



Ceylon Government Gazette

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PART I.—General: Minutes, Proclamations, Appointments, and General Government Notifications.
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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to provide for Local Loans.

Preamble.

WHEREAS it is expedient to provide facilities for the granting of loans for local purposes of public utility: 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 Local Loans and Development Ordinance, No. 1916"

Commissioners.
Cf. Public Works Loans Act, 1875, section 4.

2 (1) For the purposes of this Ordinance the Governor may appoint a Board of Commissioners to be called "The Local Loans and Development Commissioners" (hereinafter referred to as "the Commissioners").

(2) The Commissioners shall be of such number, and shall be appointed subject to such conditions, as the Governor may determine.

(3) The Treasurer of the Colony for the time being shall be appointed a Commissioner, and shall be Chairman of the Board.

(4) The Commissioners from time to time to be appointed, including all persons appointed to fill temporary and casual vacancies, shall constitute a body corporate, and shall have perpetual succession and a common seal, and may sue and be sued in the name of the Local Loans and Development Commissioners.

- Staff.** 3 (1) The Commissioners may from time to time appoint or employ a Secretary, and such number of professional, clerical, or other officers as they may, with the consent of the Governor, deem necessary, and may from time to time assign to any persons so appointed or employed by them such salary or remuneration as they, with the sanction of the Governor, may think proper.
- Public Works Loans Act, 1875, section 6.* (2) No Commissioner shall receive any remuneration in consideration of the discharge of his duties.
- Provided that nothing in this sub-section contained shall preclude any Commissioner from receiving such travelling allowance or other expenses as may be sanctioned by regulations made under this Ordinance.
- Duties of Commissioners.** 4 It shall be the duty of the Commissioners out of the fund provided by this Ordinance from time to time, in accordance with the provisions of this Ordinance, to make loans for any of the purposes thereby authorized, on such terms as to security and repayment and otherwise as they may determine.
- Assignment of existing loans.** 5 (1) The Governor may by order notified in the "Government Gazette" assign to the Commissioners any loan already granted by the Government to any person, society, or body of persons, or to any local authority, including any loan converted under section 29 of this Ordinance, and thereupon all sums due in respect of the said loan shall become payable to the Commissioners on the same terms and conditions as prior to such assignment they were payable to the Government, and all securities for the payment of such sums shall be enforceable in the same manner as if they had been given in respect of a loan under this Ordinance.
- (2) Every such loan shall for the purposes of this Ordinance be deemed to be a loan under this Ordinance.
- Expenses of Ordinance.** 6 All expenses incurred by the Commissioners in execution of this Ordinance shall be paid out of moneys provided by the Legislative Council.
- Public Works Loans Act, 1875, section 6.*
Constitution of fund. 7 (1) For the purpose of this Ordinance there shall be constituted a fund to be called "The Local Loans and Development Fund" (hereinafter referred to as "the fund").
- (2) There shall be paid into the fund—
- All such sums as may be appropriated to the fund by Ordinance or by resolution of the Legislative Council;
 - All sums from time to time falling due in respect of any loan under this Ordinance;
 - All other sums which may in any other manner become payable to the Commissioners in respect of any matter incidental to their powers and duties under this Ordinance.
- (3) There shall be paid out of such fund—
- All such loans as may be granted by the Commissioners;
 - All such expenses as in the way of contribution to the revenue of the colony as may from time to time be ordered by the Governor.
- Purposes of loans.** 8 (1) The Commissioners may out of the fund, from time to time as they think it expedient, make loans for the following purposes:
- Public Works Loans Act, 1875, section 41.*
- To any local authority for the purpose of any work of public utility which such authority may be authorized by law to undertake.
 - To any co-operative credit agricultural or industrial society for any purpose of the society.
 - To any Government officer for the purpose of building a house for his own residence; and
 - To any person, body, or local authority, for any purpose of public utility that may be approved by the Governor in Executive Council.
- (2) Notwithstanding anything contained in this section, the Governor in Executive Council may at any time before the same shall have been advanced disallow any loan proposed by the Commissioners to be made under this section.

Limits of borrowing powers.	<p>9 Every loan to a local authority under this Ordinance shall be subject to the limits of the borrowing powers of such local authority under any general or other Ordinance regulating its powers and duties, and for the purpose of the application of the said limits a loan under this Ordinance shall be deemed to be raised under the authority of such Ordinance.</p>
Regulations.	<p>10 The Commissioners, subject to the approval of the Governor in Executive Council, may make regulations for the following purposes :—</p> <p>(a) The proceedings of the Board and the transaction of its business.</p> <p>(b) The custody and use of its common seal and the manner in which documents shall be executed on its behalf.</p> <p>(c) The duties of its staff.</p> <p>(d) The conditions as to interest, security, repayment or otherwise on which loans shall be granted.</p> <p>(e) Generally for the exercise of its powers and the discharge of its duties under this Ordinance.</p>
Minutes and proceedings.	<p>11 (1) Any minute made of proceedings at meetings of the Commissioners, if signed by any person purporting to be the Chairman, either of the meeting of the Commissioners at which such proceedings took place, or of the next ensuing meeting of the Commissioners, shall be receivable in evidence in all legal proceedings, without further proof, and until the contrary is proved every meeting of the Commissioners, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act.</p>
<i>Public Works Loans Act, 1875, section 5 (4).</i>	
Section 5 (5)	<p>(2) An act or proceeding of the Commissioners shall not be questioned on account of any vacancy or vacancies in their body.</p>
Report.	<p>12 (1) The Commissioners shall annually cause to be made out of every financial year a report of their transactions under this Ordinance during the year.</p> <p>(2) Every such report shall contain such particulars as the Governor may direct, and shall be published for general information in such manner as he may think fit.</p>
Audit.	<p>13 (1) The accounts of the Board shall once in every financial year be laid before Government and audited under its direction.</p> <p>(2) The report of the auditor upon the accounts of the Board, together with an abstract of the accounts, shall be published annually for public information in such manner as the Governor shall direct.</p>
Security for loans.	<p>14 (1) Before advancing any money on account of a loan, the Commissioners shall take security for the repayment of the loan with the interest thereon, consisting of—</p>
<i>Public Works Loans Act, 1875.</i>	<p>(a) A mortgage of immoveable property; or</p> <p>(b) A mortgage of any rate or tax, together with (save as hereinafter provided) a personal security.</p> <p>(2) The Commissioners may, if they think fit, dispense with personal security in any case in which in their opinion the mortgaged property or rate is sufficient security for the payment of the principal and interest of the loan within the stipulated period.</p>
Power of local authority to mortgage rate or tax.	<p>15 (1) For the purpose of providing security for any loan under this Ordinance, a local authority may, with the approval of the Governor in Executive Council, mortgage to the Commissioners any rate or tax which the authority is by law authorized to make or impose, for such period as may be agreed upon.</p> <p>(2) Where a loan is granted by the Commissioners on the security of a mortgage of any rate or tax, whether with or without any other security, such rate or tax, from and after the date of the mortgage, shall be charged with the payment to the use of His Majesty of the loan with interest as in the mortgage mentioned.</p>
<i>Public Works Loans Act, 1875, section 19.</i>	

Charge on property and priority of loan.

Public Works Loans Act, 1875, section 18.

16 Where a loan is granted by the Commissioners on the security of a mortgage of any property, whether with or without any other security, the property from and after the date of the mortgage shall be charged with the payment to the use of His Majesty of the loan with interest as in the mortgage mentioned, in priority, save so far as otherwise specified in the mortgage, over every other debt, mortgage, or charge whatsoever affecting the property, except any loan due to any creditor not assenting to such priority which has been advanced in good faith before the loan advanced by the Commissioners and secured by a duly registered mortgage of the property executed to a person who is entitled as a *bonâ fide* creditor to the repayment thereof with interest.

Provided that if there is more than one such creditor, and not less than four-fifths in value of such creditors consent in writing that the said charge shall have priority over the loans and mortgages of such creditors, in such case the loans and mortgages of all such creditors, as well those who have not agreed as those who have agreed, shall be postponed to the loan granted by the Commissioners and to the said charge thereof, and to the security for the same.

Power where rate or tax in default.

Cf. Public Works Loans Act, 1875, section 23.

17 (1) Where any loan under this Ordinance is secured by the mortgage of any rate or tax, whether with or without any other security, and default is made in making payment according to the terms of mortgage, it shall be lawful to the Governor, without prejudice to any remedy, to appoint an officer with the powers following:—

(a) To make any rate or impose any tax which the local authority may make or impose for the purpose of fulfilling its obligations under the mortgage.

(b) To receive and collect the proceeds of any rate or tax so made or imposed, or made or imposed by the local authority, and to pay such proceeds, or so much thereof as the Commissioners may require, for the purpose of defraying the amount due under the mortgage.

(2) Every officer so appointed shall have and may exercise the same powers, authorities, and duties as if he had been appointed by the local authority, and it shall be the duty of all officers of the local authority to give to such officer all such assistance as he may require for the purposes aforesaid.

(3) Every such officer in making an estimate of the rate or tax to be made or imposed under this section may add such sum as he may think sufficient for defraying all costs, charges, and expenses, including remuneration to any officer or other person employed, incurred by such officer in the execution of his powers under this section, or otherwise incurred by the Commissioners by reason of the default in payment.

Loans by Commissioners a Crown debt.

Cf. Public Works Loans Act, 1875, section 33.

18 Every sum payable to the Commissioners in pursuance of any loan under this Ordinance shall be deemed to be payable to the use of His Majesty, his heirs and successors, and may be recovered in the same manner as a debt to the Crown under Ordinance No. 14 of 1843.

Security for completion of works partly finished or not commenced.

Public Works Loans Act, 1875, section 35.

19 Where the Commissioners grant a loan in aid of any work which is either partly completed or not commenced, they may by a bond to His Majesty or otherwise take such security for the application of the loan to the work, and for the due completion of the work, including the raising of sufficient funds for that purpose, as they may think sufficient for securing the interest of the public.

Examination as to proper application of moneys lent.

Public Works Loans Act, 1875, section 36.

20 (1) Where a loan under this Ordinance has been advanced on the security of any rate or tax, it shall be the duty of the Commissioners to satisfy themselves that the loan is applied to such purpose, and they may from time to time make such examination as they may think necessary with a view to ascertain that such loan has been so applied.

(2) For the purpose aforesaid the Commissioners may appoint any officer to conduct on their behalf any examination under this section, and such officer shall have the same powers to require the attendance of persons and the production of

accounts and other documents, so far as such attendance or production is required for the purpose of such examination, as a District Judge has in relation to matters within his jurisdiction.

Order of
Commissioners
upon
examination.

*Public Works
Loans Act,
1878, section 4.*

21 (1) Where upon any examination made in pursuance of the last preceding section it appears to the Commissioners that any sum being the whole or part of the money raised by the loan has not been applied for the said purpose, the Commissioners may order that sum to be, within the time named in the order, applied either for the said purpose or towards the repayment to the Commissioners of the principal of the loan, or partly in one of such ways and partly in the other; and further, if it appears to them that the sum or any part thereof has been applied for some purpose other than that for which it was advanced, may by the same or any other order direct a sum equal to the amount so misapplied to be raised within the time and out of the fund, rate, or tax named in the order, and to be applied as directed by the order.

(2) An order made by the Commissioners in pursuance of this section may be enforced by writ of mandamus.

Misapplication
of loan.

22 (1) If any loan or any part of any loan advanced under this Ordinance shall be applied to any purpose other than that provided for in the mortgage, the Commissioners may, without prejudice to any other remedy provided by this Ordinance, by notice in writing addressed to the mortgagor, recall the said loan or any part thereof, and may require the same, or such part thereof, to be repaid on such date as may be specified in the notice, and any security given for the purpose of the loan shall be enforceable accordingly.

(2) If any mortgagor to whom any loan shall have been advanced under this Ordinance, or any person entrusted, or purporting to be entrusted, with the same or any part thereof, or with the application of the same or any part thereof, shall apply the same to any purpose other than that provided for in the mortgage, every such person—

(a) Unless he proves that he acted in good faith and without knowledge that he was not entitled so to apply the same, shall be guilty of an offence and shall be liable, in addition to any civil liability, to a fine not exceeding the amount so misapplied;

(b) If he shall have acted wilfully and knowingly, shall be guilty of the offence of criminal breach of trust, and shall be liable to the punishment prescribed therefor.

Enforcement
of securities.

23 Where any immovable property mortgaged as security for a loan granted under this Ordinance is sold for the purpose of the enforcement of the security, the Commissioners may buy any such property at the sale, and may manage the same in accordance with regulations made under this Ordinance, and may sell or otherwise dispose of the same in such manner as they may think fit.

Power to
administer
oaths.

*Public Works
Loans Act,
1875, section 5.*

24 (1) The Commissioners may examine any persons willing to be examined on any matters connected with the execution of this Ordinance, and may for that purpose or otherwise for the purpose of the execution of this Ordinance administer an oath and take any affidavit or declaration.

(2) Any person who, when examined by the Commissioners in pursuance of this Ordinance or any regulation made under this Ordinance, wilfully gives false evidence, or who, for the purpose of obtaining a loan under this Ordinance, wilfully gives information to the Commissioners which is false in any material particular, shall be guilty of an offence, and may be tried and punished in the same manner as if he had given false evidence in a judicial proceeding.

*Public Works
Loans Act,
1875, section 44.*

Suspension of
payment of
principal
and interest.

*Public Works
Loans Act,
1875, section 37.*

25 The Commissioners may postpone for any time not exceeding five years the payment of any sum in respect of principal and interest, or either, due or to become due, in respect of a loan under this Ordinance for the purpose of any work or enterprise, upon such terms and conditions, for the completion and carrying out of such work or enterprise, and the ultimate payment of such principal and interest as they may authorize.

- Change of security.
Public Works Loans Act, 1875, section 38.
- 26 The Commissioners may, subject to the prescribed regulations, if under the circumstances they think fit, accept any security in lieu of any security previously given to them or any part of such security, subject to such terms and conditions as they direct, so however that the substituted security shall be of the character which the Commissioners might take if the loan were originally granted at the time of such substitution.
- Power to extend time, compound, or release.
- 27 The Commissioners, subject to the approval of the Governor in Executive Council, may from time to time extend the period for the repayment of any loan, or compound, or release any loan or any part thereof, subject to such terms and conditions as they may think fit.
- Payment of loan before due.
Public Works Loans Act, 1875, section 29.
- 28 The Commissioners may, if they think fit, at any time accept payment of the whole or any part of the principal and interest of any loan or other money secured by any mortgage under this Ordinance before the time when the same is due, and may release or convey the mortgaged property to the person paying the same, or as he may direct, upon such terms and conditions and in such manner and form as the Commissioners may deem expedient.
- Conversion of existing loans.
- 29 (1) The Governor in Executive Council may direct that any loan advanced to any local authority before the commencement of this Ordinance, which is repayable by means of a sinking fund, shall be converted into a loan repayable by instalments of principal and interest, and such loan shall be converted accordingly, and thereupon the security given for the purpose of the repayment of the loan and the interest due in respect thereof before such conversion shall be deemed to have reference to such loan as converted, and shall be enforceable accordingly.
- (2) Subject to any special agreement between the Government and the local authority, the terms of such conversion shall be as follows:—
- (a) All investments made for the purpose of the sinking fund shall be transferred to the Government in reduction of the amount due under the loan at the market value of the respective securities at the date of the transfer.
- (b) The annual amount payable in respect of principal and interest under the conversion shall not exceed the annual amount payable in respect of the sinking fund and interest under the original loan.
- Service of notices.
Public Works Loans Act, 1875, section 47.
- 30 (1) Notices, directions, orders, and documents required by this Ordinance, or by any regulation made under this Ordinance, to be served or sent may, unless otherwise expressly provided, be served and sent by post, and until the contrary is proved shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, direction, order, or document was prepaid and properly addressed and put into the post.
- (2) Notices and documents required by this Ordinance, or by any regulation made under this Ordinance, to be served on the Commissioners, may be so served by serving the same on their Secretary, or by sending the same addressed to or delivering the same at the office of the Commissioners.
- Meaning of mortgagor.
Public Works Loans Act, 1875, section 51.
- 31 All references to a mortgagor shall, if need be, be deemed to include a reference to the successors, heirs, executors, administrators, and assigns of, or other persons claiming through or under such mortgagor.
- Local authority not to include Municipality of Colombo.
- 32 The expression "local authority" in this Ordinance shall not include the Municipality of Colombo.

By His Excellency's command,

Colonial Secretary's Office,
Colombó, December 2, 1915.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance has been prepared in accordance with the recommendations of a Committee appointed by His Excellency the Governor to report on the advisability of establishing a Local Loans Fund and on the scope of such fund, if established. See Sessional Paper No. XVII. of 1914.

2. The Ordinance follows the main lines of the report, and is modelled upon the provisions of the United Kingdom Public Works Loans Act, 1875, references to which Act are made in the margin of the draft. The draft departs from the scheme of the report in certain particulars, the most important of which is that the Board of Commissioners established under the Ordinance is not merely advisory, but has a direct executive responsibility. This has been thought possible in view of the experience gained by an Advisory Board which has for some time been in existence.

3. The Ordinance establishes a Board of Commissioners with powers analogous to those of the Public Works Loan Commissioners under the English Act. The Board makes loans out of a special fund created under the Ordinance (section 7). The expenses of the Board are met out of the funds provided by legislature (section 6), but provision is made for a transfer from time to time from the funds of the Board to general revenue of such sums as may be thought reasonable in view of the profits made by the Board in the discharge of its duties.

4. The purposes for which the Board may make loans are specified in section 8. They include amongst other things any purpose of any co-operative credit agricultural or industrial society (b), and the building of a house for his own residence by a Government officer.

5. In the case of loans to local authorities, special provision is made on the lines of the United Kingdom Act for the mortgaging of local rates or taxes, for the giving of special priority to such mortgages (section 16), and for the enforcement of the mortgages where the rate or tax is in default (section 17).

6. Special provision is also made in sections 19-22 for securing that any loan given by the Commissioners shall be used for the purpose for which it is advanced.

7. Section 29 provides for the conversion of existing local loans, which are at present repayable by means of a sinking fund, into loans repayable by instalments of principal and interest.

Attorney-General's Chambers,
Colombo, November 29, 1915.

ANTON BERTRAM,
Attorney-General.

MINUTE.

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

An Ordinance further to amend "The Colombo Municipal Council Waterworks Ordinance, 1907."

- Preamble.** WHEREAS it is expedient further to amend "The Colombo Municipal Council Waterworks Ordinance, 1907": 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 Colombo Municipal Waterworks (Amendment) Ordinance, No. of 1916."
- Addition of new section.** 2 After section 14 of the principal Ordinance the following section shall be added, and shall be numbered 14 A:
- 14 A. (1) If any private street has been constructed to which one or more houses has access, the Council may, after having passed a resolution to that effect, lay, enlarge, or extend a water main along such private street of such

dimensions as may be necessary, and may apportion the whole or part of the cost of the laying, enlarging, or extending such main among the owners of the premises fronting upon, adjoining, abutting, or having access to, or deriving any degree of benefit from, such main according to the areas of the respective premises which may derive, or be so situated as to derive, any such benefit from the laying, enlarging, or extending of the said main.

(2) The initial cost of laying, enlarging, or extending such main shall be borne by the Council, and the property in the said main shall remain in the Council.

(3) The sums apportioned for payment by the owners of the respective premises shall be made a charge upon such premises, and may be recovered as if the same were a rate upon a private water service being granted to such premises; and no private service shall be granted to such premises until the sum apportioned in respect thereof has been paid or an engagement to pay the same be made with the Council as hereinafter provided.

(4) When any premises in any such private street has an already existing supply of water from the Council's mains by private pipes, the Council may, whenever it shall become necessary to take up such private pipes for cleaning or renewal, call upon the owner to connect with the new main.

(5) The Council may, if it is thought fit, on the application of an owner of any such premises, take an engagement from the said owner for the payment by instalments of such sums as will be sufficient to defray the whole amount of the sum apportioned for payment by the said owner, with interest thereon not exceeding the rate of nine per cent. per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates may be recovered under Ordinance No. 6 of 1910.

(6) (a) In any case where any existing main has been laid in any private street at the expense of any private person, it shall be lawful for such person to recover from the owner or owners of any property fronting upon, adjoining, abutting on, or having access to such private street, who shall apply to the Council for a private service of water, such an apportionment of the cost of the laying of the said main as may be determined by the Chairman in proportion to the frontage of the premises abutting on such street.

(b) No person shall be permitted to make a connection with any such main until he has paid or given a guarantee for the payment of such apportionment to the satisfaction of such private person.

(7) (i.) When any premises fronting upon, adjoining, abutting on, or having access to any such private street has an existing supply of water from the Council's mains by private pipes other than the main which has been laid at the cost of any private person aforesaid, the owner of such premises may be permitted to use such pipes until such time as it shall become necessary to take up such pipes for cleaning or renewal.

(ii.) When it shall become necessary to take up such pipes for cleaning or renewal, the owner of the said premises shall not be permitted to relay such pipes in their former position, but shall connect them with the main in the private street laid by the private person aforesaid, and shall, before any connection is made therewith, pay such apportionment of the cost of laying the aforesaid main as shall be determined by the Chairman in proportion to the frontage of the premises abutting on such street.

(8) All mains laid in any private street shall vest in the Council, and the cost of their maintenance, renewal, and repair shall be borne by the Council.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, November 26, 1915.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE object of this Ordinance is to increase the power of the Municipal Council of Colombo with reference to water mains in private streets.

2. The principal points with which it deals are the following :—

- (a) The provision of water mains in private streets, and the recovery of the cost as a rate from the premises benefited;
- (b) The power of the owner of a water main privately laid to recover contributions towards its cost from the owners of premises from time to time connecting with it;
- (c) The gradual substituting of water mains for private pipe connections;
- (d) The vesting of private mains in the Council in return for the Council undertaking their maintenance, renewal, and repair.

Attorney-General's Chambers,
Colombo, November 1, 1915.

ANTON BERTRAM,
Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Anthony Malachias, Station
No. 5,416. Master, Ceylon Government Railway,
Yatiantota, deceased.

Rasamma Arokiam Malachias of Ragama.....Petitioner.

And

(1) Victor Emanuel Malachias and (2) Anthony
John Abraham of Ragama, in the Ragam pattu
of Alutkuru korale Respondents.

THIS matter coming on for disposal before Lewis
Maartensz, Esq., Additional District Judge of
Colombo, on December 15, 1915, in the presence of Mr. J. P.
Amaratunga, Proctor, on the part of the petitioners above
named; and the affidavit of the said petitioner, dated
December 15, 1915, having been read:

It is ordered that the petitioner be and she is hereby
declared entitled, as the widow of the above-named deceased,
to have letters of administration to his estate issued to her,
unless the respondents above named or any other person
or persons interested shall, on or before January 20, 1916,
show sufficient cause to the satisfaction of this court to the
contrary.

December 15, 1915. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Alucumbure Herat Mudiyanse-
No. 3,204. Punchi Menika, deceased, of Dehipagoda.

THIS matter coming on for disposal before Felix Regi-
nald Dias, Esq., District Judge, Kandy, on October 23, 1915,
in the presence of Mr. G. E. de Silva, Proctor, on the part
of the petitioner Herat Mudiyanse-
lase Dingiri Banda of Palcumbure in Uduwara; and the affidavit of Herat
Mudiyanse-
lase Dingiri Banda of Palcumbure, the petitioner
above named, dated October 22, 1915, having been read:

It is ordered that the petitioner Herat Mudiyanse-
lase Dingiri Banda of Palcumbure be and he is hereby declared
entitled to letters of administration to the estate of Alu-
cumbure Herat Mudiyanse-
lase Punchi Menika of Dehipa-
goda, deceased, as the husband of the said deceased, unless
(1) Alucumbure Herat Mudiyanse-
lase Mutu Menika of

Medapitiya in Udapalata, (2) Alucumbure Herat Mudiyan-
selase Kalu Banda of Dehipagoda shall, on or before
December 16, 1915, show sufficient cause to the satisfaction
of this court to the contrary.

October 23, 1915. FELIX R. DIAS,
District Judge.

The date for showing is extended to January 27, 1916.

December 16, 1915. F. R. DIAS,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Ali Uduma Lebbe's son Kad-
No. 3,205. Saibo, deceased, of Akurane.

THIS matter coming on for disposal before Felix Regi-
nald Dias, Esq., District Judge, Kandy, on October 26,
1915, in the presence of Mr. G. E. de Silva, Proctor, on the
part of the petitioner Palcumbure Mohandiramalagegedera
Una Abdul Kader Lebbe of Akurane; and the affidavits
of (1) Palcumbure Mohandiramalagegedera Una Abdul
Kader Lebbe of Akurane, (2) Muna Habibu Lebbe Saul
Hamido Lebbe Kathibu, both of Akurane, dated October 11,
1915, having been read:

It is ordered that the will of Ali Uduma Lebbe's son
Kader Saibo of Akurane, deceased, dated June 16, 1915,
and now deposited in this court be and the same is hereby
declared proved, unless any person or persons interested
shall, on or before December 16, 1915, show sufficient
cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner Palcumbure
Mohandiramalagegedera Una Abdul Kader Lebbe of
Akurane is the sole executor named in the said will, and
that he is entitled to have probate of the same issued to him
accordingly, unless any person or persons interested shall,
on or before December 16, 1915, show sufficient cause to the
satisfaction of this court to the contrary.

October 26, 1915. FELIX R. DIAS,
District Judge.

The date for showing cause is extended for January 27,
1916.

December 16, 1915. F. R. DIAS,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Abeywickrama Danapala Don Aberan No. 2,237. Appuhamy, deceased, of Heenipella.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge, Matara, on November 19, 1915, in the presence of his own person on the part of the petitioner Abeywickrama Danapala Subehamy of Heenipella; and the affidavit of the said petitioner, dated November 1, 1915, having been read: It is ordered that the said petitioner, as brother of the said deceased above named, is entitled to have letters of administration, unless the respondents, viz., (1) Howpegamage Punchihamy, (2) Abeywickrama Danapala Lokuhamy, (3) Balasuriya Don Podiris, (4) Abeywickrama Danapala Babunhamy, (5) ditto Babahamy, (6) Wijewanta Wellala Dingiappuhamy, (7) ditto Don Mathes, (8) ditto Dingi Sina, (9) Don Siadoris Samarasinghe Gunasekera V. A., (10) Abeywickrama Danapala Don Juwanis, (11) ditto Kirihamy, (12) Don Piduru Leanage Don Carolis Vel-vidane, (13) Abeywickrama Danapala Kaluhamy, (14) ditto Balahamy, (15) ditto Don Samel, all of Heenipella shall, on or before December 22, 1915, show sufficient cause to the satisfaction of this court to the contrary.

November 19, 1915. J. C. W. ROCK,
District Judge.

Extended till January 21, 1916.

By order,
December 21, 1915. J. A. BASTIANSZ,
Secretary.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Ponnamma, wife of Kailasapillai of No. 3,139. Chiviatu, deceased.

Arumugam Kailasapillai of Chiviatu. Petitioner.
Monampikai, daughter of Kailasapillai of Chiviatu, appearing by her guardian *ad litem* Vallippillai, widow of Sinnattamby Arumugam of Chiviatu. Respondent.

THIS matter of the petition of Arumugam Kailasapillai, praying for letters of administration to the estate of the above-named deceased, Ponnamma, wife of Kailasapillai, coming on for disposal before M. S. Sreshta, Esq., District Judge, on November 24, 1915, in the presence of Messrs. Casipillai & Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated October 20, 1915, having been read: It is declared that the petitioner is the 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 respondent or any other person shall, on or before January 11, 1916, show sufficient cause to the satisfaction of this court to the contrary.

December 1, 1915. J. H. VANNIASINKAM,
District Judge.

In the District Court of Batticaloa.

Testamentary In the Matter of the Estate of the late Jurisdiction. Adamlebbe Marakayer Ismalebbe of No. 857. Katankuddy.

Adamlebbe Marakayer Agamado Meera Saibullebbe of Katankuddy. Petitioner.

Vs.

(1) Mohamado Meerasaibu Marakayer Slayka Umma, (2) Ismalebbe Asenaummah, (3) Kalenderlebbe Marakayer Sleykaumma, all of Katankuddy. Respondents.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Batticaloa, on November 1, 1915, in the presence of Mr. J. A. Setukavaler, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated October 28, 1915, having been read: It is ordered that the 1st respondent above named be appointed guardian *ad litem* over the 2nd minor respondent Ismalebbe Asenaummah, unless the respondents above named shall, on or before December 2, 1915, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the petitioner Adamlebbe Marakayer Agamado Meerasaibullebbe of Katankuddy be and he is hereby declared entitled to administer the estate, as brother of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents shall, on or before December 2, 1915, show sufficient cause to the satisfaction of this court to the contrary.

November 1, 1915. T. B. RUSSELL,
District Judge.

This *Order Nisi* is extended to December 21, 1915.

T. B. RUSSELL,
District Judge.

This *Order Nisi* is extended to January 11, 1916.

N. IZAT,
District Judge.

In the District Court of Badulla.

Order Nisi on a Petition in an Action Summary Procedure.

Class II. In the Matter of the Intestate Estate of No. B/494. Velaiden Kanakapulle, late of Parawila estate, Monaragala, deceased. Petitioner.
Palaninuttu Walliamma of Parawila estate, Monaragala. Respondent.

And
(1) Mookkayi, (2) Walliamma, (3) Kamatchi, and (4) Kadirayi, minors by their guardian *ad litem* Velu of Okkampitiya in Buttala. Respondents.

THIS matter coming on for disposal before W. K. H. Campbell, Esq., District Judge at Badulla, on December 11, 1915, in the presence of Mr. Stephen Perera on the part of the petitioner; and the affidavit of the said petitioner, dated December 4, 1915, having been read: It is ordered that the petitioner above named, as widow of the deceased Velaiden Kanakapulle, be and she is hereby declared entitled to administer the estate of the said deceased, and that letters of administration do issue to her accordingly, unless sufficient cause be shown to the contrary on January 5, 1916.

December 15, 1915. W. K. H. CAMPBELL,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Kalutara.

No. 151. In the matter of the insolvency of Don Adrian de Silva of Talpitiya.

NOTICE is hereby given that the sitting of this court in the above matter is adjourned to January 7, 1916, for assignee's amended balance sheet.

By order of court,
Kalutara, December 10, 1915. R. MALALGODA,
Secretary.

In the District Court of Negombo.

No. 110. In the matter of the insolvency of Senapathage Bastian Rodrigo, Annavirala, of Kanuwana.

NOTICE is hereby given that the sitting of this court in the above matter is adjourned to January 17, 1916, for assignee's report.

By order of court,
Negombo, December 21, 1915. T. B. CLAASZ,
Secretary.

In the District Court of Galle.

No. 417. In the matter of the insolvency of Kristobu Baduge Sinno Appu of Tangalla.

NOTICE is hereby given that an adjourned meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 13, 1916.

By order of court,

V. R. MOLDRICH,

Secretary.

December 23, 1915.

In the District Court of Jaffna.

No. 68. In the matter of the insolvency of Kuppai Kandu Sultan Abdul Cader of Vannarponnai West.

WHEREAS Kuppai Kandu Sultan Abdul Cader of Vannarponnai West 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 his available estate can pay Rs. 2.50 in the Rs. 10;

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 January 21, 1916, and February 25, 1916, 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,

C. RASANAYAGAM,

Secretary.

Jaffna, December 22, 1915.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Wickreme Aratchige Charles de Silva Appuhamy of Dematagoda Plaintiff.

No. C/39,514. Vs.

(1) Usubu Noorain and her husband (2) Mohiyadeen Pitche Segoe Lebbe, both of Symond's road, in Colombo Defendants.

NOTICE is hereby given that on Monday, January 31, 1916, at 3 o'clock in the afternoon, will be sold by public auction at the premises the following property declared bound and executable under the decree entered in the above action for the recovery of the sum of Rs. 582.64, with interest on Rs. 400 at the rate of 20 per cent. per annum from October 6, 1914, to June 14, 1915, and thereafter at the rate of 9 per cent. per annum till payment in full, and costs of suit and poundage, viz. :—

All that $\frac{1}{2}$ part of a garden called Maligodallenagahawatta, shaded pink in the plan; with the tiled buildings and plantations standing thereon, bearing assessment No. 47, situated and lying at Maradana, now called Dematagoda, within the Municipality of Colombo, Western Province; bounded on the north by the property of Nonbu Lebbe Aydroos Lebbe, on the east by a passage 9 links wide and the property of Shanda Umma, on the south by a small road 2 links wide, and on the west by another part of the same land of Habibu Umma, wife of A. L. Ibrahim Lebbe; containing in extent 5 50/100 square perches.

Fiscal's Office,
Colombo, December 23, 1915.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

Walter Dias Bandaranayake of Colombo Plaintiff.

No. 40,074. Vs.

(1) Samsudeen Hadjar Mohamed Maharooft, (2) ditto Jahafor, (3) ditto Nakeen, all of 33, Layard's Broadway, in Colombo Defendants.

NOTICE is hereby given that on Monday, January 31, 1916, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following mortgaged property declared bound and executable under the decree entered in the above action for the recovery of the sum of Rs. 1,883.75, with interest thereon at the rate of 10 per cent. per annum from November 26, 1914, till payment in full, and costs of suit, viz. :—

All that portion of land, together with the plantations thereon, marked lot 7D1 in the plan hereinafter mentioned, situated at Kanatta, within the Municipality and District of Colombo, Western Province; bounded on the north by lot 7D2 apportioned to S. H. M. Sadoon, being another portion of the same land, and on the east by lot No. 7E

apportioned to S. H. M. Nelara, being another portion of the same land, on the south by Castle street, and on the west by Kanatta road; containing in extent 2 roods and 15 square perches according to the plan No. M/146 dated February 27, 1910, made by A. R. Savundranayagam, Special Licensed Surveyor and Leveller.

Fiscal's Office,
Colombo, December 23, 1915.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Negombo.

A. N. S. R. M. Kannappa Chetty of Negombo Plaintiff.

No. 10,248. Vs.

(1) Pattinikuttige Juana Nonis of Katana, (2) Warnekulasuria Bonaventuri Fernando of Kudapadua Defendants.

NOTICE is hereby given that on January 22, 1916, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property, viz. :—

The land called Dombawinna, situate at Waradala, in Dunagaha pattu of Alutkuru korale; and bounded on the north by land belonging to the defendant, east by land belonging to Lintotage Scholastia, south by lands belonging to Lintotage Graciano Fernando and Lintotage Porlentina Fernando, and on the west by land belonging to Lintotage Harmanis Fernando; containing in extent about 28 acres.

Amount to be levied Rs. 440.75, with interest on Rs. 322 at 9 per cent. per annum from April 29, 1915, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, December 23, 1915.

Deputy Fiscal.

In the District Court of Colombo.

(1) A. R. A. Arumugam Chetty, (2) A. R. A. Suppiah Pullai, both of Sea street, Colombo Plaintiffs.

No. 43,889. Vs.

Muttuwadige Thomis Fernando of 91, Main street, Negombo Defendant.

NOTICE is hereby given that on January 21, 1916, commencing at 10 o'clock in the forenoon, will be sold by public auction at the defendant's boutique the following movable property ordered to be sold by the decree entered in the above case :—

All the right, title, and interest and claim of the defendant in and to all and singular the goods, stock-in-trade, wares, merchandise, consisting mainly of piece goods, and all and singular fittings, furniture, effects, and things lying at the defendant's boutique or shop No. 91, Main street, Negombo.

Amount to be levied Rs. 3,099, with interest thereon at 9 per cent. per annum from December 20, 1915, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, December 22, 1915.

Deputy Fiscal.

Southern Province.

In the Additional Court of Requests of Galle.

V. K. N. Narayanan Chetty of Galle. Plaintiff.
No. 8,887. Vs.

M. L. M. Mohammado of Talapitiya. Defendant.

NOTICE is hereby given that on Saturday, January 29, 1916, at 2 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. :—

1. All that defined portion (with the buildings thereon) of the land Kokduwawatta, situated at Batadoowa and Haliwala, containing in extent 2 acres 1 rood and 30 perches; bounded on the north and west by Mamadakumbura, south by Pamanwellekumbura and a defined portion of Kokduwawatta of the extent of 20 perches, east by a defined half portion of the same land.

2. All that defined portion of Kokduwawatta, situated at Batadoowa and Haliwala, containing in extent 20 perches; bounded on the north, east, and west by portions of the said land, and south by Pamanwellekumbura.

3. All that defined $\frac{1}{2}$ portion (with the house No. 657 thereon) of the land Pelaketiyewatta, exclusive of the planter's share of the 2nd plantation of the said portion, situated at Galupiadda, in extent 29 perches; bounded on the north by road, east by a part of the same land, south by Kankanawatta, and west by a part of the same land.

The above property to be sold subject to mortgage No. 6,657, dated September 25, 1913, for Rs. 2,500, and interest, in favour of V. K. N. Narayanan Chetty.

Writ amount Rs. 228.51, with further interest thereon at 9 per cent. per annum from January 30, 1915, till payment.

Fiscal's Office, J. A. LOURENSZ,
Galle, December 20, 1915. Deputy Fiscal.

In the Additional Court of Requests of Galle.

V. K. V. M. Karpen Chetty of Galle. Plaintiff.
No. 9,122. Vs.

Dewarahandi Aron de Silva and another of Ratgama. Defendants.

NOTICE is hereby given that on Monday, January 24, 1916, at 3 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property, viz. :—

An undivided $\frac{1}{2}$ + $\frac{1}{15}$ + $\frac{1}{36}$ + $\frac{1}{60}$ + $\frac{1}{12}$ + $\frac{1}{12}$ + $\frac{1}{18}$ + $\frac{1}{12}$ + $\frac{1}{18}$ and $\frac{1}{15}$ of $\frac{1}{30}$ + $\frac{1}{36}$ + $\frac{1}{30}$ + $\frac{1}{18}$ of the land called Mawatawatta *alias* Elabodawatta or Mawatawatta whereon Juwanchi Vitane resided, exclusive of the planter's share of the 2nd plantation standing thereon, together with the 15 cubits whitewashed stone built tiled house and other buildings standing thereon, situate at Ratgama; bounded on the north by Leonadurahewawatta, east by Elapalawatta *alias* rail road, south by Urala Babanapadinchiwaunwatta, west by high road from Colombo to Galle.

Writ amount Rs. 323.46, with interest on Rs. 295.96 at 9 per cent. from November 8, 1915.

Fiscal's Office, J. A. LOURENSZ,
Galle, December 21, 1915. Deputy Fiscal.

North-Western Province.

In the Additional Court of Requests of Kurunegala.

K. M. P. R. Muttu Ramen Chetty, by attorney
Muna Ramen Chetty of Kurunegala. Plaintiff.
No. 22,332. Vs.

Kana Kailasen Pillai of Kuliyaipitiya, in Yatikaha korale. Defendant.

NOTICE is hereby given that on Saturday, January 22, 1916, at 12 noon, will be sold by public auction at the

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

(1) The land called Kadurugahamulawatta *alias* Polisiyewatta, in extent about 2 lahas of kurakkan sowing, situate at Kuliyaipitiya, in Yatikaha Korale South; and bounded on the east by the land of Kiri Menika and others, south by high road, west by the court premises, and on the north by the land of Kiri Menika and others, with the Police Station, and all the other buildings and the plantations standing thereon.

On Saturday, January 22, 1916, at 2 P.M.

(2) The land called Kahatagahamulohene, in extent about $2\frac{1}{2}$ kurunies kurakkan sowing; and bounded on the east by the land of Appuhamy and others and Mentmpara, south by cart road, west by land of K. B. Karunaratne, Notary, and others, and on the north by the land of Mudalihamy Arachchi and others, with the plantations thereon, situate at Embowa in Yatikaha korale.

Amount to be levied Rs. 287.25, with further interest on Rs. 220 at 30 per cent. per annum from March 4, 1915, to March 29, 1915, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, December 23, 1915. Deputy Fiscal.

In the District Court of Puttalam

N. L. M. N. M. M. Ibrahim Neina Marikkar of
Puttalam. Plaintiff.

No. 2,404. Vs.

Lebbe Tambi Marikkar Segu Alandeen Marikkar of
Pulichchakulam, administrator of the estate of
the late S. I. N. M. Lebbe Tambir Marikkar. Defendant.

NOTICE is hereby given that on Saturday, January 22, 1916, commencing at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

(1) An undivided $\frac{1}{5}$ share of the land called Viduvalavukani, situate at Pulichchakulam, in Anavilundan pattu of the Pitigal Korale North, in the District of Chilaw; containing in extent about 3 acres.

(2) An undivided $\frac{1}{5}$ share of the land called Kenattadevattatottam *alias* Karuthantottam, situate at Pudukudirippu in Anavilundan pattu aforesaid; containing in extent 18 acres.

(3) An undivided $\frac{1}{2}$ share of the garden called Wawakadarsaiboundupannatottam *alias* Adampulleundupanniyatottam, situate at Pulichchakulam aforesaid; containing in extent about 3 acres.

(4) An undivided $\frac{1}{5}$ share of the garden called Kattu-wawakeevindatottam *alias* Kappukankanitottam, situate at Pulichchakulam aforesaid; containing in extent about 13 acres.

(5) The land called Palanitottam, situate at Pulichchakulam aforesaid; containing in extent 2 acres.

(6) An undivided $\frac{1}{2}$ share of the garden called Palanantottam, situate at Pulichchakulam aforesaid; containing in extent about 3 acres.

(7) An undivided $\frac{1}{2}$ share of the garden called Nallatambitottam, situate at Pulichchakulam aforesaid; containing in extent about 4 acres.

(8) The garden called Nallatambitottam, situate at Pulichchakulam; containing in extent about 1 acre.

(9) An undivided $\frac{1}{2}$ share of the land called Omertambitottam, situate at Pulichchakulam aforesaid; containing in extent about 7 acres.

Tuesday, January 25, 1916, commencing at 9 o'clock in the forenoon.

(10) An undivided $\frac{1}{14}$ share of the garden called Kathamuttutottam, situate at Munnessarem, in Munnessarem pattu of the Pitigal Korale North aforesaid; containing in extent about 2 acres, subject to a lease.

(11) An undivided $\frac{1}{14}$ share of the paddy field called Palavelivayal, situate at Munnessarem aforesaid; containing in extent about 25 acres, subject to a lease.

(12) An undivided 1/14 share of the field called Vatavana-vayal, situate at Munnessaram aforesaid; containing in extent about 20 acres, subject to a lease.

(13) An undivided 1/14 share of the field called Sirukulam-vayalkani, situate at Munnessaram aforesaid; containing in extent about 8 acres, subject to a lease.

(14) An undivided 1/14 share of the garden called Alamarattadikani, situate at Munnessaram aforesaid; containing in extent about 4 acres, subject to a lease.

Monday, January 24, 1916, commencing at 3 o'clock in the afternoon.

(15) An undivided 1/14 share of the land called Manalgala, situate at Moor street, in Chilaw town; containing in extent about 1 acre, subject to a lease.

(16) An undivided 1/14 share of the land called Palaya-weettadigala, situate at Chilaw town; containing in extent 1 rood, subject to a lease.

(17) An undivided 1/14 share of the land called Mulla-marattadigala, situate at Chilaw town; containing in extent 1 rood, subject to a lease.

(18) An undivided 1/14 share of the land called Sinnagala, situate at Alutwatta in Chilaw town; containing in extent about 1 rood, subject to a lease.

(19) An undivided 1/14 share of the land called Thottathadigala, situate at Alutwatta, in Chilaw town; containing in extent 2 roods, subject to a lease.

(20) An undivided 1/14 share of the land called Panichchamarattaditottam, situate at Wattakkali, in Anayilundan pattu of the Pitigal Korale North aforesaid; containing in extent about 9 acres.

(21) An undivided 1/14 share of the garden called Weettaditottam, situate at Noyes road, Chilaw town; containing in extent about 2 acres, subject to a lease.

(22) An undivided 1/14 share of the garden called Illampulletottam, situate at Noyes road, Chilaw town; containing in extent about 4 acres, subject to a lease.

Amount to be levied Rs. 3,055.50, with interest at the rate of 9 per cent. per annum and poundage.

Deputy Fiscal's Office,
Chilaw, December 20, 1915.

A. V. HERAT,
Deputy Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Jaffna will be holden at the District Court-house at Jaffna, on Monday, February 7, 1916, at 10 o'clock of the morning of the said day.

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

Fiscal's Office,
Jaffna, December 22, 1915.

T. SABARATNAM,
for Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Districts of Chilaw and Puttalam will be holden at the Court-house at Colombo on Monday, January 10, 1916, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Kurunegala, December 23, 1915.

S. D. SAMARASINHA,
for Fiscal.