council the President or other Chairman shall, on all questions, in the event of an equality of votes, have a casting vote, in addition to his original vote.
- President or other Chairman to have a casting vote.
- Notice of application to admit, suspend, &c., proctors to be given to Council. 15 Due notice shall be given to the Council of the Society by the Supreme Court of all applications to it to admit, suspend, or strike off the roll any proctor, and the Society shall be entitled to appear and be heard either in opposition to or in support of any such application, anything in Ordinance No. 1 of 1889, intituled "The Courts Ordinance, 1889," to the contrary notwithstanding.
- Proceedings in regard to any member of Society suspected of misconduct. 16 If it shall appear to the Council or be represented to them by a requisition in writing signed by two or more members of the Society that there is reason to suppose that any member of the Society has been guilty of conduct which in the absence of satisfactory explanation would render him unfit to remain a member of the Society, the Council shall send to such member a statement in writing of the conduct imputed to him, and shall appoint a special meeting of the Council for the consideration of the subject. At least fifteen days' notice of such meeting shall be given to such member in order that he may be present and be heard if he shall think fit. If at such meeting or any adjournment thereof the Council shall be of opinion that such member ought to be excluded from the Society, they shall state their opinion thereon in the form of a report to be laid before a special general meeting of the Society, and such member shall be liable on the order and resolution of the majority of such meeting to be excluded from the Society, and immediately upon such order or resolution being passed he shall cease to be a member thereof. But no order shall be made at any such meeting for the exclusion of any member unless a quorum shall be present at the time appointed for the chair to be taken at such meeting or within half an hour afterwards. But it shall be competent to call another meeting to consider the same question of the expulsion of such member.
- In case of proctors who are not members of the Society. 17 If the Council shall become cognizant of any professional or alleged professional misconduct of any proctor in his capacity as such or of that of a notary, whether such proctor be a member of the Society or not, after due examination into the circumstances, and in case there is in their opinion or in the opinion of a majority of them a *prima facie* case against such proctor, it shall be incumbent on the President, on behalf of the said Society, to bring the circumstances to the notice of the Supreme Court by application thereto for the striking off the rolls or other punishment of the accused party, of which due notice shall be given to him, and the members of such Council, in the *bona fide* execution of their duty and discretion herein, shall not be liable to any action or suit for damages for defamation of character, libel, or any other cause at the hands of any party against whom any such application shall have been unsuccessfully made.
- The Society to continue as such although the number of members be less than twenty. 18 After the election of members and the formation of a Council under section 3 to take the place of the first Council constituted by this Ordinance the Society shall continue to exercise all rights and privileges and to perform all duties and

functions prescribed by this Ordinance, and be to all intents and purposes the body corporate, intituled "The Law Society of Ceylon," created by this Ordinance, although the number of its members become at any time less than twenty.

Passed in Council the Fifth day of May, One thousand Nine hundred and Eleven.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of May, One thousand Nine hundred and Eleven.

HUGH CLIFFORD,
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 9 of 1911.

An Ordinance to amend "The Rubber Thefts Prevention Ordinance, 1908."

HENRY MCCALLUM.

Preamble.

WHEREAS it is expedient to amend in certain particulars "The Rubber Thefts Prevention Ordinance, 1908" (hereinafter referred to as "the principal Ordinance"): Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and construction.

1 This Ordinance may be cited as "The Rubber Thefts Prevention (Amendment) Ordinance, 1911," and shall be read and construed as one with the principal Ordinance.

Substitution of a new section for section 16 of the principal Ordinance.

2 For section 16 of the principal Ordinance the following section shall be substituted, namely:

Possession of rubber or wet rubber reasonably suspected to have been stolen.

16 (1) Any person who is found in possession or charge of any rubber or wet rubber which is suspected to have been stolen may be charged with being in possession of rubber which is reasonably suspected of having been stolen; and if such person does not give an account to the satisfaction of the Police Magistrate as to how he came by such rubber or wet rubber, and the Police Magistrate is satisfied that, having regard to all the circumstances of the case, there are reasonable grounds for suspecting such rubber or wet rubber to have been stolen, such person may be convicted of an offence under this Ordinance.

(2) Where any police officer or peace officer finds any person in possession or charge of rubber or wet rubber which he suspects to have been stolen, such rubber or wet rubber may be seized, and such person may be brought before a Police Magistrate and charged as aforesaid.

(3) Upon a conviction under this section the Police Magistrate may direct the rubber or wet rubber in respect of which the accused was convicted, if the same has been seized, to be restored to any person who he is satisfied is the lawful owner thereof, otherwise he shall order the same to be forfeited.

(4) An appeal shall lie to the Supreme Court from every conviction or order under this section, the provisions of section 335 of "The Criminal Procedure Code, 1898," notwithstanding.

Passed in Council the Fifth day of May, One thousand Nine hundred and Eleven.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of May, One thousand Nine hundred and Eleven.

HUGH CLIFFORD,
Colonial Secretary.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to make better provision for the Administration of the Estates of Deceased Persons, and to amend, and add to, certain provisions of "The Civil Procedure Code, 1889," relating thereto.

Preamble.

WHEREAS it is expedient to make better provision for the administration of the estates of deceased persons, and to amend in certain respects, and add to, certain provisions of "The Civil Procedure Code, 1889," relating thereto: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Commencement.

1 This Ordinance shall come into operation at such time as the Governor shall, by Proclamation in the "Government Gazette," appoint.

Repeal.

2 There shall be repealed as from the commencement of this Ordinance so much of "The Civil Procedure Code, 1889," as is specified in schedule A hereto, and so much of any other Ordinance as is inconsistent with this Ordinance.

Interpretation clause.

3 In this Ordinance the expressions "This Code" and "The Civil Procedure Code" shall mean "The Civil Procedure Code, 1889."

Registrars of Deaths to register value of estates of deceased persons, and to report on such value to Government Agents and District Courts. Vidane Arachchies also to report Government Agents to have right to intervene in testamentary proceedings to contest valuation.

4 It shall be the duty of every Registrar of Deaths on receiving information of a death under the provisions of Ordinance No. 1 of 1895 to make inquiry and ascertain to the best of his power whether the estate and effects left by the deceased amount to or exceed in value one thousand rupees, and if after inquiry he has reason to believe that such estate and effects are of such value, to enter the fact in a special column in the register, and also to report the same forthwith to the Government Agent of the Province within which he officiates as Registrar, and to the District Court within the jurisdiction of which the death occurred. It shall also be the duty of the Vidane Arachchi of each district to report to the Government Agent of the Province, at such times and in such manner and form as the Government Agent shall prescribe, the death of any resident in his district leaving property amounting to or exceeding in value one thousand rupees. Every Government Agent shall have the right to intervene in any testamentary or administration proceedings in any court as a party thereto for the purpose, if he deems necessary, of contesting the correctness of the valuation of the estate and effects of any deceased person by an executor or administrator or other person.

Estate of person dying intestate or leaving a will without an executor to vest in court until issue of letters of administration. On issue of letters, estate to vest in administrator. No executor or administrator to be deemed to be divested of title to immovable property of estate until execution by him of formal conveyance.

5 When any person shall, after the coming into operation of this Ordinance, die (a) intestate and leaving property amounting to or exceeding in value one thousand rupees, or (b) leaving a will whereof he has appointed no executor, or whereof the person appointed executor has predeceased such person, and there is no provision in the will for the substitution of any other person as executor, or (c) leaving a will whereof the person appointed as executor is unwilling to act as such, or after being noticed by the court having jurisdiction to grant probate of such will to take steps to obtain probate neglects or refuses to do so, or is deemed by such court for any cause whatever to be unfit or unsuitable to be entrusted with the administration of the estate and effects of the deceased, and in cases falling under any of the alternatives under head (c) the court makes a record of the fact or facts therein mentioned, the title to the entirety of the estate and effects of such person and to all property movable and immovable left by him of whatsoever nature and wheresoever situated, shall vest in the

court having jurisdiction to issue letters of administration in respect of the estate and effects of such person until such court issues such letters. And where such person has died out of Ceylon, the title to such property as aforesaid shall vest in the Supreme Court until such court shall have made order under section 518 of the Civil Procedure Code appointing any District Court to have sole testamentary jurisdiction over the estate and effects of the deceased, when it shall vest in such District Court until it issues letters of administration as aforesaid. Provided that no Judge of any court or any other officer thereof shall be subject to any liability, civil or criminal, by reason of title to property having vested in such court as aforesaid, or be liable to any proceedings at the instance of any person whomsoever for any official act of commission or omission in respect of such estate and effects as aforesaid; and provided also that when letters of administration as aforesaid are issued, such title as aforesaid shall vest exclusively in the administrator whose rights, duties, and liabilities shall, except as provided by this Ordinance, be the same as under the law heretofore in force; and provided further that nothing in this Ordinance shall affect the power of District Courts to issue as heretofore letters of administration in respect of the estate and effects of persons dying intestate leaving property below the value of one thousand rupees; and provided also that before a court makes a record that an executor nominated by a deceased testator is unfit or unsuitable to be entrusted with the administration of the estates and effects of the deceased, it shall, with notice to such executor, make full inquiry into the alleged causes of unfitness or unsuitability, and adjudicate upon the issues arising with reference thereto.

No executor or administrator shall be deemed to be divested of title to any immovable property vested in him as such, unless and until he or the court shall have executed a conveyance in the manner and form hereinafter, to wit, in sections 732 and 733 of the Civil Procedure Code provided, or he shall have executed such an instrument conveying such property as is required by law to be executed for the purpose of conveying an interest in immovable property. Provided that nothing herein contained shall affect his liability to be divested of title to such property by any other means provided by law.

6 The following section shall be substituted for section 541 of the Civil Procedure Code :

Court may require an executor to give security at any stage of testamentary proceedings, and may limit the amount of security to be given by an administrator.

In cases of the issue of probate security shall not ordinarily be required, but the court may at any time at any stage of testamentary proceedings make order, for reasons to be recorded by it, requiring an executor to give security for the due administration of the estate to such extent and in such form as to the court may seem expedient; and in cases where the grant of administration is limited in regard to the dealing with the property which is the subject thereof it shall be within the discretion of the court to dispense with the giving of the bond under section 538, and in all cases the court may limit the amount secured by the bond to the value of the movable property which appears to the court likely to come into the hands of the administrator and to be liable to misappropriation. Provided that every order dispensing with the bond or limiting the amount to be secured thereby in cases of administration shall adjudicate upon the facts upon which the court intends it to rest.

7 The following proviso shall be added to section 545 of the Civil Procedure Code :

Provided that in any case in which the court in its discretion issues letters of administration to the Public Trustee constituted by the Public Trustee Act, 1906 (6 Edward VII., chapter 55), or to any person applying for him or on his account, such trustee or person shall not be required to give any security for the due administration of the estate, but he shall be subject to the same liabilities and duties as if he had given such security.

8 The following further proviso shall be added to section 547 of the Civil Procedure Code :

Title of heirs who have possessed an intestate's estate regarding it as an estate less than one thousand rupees in value.

Provided further that in the case of any person who has died intestate since the coming into operation of this Code, if his heirs shall during a period of at least five years have possessed or dealt with property belonging to his estate as if letters of administration to such estate had not been necessary, the title to such property of the said heirs or those claiming title under them shall not be deemed invalid by reason only that letters of administration to the said estate have not issued.

9 The following sections numbered as hereunder shall be added to chapter LIV. of the Civil Procedure Code and inserted after section 721 :

No action to be instituted by an executor or administrator without the leave of court.

722. It shall not be competent to an executor or administrator to institute, without the express sanction of the court previously obtained, an action for the recovery of any property belonging to the estate which is being administered by him, or, without such sanction as aforesaid, to institute any action or legal proceeding whatever for and on behalf of such estate. The court shall not allow such sanction unless it is satisfied that the estate cannot be further administered without the institution of such action, or that it is to the manifest advantage of those interested in the estate that such action should be instituted.

Summary procedure for the recovery of debts admitted to be due to the estate of the deceased.

723. In the case of any debt due to the estate the executor or administrator shall apply to the court in which the estate is being administered for a notice on the debtor requiring him to appear before such court and admit or deny the debt. The court shall thereupon either issue such notice or issue a commission to any other District Court or Court of Requests empowering and directing it to issue such notice, and such court shall thereupon issue such notice. If the person noticed fail to appear before the court that has issued notice, or appear before it and admit the debt or any part of it, such court, if it be the court in which the estate is being administered, shall forthwith enter up a decree in favour of the executor or administrator for the amount of the debt or the amount admitted, or, if it be the court to which a commission was issued as aforesaid, shall report to the court that issued such commission the fact of default or of admission as aforesaid, and such last-mentioned court shall thereupon enter a decree as aforesaid. Where it is sought to enforce a right of sale under a mortgage, the provisions of section 201 shall apply to the decree. A decree entered under this section shall be capable of execution in the same manner as a decree in a civil action under this Code, and if entered for default shall be liable to be opened up for cause shown to the satisfaction of the court that has entered up such decree. An order as to costs of proceedings under this section shall be in the discretion of such court.

Course to be adopted as regards debts not admitted.

724. If on notice served as provided in the last preceding section the person noticed appear before the court that issued notice and deny the debt or any portion thereof, such court, if it be not the court in which the estate is being administered, shall forthwith report the fact of such denial to the court in which the estate is being administered, and the latter court shall thereupon, or if the denial of the debt or part thereof be made to it direct in the first instance, either authorize the executor or administrator to institute a regular action for the recovery of such amount, or shall direct the executor or administrator to assign to the devisees under the will or heirs the debt or so much thereof as has been denied; provided that the court shall always adopt the latter course, unless, in consequence of the indebtedness of the estate or by reason of any inconvenience that is likely to ensue to heirs, their number being large, or for some other good and sufficient reason, the court deems it expedient to order otherwise.

Debtors to the estate may pay debts into court and obtain receipts.

725. It shall be competent to any person indebted to the estate of a deceased person that is being administered in any court, or who becomes a debtor to an executor or administrator as such after the grant of probate or letters of

administration, to pay into such court to the credit of the estate any sum of money in full or part satisfaction of his debt. The court shall thereupon receive such sum of money and grant to the person paying a receipt therefor, and give notice to the executor or administrator of the fact of such payment.

The court to order executor or administrator to pay debts and sell property to enable him to do so.

726. The court may at any time require an executor or administrator to pay forthwith any debt due by the estate out of funds in his hands or in deposit in court to the credit of the estate. The court may also at any time order, after notice to parties interested, if it deems such notice expedient, and subject to such terms and conditions as it deems proper, the sale of any property belonging to the estate to enable the executor or administrator to pay any debt that he may at any time be required by the court to pay; and it shall be the duty of the executor or administrator to pay such debt or sell such property when so ordered.

Notice of action in any court against executor or administrator to be given by such court to court in which estate is being administered. Executor or administrator not to consent to judgment without leave of court.

727. When an action is instituted against an executor who has obtained probate or an administrator in a court other than that in which the estate is being administered, it shall be the duty of the Judge of such court to give forthwith notice of such action to the court in which such estate is being administered, and it shall not be competent to an executor or administrator against whom an action has been instituted in his representative capacity to consent to judgment in such action without the express sanction of the court in which the estate is being administered.

Executors and administrators to register addresses in court.

728. It shall be the duty of every executor or administrator to register his address in court, and to notify to the court any change of address. An executor or administrator failing to register his address or notify any change of address shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees.

Executor or administrator failing to attend court when noticed to be guilty of contempt, and to be liable to punishment.

729. An executor or administrator who fails to attend the court in which the estate is being administered when noticed to do so by such court, the notice being served on him personally or left at his registered address, shall be liable to be fined by such court as for contempt. The fine that the court may so impose may be any sum not exceeding one hundred rupees, and it may be imposed in the absence of the executor or administrator and without his being called upon to show cause against such punishment, and such fine may be recovered as directed in section 799 of this Code. Provided, however, the court may on the application of an executor or administrator so fined, in his absence may on sufficient cause being shown by him explaining his default remit the whole or any portion of the fine imposed on him.

Executors and administrators to be liable to pay costs of notices necessitated by their defaults

730. The court may in its discretion condemn an executor or administrator to pay personally the costs of any notice issued on him at the instance of the court, where such notice is necessitated by any default on the part of such executor or administrator, and such costs may be recovered by execution issued at the instance of the court as in the case of a decree for the payment of money in an ordinary civil action.

Executors who are created trustees by will to carry out trusts which cannot be executed within twelve months to carry out such trusts thereafter without reference to Court.

731. Where a will directs possession of any property by the executor named therein for the purpose of carrying out any general or special trust which cannot be carried out within a period of twelve months from the date of the grant of probate, or where by the will the executor is charged with any trust which cannot be conveniently executed within such period, the executor shall not be required or permitted to execute such trust in his capacity as executor, but he shall file his account under section 553 and close the estate, taking over such property as may be available for carrying out such trust, and carry out the same as a mere trustee without further reference to the court, or being subject to its orders in the testamentary proceedings.

Form of conveyance of property by executors and administrators to devisees and heirs.

732. For the purpose of conveying immovable property to a devisee or heir, an executor or administrator may make out and execute a conveyance in duplicate before the Judge or Secretary of the court in which the estate is being administered according to the form in schedule B hereto, or

in such other form or expressed in such other terms as the court may deem expedient. Such conveyance shall be binding and of force although not executed before a notary public. The Judge or the Secretary shall take charge of the duplicate and transmit the same to the Registrar of Lands for the district in which the land conveyed is situated in like manner as now is, or hereafter shall be, required to be done by notaries in respect of deeds executed before them. Such conveyance shall not on execution be liable to any stamp duty.

Where an executor or administrator omits to convey property the Judge may do so for him.

733. If an executor or administrator decline or omit to execute a conveyance of immovable property in favour of a devisee or heir when required by the court to do so, the Judge may execute such conveyance on behalf of the party in default. Such conveyance shall have the same effect as if it were executed by the party ordered to do so, and shall be subject to the provisions of section 732.

Appeals from orders under this chapter to be treated as interlocutory appeals.

10 Section 722 of the Civil Procedure Code shall be numbered 734, and the following words added thereto: "And such appeal shall be treated as an appeal from an interlocutory order and disposed of as speedily as possible."

11 The following chapter shall be substituted for chapter LV. of the Civil Procedure Code:

CHAPTER LV.

Of the Settlement of the Accounts of Executors and Administrators and the Partition of the immovable Property of the Estate.

Intermediate accounting, voluntary.

735. An executor or administrator may at any time voluntarily file in the court from which grant of probate or administration issued to him an intermediate account, and the vouchers in support of the same.

Intermediate accounting, compulsory.

736. The court may in any case at any time, and either upon application of a creditor or party interested or of its own motion, make an order requiring an executor or administrator to render an intermediate account.

Extension of time for filing account under section 553, and contesting correctness of items therein and orders thereupon.

737. The court may at any time on sufficient cause shown by an executor or administrator extend the time for filing the account mentioned in section 553, and on such account being filed, the court shall issue notice thereof to such persons as the court may deem to be interested in such account. It shall be lawful for any person whom the court may deem to have an interest in the estate of the deceased to contest the correctness of any item in such account or to claim the insertion of any further item therein. In the case of any such contest or claim the court shall summarily inquire into the same, framing, if necessary, issues that may appear to it to arise between parties interested or between any one or more of them and the executor or administrator, and in such inquiry adjudicate upon all matters in issue and amend the account accordingly. An adjudication under this section shall, subject to appeal, be final and conclusive between the parties to any contest as aforesaid. Provided that if after such inquiry as aforesaid any question appear to the court to be a fit and proper subject for decision in a separate regular action, the court may refer the parties interested in such question to such an action and accept the said account subject to amendment or further amendment after the decision of such action. Provided further that if, where such account is filed, it appear to the court to be deficient in any respect, the court may refuse to accept it, and return the same to the executor or administrator for amendment.

Partition of immovable property of estate according to scheme agreed to by heirs.

738. For the purpose of facilitating the final distribution of an estate by an administrator, the heirs may agree to a scheme of partition of the immovable property, and submit the same to the court for approval. If the same be approved by the court, the partition proposed may be sanctioned by it, and thereupon the administrator shall grant conveyances under section 732 in terms of such scheme. Provided that the court shall not approve such scheme if it involves joint possession of any separate portion of land or other immovable property by two or more persons, and it appears to the court to be inexpedient to allow such joint possession.

Court may settle scheme of partition where heirs cannot agree. Sale of property where partition is impracticable. Remedy of heir prejudiced by deceased's title to portion allotted to him being defective.

739. If the heirs cannot agree to such a scheme of partition as is mentioned in section 738, or the court does not approve any scheme submitted as aforesaid, the court may cite all such parties as to it may seem to be interested in the immovable property of the estate and, after such inquiry as it may deem to be necessary, settle a scheme of partition, and direct the administrator to grant conveyances under section 732 accordingly. Provided that if the court find it impracticable to partition such property, it may direct the sale of the right, title, and interest of the deceased in and to such property or any portion thereof on such terms as to it may seem desirable and divide the proceeds among those entitled thereto. Provided further that, in the event of partition, if it be found after partition that any heir is prejudiced by reason of the title of the deceased to the portion allotted to him being defective, such heir shall be entitled to recover his loss *pro rata* from his co-heirs. The right to such recovery shall be barred in six months after the discovery by the heir of the defect in the title of the deceased.

Issue of commission to appraise or survey property to be sold. Purchase by several persons jointly not to be permitted if joint possession of property sold be deemed to be inexpedient.

740. For the purpose of enabling the court to decide whether property should be partitioned or sold as provided in section 739, the court may issue a commission to any person or persons to appraise or survey the said property or any portion thereof, and direct such remuneration as it may deem to be adequate to be paid to such person or persons out of the estate, and in the event of a decree for sale the court may prohibit the acceptance of a bid by more than one person or by one person on behalf of several for the property of the estate or any portion thereof, and may refuse to sanction the completion of the sale of such property or portion thereof in favour of more than one person, if the court deems it inexpedient to allow more than one person to be joint owners of such property or portion thereof.

SCHEDULE A.

Chapter LV.

SCHEDULE B.

Form of Conveyance of Executor or Administrator.

(See Section 732.)

I, *A. B.*, executor of the last will and testament of *C. D.*, deceased (or Administrator of the estate and effects of *C. D.*, deceased), do hereby, in terms of an order of Court dated the _____ day of _____, made in testamentary (administration) proceedings bearing No. _____ of the District Court of _____, grant, convey, transfer, assign, set over, and assure unto *E. F.*, a devisee under the said will (or an heir of the said *C. D.*, deceased), (subject to the terms and conditions set forth in the Schedule hereunder), the right, title, and interest held, possessed, and enjoyed at the date of his death by the said *C. D.* in and to the following property, to wit (*full description of property by reference, if necessary, to a survey plan*):

To have and to hold the said property hereby conveyed and every part thereof unto him the said *E. F.*, his heirs, executors, administrators, and assigns for ever.

In witness whereof I, as executor (or Administrator) as aforesaid, do set my hand hereto and another of the same tenor as these presents, in _____, this _____ day of _____, in the presence of *G. H.*, Judge (or Secretary) of the said Court.

Schedule.

(*Insert terms and conditions, if any, imposed by the Court or by the will.*)

I, *G. H.*, Judge (or Secretary) of the District Court of _____, do hereby certify that the above conveyance having been duly read over by (or duly read over and explained to) *A. B.* therein named was duly signed in duplicate by the said *A. B.* in my presence.

District Judge (or Secretary).

By His Excellency's command,

Colonial Secretary's Office,
Colombo, May 27, 1911.

HUGH CLIFFORD,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance is intended, in the main, to facilitate the administration of the estates of deceased persons. In addition to provisions directly serving this purpose, it contains provisions intended to check the undervaluation of estates and to force into court estates that are by law required to be administered, to ensure an unbroken chain of title from the deceased to property left by him, to prevent as far as practicable the subdivision of the property left by a deceased person into infinitesimal shares, and to enable the Public Trustee constituted by "The Public Trustee Act, 1906," and those representing him to obtain letters of administration, whenever necessary, without giving security for the due administration of the estate.

2. It is made the duty of Registrars of Deaths and native headmen of the rank of Vidane Arachchi to report to Government Agents the death of every person who dies leaving an estate which, so far as they can ascertain, is of sufficient value to require administration; and Government Agents are given the right of contesting the correctness of the valuation of the estates that are being administered.

3. The indiscriminate and unnecessary institution of actions by administrators is provided against, and facility afforded them to recover uncontested claims without recourse to regular actions.

4. The present cumbersome procedure for the judicial settlement of estates is repealed, and a simpler and more effective method of judicially settling the accounts of administrators is substituted in its place.

5. Provision is also made for the termination, more speedily than under the present practice, of proceedings, so far as the bare administration of the estate is concerned, in cases in which executors have been appointed as trustees in respect of trusts which it would take a long term of years to carry out.

6. In order to ensure a proper chain of title from the deceased to property belonging to his estate, and also to prevent the alienation of such property without administration by those claiming to be heirs, it is provided that the estate of a person dying intestate should, in the first instance, vest in the court. The necessary restrictions and safeguards are provided for in the Ordinance to protect the interests of the heirs.

7. As regards the prevention of the subdivision of property into infinitesimal shares, it is provided that where those interested cannot agree to a proper scheme for division, the court may, as a step in administration, partition the estate among the heirs, or, when such partition is impracticable, sell property and divide the proceeds.

8. The provision to enable the Public Trustee under the Act referred to in section 7 to apply for and obtain letters of administration without giving the usual security is similar to that in the English Act. There is always the security of the British Government in the case of administration by the Public Trustee.

Attorney-General's Chambers,
Colombo, May 22, 1911.

WALTER PEREIRA,
Acting Attorney-General.

MINUTE.

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

An Ordinance to amend "The Destitute Immigrants Regulation Ordinance, 1907."

Preamble.

WHEREAS it is expedient to amend in certain particulars "The Destitute Immigrants Regulation Ordinance, 1907" (hereinafter referred to as "the principal Ordinance"): Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and construction.

1 This Ordinance may be cited as "The Destitute Immigrants Regulation (Amendment) Ordinance, 1911," and shall be read and construed as one with the principal Ordinance.

Amendment of the definition of "costs and charges" in section 2.

2 For the definition of the expression "costs and charges" in section 2 of the principal Ordinance, the following definition shall be substituted, namely:

"Costs and charges" means any money expended out of public funds of the Island for the relief, maintenance, care, or treatment of any destitute immigrant, and the expenses computed according to a scale prescribed by the Governor of such relief, maintenance, care, and treatment in any hospital, almshouse, or other institution maintained out of public funds for the relief of sick or destitute persons; or in any hospital, almshouse, or other institution maintained for the said purpose by any charitable institution to the support of which the Government contributes, and includes, in the case of a stowaway, any money expended out of the public funds of the Island for his deportation, or for his maintenance, care, or treatment during imprisonment on conviction of an offence under this Ordinance or of any other offence.

Amendment of
section 10.

3 The following clause shall be added to the proviso which by section 3 of "The Destitute Immigrants Regulation (Amendment) Ordinance, 1910, was substituted for the proviso to section 12 of the principal Ordinance :

(c) If the destitute immigrant came on board as a stowaway, and the master, owner, agent, or charterer of the vessel has not within a period of two months of his being so landed provided him with a passage to some place where he can be lawfully landed and placed him on board the vessel by which such passage has been provided, the master shall be liable to repay to the Government of Ceylon all costs and charges incurred by the Government on behalf of such immigrant from the date of his landing until he is provided with a passage to some place where he can be lawfully landed and is placed on board the vessel by which such passage has been provided either by the Government, or the master, owner, agent, or charterer of the vessel from which he landed.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, May 18, 1911.

HUGH CLIFFORD,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Draft Ordinance is intended to amend "The Destitute Immigrants Regulation Ordinance, 1907," and to supply what is practically an omission in that Ordinance.

2. It adds to the definition of the expression "costs and charges" in the principal Ordinance, so that under that heading would now be recoverable from the party liable money expended out of the public funds of the Island for the deportation of a stowaway, or for his maintenance, care, or treatment during imprisonment on conviction of any offence.

3. Provision is also made for the recovery, in the case of a stowaway, of costs and charges incurred by Government during a period even exceeding that of two months mentioned in section 12 of the principal Ordinance.

Attorney-General's Chambers,
Colombo, May 15, 1911.

WALTER PEREIRA,
Acting Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Mohamado Lebbe Marikar Rafia
No. 2,904. Umma of 2nd Division, Maradana,
Class III. Colombo, deceased.
Rs. 5,000.

David Matthew Jansz, Secretary of the District
Court of Colombo Petitioner.

And

(1) Ummas Hanifa, (2) Rasa Markar Mohamado
Lebbe Markar, (3) Sinna Lebbe Markar Almia
Umna, all of 2nd Division, Maradana, and (4)
Mohamado Lebbe Markar Mohamado Yoosooof
of Dean's road Respondents.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on May 19, 1911, in the presence of Messrs. De Vos and Gratiaen, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 10, 1911, having been read: And whereas Ismail Lebbe Assena Lebbe, who was duly appointed administrator, died without fully administering the estate, and the petitioner has obtained letters of administration to his estate.

It is ordered that the said petitioner be and he is hereby declared entitled, as the Secretary of this Court, and administrator of the estate of the deceased administrator, to administer the estate of the deceased above named, and that letters of administration *de bonis non* do issue to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 8, 1911, show sufficient cause to the satisfaction of this court to the contrary.

May 19, 1911.

HERMANN A. LOOS,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Agnes Holmes, *nee* De Alwis, of.
No. 3,843 C. Mutwal, Colombo, deceased.

Vincent Holmes of Dematagoda Petitioner

And

(1) Violet Holmes, (2) Clarence Holmes, (3) Charlotte
Holmes, minors, appearing by their guardian *ad litem*
(4) Dominic Cyril Holmes of Dematagoda. Respondents.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on April 6, 1911, in

the presence of Mr. A. B. Tillekeratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 14, 1911, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as the widower and an heir 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 respondents above named or any other person or persons interested shall, on or before March 30, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.
March 6, 1911.

The date for showing cause against the *Order Nisi* being made absolute is extended till June 8, 1911.

By order,
C. B. PAULICKPULLE,
for Secretary.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Mohoodooon Marikar Hadjar Jaya-
3,878 C. nambu Natchia, wife of Sesma Lebbe
Class I. Abdul Rahiman, of No. 26, New Chetty
Rs. 3,140. street, Colombo, deceased.

Sesma Lebbe Abdul Rahiman of No. 59A, Layard's
broadway, Colombo Petitioner.

And

Mohamed Lebbe Notaris Mohoodooon Nenia
Marikar Hadjar of No. 26, New Chetty street in
Colombo Respondent.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on March 30, 1911, in the presence of Mr. S. W. Aseerwatham, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 23, 1911, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as the husband and an heir 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 or persons interested shall, on or before May 11, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.
March 30, 1911.

The above *Order Nisi* is extended and the date for showing cause is fixed for June 8, 1911.

HERMANN A. LOOS,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Ahamado Lebbe Marikar
No. 3,882 C. Avoo Lebbe Marikar of No. 43, Old Moor
Class I. street, Coloribo, deceased, executed
Rs. 2,000. jointly with his wife Uduma Lebbe Mari-
kar Umma Haney Umma.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on April 4, 1911, in the presence of Mr. A. C. Mahammado, Proctor, on the part of the petitioner Uduma Lebbe Marikar Umma Haney Umma of No. 95, Old Moor street, Colombo; and the affidavit (1) of the said petitioner dated March 23, 1911, and (2) of the attesting notary dated March 27, 1911, having been read: It is ordered that the will of the said Ahamado Lebbe Marikar Avoo Lebbe Marikar, deceased, dated February 1, 1903, 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 Uduma Lebbe Marikar Umma Haney Umma is the executrix

named in the said will and that she is entitled to have probates of the same issued to her accordingly, unless any person or persons interested shall, on or before May 11, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.
April 4, 1911.

Time for showing cause extended to June 8, 1911.

By order of court,

C. B. PAULICKPULLE,
for Secretary.
May 31, 1911.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Veerahanadage Joachim Fernando
No. 3,885 C. of Tudella, in the Ragam pattu of Alut-
Class II. kuru korale, in the District of Colombo,
Rs. 4,980. deceased.

Weerapperuma Aratchige Selestina Silva of Modera
in Colombo Petitioner.

And

Josephine Maria Fernando of Modera, in
Colombo Respondent.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on April 6, 1911, in the presence of Mr. S. W. Aseerwatham, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 3, 1911, 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 respondent above named or any other person or persons interested shall, on or before May 11, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.
April 6, 1911.

The above *Order Nisi* is extended, and the date for showing cause is fixed for June 8, 1911.

HERMANN A. LOOS,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Lendenipathirennehelage Pilois
No. 3,910. Appu of Nithambuwa in the Udagaha
Class II. pattu of Siyane korale, deceased.
Rs. 2,810.

Lendenipathirennehelage Nicholas Appu of Nith-
ambuwa aforesaid Petitioner.

And

(1) Polgampolage Menchi Hami, (2) Lendenipathi-
rennehelage Jacolis, (3) Lendenipathirennehe-
lage Juse Appu, (4) Lendenipathirennehelage
Agoris, (5) Lendenipathirennehelage Sardiell, (6)
Lendenipathirennehelage Pabila Hamy, wife of
(7) Hettiachchi Halpekankanamalage Jothi
Hamy, (8) Lendenipathirennehelage Missi Nona,
all of Nithambuwa, aforesaid Respondents.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on May 9, 1911, in the presence of Mr. G. E. G. Weerasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 1, 1911, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled as a son and an heir of the deceased above named to administer the estate of the said deceased, and the letters of administration do issue to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 8, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.
May 9, 1911.

*Yd. 41-
E 55 252*
In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Wilfred Edmund Anthonisz of Old
No. 3,912. Moor street, Colombo, deceased.

Maria Josephine Anthonisz of Old Moor street, in
Colombo Petitioner.

And

(1) Forest Lloyd Anthonisz of Dehiwala, (2)
Adeline Maud Mack, of Kuruwe street, in
Colombo Respondents.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on May 9, 1911, in the presence of Mr. A. L. de Witt, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 5, 1911, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as the mother and an heir of the deceased, 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 June 8, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.

May 9, 1911.

*Yd. 41-
E 55 252*
In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of John Hugh Spencer Rogers, late
No. 3,914 C. of Court Lodge estate, Kandapola, in the
Island of Ceylon, deceased.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on May 15, 1911, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner Walter Emerson Drury of Colombo; and the affidavit of the said petitioner dated April 19, 1911, power of attorney in favour of the petitioner, and the Supreme Court order dated April 6, 1911, having been read: It is ordered that the will of the said John Hugh Spencer Rogers, deceased, dated February 5, 1911, of which an exemplification 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 Walter Emerson Drury 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 June 8, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.

May 15, 1911.

*Yd. 41-
E 55 252*
In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Dona Anne Mary Senanayake Weera-
No. C/3,921. singhe Gunawardana of Bspitiya in
Pamunugama, in the Ragam pattu of the
Alutkuru korale, deceased.

Meepagalage Johannes Perera of Madampitiya
in Colombo Petitioner.

And

(1) Bastian Korallage Nicholas Rodrigo Weerasinghe Gunawardana, (2) Bastian Korallage Elizabeth Bridget Margaret Agnes Alexandra Rodrigo Weerasinghe Gunawardana, and (3) Bastian Korallage James Joseph Michael Anthony Rodrigo Weerasinghe Gunawardana Respondents.

THIS matter coming on for disposal before Hermann A. Loos, Esq., District Judge of Colombo, on May 23, 1911, in the presence of Mr. E. W. Perera, Proctor, on the part of

the petitioner above named; and the affidavit of the said petitioner dated May 17, 1911, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as the brother-in-law and the nominee of the 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 respondents above named or any other person or persons interested shall, on or before June 15, 1911, show sufficient cause to the satisfaction of this court to the contrary.

HERMANN A. LOOS,
District Judge.

May 23, 1911.

In the District Court of Negombo.

Order Nisi.

In the Matter of the Estate of the late
Abayakonmudiyanselage Alisandri Appu-
hamy of Perisyalla, and Chandrasekara
Mudalige Dochcho Nonahamine, deceased,
of Kehelella.

THIS matter coming on for disposal before R. G. Saunders, Esq., District Judge of Negombo, on May 15, 1911, in the presence of Messrs. J. E. de Zoysa and R. A. Perera, carrying on business in partnership under the name, firm, and style of De Zoysa & Perera, Proctors, on the part of the petitioner Abayakonmudiyanselage Peter Appuhamy; and the affidavit of the petitioner dated May 5, 1911, having been read: It is ordered that the petitioner be and is hereby declared entitled to have letters of administration of the estate of the deceased above named issued to him, unless the respondents—(1) Abayakonmudiyanselage Raphiel Appuhamy, (2) ditto Elias Appuhamy, (3) ditto Thomas Appuhamy, (4) ditto Jane Nona Hamine, all of Kehelella—shall, on or before June 6, 1911, show sufficient cause to the satisfaction of this court to the contrary.

R. G. SAUNDERS,
District Judge.

May 13, 1911.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Abayakonmudiyanselage Alisandri Appu-
No. 1,212. hamy of Perisyalla, and Chandrasekara
Mudalige Dochcho Nonahamine, deceased,
of Kehelella.

THIS matter coming on for disposal before R. G. Saunders, Esq., District Judge of Negombo, on May 15, 1911, in the presence of Messrs. J. E. de Zoysa and R. A. Perera (carrying on business in partnership under the name, firm, and style of De Zoysa and Perera), Proctors, on the part of the petitioner Abayakonmudiyanselage Peter Appuhamy; and the affidavit of the petitioner dated May 5, 1911, having been read: It is ordered that the petitioner be and is hereby declared entitled to have letters of administration of the estate of the deceased above named issued to him, unless the respondents—Abayakonmudiyanselage Raphiel Appuhamy, (2) ditto Elias Appuhamy, (3) ditto Thomas Appuhamy, (4) ditto Jane Nona Hamine, all of Kehelella—shall, on or before June 6, 1911, show sufficient cause to the satisfaction of this court to the contrary.

R. G. SAUNDERS,
District Judge.

May 15, 1911.

In the District Court of Kalutara.

Testamentary In the Matter of the Estate of the late Salia
Jurisdiction. Lebbe Abdul Careem of Werawatte, in
No. 670. Panadure, deceased.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Kalutara, on May 13, 1911, in the presence of Mr. D. de Silva, Proctor, on the part of the petitioner Casi Lebbe Markar Salia Lebbe of Totawatta, in Panadure; and the affidavit of the said petitioner dated May 11, 1911, having been read:

It is ordered that the petitioner Casi Lebbe Markar Salia Lebbe of Totawatte, in Panadure, be and he is hereby declared entitled to administer the estate of the said deceased, as father of the said deceased, and that letters of

administration do issue to him accordingly, unless any person or persons interested shall, on or before June 7, 1911, show sufficient cause to the satisfaction of this court to the contrary.

May 13, 1911.

T. B. RUSSELL,
District Judge.

In the District Court of Nuwara Eliya.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of
Jurisdiction. Annie Jane Walker, late of Nuwara Eliya,
No. 19. deceased.

- (1) Evans Henry Cameron Walker of Colombo,
(2) Patrick William Baker Walker of Mombassa,
in East Africa. Petitioners.

Vs.

- (1) Neville Manchip and (2) T. A. Manchip, both of
the Standard Rubber Co. of Selangor, Ltd.,
Kajang, of the Federated Malay States, (3)
Cora Frances Elanie Walker of Shamrock
Cottage, Nuwara Eliya, (4) Rose Annie Walker,
executrix of the last will and testament of the
late Thomas Richard Walker of Nuwara
Eliya. Respondents.

THIS matter coming on for disposal before E. T. Millington, Esq., District Judge of Nuwara Eliya-Hatton, on April 22, 1911, in the presence of Mr. C. W. Bartholomusz, Proctor, on the part of the petitioners; and the affidavit of the petitioners dated March 23, 1911, having been read:

It is ordered that the 1st petitioner Evans Henry Cameron Walker of Colombo be and he is hereby declared entitled, as a son and an heir of the deceased above named, to administer the estate of the said deceased, unless the respondents above named or any other person or persons interested shall, on or before June 6, 1911, show sufficient cause to the satisfaction of this court to the contrary.

E. T. MILLINGTON,
District Judge.

April 22, 1911.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Parupathapattiniammal, wife of Kan-
No. 2,411. taiyah Nagalingam of Copay, deceased.
Class III.

Kantaiyah Nagalingam of Irupalai. Petitioner.

Vs.

- (1) Muttu Mailvaganam of Copay, (2) Nagalingam
Senathirajah of Irupalai, and (3) Amirthavalli-
amma, daughter of Nagalingam of ditto, (the
2nd and 3rd respondents are minors and appear
by their guardian *ad litem* the 1st respon-
dent). Respondents.

THIS matter of the petition of Kantaiyah Nagalingam of Irupalai, praying for letters of administration to the estate of the above named deceased, Parupathapattiniammal, wife of Kantaiyah Nagalingam, coming on for disposal before M. S. Pinto, Esq., District Judge, on May 17, 1911, in the presence of Messrs. Casipillai and Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated March 29, 1911, having been read: It is declared that the petitioner is the lawful husband of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before June 19, 1911, show sufficient cause to the satisfaction of this court to the contrary.

May 17, 1911.

M. S. PINTO,
District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Nicholas Albert Wickramasinghe, de-
No. 513. ceased, of Tangalla.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge, Tangalla, on May 5, 1911, in the presence of Mr. Isaac R. Abeydeera, Proctor, on the part of the petitioner Justina Samarawira Wickramasinghe of

Tangalla; and the affidavit of the said petitioner dated April 26, 1911, having been read:

It is ordered that letters of administration to the estate of the deceased Nicholas Albert Wickramasinghe be issued to the petitioner aforesaid, as his widow, unless the respondents—(1) Laura Wickramasinghe, (2) Maria Wickramasinghe, (3) Alice Wickramasinghe, (4) Joslin Wickramasinghe, (5) Harriet Wickramasinghe, (6) Roslin Wickramasinghe, (7) Edith Wickramasinghe, (8) Irene Wickramasinghe, (9) Thomas Jayasuriya Gunawardana, all of Tangalla—shall, on or before June 7, 1911, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the 9th respondent Thomas Jayasuriya Gunawardana be appointed guardian *ad litem* over the 4th, 5th, 6th, 7th, and 8th respondents for the purpose of this case.

ALLAN BEVEN,
District Judge.

May 17, 1911.

In the District Court of Mullaittivu.

Order Nisi.

Testamentary In the Matter of the Estate of Vallinayagam-
Jurisdiction. pillai, wife of Arumugam Thirugana
No. 90. Sampanther of Mullaittivu, deceased.

K. W. Thampiah, Mudaliyar of Mullaittivu. Petitioner.

Vs.

Thampiah Mudaliyar Sabaratnam of Mullaittivu,
now at Colombo. Respondent.

THIS matter coming on for disposal before A. W. Seymour, Esq., District Judge, Mullaittivu, on May 13, 1911, in the presence of the petitioner; and the affidavit of the petitioner dated May 13, 1911, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as father and heir of the deceased Vallinayagampillai, and that letters of administration do issue to him accordingly, unless the respondents above named or any other person shall, on or before June 30, 1911, show sufficient cause to the satisfaction of this court to the contrary.

A. W. SEYMOUR,
District Judge.

May 17, 1911.

In the District Court of Kegalla.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Eranpola Tikiri Kumarihamy,
No. 320. deceased, of Alupotha of Bampane
Walawwa, deceased.

Aturupana Abeykoon Mudiyanseralahamillage
Punchi Bandaramahatmaya of Bampane
Walawwa, in Egodapotha pattuwa in Galboda
korale, in Kegalla District. Petitioner.

- (1) Punchi Banda Ekneligoda Basnayakanilame, presently of Hiramadagama, in Ratnapura District, (2) Yalagoda Tikiri Kumarihamy of Yalagoda, in Udunuwara, Kandy District. Respondents.

THIS matter coming on for disposal before W. de Livera, Esq., District Judge of Kegalla, on May 11, 1911, in the presence of Mr. A. F. R. Goonawardana, Proctor, on the part of the petitioner Aturupana Abeykoon Mudiyanseralahamillage Punchi Bandaramahatmaya of Bampane Walawwa; and the affidavits of Rammale Kankanamalage Punchirala of Kubaloluwa, Demalappaliye Gurunnehelage Gabriel Fernando, Kekirigoda Dissanayaka Wannakurallage Appuhamy, Vedarala of Hingula, dated September 8 and 9, 1910, respectively, having been read: It is ordered that the will of Eranpola Tikiri Kumarihamy, deceased, dated May 25, 1907, be and the same is hereby declared proved, unless Punchi Banda Ekneligoda Basnayakanilame, presently of Hiramadagama, and Yalagoda Tikiri Kumarihamy of Yalagoda respondents shall, on or before June 13, 1911, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said Aturupana Abeykoon Mudiyanseralahamillage Punchi Bandaramahatmaya is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondents shall, on or before June 13, 1911, show sufficient cause to the satisfaction of this court to the contrary.

May 11, 1911.

W. DE LIVERA,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Kalutara.

No. 137. In the matter of the insolvency of Bennett F. Abeysekere of Kalutara.

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 June 13, 1911, for proof of further claims and for the grant of a certificate.

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

Kalutara, May 26, 1911.

In the District Court of Kalutara.

No. 139. In the matter of the insolvency of Karannagodage Don Agiris Appu of Aramanagoda.

WHEREAS Karannagodage Don Agiris Appu of Aramanagoda 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 June 16, 1911, and on July 7, 1911, 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, May 27, 1911.

In the District Court of Negombo.

No. 91. In the matter of the insolvency of Sebastian Cyril Fernando of Rose Bank, Negombo.

WHEREAS Sebastian Cyril Fernando has filed a declaration of insolvency, and a petition for the sequestration of the estate of Sebastian Cyril Fernando, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Sebastian Cyril Fernando insolvent accordingly; and that two public sittings of the court, to wit, on June 28, 1911, and July 28, 1911, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance of which creditors are hereby required to take notice.

By order of court,
N. PARANAVITANE,
Secretary.

May 26, 1911.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Nanayakkarage Don Bernard Silva of Bambalapatiya in Colombo..... Plaintiff.

No. 19,965. Vs.

(1) Bastian Korallage Balbara Rodrigo Hamine, (2) Madavita Vitana Mudalige Don Rogus Samarawickrama, (3) Madavita Vitana Mudalige Don Simon Samarawickrema, all of Welisara, in the Ragam pattu of Alutkuru korale..... Defendants.

NOTICE is hereby given that on Friday, June 30, 1911, at 1 o'clock in the afternoon, will be sold by public auction at the premises the following property, ordered to be sold by the order of court dated February 25, 1911, for the recovery of the sum of Rs. 1,345, with interest on Rs. 1,000 at 18 per cent. per annum from March 26, 1904, till June 24, 1904, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit (bill not taxed yet), viz. :—

All that portion of land called Delgahawatta with the buildings and plantations standing thereon, situated at Welisara, in the Ragam pattu of Alutkuru korale; and bounded on the north by dewata road, on the east the land belonging to S. P. A. Robarthu, on the south by the land belonging to T. R. Candappa, and on the west by the land belonging to M. Aron Pinto; containing in extent 1 acre 1 rood and 10 perches accordingly to the survey dated July 16, 1898, and made by Mr. L. D. Silva, Licensed Registered Surveyor, being the divided eastern half of the land called Delgahawatta situated at Welisara aforesaid; and bounded on the north by dewata road, on the east by the limit of the land formerly belonging to Don Amaris, Vel-Vidanarala, and now belonging to his children, on the south by the limit of the land formerly of Moses Pinto, and now belonging to the late Daniel Candappa, and on

the west by the ditch separating Delgahakumbura from this land and the limit of the land belonging to Don Thomas Samaranayake, notary; containing in extent about 2 acres, which said premises are held and possessed by the 1st defendant by virtue of deed No. 3,498 dated October 24, 1895, and attested by H. D. T. Samaranayake, Notary Public, and by right of devise under the last will of the 1st defendant's husband, Madavita Vitane Mudalige Don Jacovis Samarawickrama, Gardiarachchi.

E. ONDATJE,
Deputy Fiscal.
Fiscal's Office,
Colombo, May 31, 1911.

In the District Court of Colombo.

Payna Rana Nana Kana Roona Nalla Caruppan Chetty of Sea street, in Colombo..... Plaintiff.

No. 28,427. Vs.

Eliadura Vidanelage Romanis Fernando of Wellawatta..... Defendant.

NOTICE is hereby given that on Friday, June 30, 1911, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 1,805, with interest thereon at 20 per cent. per annum from February 15, 1905, till March 9, 1909, and thereafter at 9 per cent. per annum till payment in full and costs of suit, less Rs. 726.25, viz. :—

The land called Madangahawatta bearing lot No. 239A together with all the buildings and plantations standing thereon, situated at Wellawatta in the Palle pattu of Salpiti korale; and bounded on the north by a path, south by lot No. 245, on the east by lot No. 239B, and on the west by lot No. 240; containing in extent 1 rood and 5 perches, more or less.

E. ONDATJE,
Deputy Fiscal.
Fiscal's Office,
Colombo, May 30, 1911.

In the District Court of Colombo.
 Anthony Francis Salis Massellamany of No. 44,
 New Chetty street, Colombo Plaintiff.

No. 30,794. Vs.
 1, John Dominco Casie Chetty of No. 35, New
 Chetty street, Colombo, now of Velleriya,
 Henaratgoda; 2, Ana Bridget Casie Chetty of
 No. 35, New Chetty street, Colombo, now of St.
 Lucia's street, Kotahena; and 3, C. A. Perumal
 of 4th Cross street, Pettah, Colombo Defendants.

NOTICE is hereby given that on Saturday, July 1, 1911,
 will be sold by public auction at the respective premises
 the following property ordered to be sold by the order of
 court dated April 20, 1911, for the recovery of the sum of
 Rs. 11,333.33, with interest on Rs. 10,000 at 8 per cent. per
 annum from May 8, 1910, till March 20, 1911, and thereafter
 on the aggregate amount of the decree at 9 per cent. per
 annum till payment in full and costs of suit, viz:—

At 1 P.M.

(1) All those two in one annexed parts of a garden with
 the buildings standing thereon, situate and lying at Kotahena
 within the Municipality of Colombo, bearing presently
 assessment No. 1, College street; bounded or reputed to be
 bounded on the north by the garden of widow Ondatje, on
 the east by a small road, on the south by the high road,
 and on the west by the garden of Hettige Maria Perera,
 containing in extent 2 square roods and 26 and 1/10 square
 perches according to the title plan thereof dated October
 12, 1825, authenticated by Gaulterus Schneider, Land
 Surveyor-General.

At 1.30 P.M.

(2) A part of the garden with the buildings standing
 thereon, situate at Kotahena aforesaid adjoining the above
 property; bounded or reputed to be bounded on the north
 by the garden of widow Ondatje, on the east by the property
 of Philip Rodrigu, and on the south and south-west by the
 high road, containing in extent 1 square rood and 13 1/5
 square perches according to the title plan thereof No. 1,718,
 dated September 6, 1822, authenticated by the said Gaulterus
 Schneider, which said several premises are held and possessed
 under and by virtue of an indenture No. 3,043, dated
 August 21, 1899, attested by John William Vanderstraaten
 of Colombo, Notary Public.

At 2 P.M.

(3) A part of a garden with the buildings standing thereon
 bearing assessment No. 36, situated at Muttukristna street,
 now called Pickering's road, in Kotenchina or Kotahena,
 within the Municipality of Colombo; bounded or reputed to
 be bounded on the north by the New road; on the east by
 the part of this garden belonging to Christofoe Rodrigo,
 on the south by the property of Philip Morias, and on the
 west by another part of this garden belonging to John Manuel
 Rodrigoe Nalla Tamby, containing or reputed to contain in
 extent 13 square perches, held and possessed under and by
 virtue of an indenture No. 3,044, dated August 21, 1899,
 attested by William Vanderstraaten of Colombo, Notary
 Public.

At 3 P.M.

(4) All that house and ground bearing assessment No. 24,
 situate at Barber street, within the Municipality of Colombo;
 bounded or reputed to be bounded on the north by the
 property of Jusey Appu, on the east by Barber street, on
 the south and west by the property of F. J. T. Foenander,
 containing or reputed to contain in extent 5 square perches
 more or less, held and possessed under and by virtue of an
 indenture No. 3,038, dated August 21, 1899, attested by
 John William Vanderstraaten of Colombo, Notary Public.

Fiscal's Office,
 Colombo, May 30, 1911.

E. ONDATJE,
 Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Muna Kana Nana Muttiah Chetty of No. 30,
 Trincomalee street, in Kandy, Plaintiff.

No. 17,484. Vs.
 1, K. B. Giriagama and 2, L. B. Giriagama,
 both of Kandy Defendants.

NOTICE is hereby given that on June 26, 1911, at 12
 noon, will be sold by public auction at this office the right,

title, interest, claim, and demand of the above named
 plaintiff in and to the mortgage bond No. 235 dated June
 21, 1906, and attested by Mr. E. D. W. Siebel of Kandy;
 Notary Public, executed in favour of the judgment-debtor
 by Samarakoon Mudiyansele Dingiri Banda, late Korala,
 of Niyangoda and the principal sum and interest due thereon
 and also the security thereby effected.

Amount of writ, Rs. 326.50.

Fiscal's Office,
 Kandy, May 30, 1911.

A. V. WOUTERSZ,
 Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Veluppillai Kanapatippillai and wife, Suntharamma
 of Karaitivu East Plaintiffs.
 Ramanatar Veluppillai of Karaitivu
 East Substituted Plaintiff.
 No. 6,031. Vs.

1, Sitamparappillai Sinniah and wife; 2, Sinnak-
 kuddy of Karaitivu East; 3, Teivanai, daughter
 of Ampalavanar of Karaitivu East Defendants.

NOTICE is hereby given that on Wednesday, July 5, 1911,
 at 10 o'clock in the forenoon, will be sold by public auction
 at the premises the following property hypothecated to the
 plaintiff and decreed to be sold by decree entered in the
 above action for the recovery of Rs. 5,630.83, with interest
 on Rs. 5,000 at the rate of 6 per cent. per annum from July
 9, 1908, until payment in full and costs of suit being
 Rs. 428.52 and charges, viz:—

1. A piece of land situated at Kalapoomy, in Karaitivu
 East called Thoppilkadu, containing or reputed to contain
 in extent 128 lachams varaku culture with palmyras, old
 and young coconut and margosa trees, and cultivated plants;
 bounded or reputed to be bounded on the east by the prop-
 erty of Apiraman and others, north by the property of
 Paramu and others, on the west by the property of Teivanai
 and others, and on the south by seabeach.

2. A piece of land situated at Kalapoomy, in Karaitivu
 East called Manakkai, containing or reputed to contain in
 extent 33 lachams paddy culture and 4 kullies; bounded or
 reputed to be bounded on the east by channel and by the
 property of Veerakatty, on the north by the property of
 Chivakamy and others, on the west by the property of
 Veluppillai and others, and on the south by the property of
 Nannippillai and others.

Fiscal's Office,
 Jaffna, May 29, 1911.

V. THAMBIPILLAI,
 for Fiscal.

In the District Court of Jaffna.

(1) Sapapatyppillai Ampalavanar and wife (2)
 Alice Charlotte Chellachechi of Araly East Plaintiffs.
 No. 7,730. Vs.

(1) Murugasar Appapillai of Araly East and his
 wife (2) Mahaledchumyamma of ditto, (3)
 Appapillai Ramalingam, a minor, by his guardian
ad litem the 1st defendant Defendants

NOTICE is hereby given that on Thursday, June 29,
 1911, at 10 o'clock in the forenoon, will be sold by public
 auction at the premises the following property, hypothecated
 to the plaintiffs and decreed to be sold by decree entered in
 the above action, for the recovery of Rs. 422, with interest
 on Rs. 300 at the rate of 10 per cent. per annum from
 February 3, 1911, until payment in full and costs of suit
 being Rs. 103.60, and charges, viz:—

(1) A piece of land situated at Araly East called Addip
 paddy and other parcels, containing or reputed to contain
 in extent 6 lachams varaku culture, with house, veranda,
 kitchen, well, and other appurtenances, together with share
 of well on the northern boundary land; bounded or reputed
 to be bounded on the east by the property of Unnamalai,
 wife of Ponnampalam, and others, north by the property of
 Kayilayar Nagamuttu and others, west by the property of
 Unnamalai, wife of Ponnampalam, and others, and on the
 south by lane and by the property of Unnamalai, wife of
 Ponnampalam.

(2) A piece of land situated at Araly East called Addup-paddy, and other parcels, containing or reputed to contain in extent 3 lachams varaku culture and 3 kullies, with well and other appurtenances; bounded or reputed to be bounded on the east by the property of Suppiah Kandiah and brothers and sisters, and others, north by the property of Umayamma wife of Tamotarampillai and others, on the west by lane, and on the south by the property of Appapillai Ramalingam.

(3) A piece of land situated at Araly East called Pukkadeyvayal, containing or reputed to contain in extent $4\frac{1}{2}$ lachams paddy culture, bounded or reputed to be bounded on the east by the property of Nagamuttu, wife of Vayrave Pandary and Chinnamma wife of Chadeyap, north by the property of Umayamma wife of Tamotharampillai, west by tank, and on the south by the property of Kumaraswamy Tampayah and shareholders.

Fiscal's Office,
Jaffna, May 24, 1911.

V. THAMBIPILLAI,
for Fiscal.

Southern Province.

In the District Court of Galle.

Donna Carlina Blok Hamine and her husband, both of Bentara..... Plaintiffs.
No. 9,503. Vs.

(1) Haputantri Gamage Amaris of Gonalagoda, (2) Haputantri Gamage Balappu alias Udasi of Neagama..... Defendants.

NOTICE is hereby given that on Thursday, June 29, 1911, commencing at 11.30 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 1st and 2nd defendants in the following property, viz. :—

1. All the soil and fruit trees of the land called Labuwel-tennegodella, in extent about 4 acres, together with the 9 cubits house standing thereon, situate at Neagama.

2. One-third part of the field called Heendeniwela, in extent about 15 bushels of paddy sowing, situate at Neagama.

3. One-sixth of $\frac{1}{2}$ of $\frac{1}{11}$ parts of the land called Udaganwatta, in extent about 16 acres and 2 roods, situate at Neagama.

4. Half of $\frac{1}{2}$ of $\frac{1}{2}$ of $\frac{1}{2}$ part of the field called Palagalawela, in extent about 9 bags paddy sowing, situate at Neagama.

5. Half of $\frac{1}{2}$ of $\frac{1}{2}$ of $\frac{1}{2}$ parts of the contiguous lands called Mahakumburedakunukubella, Imagawaliyadda, Thalakumbura, Potuliyadda, Arambeliyadda, in extent about 9 $\frac{1}{2}$ bags paddy sowing, all situate at Neagama.

6. Half of $\frac{1}{2}$ of $\frac{1}{2}$ of $\frac{1}{2}$ part of the field called Pahala Kabaluwa, in extent about 4 bags paddy sowing, situate at Neagama.

That on Tuesday, July 11, 1911, commencing at 1 o'clock in the afternoon.

7. One-fourth part of lot No. 280 of the land called Kitulduwawatta, in extent about 2 $\frac{1}{2}$ acres, together with a 9 cubits tiled house and 5 cubits cadjaned house, situate at Gonalagoda.

8. One-fourth of the land called Agalawattaliyadda, in extent about 2 bushels of paddy, situate at Gonalagoda.

9. Two kurunies extent of the field called Danattewalawita, situate at Gonalagoda.

10. One-ninth of the fruit trees and soil, exclusive of the planter's share of the land Udawatta, in extent 2 pelas and 4 kurunies of paddy, situate at Gonalagoda.

Writ amount, Rs. 504.72.

Fiscal's Office,
Galle, May 23, 1911.

C. T. LEENBRUGGEN,
for Fiscal.

In the Court of Requests of Hambantota.

H. C. Wijesingha and another..... Plaintiffs.
No. 5,795. Vs.

Weerasingha Magam Pattuwe Vidane Arachchige Migel of Dewinuwera..... Defendant.

NOTICE is hereby given that on Saturday, June 24, 1911, at 1 o'clock in the afternoon, will be sold by public

auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

One-fourth share of high and low land called Godakoggalla of high land lots marked A and B in Government Gazette No. 5,790 of August 9, 1901, in extent 1.112 acres and 1 rood; one-fourth of low land in extent 150 acres 1 rood and 20 perches (excluding 40 amunas of paddy, which is under cultivation at present), situated at Koggalla; boundaries of high and low land are as follows: on the north by Ridiyagama, on the east and south by Karagaha-ara, and on the west by Godakoggalakele.

Writ amount, Rs. 288.07 minus Rs. 95, with further interest on Rs. 200 at 15 per cent. per annum from February 24, 1910, till April 21, 1910.

Deputy Fiscal's Office,
Hambantota, May 24, 1911.

C. M. LUSHINGTON,
Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

Suna Pana Ana Welleappa Chetty, by attorney Suna Pana Ana Neyana Natchiappa Chetty of Kurunegala..... Plaintiff.
No. 4,073. Vs.

1, H. Hamy Nona; 2, E. A. Arnolis Appuhamy, both of Amunugama in Reco pattu korale.... Defendants.

NOTICE is hereby given that on Friday, July 7, 1911, 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 defendants in the following property mortgaged by bond No. 24,064, dated November 21, 1908, and attested by C. S. Leitan, Notary Public. —

(1) Dangahamulakumbura of 2 pelas and 5 lahas paddy sowing extent, and the pilwe adjoining thereto of 2 lahas kurakkan sowing, situate at Hodalipotte in Reco pattu korale; bounded on the east by land belonging to one defendant, south by the field of Appuhamy, west by the garden of Carlina Hamy, and on the north by the field of Kirihamy, Vidane and others.

(2) An undivided $\frac{1}{2}$ share of Moonamalgahamulakumbura, situate at Hodalipotte aforesaid, of about 3 pelas paddy sowing extent; and bounded on the east by field of Appuhamy, south by garden of Appuhamy, west by rail road and land, and on the north by Moonamalgahamullekumburewatta.

(3) Tammuliyadda of 12 lahas paddy sowing and the pilwe adjoining thereto of 6 seers kurakkan sowing extent, both situate at Hodalipotte aforesaid; and bounded on the east by water-course of Kirimenika's hena and huree tree and kahata tree, on liminary road, south by endaru fence of the land of Hanty Nona and by the wella, north by liminary dam of the field of Appuhamy and anthill on the chena of Kirimenika, west by land of Appuhamy Korala and wella and field called Hodalipottekumbura, formed of the aforesaid allotment of lands.

(4) An undivided $\frac{1}{2}$ share of Bogahamulawatta alias Muna-malgahamulakumburapillewewatta of about 1 kuruni kurakkan sowing, situate at Hodalipotte aforesaid; and bounded on the east by the garden of Kirihamy, south by Moonamalgahamullekumbura, west by rail road, and north by land of Melis Appu.

(5) Bokkuwagawakumbura about 3 lahas paddy sowing extent and Bokkuwagawawatta adjoining thereto of 1 seer kurakkan sowing, both situate at Amunugama in Reco pattu korale; bounded on the east by high road, south by field of Bandirala, west by field of Dingiri Appu Vidane and field of Bandirala Vedarala, and north by Maguru-oya.

Amount to be levied, Rs. 400.

Fiscal's Office,
Kurunegala, May 30, 1911.

S. D. SAMARASINHA,
Deputy Fiscal.

Province of Uva.

In the District Court of Badulla.

Channing Esdaile of Shawlands estate, Lunugala,
presently of London.....Plaintiff.

No. 2,357.

Vs.

Ana Pana Packir Mohidin of Lunugala.....Defendant.

NOTICE is hereby given that on Monday, June 26, 1911, commencing at 10 o'clock in the morning, 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. 1,216-25, with legal interest on Rs. 950 from June 30, 1909, till payment in full, viz. :—

An allotment of land called Narangahawatta of about 1 seer kurakkan sowing extent, together with the four boutiques bearing assessment Nos. 107, 108, 109, and 110

standing thereon, situated at Lunugala in Pattipola korale and bounded on the east and south by the fence of the property belonging to D. L. Perera, west by the high road leading to Batticaloa, and on the north by the wall of the house belonging to Payuma Assena Cader.

(2) The boutique bearing assessment No. 696, standing on the same land as aforesaid; and bounded on the east by the fence of the land belonging to D. L. Perera, south by the wall of the house belonging to Assena Cader, west by the cart road, and on the north by the wall of the house belonging to Howeamma.

(3) The boutique standing on the same land and bearing assessment No. 94; and bounded on the east by the fence of the garden belonging to Perera, south by the wall of the house belonging to Assena Cader, west by the high road, and on the north by the wall of the house belonging to Ibrahim.

Fiscal's Office,
Badulla, May 27, 1911.

M. EDIRIWIRA,
Deputy Fiscal.