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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance for the Protection of Areas subject to Damage from Floods.

WHEREAS it is expedient to take measures to provide against the damage caused in certain districts of the Colony by floods: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 This Ordinance may be cited as "The Flood Protection Ordinance, No. of 1923." Preamble.

2 In this Ordinance, unless the context otherwise requires— Short title.

"The Director" means the Director of Irrigation or any other person appointed by the Governor to prepare and carry out a scheme under this Ordinance;

"Thoroughfare" has the same meaning as in section 4 of Ordinance No. 10 of 1861. Interpretation.

3 (1) The Governor in Executive Council may, by order published in the "Government Gazette," declare any area in the Colony to be a flood area. Power to declare any area in the Colony a flood area.

(2) While any such order remains in force, the area indicated therein shall form a flood area, and be subject to the provisions of this Ordinance.

4 (1) Where any area is declared to be a flood area, the Director shall prepare a scheme for the efficient protection of such area against floods, and also a statement of the estimated cost of the necessary work. Preparation of scheme for protection of flood area.

(2) The Director shall also delineate in distinguishing colours on a plan of such flood area the lands within the area liable to submergence and the dams, draining trenches, outfalls, sluices, locks, and other works which it is proposed to make or maintain, and, where it is expedient to change the position of any thoroughfare or portion thereof, shall delineate in distinguishing colours on the plan the best position and line for the proposed new thoroughfare.

Inspection of
scheme and
plan by persons
interested.

5 (1) A copy of the scheme, together with the estimate of the cost of the necessary works, and of the plan of the flood area, with the proper delineations thereon, shall be lodged at the office of the Colonial Secretary in Colombo, and also at the office of the Government Agent of the Province in which such flood area or any part thereof is situated and at such other places as may be named by the Governor.

(2) Notice that the documents and plan above referred to have been so lodged and are open for inspection shall be given by public advertisement in the "Government Gazette" and at least one other newspaper published in the Colony.

(3) The documents and plan shall remain open for the inspection of every person desiring to see the same on every day, not being a Sunday or public holiday, during office hours, for two months after the date of the first publication of the notice.

(4) Any person whose lands are shown on any such plan as being liable to submergence, or who considers that his property, whether situated within or outside of the flood area, would be injured by the carrying out of the scheme may, within such period of two months, lodge with the Director his objections in writing to his lands being shown as so liable to submergence, or may state in writing the nature and extent of the damage he considers he would suffer if the scheme were carried out, furnishing full particulars in writing of such estimated damage.

(5) After the expiration of such period of two months, the Director shall forward the scheme, with the estimate and plan, and the objections to the scheme, if any, with a full report thereon, to the Colonial Secretary for submission to the Governor in Executive Council.

Powers of
Governor in
Executive
Council on
consideration
of scheme.

6 (1) (a) The Governor in Executive Council, after considering the scheme referred to in the last preceding section, with all the objections thereto, may make such order as to him may seem fit—

- (i.) Confirming, varying, altering, or rejecting any such scheme;
- (ii.) Altering or extending the limits of any such flood area;
- (iii.) Directing works to be carried out for the drainage of the flood area; or
- (iv.) Changing the position of any thoroughfare passing through such area or any portion thereof as to him may seem expedient.

(b) The Governor in Executive Council may, from time to time, make amending orders with respect to any of the matters hereinbefore in this sub-section mentioned.

(2) Such order of the Governor in Executive Council and any amending order shall be published in the "Government Gazette."

(3) The Director is hereby authorized to, and, if the Legislature provides the necessary funds, shall carry out and execute the works ordered or directed by the Governor in Executive Council, and no person shall, except as in this section provided, be entitled to claim compensation for any alleged damage in consequence of such works being carried out.

(4) If any buildings, fences, growing crops, or trees are injured, destroyed, or cut down by reason of any such works being carried out, any person entitled to such buildings, fences, growing crops, or trees may, within one month of such injury or destruction occurring, or of such trees being cut down, apply to the Court of Requests having jurisdiction within the division in which the flood area is situated to have the amount of his claim for such damage ascertained and certified.

(5) The Commissioner of the court shall, whether the amount of the claim is or is not within his ordinary jurisdiction, inquire into the amount of damage occasioned or estimated to be occasioned by such works, and shall have the same powers and follow the same rules and procedure as if the claim were in respect of a debt and the Attorney-General were the defendant, and shall, after investigation, certify, under his hand, what is the estimated amount of damage which the person so entitled may have suffered or will suffer by the carrying out of the works, and the amount certified shall be deemed part of the cost of the construction of the works and shall be paid in the same manner.

(6) An appeal shall lie from any such certificate of a Court of Requests in the same manner and subject to the same conditions as in the case of appeals arising within the ordinary jurisdiction of such court.

(7) All proceedings before the Court of Requests or upon any appeal, as aforesaid, shall be liable to the same duties as are payable on ordinary proceedings in the said court or in respect of appeals therefrom.

7 The Government Agent of the Province in which the flood area is situated, or, if such flood area is situated in more Provinces than one, then such one of the Government Agents thereof as may be nominated by the Governor, shall be the flood authority for such area :

Flood authority.

Provided that where any flood area falls, either wholly or in part, within the limits of a Municipality, the Governor may order that the Chairman of the Municipal Council shall be substituted for the Government Agent as the flood authority for the flood area.

Proviso.

8 The flood authority shall maintain, and is hereby empowered to do all acts necessary to maintain, in good order, all such dams, draining trenches, outfalls, sluices, locks, and other works as are required for the protection of the flood area.

Duties of flood authority.

9 (1) The Governor in Executive Council may make regulations for the purpose of carrying out the provisions of this Ordinance, and particularly, but without detracting from the generality of the powers hereinbefore in this section contained—

Regulations for management of flood area.

- (a) For ensuring the maintenance of the drainage of the flood area ;
- (b) For ensuring the maintenance in good order of the works required for the purpose of protecting such area ;
- (c) For the recovery of flood rates by the seizure and sale of any land liable to such rates and of any crops and movable property being in or upon any such land.

(2) Such regulations may impose on the owner or occupier of any land in any such flood area all or any of the following obligations ; that is to say :

- (a) To keep clear, and of a specified width and depth, the portion of any draining trench adjoining any such land ;
- (b) To make and keep clear drains of sufficient size and depth to carry off the water from any such land into the draining trenches.

(3) All such regulations shall be published in the "Government Gazette" and shall thereupon, subject to the provisions of the next succeeding sub-section, be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

(4) All such regulations shall be laid as soon as conveniently may be before the Legislative Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council next succeeding such date, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

(5) Any person not complying with any such regulation shall be guilty of a summary offence and be liable on conviction to a fine not exceeding one hundred rupees.

- Appointment of inspecting officers.** **10** The Governor may appoint such number of persons to be inspecting officers as he may deem expedient, and fix the amount of remuneration to be allowed to each such officer.
- Duties of inspecting officers.** **11** The inspecting officer shall, under the direction of the flood authority, perform within the flood area to which he has been appointed, the following duties :
- (1) He shall cause the dams which are maintained by the flood authority to be properly weeded and kept in good order ;
 - (2) He shall cause the draining trenches which are maintained by the flood authority to be kept free from obstruction and in good order ;
 - (3) He shall cause the sluices and locks which are maintained by the flood authority to be opened and shut at the proper time ;
 - (4) He shall collect all sums of money, rents, and rates payable for the land or works under the charge of the flood authority ; and
 - (5) He shall follow such directions as he may receive from the flood authority.
- Repayment of cost of executing works.** **12** The cost of preparing a scheme, executing works, and payment of compensation under the provisions of this Ordinance shall be defrayed out of such funds as may be provided for the purpose by the Legislative Council, and the amount of such cost, together with interest thereon at the rate of six per centum per annum, shall be repaid by a yearly rate on the land within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence for such term as may be directed by the Governor in Executive Council.
- Defraying of cost of maintaining works.** **13** The cost of maintaining the works sanctioned under this Ordinance, including the salary of any inspecting officers of maintaining the drainage of any flood area, and of meeting the other expenses of carrying out the provisions of this Ordinance not otherwise expressly provided for shall be defrayed by a yearly rate on the land within the flood area shown on the plan referred to in section 4 of this Ordinance to be liable to submergence.
- Flood rate.** **14** The amount of the yearly rates payable under the last two preceding sections shall be added together, and shall be made one rate, to be called the "flood rate."
- Manner of levying flood rate.** **15** The flood rate shall be levied on the acreage of the land within the flood area, and shall be the same whether the land is cultivated or uncultivated.
- Mode of determining amount of flood rate.** **16** The flood rate shall be determined in the manner following :
- (1) The flood authority shall, on or before the 1st day of October in each year, by writing signed by such authority, fix the rate for the ensuing year, and shall, on or before the said day, give public intimation thereof by notice to be published in the "Government Gazette" and one other newspaper published in the Colony ;
 - (2) Any person objecting to the proposed rate may file his objections in writing at the office of the flood authority on or before the 1st day of November following ;
 - (3) The flood authority, as soon as may be practicable, shall forward to the Colonial Secretary, to be laid before the Governor in Executive Council, the said notice fixing the rate and all objections thereto ;
 - (4) On receiving the said notice, and the objections in writing, if any, the Governor in Executive Council may finally determine what the rate shall be, and the rate so determined shall be the flood rate for the current year ; and
 - (5) The production of the "Government Gazette" containing an official intimation that the rate and the amount thereof have been determined by the Governor in Executive Council shall be conclusive evidence of the facts and that the rate has been duly made.

17 A flood rate shall be payable in such instalments as may from time to time be appointed by the flood authority.

Payment of flood rate in instalments. Proof of amount due.

18 A statement purporting to be signed by the flood authority or inspecting officer shall, without proof of the signature, be *prima facie* evidence that the amount stated is payable in respect of the rate.

19 (1) If it becomes necessary for the purposes of any scheme under this Ordinance to change the position of any thoroughfare passing through a flood area or any portion thereof, the Governor in Executive Council may order such thoroughfare or portion thereof to be stopped up and another course for such thoroughfare or portion thereof to be substituted.

Change of thoroughfares.

(2) If in the execution of any such order it becomes necessary to take possession of the land of any person, it shall be lawful for the Director, subject to the approval of the Governor, to make an agreement with the owner, for the compensation to be paid for such land, and for any buildings, fences, growing crops, or trees, thereon, either by allowing him to possess the land, or part of the land, of the former thoroughfare, or by the grant of other land in exchange or by payment of money or by any two or more of such methods.

(3) The land of any private person taken possession of in pursuance of such agreement shall vest in the Crown without any formal transfer thereof, and the certificate of the Director that any person has been allowed to possess any part of the land of the former thoroughfare or such other land, together with a survey thereof, shall be a sufficient proof of the right of such person to the same.

(4) If the Director cannot agree with such owner as to the compensation to be made, or if the owner cannot be found, or if it be not thought advisable to enter into any such agreement, then proceedings may be taken for obtaining possession of such land, and for compensating the owner, in the manner hereinafter in this Ordinance provided.

20 The Director, any inspecting officer, and any flood authority, together with the assistants, servants, workmen, and labourers employed by or under such Director, inspecting officer, or flood authority, may, at all times and with all necessary and proper vehicles and animals and other means, enter upon any land, and there severally do and perform all acts, matters, and things necessary for the purpose of carrying out the provisions of this Ordinance or for the effectual preparation of any scheme thereunder.

Power of entry.

21 Where under this Ordinance any land or building or part of any land or building is required for the purposes of this Ordinance, and the amount of the compensation in respect thereof is not settled by agreement, the Governor, upon the application of the officer or authority seeking to make the acquisition, may declare that the land or building or the part of the land or building is required for a public purpose, and may order proceedings to obtain possession of the same for the Government and to determine the compensation to be paid to the party interested, under "The Land Acquisition Ordinance, 1876."

Acquisition of land for purposes of Ordinance.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, July 12, 1923.

CECIL CLEMENTI,
Colonial Secretary.

Statement of Objects and Reasons.

GREAT damage is periodically caused in different parts of the Colony by floods, and the object of this Bill is to provide the means of altering this most unsatisfactory state of affairs.

The experience of other laws dealing with the making of town and other improvements has shown that over-elaboration in machinery is liable to make it very difficult to carry out such improvements. In the Bill an attempt has been made to provide simple machinery, whilst giving any private individual whose material interests may be affected, the opportunity of presenting his objections to the scheme of improvement, and claiming compensation for any damage to his buildings,

growing crops, fences, or trees. It must, however, be borne in mind that if the powers in the Bill are to be made operative, claims for compensation must be limited to direct and obvious damage and that remote consequences must be ignored.

Under the Bill, the Governor in Executive Council may declare any area in the Colony to be a flood area (section 3), and thereupon the Director of Irrigation or another officer appointed by the Governor is to prepare a scheme for the efficient protection of the area against floods, and a statement of the estimated cost and the necessary plans (section 4). The scheme and other relevant documents are to be deposited at the Colonial Secretary's Office, the Kachcheries of affected areas, and such other places as may be named by the Governor for inspection by interested parties; and an opportunity for making objections to the proposed scheme is provided (section 5).

The Governor in Executive Council is then to consider the scheme and all objections, and, if he thinks fit, may make order for its being carried out under the directions of the Director of Irrigation or some other specially appointed officer (section 6). Special attention is called to the provisions of section 6 (4), which only allows of compensation being obtained for damage to buildings, growing crops, fences, or trees. It is thought that this limitation on the right to compensation is justified in view of the general benefit that would accrue to the person claiming compensation by reason of the carrying out of the scheme.

It is obvious that an authority to see to the maintenance of the flood protection works and to the carrying out of the provisions of the Bill is necessary, and it is provided that the Government Agent of the affected area is to be the flood authority; but where any part of the flood area is within the limits of a Municipality, the Governor may order the substitution of the Chairman of the Municipal Council for the Government Agent (sections 7 and 8). Provision is also made for the appointment of inspecting officers under the flood authority and for the duties they are to perform (sections 10 and 11).

The benefit to be derived from the carrying out of a scheme being practically confined to the particular flood area, the Bill provides that the cost of erecting the necessary protection works and of maintaining them in order is to be met by a rate on the acreage of the land liable to submergence within the flood area (sections 12, 13, 14, and 15), which is to be fixed, levied, and recovered as laid down in sections 9 (1) (c), 16, 17, and 18 of the Bill.

Power is given to the Governor in Executive Council to make regulations for carrying out the objects of the Bill (section 9), and provision is also made to allow of entry upon any land for purposes of the Ordinance (section 20) and for the acquisition of land required for a scheme (section 21).

Attorney-General's Chambers,
Colombo, May 28, 1923.

H. C. GOLLAN,
Attorney-General.

MINUTE.

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

An Ordinance further to amend "The Municipal Councils Ordinance, 1910."

Preamble.

WHEREAS it is expedient further to amend "The Municipal Councils Ordinance, 1910": 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 Municipal Councils (Amendment) Ordinance, No. of 1923," and shall come into operation on such date as the Governor shall, by Proclamation in the "Government Gazette," appoint.

2 Section 3 of the principal Ordinance shall be amended in the following respects :

- (a) To the definition of " building " and at the end thereof, there shall be added the words " or advertising station. "
- (b) The following definition shall be added immediately after the definition of " building. "

" Advertising station " means any land or building used temporarily or permanently for the exhibition of advertisements, or for the erection, or attachment thereto, of any hoarding, frame, post, wall, or structure used or designed for the exhibition of advertisements.

3 The definition of " annual value " in section 3 of the principal Ordinance is hereby repealed, and the following section shall be inserted thereon as section 3 A :

3 A. (1) Subject to the provisions of sub-section (2) hereof, " annual value " means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any house, building, land, or tenement if the tenant undertook to pay all public rates and taxes, and if the landlord undertook to bear the cost of repairs, maintenance, and upkeep, if any, necessary to maintain the house, building, land, or tenement in a state to command that rent :

Provided that in the computation and assessment of annual value, no allowance or reduction shall be made for any period of non-tenancy whatsoever :

Provided also that in estimating the annual value of any house, building, land, or tenement occupied for trade, business, or manufacturing purposes, there shall be excluded from the assessment any increased value arising from machines, tools, or appliances which are not fixed or attached to the house, building, land, or tenement, or are only so fixed or attached to the same that they can be removed from their place without necessitating the removal of any part of the house, building, land, or tenement. But the value of any machinery, machine, or plant used in or on the house, building, land, or tenement, for producing or transmitting motive power, or for heating or lighting the house, building, land, or tenement shall be included in the assessment :

(2) (i.) In the following cases the Chairman may, in his discretion, compute and ascertain the annual value of premises by taking the same to be a sum equivalent to the interest at five per centum per annum on the capital site value thereof :

(a) In the case of land which is suitable for building purposes or is capable of being developed for building purposes at a reasonable cost, and upon which there is no house or building ;

(b) Where such land is partially covered by buildings, but where the extent to which such land is covered by buildings is less than one-third of the total area thereof, or, where the main buildings thereon are of two or more storeys, less than one-fifth of such total area ;

(c) In any case in which the buildings upon the land are of such a character that the rental or the probable rental value of the premises is in the opinion of the Chairman unduly small, having regard to the capital site value of the land ;

Provided that in the cases specified in paragraphs (b) and (c) hereof, the annual value of the premises shall be computed and assessed with reference to the capital site value of the whole of such land, notwithstanding that a portion thereof is covered by buildings, and, in the case specified in paragraph (c), notwithstanding that the area covered by such buildings is in excess of the limits prescribed in paragraph (b).

(ii.) " Capital site value " with reference to land shall mean the probable price which would be paid for such land if the same were sold in the open market free of all mortgages, leases, encumbrances, or other charges, and as if it were bare land with no buildings, plantations, or trees of value thereon.

Amendment
of section 3
of the
principal
Ordinance.

Addition of
new section 3 A
to the principal
Ordinance.

" Annual value. "
" Capital value. "

(iii.) In every case in which annual value is determined in the manner set out in paragraph (i.) hereof, the Chairman shall, in the notice of assessment prescribed by section 117 (3), insert the following words :

You are hereby further notified that the annual value of the property herein referred to has been computed and ascertained on the capital site value thereof in accordance with the provisions of sub-section (2) of section 3 A of the said Ordinance.

(iv.) The owner of such premises may, within one month of the service of such notice, appeal from the decision of the Chairman to assess the said premises, in accordance with the provisions of this section, to the Municipal Council, whose decision thereon shall be final : Provided that any objection to the amount of the assessment shall be made under and in accordance with the provisions of section 117 hereof.

Amendment of section 37 of the principal Ordinance.

4 In line 9 of section 37 of the principal Ordinance, as the same is contained in section 4 of Ordinance No. 18 of 1917, the word " one " shall be deleted.

Amendment of section 45 of the principal Ordinance.

5 In line 2 of paragraph (b) of sub-section (1) of section 45 of the principal Ordinance, after the words " washing places " and before the word " quarantine " there shall be inserted the word " laundries."

Addition of new section to the principal Ordinance.

6 The following new section shall be added to the principal Ordinance immediately after section 59 thereof, and numbered 59 A :

Protection of Council and its officers.

59 A. (1) No matter or thing done, and no contract entered into by any Municipal Council, and no matter or thing done under the direction of any Municipal Council by any member or officer of such Council or by any other person whomsoever shall, if the matter or thing so done, or the contract so entered into was done or entered into *bona fide* for the purpose of executing this Ordinance or any other Ordinance relating to the powers and duties of the Council, or any by-law, rule, or regulation made thereunder, subject any member of the Council or any such officer or other person personally to any action, liability, claim, or demand whatsoever ; and any expense incurred by any such Council or by any member, officer, or other person, acting as last aforesaid, shall be borne and repaid out of the Municipal Fund.

Provided that nothing in this section shall exempt any member of any such Council from liability to be surcharged with the amount of any payment which may be disallowed upon the audit of the accounts of such Council and which such member authorized or joined in authorizing.

(2) Subject and without prejudice to any other powers, the Municipal Council, where the defendant in any action, prosecution, or other proceeding is its officer, agent, or servant, may, if it thinks fit, except so far as the court before which the action, prosecution, or other proceeding is heard and determined otherwise directs, pay out of the Municipal Fund all or any part of any sums payable by the defendant in or in consequence of the action, prosecution, or other proceeding, whether in respect of costs, charges, expenses, fine, or otherwise.

Amendment of section 74 of the principal Ordinance.

7 Section 74 of the principal Ordinance shall be amended in the following respects :

- (a) By inserting the words " or banks " immediately after the word " bank " in lines 3 and 10 thereof ;
- (b) By inserting immediately after the word " Chairman " in line 6 thereof, the words " or Assistant Chairman."

Repeal of sections 82 to 93 of the principal Ordinance.

8 Sections 82 to 93 of the principal Ordinance, both inclusive, are hereby repealed.

9 The following section shall be inserted in the principal Ordinance immediately after section 105 thereof, and numbered 105 A :

Addition of new section to the principal Ordinance.
Recovery of surcharges.

105 A. (1) Every auditor acting in pursuance of this Ordinance shall disallow every item of account contrary to law, and surcharge the same on the person making or authorizing the making of the illegal payment, and shall charge against any person accounting the amount of any deficiency or loss incurred by the negligence or misconduct of that person any sum which ought to have been, but is not, brought into account by that person, and shall in every case certify the amount due from such person.

(2) Before making any surcharge or disallowance, the auditor shall afford an opportunity to the person against whom such surcharge or disallowance is made, to be heard or to make any representations with reference to the matter which he may think fit, and shall, in the event of his making such surcharge or disallowance, on application by any such person, state in writing the reason for his decision in respect of such surcharge or disallowance.

(3) Any person aggrieved by any surcharge or disallowance may appeal against such decision to the Supreme Court, and the Supreme Court may either confirm the said surcharge or disallowance, or, if it shall be of opinion that such surcharge or disallowance is not in accordance with law, may modify or set aside the same accordingly :

Provided that no such appeal shall be entertained in any case in which the appellant has failed or neglected to make any representation in regard to the matter of such surcharge or disallowance after an opportunity so to do had been afforded him by the auditor in accordance with the provisions of the last preceding section.

(4) Every such appeal shall be presented, prosecuted, and enforced within the time and in the manner specified in rules prescribed for and observed in appeals from interlocutory orders of District Courts, and all proceedings in connection therewith shall be subject to the same stamp duties as appeals from District Courts.

(5) In lieu of such appeal any person so aggrieved may, within fourteen days of the date of the decision of the auditor duly communicated to him, appeal from such decision to the Governor in Executive Council, and it shall be lawful for the Governor in Executive Council, upon any such appeal, to decide the same according to the merits of the case, and if he shall find that any surcharge or disallowance shall have been, or shall be, lawfully made, but that the subject matter thereof was incurred under such circumstances as make it fair and equitable that the surcharge or disallowance should be remitted, the Governor in Executive Council may by order direct that the same shall be remitted on payment of the costs, if any, which may have been incurred by the auditor in the enforcing of such surcharge or disallowance. Any amount directed to be recovered from any such person under any order made by the Governor in Executive Council may forthwith be recovered by the Chairman in the same manner as any sum certified to be due by an auditor is recoverable under the provisions of this section.

(6) No expenses paid by any Municipal Council shall be disallowed by the auditor if such expenses have been sanctioned by the Governor in Executive Council.

(7) Every sum certified to be due from any person by any auditor under this Ordinance shall be paid by such person to the Chairman of the Municipal Council within fourteen days after the same has been so certified unless there is an appeal against the decision, and if such sum is not so paid and there is no such appeal, it shall be the duty of the Chairman to recover the sum from the person against whom the sum has been certified to be due, and any sum so certified to be due may, on application to a Police Magistrate having local jurisdiction, be recovered in the same manner as a fine in court by such Magistrate, together with all costs and expenses incurred in connection with the enforcement thereof.

Amendment of section 110 of the principal Ordinance.

10 Section 110 of the principal Ordinance shall be amended in the following respects :

- (1) By substituting for sub-paragraph (b) of paragraph (1) thereof, the following :
 - (b) The summoning of Council and committee meetings and the regulation of such meetings including the conduct of business, the determination of the quorum necessary for the transaction of business, the manner of voting, and the exercise of a casting vote by the Chairman or other presiding member and the preservation of order thereat.
- (2) By the addition of the following new sub-paragraphs to paragraph (5) thereof, immediately after sub-paragraph (f) :
 - (g) The regulation and control of the keeping of swine;
 - (h) The prevention of malaria and the destruction of mosquitoes and disease-bearing insects.
- (3) By the addition of the following at the end of sub-paragraph (c) of paragraph (8) thereof :

“ And in the case of public markets the declaration of a market area, and the licensing, restriction, or prohibition of sales within such area.”
- (4) By the addition of the following new paragraph at the end thereof :
 - (21) The regulation and control of advertisements displayed or exhibited so as to be visible from any street, road, canal, or lake and the charging of fees for the same.

Amendment of section 115 of the principal Ordinance.

11 Section 115 of the principal Ordinance shall be amended—

- (a) By substituting for the words “ all school buildings ” in line 3 of the first proviso to sub-section (1) thereof, the words “ all school buildings forming part of a school at which no fee is charged for tuition.”
- (b) By adding after the words “ appropriated to ” in line 4 of the said proviso, the words “ public religious worship all lands or buildings used for purposes of public charity, unless any trade or business is carried on or in such last mentioned lands or buildings, or any rent is derived therefrom, whether such rent is or is not applied exclusively to purposes of public charity.”

Amendment of section 117 of the principal Ordinance.

12 Section 117 of the principal Ordinance shall be amended in the following respects :

(1) The words “ of each house, building, land, or tenement ” in lines 2 and 3 of sub-section (1) thereof shall be deleted, and there shall be substituted in lieu thereof the words “ of houses, buildings, lands, or tenements which separately or in combination form the subject of one assessment.”

(2) The words “ which relates to his premises ” being the last five words of sub-section (2) thereof shall be deleted.

(3) At the end of sub-section (3) thereof, there shall be added the following proviso :

Provided that in the case of premises consolidated under the provisions of this Ordinance, a single notice of assessment served on or left at the premises of the occupier of any part of the premises so consolidated shall be deemed to be a sufficient notice under this section.

(4) At the end of sub-section (4) thereof, there shall be added the following words :

“ And that every such objection to an assessment must specify the grounds of the objection, and the amount at which it is claimed the premises should be assessed.”

(5) Immediately after the word “ shall ” in line 2 of sub-section (8) thereof, there shall be inserted the words “ subject to the provisions of section 123.”

(6) The following sub-section shall be added immediately after sub-section (8) thereof and shall be numbered (9) :

(9) It shall be the duty of the Chairman at any time before the end of each quarter of the year to serve on, or leave at the premises of every occupier whether he be proprietor, joint proprietor, or tenant of a house, building, land, or tenement assessed under this Ordinance a notice stating the amount of rates due for such quarter in respect of such premises and the date on which payment of the same is due : Provided that in the case of premises consolidated under the provisions of this Ordinance, a single notice served on or left at the premises of the occupier of any part of the premises so consolidated shall be deemed to be a sufficient notice under this section : Provided further that the failure to serve any such notice shall not affect or prevent the recovery of any rate or rates due and payable in respect of any premises assessed under the provisions of this Ordinance.

13 Section 120 of the principal Ordinance shall be amended by inserting immediately after the words "annual value thereof" in line 5 thereof, the words "and give all such other information as may be necessary for the assessment thereof," and by substituting the words "one hundred" for the word "fifty" in the last line thereof.

Amendment of section 120 of the principal Ordinance.

14 Section 121 of the principal Ordinance is hereby repealed, and the following section shall be inserted in lieu thereof :

Substitution of new section for section 121 of the principal Ordinance.

121. If any house, building, or tenement which is the subject of one assessment, or any tenement forming part of premises consolidated under this Ordinance becomes wholly untenanted for any reason whatsoever, a proportionate remission of the rate or rates payable in respect of such premises may be allowed for each calendar month during which such premises remain untenanted :

Remission of rates for non-tenancy.

Provided that no such remission shall be allowed unless the person claiming such remission shall—

- (a) Have given to the Chairman within seven days of the commencement of the period for which remission is claimed, a written notice of the fact that such premises are untenanted, and shall in such notice have stated the date on which such premises became untenanted and the reason thereof, and an address to which all communications in respect of such notice may be posted ; and also
- (b) Have given to the Chairman a written notice of the fact that such premises were re-occupied within seven days of the new tenancy, and shall in such notice state the fact of such re-occupation and the date of the commencement thereof ;

Provided further, that in the event of any dispute arising regarding the occupation of such premises during any particular period, the decision of the Chairman thereon shall be notified in writing to the address given in the notice required by paragraph (a) of the first proviso to this section, and such decision shall be final, unless a written application for the revision of such decision be presented to the Chairman within seven days of the date upon which notice of such decision was posted or left at such address, when such decision shall be subject to revision by the Council.

15 Section 137 of the principal Ordinance shall be amended by deleting the last sentence thereof, and substituting therefor the following :

Amendment of section 137 of the principal Ordinance.

"And the said warrant shall—

- "(a) In the case of the non-payment of any rate or rates be in the form contained in schedule F to this Ordinance; and
- "(b) In the case of non-payment of any tax or taxes be in the form contained in schedule F 1 to this Ordinance,

with such variations as circumstances may require."

Substitution of new section for section 139 of the principal Ordinance.

Scale of costs.

Insertion of new section 139 A in the principal Ordinance.

Receipt for property seized.

Substitution of new section for section 140 of the principal Ordinance.

Sale of property seized.

Repeal of sections 144 to 147.

Amendment of section 153 of the principal Ordinance.

Amendment of section 191 of the principal Ordinance.

16 Section 139 of the principal Ordinance is hereby repealed, and the following section shall be inserted in lieu thereof :

139. The costs of recovery leviable under any warrant shall be such fraction, being not less than one-tenth and not more than one-fifth of the amount of rate or tax for the recovery of which the warrant is issued, as the Council may from time to time by resolution determine.

17 Immediately after section 139 of the principal Ordinance, there shall be inserted the following section to be numbered 139 A :

139 A. The officer executing a warrant shall give to the owner or other person in charge of any movable property seized under this Ordinance, a receipt for the property so seized, and may in his discretion remove the property under seizure to some other place for safe custody, or keep the same in safe custody at the place at which it was seized.

18 Section 140 of the principal Ordinance is hereby repealed, and the following section shall be inserted in lieu thereof :

140. (1) The property seized in virtue of any such warrant shall be sold by public auction (of which at least 21 days' notice shall be given in respect of property exceeding the value of one thousand rupees, and at least six days' notice in all other cases) by the officer to whom such warrant is addressed, or some other officer of the Council appointed by the Chairman for that purpose, at any time after the expiration of twenty-four days in the case of property exceeding the value of one thousand rupees, and of eight days in all other cases from the day of such seizure, unless in the meantime the amount of the rate or rates, or tax or taxes, and the costs shall be duly paid.

(2) Such notice of sale by public auction shall be given—

(a) In the case of immovable property, by publication in the "Government Gazette" and in one or more of the local newspapers, and by affixing a copy of such notice on some part of the property seized ;

(b) In the case of movable property exceeding the value of one thousand rupees, by publication in the "Government Gazette" and in one or more of the local newspapers ; and in all other cases by beat of tom-tom, or by affixing a copy of the notice of sale at the place at which the movable property under seizure is being kept, or by publication in one or more of the local newspapers, or in any other manner which, in the opinion of the Chairman, gives sufficient notice of such sale.

(3) The amounts realized by the sale of movable or immovable property seized under this Ordinance shall be paid to the Chairman, and should the amounts so realized exceed the amount of the rate or rates, or tax or taxes, and of the costs due on the warrant, the surplus so accruing shall be restored by the Chairman to the owner or joint owners of the property sold.

(4) Every such sale shall be subject to confirmation by the Chairman who is hereby empowered to cancel any such sale for reasons which may appear to him to be equitable.

19 Sections 144, 145, 146, and 147 of the principal Ordinance are hereby repealed.

20 Section 153 of the principal Ordinance shall be amended by deleting the words "by public auction" in line 2 of sub-section (1) thereof.

21 For paragraph (b) of sub-section (7) of section 191 of the principal Ordinance, as the same is contained in section 2 of Ordinance No. 2 of 1919, there shall be substituted the following :

(b) In the event of any contravention of the provisions of this sub-section, every person having the use in common of such privy, water closet, or urinal, or the approaches thereto as aforesaid, shall be deemed to have committed such contravention, unless he shall prove to the satisfaction of the court that he was not in default.

22 Section 199 of the principal Ordinance is hereby repealed, and the following section shall be inserted in lieu thereof :

Substitution of new section for section 199 of the principal Ordinance.

199. (1) It shall be the duty of every Municipal Council within its limits—

Public and private markets and charges for same.

(a) To establish and maintain all such public markets as are required for the service of the inhabitants and to secure the proper scavenging, washing, disinfecting, and conservancy of all such markets.

(b) To regulate, supervise, and control all private markets licensed under this Ordinance.

(2) The Council may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in public markets, and for the use of shops, stalls, sheds, pens, and standings therein. All such rents, tolls, and fees shall be recoverable by the Council from the persons liable to pay the same, as if the amounts payable in respect thereof were taxes due under this Ordinance.

23 The following sections shall be added to the principal Ordinance immediately after section 203 thereof, and shall be numbered 203 A, 203 B, 203 C, 203 D, 203 E, 203 F, 203 G, 203 H, 203 I, 203 J, 203 K, 203 L, and 203 M, respectively :

Addition of new sections to the principal Ordinance.

203 A. (1) No private market shall be established within the limits of a Municipal Council, except under and in pursuance of a license from the Chairman.

Private markets within Municipal limits.

(2) After the expiration of a period of six months from the _____ day of _____, 1923, no private market shall continue to be maintained within the said limits, except under and in pursuance of such a license.

203 B. (1) The owner of every private market in existence on the _____ day of _____, 1923, who desires to continue to carry on such market, shall, within three months of the said date, make application to the Chairman of the Council, and with such application furnish to the Chairman a declaration signed by such owner substantially in the form A in schedule K of this Ordinance.

Owner of private market to apply for license and furnish declaration.

(2) Every such declaration shall be conclusive evidence as against such owner with respect to all particulars therein contained in all questions that may arise as to assessment of annual value, fees for licenses, compensation, or acquisition.

(3) Every such application shall be accompanied by such plan and specification as may be prescribed by any by-laws in force in that behalf, or in the absence of such by-laws, as may be required by the Chairman.

203 C. (1) Every license granted in respect of a private market shall be substantially in the form B in schedule K, and shall be subject to the by-laws framed under this Ordinance, and to such special conditions not inconsistent with such by-laws, as to the Chairman shall seem fit.

Form of license and fee therefor.

(2) Every such license shall expire on the thirty-first day of December of the year for which it is granted.

(3) There shall be payable to the Council in respect of every such license and of every renewal thereof, such sum as shall be prescribed by by-laws, or, in the absence of such by-laws, may be directed by the Chairman, not being less than ten rupees or more than an amount equal to ten per centum of the average annual profits of such market during the previous three years.

(4) If any dispute arises as to the amount of such annual profits, the question shall be determined by the Chairman, subject to an appeal to the Council.

203 D. No license shall be granted in respect of any new private market, unless such market shall conform to the standards prescribed by schedule L, subject to such modification or additions as may be prescribed by by-laws.

New private markets to conform to prescribed standards.

203 E. No license for a private market shall be issued until the owner shall have satisfied the Chairman that he has made satisfactory provision for the scavenging, washing, disinfecting, and conservancy of the market premises.

Cleansing and scavenging of markets.

New private markets to acquire no vested interests.

203 F. All licenses granted to any new private markets after the coming into operation of this section shall be upon the condition that, should the Council at any time decide that it is in the public interest to establish a public market in place of such private market, the Chairman may refuse to renew the license of such private market, and that the owner of such private market shall not be entitled to any compensation in respect of such refusal.

Power of Chairman to refuse new license.

203 G. The Chairman may refuse to issue a license for any new private market, or to issue or renew any license in respect of any private market established within one year prior to the _____ day of _____ 1923, if he is satisfied that the wants of the locality are sufficiently provided for by the public and private markets already in existence or in contemplation.

Refusal of licenses to existing private markets.

203 H. The Chairman may refuse to license or to renew the license of any private market existing on the _____ day of _____ 1923 (not being markets established within one year prior to such date) without the payment of compensation in the following cases, that is to say :

- (a) Where such market does not conform to the standards prescribed by schedule L, and its owner or occupant neglects or refuses, within a reasonable time, to be fixed by the Chairman, to carry out such alterations, additions, or improvements as are, in the opinion of the Chairman, necessary to bring such market into conformity with the said standards, subject to such modifications, if any, of the said standards as in the circumstances of the case the Council may sanction ;
- (b) Where the Council is satisfied that owing to the inherent defects of such market or for any other reason such market cannot be so improved as to bring it into conformity with the said standards or such modification of the said standards as the Council might be prepared to sanction ;
- (c) Where the Council is satisfied with regard to any private market that owing to its position or for any other reason such market is objectionable from the point of view of sanitation or of the safety or convenience of the public ;

Provided that any person aggrieved by any decision of the Chairman under this section may appeal to the Council, and, upon such appeal, the Council may either confirm the decision of the Chairman, or may order the issue of a license, subject to the said market being brought into conformity with such modification of the said standards as the Council in the circumstances of the case may deem to be reasonable and consistent with the public interest, or may make such other order as the Council may deem just.

Special provisions with regard to markets established over thirty years.

203 I. (1) In the case of any market falling under heads (b) and (c) of section 203 H, which is proved to the satisfaction of the Council to have been carried on for a period of over thirty years prior to the _____ day of _____, 1923, the Council may in its discretion proceed as follows :

- (a) It may provide in any local public market already established, or to be established under this Ordinance, satisfactory accommodation for the business hitherto carried on in such private market, and may thereupon direct the owner or occupant of such private market to close the said market and transfer its business to the new accommodation so provided.
- (b) If the said order is complied with, the owner shall be entitled to a lease from the Council of such accommodation for a period not exceeding fifty years, on condition that the said owner, his successors, executors, administrators, or assigns observe the rules sanctioned by the Council, and the conditions of the said lease; and subject to the payment of the rent therein reserved:

(2) Any such rent payable under any such lease shall be such reasonable sum as shall be determined by the Council, and shall be revised every five years. For the first period of five years such rent shall not exceed ten per centum of the cost of providing such accommodation, and in the case of every subsequent period of five years, it shall not exceed ten per cent. of the average nett annual profits derived from the accommodation so leased for the previous five years.

(3) If any dispute arises as to the amount of such annual profits, the question shall be determined by the Chairman, subject to appeal to the Council.

(4) Should the rent due under any such lease not be paid in accordance with the terms thereof, or should the lessee or the person for the time being in control of the accommodation leased persistently fail to comply with the conditions of the lease or with the by-laws made under this Ordinance, the Council may, after affording the person entitled to the lease an opportunity of being heard, by notice in writing forfeit such lease.

203 J. Where the Council is unable immediately to make suitable provision for the public requirements in a public market, such Council may, if it appears necessary for the public convenience, allow any existing private market to continue provisionally, although such private market does not conform to the standards prescribed by schedule L, or to any authorized modification thereof, and may issue a temporary license to such private market without prejudice to its rights to proceed at some future date under the provisions of this Ordinance.

Powers to license market provisionally.

203 K. (1) Where the Council is satisfied that it is in the public interest that any private market licensed or qualified to be licensed under this Ordinance (not being a market to which section 203 I applies) should be either—

Compensation for discontinuance of private market.

- (a) Discontinued altogether as a market ; or
- (b) Taken over by the Council as a public market ; the Council may either direct the discontinuance of such market, or may take it over as a public market, subject in either case to the payment of compensation in accordance with the provisions of this section.

(2) Where any such market is discontinued as a market, the compensation payable, unless otherwise settled by agreement, shall be the difference between the value of the premises if used as a market under this Ordinance and the value of the same premises if used, not as a market, but for the best other local purposes to which similar premises in the same locality are or might be put, together with an allowance in respect of the cost of adopting the existing market buildings for any such purpose.

(3) Where any such market is taken over by the Council as a public market, the compensation payable shall be the value of the premises if used as a market under this Ordinance.

(4) In estimating the value of market premises if used as a market under this Ordinance, regard shall be had to the depreciation liable to be suffered in the value of such premises in the event of a public market or a new private market being established in the same neighbourhood.

203 L. Where a license has been granted by the Council for a private market under this Ordinance, and the licensee at any time during the currency of such license fails to conform to the standards and by-laws applicable to private markets under this Ordinance, after his attention has been directed to such failure by means of notice in writing served upon the licensee by or under the authority of the Council, setting out a period within which such failure must be rectified, it shall be lawful for the Chairman to suspend the license of such market until the licensee shall have made good the default.

Power to suspend license of private markets.

Penalty for keeping unauthorized market.

203 M. Any person who, after the expiration of the period of six months from the _____ day of _____, 1923, shall use as a private market any premises in respect of which a license shall not have been granted under this Ordinance, or in respect of which any license so granted shall have been suspended, shall be guilty of a summary offence, and liable on conviction to a fine not exceeding one hundred rupees, and to a further fine of fifty rupees for every day during which such offence shall have been continued after written notice of the suspension shall have been served upon such person.

Annulment of purchases by Council of property sold for non-payment of rates.

24 As and from the date on which this Ordinance comes into operation every purchase by the Council of immovable property seized and sold for non-payment of rates under the provisions of "The Municipal Councils Ordinance, 1910," whether a certificate in the form contained in schedule H thereto has been signed or not, is, save and except where the property so purchased by the Council has, subsequent to such purchase, been sold and transferred by the Council to some other person, hereby annulled and declared of no force or avail in law, and the title to such property shall be deemed to be vested in such persons in whom such title would, at the date hereof, be vested, if such property had not been sold as aforesaid :

Provided, however, that in respect of such property there shall be deemed to be due and payable to the Council a sum equivalent to the amount of rates and taxes for the period commencing the first day of January, One thousand Nine hundred and Twenty, and ending on the date of the coming into operation of this Ordinance, which would, from time to time, have been payable in respect of such property if the same had, during such period, been privately owned. Such sum shall, if not paid within one month from the date on which this Ordinance comes into operation, be recovered by warrant in the manner prescribed by "The Municipal Councils Ordinance, 1910," for the recovery of rates and taxes.

Substitution of new schedules for schedule F of the principal Ordinance.

25 The schedules F and F I of this Ordinance shall be substituted for schedule F of the principal Ordinance.

Addition of new schedules to the principal Ordinance.

26 The schedules K and L of this Ordinance shall be added to the principal Ordinance, immediately after schedule I thereof.

SCHEDULE F.

Form of Warrant of Distress for the Recovery of Rates.

(Section 137—Proviso (a)).

To _____ of the Municipal Council _____

Whereas the several premises described in columns 1 and 2 of the schedule hereunder written have been assessed by the Municipal Council of _____ under the provisions of "The Municipal Councils Ordinance, 1910" :

And whereas the several sums set out in column 3 of the said schedule opposite each of the said premises, being the rates due and payable in respect of each of the said several premises, are still due, owing, and unpaid :

These are, therefore, to order you forthwith to seize the said premises or the movable property, to whomsoever the same may belong, which may be found upon the said premises ; or both the said premises and the said movable property, and if the said several sums set opposite the respective premises, together with the costs leviable under section 139 of the said Ordinance, be not sooner paid, then at the expiration of the period of eight or of twenty-four days, according as the value of the property seized is equal to or less than the sum of one thousand rupees, or is in excess thereof, to sell, subject to the provisions of the said Ordinance, all or such of the premises in respect of which such rates and costs remain unpaid, or any movable property seized for non-payment of the rates due and unpaid in respect thereof, by public auction, and the amount realized at such sale forthwith to pay into the hands of me, the Chairman of the said Municipal Council of _____, and that you do certify to me what you shall have done by virtue of this warrant.

Schedule.

1	2	3
Description of Premises in respect of which Rates have not been paid.	Situation of Property and Assessment No.	Amount of Rates due thereon.

Given under my hand at _____, this _____ day of _____,
192—.

A. B.,
Chairman.

(The form and schedule to be varied as may be necessary.)

SCHEDULE F I.

Form of Warrant of Distress for the Recovery of Taxes.

(Section 137—Proviso (b)).

To _____ of the Municipal Council of _____

Whereas the persons named in the schedule hereunder written have been taxed by the Municipal Council of _____ under the provisions of "The Municipal Councils Ordinance, 1910," at the several sums set out opposite their respective names :

And whereas the said persons have made default in the payment of the said several sums to the Chairman of the said Municipal Council of _____, and the said sums are still due and owing, although notice demanding payment of the same was served on the said persons :

These are, therefore, to order you forthwith to seize the property of the said persons, and if the said several sums set opposite their respective names, together with the costs leviable under section 139 of the said Ordinance, be not sooner paid, then at the expiration of the period of eight or of twenty-four days, according as the value of the property seized is equal to or less than the sum of one thousand rupees or is in excess thereof to sell, subject to the provisions of the said Ordinance, the property seized by public auction, and the amount realized at such sale forthwith to pay into the hands of me, the Chairman of the said Municipal Council of _____, and that you do certify to me on or before the _____ day of _____ what you shall have done by virtue of this warrant.

Schedule.

Name of Defaulter.	Description of Property.	Situation of Property.	Amount of Tax.	Total.

Given under my hand at _____ this _____ day of _____,
192—.

A. B.,
Chairman.

(This form and schedule to be varied as may be necessary.)

SCHEDULE K.

Market Forms.

Form A.

(Sections 203 B.)

1. I, _____ of _____ being desirous of obtaining a license for the private market belonging to me at _____, do hereby apply, under section 203 B of "The Municipal Councils Ordinance, 1910," for a license to hold the said market at _____, on* _____ for the period from _____ to _____ in accordance with the by-laws framed under the said Ordinance.

2. I further append a site plan and _____ plans to scale and specifications as required by the local by-laws (or, the order of the Chairman, as the case may be).

3. I further declare that the statements regarding the said market contained in the declaration overleaf are true and correct.

Signature of Applicant.

Date _____, 19—.

Address _____.

* Here insert "daily" or the days on which the market is to be held.

(On Back of above Form.)

Declaration under Section 203 B of "The Municipal Councils Ordinance, 1910."

Private Market at _____

1. Situation :—
Municipality : _____ Street : _____
Ward : _____ Assessment No. _____
2. Distance from nearest public markets, the names of which should be given _____.
3. Distance from nearest private markets, the names of which should be given _____.
4. Name of owner of the market : _____.
5. Name of manager or lessee of the market _____.
6. Area and value of land set apart for the market _____.
7. Nature of the buildings, the purpose for which each is used, and their value _____.
8. Whether any drains, latrines, or water supply exist _____.
9. Date when the market was established : _____.
10. On which days, and how often is it held : _____.
11. The average attendance of :—
(a) Vendors _____ (b) Purchasers _____.
12. The gross receipts during the last twelve months were :— _____.
13. The nett receipts during the last twelve months were :— _____.

Signature of Declarant.

Form B.

License to Maintain a Private Market.

(Section 203 c.)

No. _____ Fees of Rs. _____ paid
on the _____, 19_____.

(Name) _____, of _____, (place) _____ is hereby licensed under section 203 A of "The Municipal Councils Ordinance, 1910," to maintain a market in the premises described below, subject to the provisions of the said Ordinance and the by-laws made thereunder, and to the specimen conditions contained overleaf for the period ending December 31, _____.

Place _____ Chairman of Municipal Council.

Date _____

(On Back of above Form.)

Description of Premises : _____.

Special conditions on which this license is granted : _____.

SCHEDULE L.

Standards for all Markets to be established or licensed under "The Municipal Councils Ordinance, 1910."

(Section 203 d.)

1. No new market building or boundary wall shall be erected within 25 feet of the centre of any road, or shall project within the street building lines where such has been defined by Council.
2. All public passages between stalls shall be not less than 10 feet in width.
3. Not less than one-third of the total area occupied by the market premises exclusive of the space set apart for a gala shall be kept open and free of buildings.
4. All market buildings must be not less than 7 feet high at eaves, and be constructed of brick, stone, or cabook masonry, and have roofs covered with tiles or other material approved by the Chairman.
5. All floors of buildings shall be of concrete or of other impermeable material.
6. All angles and junctions of walls with walls or walls with floors shall be rounded off to facilitate cleansing.
7. All buildings shall be raised at least 1 foot above the surrounding ground level.
8. Masonry or concrete drains with a proper fall shall be provided round all buildings, and any such parts of the premises, as the Chairman shall require.
9. All pillars shall be of masonry, iron, or dressed timber.

10. Every market where the sale of meat is to be carried on shall have a special space, or special meat stalls exclusively reserved for the purpose. Every such space or meat stall shall (besides conforming to the other requirements in respect of buildings) be lined inside with glazed tiles, or shall be cemented to a height of not less than 4 feet from the floor, and shall be provided with:—

- (a) Beams and hooks for suspending meat;
- (b) Such fly-proof ventilation in the doors, windows, and walls as the Chairman may require;
- (c) Tables covered with impermeable tops of zinc, marble or other substance approved by the Chairman;
- (d) Chopping blocks with surfaces smoothed so as to prevent the lodgment of dirt.

11. Every market where the sale of fresh fish is to be carried on shall have a special space exclusively reserved for the purpose, which shall, besides conforming to the above requirements in respect of buildings, be drained to the sewer where such is available and in any case in which it is not reasonably possible to drain into a sewer, such space shall be drained to the satisfaction of the Chairman. Every such space shall also be supplied with solidly constructed wooden tables with impermeable tops or with masonry tables with cemented tops.

12. Every market shall be supplied with a sufficient supply of town water to the satisfaction of the Chairman.

13. Every market shall be provided with latrine accommodation to the satisfaction of the Chairman.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, July 18, 1923.

CECIL CLEMENTI,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Bill is intended to make several amendments of varying importance in "The Municipal Councils Ordinance, 1910."

2. The most important amendment is that which deals with the existing system of rating.

3. The existing definition of "Annual Value" for rating purposes is retained, but section 3 of the Bill proposes for the first time to deal expressly with the rating of machinery by adopting the system embodied in the recent English Rating Amendment Bill in England. This system deals leniently with machinery for rating purposes. The amendment excludes from rating, machinery which is not a fixture, unless it is used for transmitting or producing motive power, or for heating or lighting.

4. The question of Municipalities receiving some tangible amount by way of rates on undeveloped land, in return for Municipal services thereto, has been agitated for a long time.

5. At present undeveloped land of great capital site value is rated on its rental or annual value which is often negligible, but by section 3 of the Bill, provision is made for assessing the annual value of such land at $2\frac{1}{2}$ per cent. of its capital site value, capital site value being defined as the probable price which would be paid for the land if sold in the open market free from all encumbrances, and as if there were no buildings, plantations, or trees of value thereon.

6. But the powers of the Chairman so to assess the annual value are strictly limited. He can only deal thus with land suitable for building on which no buildings exist, or where less than one-third (one-fifth in the case of buildings of more than one storey) of the land is covered by buildings, or where flimsy structures are erected which cover the minimum extent. If he adopts the capital site value system, he can assess land only, not land and buildings. Further, if any person objects to being assessed on this system, he can appeal to the Council, while as regards the amount of the assessment he can appeal as before to the Courts.

7. As in Singapore, it was found necessary to give the Chairman discretionary power to assess on the capital site value system, or the ordinary rental value system, in the above cases, because it is deemed impossible to define all cases where one or other system must apply. To rate $2\frac{1}{2}$ per cent. of the capital site value is to rate very lightly. In Singapore 5 per cent. of the capital site value of the more valuable properties is taken. Nevertheless cases may occur where for some legal or material reason, it is impossible to build on undeveloped land; in such cases, the Chairman can use his discretion as to the basis of rating to be adopted.

8. Several provisions in this amending Bill, such as the clauses for the protection of the Council and its officers (section 6), those relating to surcharges (section 8), and those relating to markets (section 21), are adopted from the Local Government Ordinance, No. 11 of 1920.

9. The present Council procedure is contained partly in the principal Ordinance, sections 82 to 93, and partly in by-laws. All except the substantive sections on the subject are taken out of the Ordinance, and embodied in a revised set of procedure by-laws, the Ordinance being so amended as to provide the necessary by-law making powers (section 10 of Bill).

10. The Bill also contains by-law making power to enable Municipal Councils to control the keeping of swine, and to deal with mosquitoes and other disease-bearing insects, a power already given to District Councils in the Local Government Ordinance. By-law making power is also given to enable Municipalities to control advertisements in public places (section 10 of Bill).

11. As regards liability to assessment, section 115 of the principal Ordinance exempts all school buildings from assessment. It is thought that this exemption may properly be confined to free schools, and this proposed amendment is made by section 11 of the Bill.

12. Changes relating to assessment procedure are introduced to bring the system into line with present day Municipal administration. Councils in future will be called on to assess only premises "which separately or in combination form the subject of one assessment." This is the general practice, and this is all that is needed; but the existing Ordinance might possibly be held to necessitate the separate assessment of each building on a piece of property (section 12 of Bill).

13. The Ordinance imposes on the Chairman the new duty of serving, as in England, quarterly a notice of demand for rates (section 12 of Bill), a proceeding which should be a great help to ratepayers.

14. In other respects also the law is brought into line with more modern practice, by validating remission of rates where premises have been unoccupied for any cause for a period of one calendar month or more. This clause will be a great relief to property owners who cannot find tenants (section 14 of Bill).

15. Again, as in England, the Ordinance provides that any person can inspect any part of the Assessment Book. This will enable a ratepayer to compare his assessment with his neighbour's.

16. The procedure for collecting rates has been simplified. The Ordinance allows the Chairman, on failure of payment of rates, to proceed to seize either movables or the immovable property of the defaulter at will. The old procedure by which movables, crops, mesne profits, rents, &c., had to be seized before the immovables liable for rates could be discussed, is unworkable in large towns. The Council can no longer buy the property sold by itself for non-payment of rates. In future such sales will be realities. The old system resulted in Colombo in numerous purchasers of property by the Council which reconveyed the properties if and when arrears were paid together with the expenses of surveying and vesting the property in the Council and of reconveying to the owners. The latter process led to much investigation of titles, before the identity of the owners could be established. In future, all this cumbrous system will disappear (sections 18 and 19 of the Bill).

17. To deal, however, with the properties already bought in by the Colombo Municipality, this Ordinance proposes to annul all such purchases, except where re-sales have been made by the Council to third parties, and to waive the arrears due thereon for the period ending December 31, 1919, the loss representing the penalty caused by a system which is unworkable. Rates which have fallen due since that date are made a charge on the premises in respect of which they are payable; and if they are not, such rates are recoverable by warrant in the ordinary manner.

18. In section 22 of the Bill are set out a variety of sections which are to be inserted in the principal Ordinance, and are taken from the Local Government Ordinance, 1920, practically without any but verbal alterations.

Attorney-General's Chambers,
Colombo, April 21, 1923.

H. C. GOLLAN,
Attorney-General.

NOTIFICATIONS OF CRIMINAL SESSIONS.

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 Central Province will be holden at the Audience Hall at Kandy on Wednesday, August 1, 1923, 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,
Kandy, July 14, 1923.

W. L. KINDERSLEY,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,997. In the matter of the insolvency of Patabendige Abraham de Silva of Grandpass, presently of Dehiwala.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of conformity as of the first class.

By order of court, P. DE KRETSEK,
Colombo, July 14, 1923. Secretary.

In the District Court of Colombo.

No. 3,025. In the matter of the insolvency of M. J. Dias Karunaratne of Mutwal in Colombo.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of conformity as of the third class.

By order of court, P. DE KRETSEK,
Colombo, July 14, 1923. Secretary.

In the District Court of Colombo

No. 3,065. In the matter of the insolvency of Ernest A. E. de Silva of Rockmore, Gregory's road, Colombo.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of conformity as of the first class.

By order of court, P. DE KRETSEK,
Colombo, July 14, 1923. Secretary.

In the District Court of Colombo.

No. 3,116. In the matter of the insolvency of Constantine Soosai Anthony Fernando of 79, Chekku street, Colombo.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of conformity as of the second class.

By order of court, P. DE KRETSEK,
Colombo, July 14, 1923. Secretary.

In the District Court of Colombo.

No. 3,143. In the matter of the insolvency of Don William Jayamaha of Colpetty in Colombo.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of conformity as of the first class.

By order of court, P. DE KRETSEK,
Colombo, July 14, 1923. Secretary.

In the District Court of Colombo.

No. 3,170. In the matter of the insolvency of Periya Thamby Mohamed Shariff of No. 98, Messenger street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on July 31, 1923, to consider an offer of composition.

By order of court, P. DE KRETSEK,
Colombo, July 12, 1923. Secretary.

In the District Court of Colombo.

No. 3,171. In the matter of the insolvency of S. L. M. Zainul Abdeen of No. 93, Silversmith street, Colombo, S. L. M. Mohamed Hamid of No. 13, St. Joseph's street, Colombo, S. L. M. Mohamed Fazul of No. 9, Kuruwe street, Colombo, carrying on business under the name, style, and firm of S. L. M. Zainul Abdeen & Bros.

NOTICE is hereby given that the above-named insolvents have been granted certificates of conformity as of the second class.

By order of court, P. DE KRETSEK,
Colombo, July 14, 1923. Secretary.

In the District Court of Colombo.

No. 3,217. In the matter of the insolvency of M. A. Antony Hernandez of Wolfendahl street, Colombo.

NOTICE is hereby given that a special sitting of the creditors of the above-named insolvent will take place at the sitting of this court on July 31, 1923.

By order of court, P. DE KRETSEK,
Secretary.

In the District Court of Colombo.

No. 3,229. In the matter of the insolvency of Louis Bernard Goonetilleke of Kotahena street, Colombo.

WHEREAS L. B. Goonetilleke has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Walter Jayasinghe of Kotahena street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said L. B. Goonetilleke insolvent accordingly; and that two public sittings of the court, to wit, on August 21, 1923, and on September 4, 1923, 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, P. DE KRETSEK,
Colombo, July 12, 1923. Secretary.

In the District Court of Negombo.

No. 144 I. In the matter of the insolvency of Felix Gomez of Negombo.

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 August 24, 1923, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
Negombo, July 16, 1923. Secretary.

In the District Court of Negombo.

No. 148 I. In the matter of the insolvency of Horathelpedige Babonchia of Adikaremulle.

NOTICE is hereby given that the sitting of this court in the above matter has been adjourned to August 2, 1923, for the examination of the insolvent.

By order of court, C. EMMANUEL,
Negombo, July 6, 1923. Secretary.

In the District Court of Negombo.

No. 153 I. In the matter of the insolvency of D. J. S. Goonewardne of Negombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place on July 23, 1923, to receive the assignee's report.

By order of court, C. EMMANUEL,
Negombo, July 13, 1923. Secretary.

In the District Court of Kalutara.

No. 177. In the matter of the insolvency of Kaluwadewagey Martin Fernando of Kalutara North.

WHEREAS Kaluwadewagey Martin Fernando of Kalutara North has filed a declaration of insolvency, and Rev. Pannananda Thera of Keselhenawa has filed a petition for the sequestration of the estate of Kaluwadewagey Martin Fernando of Kalutara, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Kaluwadewagey Martin Fernando of Kalutara insolvent accordingly; and that two public sittings of the court, to wit, on August 3, 1923, and on August 24, 1923, 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, R. MALALGODA,
Kalutara, July 9, 1923. Secretary.

In the District Court of Kandy.

No. 1,649. In the matter of the insolvency of Meera Mohideen Noordeen of Kandy.

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 August 24, 1923, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, P. MORTIMER,
Kandy, July 14, 1923. Secretary.

In the District Court of Kandy.

No. 1,669. In the matter of the insolvency of Muna Sena Sena Mohamado Abdul Cader and Pana Sena Shena Shaik Ibrahim, carrying on business at Wattagama under the name and style of Muna Sena Kawanna.

NOTICE is hereby given that the adjudication of insolvency in the above case has been annulled.

By order of court, P. MORTIMER,
Kandy, July 14, 1923. Secretary.

In the District Court of Galle.

No. 503. In the matter of the insolvency of Kalah Patiramage Peeris de Silva of Meepe.

NOTICE is hereby given that a certificate of conformity as of the second class has been awarded to the above-named insolvent.

By order of court, RICHARD L. PERERA,
Galle, July 17, 1923. Secretary.

In the District Court of Galle.

No. 506. In the matter of the insolvency of Assen Bawa Mohamed Cassim of Ettilligoda.

NOTICE is hereby given that a special meeting of the creditors of the above-named insolvent will take place at the sitting of this court on July 30, 1923.

By order of court, RICHARD L. PERERA,
Galle, July 17, 1923. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

M. R. R. M. Raman Chetty of Sea street,
Colombo Plaintiff.

No. 3,344/21. Vs.

(1) A. C. Amarasekara, (2) Mancy Nona, and (3) R. P.
John Silva, all of Fort in Colombo Defendants.

NOTICE is hereby given that on Saturday, August 18, 1923, at 10 o'clock in the forenoon, will be sold by public auction at the premises the life interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 712-95, together with interest thereon at 9 per cent. per annum from November 22, 1921, till payment in full, and costs of suit, viz. :—

An allotment of land bearing assessment No. 9, situated at Polwatta in Kollupitiya, within the Municipality and District of Colombo, Western Province; bounded on the north by Carmel road, east by the property formerly of S. Sara Fernando and now of Bastian, south by St. Michael's road, and on the west by the properties of P. Johannes Fernando and J. A. Dias Gunawardana; containing in extent 16 $\frac{2}{5}$ square perches, more or less.

Fiscal's Office,
Colombo, July 16, 1923.W. D. BATTERSHILL,
Deputy Fiscal, W. P.

In the Court of Requests of Colombo.

G. L. Schokman of Campbell place, Colombo.... Plaintiff.

No. 3,846. Vs.

A. Sedris Fernando of Old Urugodawatta road,
Colombo Defendant.

NOTICE is hereby given that on Wednesday, August 15, 1923, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 50, with legal interest thereon from August 25, 1922, till payment in full (less a sum of Rs. 15), and costs Rs. 27-05, viz. :—

The undivided $\frac{1}{2}$ share of all those houses and premises bearing assessment No. 57, situated at Old Urugodawatta road, in the Municipality of Colombo, Western Province; bounded on the north-east by Old Urugodawatta road, on the south-east by the property belonging to the estate of the late Samel Fernando, on the south-west by the property of Jayawickramage Maria Perera, and on the north-west by the property of Jayawickramage Lewis Fernando; containing in extent 4 $\frac{7}{100}$ perches.

Fiscal's Office,
Colombo, July 17, 1923.N. WICKREMESINGHE,
Deputy Fiscal, W. P.

In the District Court of Colombo.

P. M. Gunawardana of Blomendhal road, Kotahena,
Colombo Plaintiff.

No. 5,696. Vs.

Makewitige Maria Perera of Alutmawatta in Colombo,
administratrix of the estate of the late Makewitige
Henry Perera Defendant.

NOTICE is hereby given that on Tuesday, August 21, 1923, at 3 o'clock in the afternoon, will be sold by public

auction at the premises the right, title, and interest of the said defendant, as executrix, in the following property for the recovery of the sum of Rs. 867-44, together with interest on Rs. 750 at 15 per cent. per annum from July 20, 1922, to October 23, 1922, and thereafter on the aggregate amount with interest at 9 per cent. per annum till payment in full, Rs. 349-95 being taxed costs, and less the sum of Rs. 62-20 recovered, viz. :—

An allotment of land called Kadurugahawatta bearing assessment No. 20, situated and lying on the south side of Wall's lane in Alutmawata or Blomendhal, within the Kotahena Ward of the Municipality of Colombo, in the District of Colombo, Western Province; bounded on the north-east by Wall's lane, on the south-east by the property bearing assessment No. 19 of Kandage Agida Perera; south-west by the field of Advocate Mr. A. de A. Seneviratna, and on the north-west by the property bearing assessment No. 21 of Kandage Paulo Perera, now of K. G. Fernando; containing in extent 1 rood and 5 $\frac{47}{100}$ perches according to the figure of survey bearing No. 403 dated April 27, 1914, and made by Jno. H. W. Smith, Registered Licensed Surveyor and Leveller, excluding therefrom the portion acquired by the Ceylon Government Railway and shown as lot 19 in preliminary plan 16,710.

Fiscal's Office,
Colombo, July 16, 1923.W. D. BATTERSHILL,
Deputy Fiscal, W. P.

In the District Court of Colombo.

P. M. Gunawardana of Blomendhal road, Kotahena,
Colombo Plaintiff.

No. 5,696. Vs.

Makewitige Maria Perera of Alutmawatta in Colombo,
administratrix of the estate of the late Make-
witige Henry Perera Defendant.

NOTICE is hereby given that on Wednesday, August 22, 1923, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant, as administratrix, in the following property for the recovery of the sum of Rs. 867-44, together with interest on Rs. 750 at 15 per cent. per annum from July 20, 1922, to October 23, 1922, and thereafter on the aggregate amount with interest at 9 per cent. per annum till payment in full, and costs of suit Rs. 349-95, and less Rs. 62-20 recovered, viz. :—

All that allotment of land being an exact $\frac{1}{2}$ part of an allotment called Weedurugodellewatta *alias* Thelembugahawatta, with the buildings, trees, and plantations thereon, situated in the village Pilapitiya in the Adikari parish of Siyane korale, in the District of Colombo, Western Province; which said allotment of land is bounded on the north by the Palgasthunuowita *alias* Kosgapaowita or Koswattage Sarfino Perera, Notary, deceased, on the east by the other exact $\frac{1}{2}$ part of this property belonging to St. Anna's church, Kelaniya, on the south by the high road, and on the west by Thelembugahawatta of Koswattagekosman Anthony Perera and Yahapathwatta of Welatantrige Girigoris Boteju; containing in extent 1 rood and 30-68 perches, according to the figure of survey thereof No. 293 dated June 2, 1913, made by J. H. W. Smith, Registered Licensed Surveyor and Leveller.

Fiscal's Office,
Colombo, July 16, 1923.W. D. BATTERSHILL,
Deputy Fiscal, W. P.

In the District Court of Colombo.

N. Kathirasapillai of Norris road, Colombo..... Plaintiff.
No. 8,525. Vs.

(1) D. T. Weerasekara of Ryleden, Norris Canal; (2) C. H. Gomes of Hulftsdorp, presently of Kotahena; (3) Martin de Silva of Mutwal; (4) K. Damodaram of Grandpass, Colombo..... Defendants.

NOTICE is hereby given that on Monday, August 13, 1923, at 3.30 in the afternoon, will be sold by public auction at Ryleden, Norris Canal road, Maradana, the following movable property of the 1st defendant for the recovery of the sum of Rs. 610.65, together with interest thereon at 9 per cent. per annum from May 12, 1923, till payment in full, and costs of suit, viz.:

Two ebony lounges, 1 teapoy, 2 netun arm chairs, 1 hat-stand fixed with mirror, 1 old couch, 2 easy chairs, 1 writing desk, 1 lounge, 15 ebony ladies' chairs, 2 corner chairs, 2 ebony teapoy, 1 teapoy painted black, 1 brass stand with lamp, 1 ebony small couch, 1 cheffonier, 1 round dining table, 4 chairs, 1 table, 2 electroplated curry dish covers, 1 looking glass, 1 satinwood bureau almirah, 1 whatnot, 1 clock, 2 tables, 1 chair, 1 lot plates and dishes, &c., 1 lounge, 1 satinwood bureau almirah, 1 toilet table, 2 teakwood wardrobes fixed with mirror, 1 large teakwood almirah, 1 small toilet table, 2 pictures.

Fiscal's Office,
Colombo, July 16, 1923.

W. D. BATTERSHILL,
Deputy Fiscal, W. P.

In the Court of Requests of Colombo.

R. A. Herat Singho of No. 80, St. Joseph's street,
Colombo..... Plaintiff.
No. 8,893. Vs.

G. W. S. James Appu of No. 60, Temple road,
Colombo..... Defendant.

NOTICE is hereby given that on Tuesday, August 14, 1923, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 152.20, with legal interest thereon from June 11, 1923, till payment in full, and costs Rs. 31.45, viz.:

The land called Galpothewatta, with the buildings thereon bearing assessment No. 6A, situated at Ketawalamulla in Maradana, within the Municipality of Colombo; and bounded as follows: on the north by a portion of this land belonging to Livinis Silva, on the east by a cart road leading to Mount Mary, on the south by property claimed by Simon Andries, and west by a footpath containing in extent about 15 perches, more or less.

Fiscal's Office,
Colombo, July 16, 1923.

W. D. BATTERSHILL,
Deputy Fiscal, W. P.

In the District Court of Colombo.

Deagoris Perera Ranasinghe Appuhami of Mudungoda..... Plaintiff.
No. 5,974. Vs.

(1) Ranasinghe Arachchige Jacovis Perera Ranasinghe Appuhami, (2) Madurapperuma Arachchige Don Gregoris Perera, and (3) Ranasinghe Arachchige Simeon Perera Ranasinghe, all of Mudungoda..... Defendants.

NOTICE is hereby given that on August 14, 1923, 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 plaintiff in the following property, viz.:

Seven acres from the land called Mirisvelhena and $\frac{1}{2}$ of the tiled house standing thereon, situated at Aluthepola in Dasiya pattu; and bounded on the north by land of Jayasinha Arachchige Brampy Perera Appuhami and others, east and south by land belonging to Jayasinha Arachchige Brampy Appuhami, and west by the land belonging to Andris Appu; containing in extent 16 acres.

Amount to be levied Rs. 344.52 $\frac{1}{2}$ and poundage.

Deputy Fiscal's Office,
Negombo, July 17, 1923.

FRED G. HEPPONSTALL,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Payna Rina Muna Muttu Carpen Chetty..... Plaintiff.
P. R. M. Velaithen Chetty of Kandy... Substituted Plaintiff.
No. 25,479. Vs.

Alfred Wijesinghe of Trincomalee street, Kandy..... Defendant.

NOTICE is hereby given that on Saturday, September 1, 1923, 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 for the recovery of the balance sum of Rs. 394.05, with interest on Rs. 320 at 9 per cent. per annum from June 9, 1917, till payment in full, and poundage, less Rs. 100, viz.:

An undivided $\frac{1}{4}$ part or share of all that land called Udawattekella, with all the buildings and plantations thereon bearing assessment Nos. 5A, 5B, 5C, 5D, 5E, and 5F, situated at Udawattekella, within the town, Municipality, and District of Kandy, Central Province; and bounded on the north-east by land described in plan No. 80,304, on the east by land described in plan No. 80,303, on the south-west by reservation for a road, and on the west by the road; containing in extent 1 acre 2 roods and 5 perches.

Fiscal's Office,
Kandy, July 17, 1923.

A. RANESINGHE,
Deputy Fiscal.

In the District Court of Kandy.

Charles Cyril Barber of Blackstone estate, Gallewela..... Plaintiff.
No. 29,310. Vs.

Wedippuli Aracige William Perera Sandrasekera,
Peace Officer, Paldeniya..... Defendant.

NOTICE is hereby given that on Monday, August 13, 1923, commencing at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz.:

1. The land called Wappugaywatta of about 1 acre in extent, situate at Paldeniya in Udugoda Udasiya pattu of Matale North; and bounded on the east by road to Galewela, south by fence of Kollaborrawatta, west by water-course, and on the north by Godamunewatta.

2. The land called Binduwagaywatta of about 4 acres, in extent, situate at Paldeniya in aforesaid pattu; and bounded on the east by Galpoththewelakumbura, south by Kalu Tamby's watta, west by Uttalagodalawatta, and on the north by fence of Denduruwatta.

3. The land called Uttalagodalawatta of about 7 acres in extent situate, at Paldeniya in aforesaid pattu; and bounded on the east by Denduruwatta, south by fence of Guruniyawatta, west by Paranapera, and on the north by the ima of the remaining portion.

4. The land called Kalupackerigeyewatta of about 2 acres in extent, situate at Paldeniya in aforesaid pattu; and bounded on the east by Galpoththewela, south by the ditch of Guruniyalagewatta, west by Uttalagodela, and on the north by fence of Binduwawatta.

5. The land called Kowilawattehena and Dewanawattehena of about 8 acres in extent, situate at Polwatta in aforesaid pattu; and bounded on the east by galweta, south by Kawrala Arachchi's Galwalapitiya and Kiri Menika's Kolatennewatta, west by river, and on the north by Kayrathamby's watta.

6. The land called Galwalapitiyehena of about 2 acres in extent, situate at Polwatta in aforesaid pattu; and bounded on the east by Galwatta, south by Kawrala Arachchi's Galwattepitiyehena, west by Galwattepitiyehena, and on the north by Marakarangayhena.

Amount of writ Rs. 1,571.79 $\frac{1}{2}$ and poundage.

Deputy Fiscal's Office,
Matale, July 17, 1923.

C. HARRISON-JONES,
Deputy Fiscal.

Southern Province.

In the District Court of Matara.

Kankanana Ganage Don Lewis of Ganagama Plaintiff.

No. 102. Vs.

(1) Wanniachchi Kankanange James de Silva of Maragoda and others Defendants.

NOTICE is hereby given that on Saturday, August 25, 1923, at 9.30 in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 460.75, viz. —

1. The land called Mekiliyagahawatta and the buildings standing thereon, situated at Kotadupe; and bounded on the north and east by road, south by Wekadawatta, and west by Crown jungle; and containing in extent about 4 acres. Valuation Rs. 1,000.
2. The field called Narangahakumbura, situated at Kotadupe; and bounded on the north by Crown jungle, east by road, south by Bajjamagewatta, and on the west by Diwela; and containing in extent about 30 kurunies of paddy sowing. Valuation Rs. 600.
3. The field called Udakumbura, situated at Kotadupe (save and except 6 kurunies of paddy); and bounded on the north by Malapalahena and jungle, east by Dawatagahaliadde, south by Malapalahena and jungle, and west by Pinkumbura and Malapalahena; and containing in extent about 1 amunam of paddy sowing. Valuation Rs. 840.
4. The land called Pengirihena, situated at Horagoda, and the heap of plumbago therein; the land being bounded on the north by Crown land claimed by natives, water-course, and lot 533 in P. P. 5,757, east by plan No. 208,783, south by land in plan No. 213,925 and land claimed by natives, west by land claimed by natives; in extent 29 acres 1 rood and 20 perches. Valuation Rs. 4,390.

Deputy Fiscal's Office,
Matara, July 16, 1923.

E. T. GOONEWARDENE,
Deputy Fiscal.

In the District Court of Matara.

Peramunage Don Jamis Appuhami of Kotadupe . . . Plaintiff.

No. 103. Vs.

(1) Wanniachchi Kankanange James de Silva of Maragoda and others Defendants.

NOTICE is hereby given that on Saturday, August 25, 1923, at 9.30 in the forenoon, will be sold by public auction at the respective premises, the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 651.10, viz. :—

- (1) The land called Mekiliyagahawatta and the buildings standing thereon, situated at Kotadupe; and bounded on the north and east by road, south by Wekadawatta, and west by Crown jungle; and containing in extent about 4 acres. Valuation Rs. 1,000.
2. The field called Narangahakumbura, situated at Kotadupe; and bounded on the north by Crown jungle, east by road, south by Bajjamagewatta, and on the west by Diwela; and containing in extent about 30 kurunies of paddy sowing. Valuation Rs. 600.
3. The field called Udakumbura, situated at Kotadupe (save and except 6 kurunies of paddy); and bounded on the north by Malapalahena and jungle, east by Dawatagahaliadde, south by Malapalahena and jungle, and west by Pinkumbura and Malapalahena; and containing in extent about 1 amunam of paddy sowing. Valuation Rs. 840.
4. The land called Pengirihena, situated at Horagoda, and the heap of plumbago therein; the land being bounded on the north by Crown land claimed by natives, water-course, and lot 533 in P. P. 5,757, east by plan No. 208,783, south by land in plan No. 213,925 and land claimed by natives, west by land claimed by natives; in extent 29 acres 1 rood and 20 perches. Valuation Rs. 4,390.

Deputy Fiscal's Office,
Matara, July 16, 1923.

E. T. GOONEWARDENE,
Deputy Fiscal.

In the District Court of Matara.

Don Davith de Silva Nagahawatta Appuhami of Hapugala Plaintiff.

No. 8,400. Vs.

Don Adirian Abewardene Wickramasinghe of Kongala Defendant.

NOTICE is hereby given that on Saturday, August 11, 1923, at 9 o'clock in the forenoon will be sold by public auction at this office the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 3,474.95, with legal interest on Rs. 3,050.71 from May 18, 1923, till payment in full, viz. —

- (1) The divided portion B of Pansalawatta at Kongala; bounded on the north by Walawwewatta, east by Hinpotheniya, south by portion A of the same land, and on the west by Gedarawatta; and containing in extent about 1 kuruni of kurakkan sowing. Valuation Rs. 300.
- (2) The divided portion B of Gedarawatta, situated at Kongala; and bounded on the north by Walawwewatta, east by Pansalawatta, south by Thalawatta, and on the west by portion of same land; and containing in extent about 1 kuruni of kurakkan sowing. Valuation Rs. 200.
- (3) All the soil and fruit trees of and all the buildings standing on Walawwewatta, situated at Kongala; and bounded on the north by Pittaniyewatta alias Pelawatta, east by Walawwedeniya, south by Vidanegedera alias Gedarawatta and Pansalawatta, and on the west by Jalathgekoratuwa; containing in extent about 8 kurunies of kurakkan sowing. Valuation Rs. 2,000.

Deputy Fiscal's Office,
Matara, July 13, 1923.

E. T. GOONEWARDENE,
Deputy Fiscal.

In the District Court of Tangalla.

Aberatna Mahavidanage Siyadoris Appu of Welikumbura Plaintiff.

No. 2,110. Vs.

Paekir Saibu Mohammodu Cassim of Tangalla . . . Defendant.

NOTICE is hereby given that on Saturday, August 11, 1923, 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 mortgaged property for the recovery of Rs. 1,536.48, with legal interest on Rs. 1,343.50 from June 28, 1923, till payment in full, poundage, and Fiscal's charges, viz. :—

At Andaragoda in Andupelana.

- (1) The undivided 1/12 share of the field called Hata-muna, in extent 12 amunams of paddy sowing; bounded on the north by Talaweralagewatta, east by Galpottemulanebadawetiya, south by the limit ridge of Hillegemulana, and west by the village limit of Ganewela alias Parana-oya.

At Uda Andupelana.

- (2) The undivided 1/4 share of the field called Wemulla, in extent about 4 amunams of paddy; bounded on the north and east by Crown land, south by Baddiwelakumbura, and west by Karande.

At Palle Andupelana.

- (3) The undivided 1/4 share of the field called Marawa, in extent about 3 amunams of paddy sowing; bounded on the north by Pallemurute, east by Ganinkumbura, south by Ulugedara Bogahakumbura, and west by Welikumbura.

At Palle Andupelana.

- (4) The undivided 1/4 share of the field called Tungodawela, in extent about 5 amunams of paddy; bounded on the north by Pallemurute and Crown land, east by village limit of Kadiragoda, south by Irikonda, and west by Marawekumbura.

At Palle Andrapelana.

(5) The undivided $\frac{1}{4}$ share of the field called Kohupitiya, in extent 2 amunams of paddy; bounded on the north by Badullakumbura, east by village limit of Kadiragoda, south by Hillegemulana, and west Narawekumbura.

Deputy Fiscal's Office, J. E. SENANAYAKE,
Tangalla, July 16, 1923. Deputy Fiscal.

North-Western Province.

In the District Court of Puttalam.

Sina Ana Ena Ibrahim Neina Marikar of Kalpitiya. Plaintiff.
No. 3,515. Vs.

Sego Sathaku Thulla Marikar Ali Thamby Marikar of Teli, administrator of the estate of U. L. M. Seynadin Marikar Defendant.

NOTICE is hereby given that on Tuesday, August 14, 1923, at 10 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. The house and premises called Mookaraparangi Weeduvalavukany, situate at Vellalateru (Vella street), in

Kalpitiya town in Kalpitiya division, in the District of Puttalam, in the North-Western Province, containing in extent about $1\frac{1}{2}$ acre; and is bounded on the north and south by road, on the east by the common fence of the land called Suppiahwalavu, and on the west by the (kitchen) wall and the boundary in line with the wall belonging to the heirs of Somalai. The entirety within these boundaries.

2. The house and premises called Suppiahveduwalavu, situate at the aforesaid street, in extent about 1 acre; and is bounded on the north and south by road, on the east by the common fence of Roman Catholic school, and on the west by the land called Mookaraparangi Weeduvalavu. The entirety within these boundaries.

3. An undivided $\frac{1}{4}$ share of the house and premises called Muttiah Veeduvalavukany, situate in the aforesaid street, in extent about 46 yards from east to west and 108 yards from north to south; and bounded on the north by road, east by land belonging to K. T. M. M. Hadjiar, south by land belonging to the heirs of Assan Koodoos Marikar, and west by land belonging to the wife of V. Seynadin Marikar and others.

For the recovery of the sum of Rs. 1,400 and Fiscal's charges.

Fiscal's Office,
Puttalam, July 13, 1923.

G. C. MILES,
Deputy Fiscal.

I, GEORGE FREDRICK REGINALD BROWNING, Fiscal of the Province of Sabaragamuwa, do hereby appoint Mr. R. F. Perera of Avissawella to be a Marshal for July 9 and 10, 1923, for the divisions of Palle and Meda pattus of the Kuruwiti korale of the Ratnapura District, and of Three Korales and Lower Bulatgama of the Kegalla District,

under the provisions of "The Fiscals' Ordinance, No. 4 of 1867," and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

July 9, 1923.

G. F. R. BROWNING,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Madina Marikar Hadjiar Cassim Lebbe Marikar late of Colpetty in Colombo, deceased.

Cassim Lebbe Marikar Mohamad Muheeth of Colpetty in Colombo Petitioner.

THIS matter coming on for disposal before V. M. Fernando, Esq., Acting District Judge of Colombo, on July 2, 1923, in the presence of Mr. N. H. M. Abdul Cader, Proctor, on the part of the petitioner above named; and

the affidavits (1) of the said petitioner dated June 25, 1923, and (2) of the attesting notary dated June 11, 1923, having been read:

It is ordered that the last will of Madina Marikar Hadjiar Cassim Lebbe Marikar, deceased, 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 petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before August 2, 1923, show sufficient cause to the satisfaction of this court to the contrary.

July 2, 1923. V. M. FERNANDO,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Kasturiaratchige John Perera, late of No. 1,321. Nawagomuwa in the Palle pattu of Hewagam korale, deceased.

Madasinghe Aratchchige Elisahamy, also of Nawagomuwa aforesaid Petitioner.

And

(1) Kasturiaratchige Simeon Perera, (2) ditto Solomon Perera, (3) ditto Mary Perera, all of Nawagomuwa aforesaid Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on June 20, 1923, in the presence of Mr. R. C. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 5, 1923, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as 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 July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

June 20, 1923.

V. M. FERNANDO, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Cyprian Blakelock Blakelock, deceased, formerly of 82, King Henry's road, Hampstead, in the County of Middlesex, but late of Netherlands, Aldwick, Bognor, in the County of Sussex.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on July 11, 1923, in the presence of Mr. Geoffrey Thomas Hale of Colombo, Proctor, on the part of the petitioner, Mr. Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated July 9, 1923, exemplification of probate of the will of the above named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated July 2, 1923, having been read: It is ordered that the will of the said deceased dated June 21, 1920, of which an exemplification of probate 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 petitioner is the attorney of the executor named in the said will, and that he is entitled to have letters of administration, with copy of the said will annexed, issued to him accordingly, unless any person or persons interested shall, on or before August 2, 1923, show sufficient cause to the satisfaction of this court to the contrary.

July 11, 1923.

V. M. FERNANDO, District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Alexander Stephens, deceased, late of 14, Northumberland place, Bayswater, in the County of Middlesex, England, deceased. Class IV. Amount Rs. 44,958.12.

THIS matter coming on for disposal before V. M. Fernando, Esq., Acting District Judge of Colombo, on July 18, 1923, in the presence of Mr. C. M. G. de Saram, Proctor on the part of the petitioner, Stanley Frederick de Saram of Colombo; and (1) the affidavit of the said petitioner dated July 16, 1923, (2) the power of attorney dated February 20,

1923, and (3) the order of the Supreme Court dated July 6, 1923, having been read: It is ordered that the will of the said Alexander Stephens, deceased, dated March 7, 1920, a certified copy of which under the Seal of His Majesty's High Court of Justice in England 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 Stanley Frederick de Saram is the attorney of the sole proving executor named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly; unless any person or persons interested shall, on or before July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

V. M. FERNANDO, District Judge.

July 18, 1923.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of Muna Ana Sana Muna Annamalai Chetty alias Muna Ana Muna Annamalai Chetty, deceased.

Muna Vengadasalam Chetty of India Petitioner.

And

(1) Muna Suppramaniam Chetty, (2) Muna Sockalingam Chetty, both of Ragama Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on July 12, 1923, in the presence of Mr. F. Rustomjee, Proctor, on the part of the petitioner above named; and the affidavit of the attorney of the said petitioner dated July 8, 1920, and the order of the Supreme Court dated January 31, 1920, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as brother of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

July 12, 1923.

V. M. FERNANDO, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Wariapperuma Appuhamillage Panku No. 7,211. Sino, deceased.

Nissange Aratchige Babynona of Pugoda Petitioner.

And

(1) Wariapperuma Appuhamillage Ittiman Singho, (2) ditto Heyanona, (3) H. A. Selenchi Appuhama; the 1st and 2nd respondents by their guardian ad litem, the 3rd respondent Respondents.

THIS matter coming on for disposal before V. Fernando, Acting District Judge of Colombo, on June 27, 1923, in the presence of Mr. C. V. Wickremasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 13, 1923, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as 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 July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

June 27, 1923.

V. M. FERNANDO, District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Mihidukulasuriya Gabriel Pinto, deceased.
No. 2,123.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on July 3, 1923, in the presence of Messrs. De Croos & Fernando, Proctors, on the part of the petitioner, Mihidukulasuriya Justina Perera of Pitipana; and the affidavit of the said petitioner dated May 16, 1923, having been read:

It is ordered that the 6th respondent be appointed guardian *ad litem* over the 3rd to 5th respondents, who are minors, for the purpose of this testamentary action, unless sufficient cause be shown to the contrary.

It is further ordered that the petitioner be and she is hereby declared entitled, as the wife of the said deceased, to administer the estate of the deceased above named, and that letters of administration do issue to her accordingly, unless the respondents—(1) Mihidukulasuriya Mary Elisabeth Pinto, assisted by her husband (2) H. Daniel Fernando, (3) Mihidukulasuriya Mary Margaret Pinto, (4) ditto Mary Winifred Pinto, (5) ditto Mary Allen Pinto, (6) Mihidukulasuriya Andradige Francis Livera, all of Bolawalana—or any other person or persons interested shall, on or before July 24, 1923, show sufficient cause to the satisfaction of this court to the contrary.

July 3, 1923.

F. D. PERIES,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Samareweeramudalige Abilinu Appu-
No. 2,126. hamy of Walpitamulla in Negombo,
deceased.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on June 29, 1923, in the presence of Mr. F. W. Gooneratne, Proctor, on the part of the petitioner Abraham Samareweera of Walpitamulla; and the affidavit of the said petitioner dated June 26, 1923, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the said deceased, to administer the estate of the deceased above named, and that letters of administration do issue to him accordingly, unless the respondents—(1) Jayasinghe Aratchige Punchihamy of Walpitamulla, (2) Pabilis Samareweera of ditto, (3) William Samareweera of ditto, (4) Kirinolis Samareweera of ditto, (5) Baby Nona Samareweera of ditto, assisted by her husband (6) Senerath Aratchige Don Juwanis Appuhamy of Diyakalamulla, (7) Reginahamy Samareweera, assisted by her husband, (8) Kalua Aratchige Themis Appuhamy, both of Mabodela—or any other person or persons interested shall, on or before July 24, 1923, show sufficient cause to the satisfaction of this court to the contrary.

June 27, 1923.

F. D. PERIES,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Warnakulasuriya Theresia Fernando
No. 2,128. of Kudapaduwa in Negombo, deceased.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on June 29, 1923, in the presence of Mr. Ranasinghe, Proctor, on the part of the petitioner, Warnakulasuriya Hendrick Wernando of Kudapaduwa; and the affidavit of the said petitioner dated June 25, 1923, having been read:

It is ordered that the 3rd respondent be appointed guardian *ad litem* over the 1st and 2nd minor respondents for the purpose of this testamentary action, unless sufficient cause be shown to the contrary.

It is further ordered that the petitioner be and he is hereby declared entitled, as the husband of the said deceased, to administer the estate of the deceased above named, that letters of administration do issue to him accordingly, unless the respondents—(1) Warnakulasuriya Mary Magelin Fernando, (2) Warnakulasuriya Aththanasius Alexander Fernando, (3) Warnakulasuriya Maria Fernando, all of Kudapaduwa—or any other person or persons interested shall, on or before July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

June 29, 1923.

F. D. PERIES,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Senanayeka Amarasinghe Mohotti
No. 2,129 T. Appuhamillage Babasinghe Appuhamy of
Marapola, deceased.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on July 1, 1923, in the presence of Mr. Martin de Silva, on the part of the petitioner, Senanayeka Amarasinghe Mohotti Appuhamillage Julis Singho of Marapola; and the affidavit of the said petitioner dated June 29, 1923, having been read:

It is ordered that the 1st respondent be appointed guardian *ad litem* over 5th, 6th, 7th, and 8th respondents, and the 9th respondent as guardian *ad litem* of the 10th, 11th, 12th, and 13th respondents for the purpose of this testamentary action, unless sufficient cause be shown to the contrary.

It is further ordered that the petitioner be and he is hereby declared entitled, as a son of the deceased above named, to administer the estate of the said deceased, and letters of administration do issue to him accordingly, unless the respondents—(1) Senanayeka Amarasinghe Mohotti Appuhamillage Dias Singho, (2) ditto Anohamy, and husband (3) Sirimanna Aratchige William Singho, (4) Senanayeka Amarasinghe Mohotti Appuhamillage Nopin Nona, (5) ditto David Singho, (6) ditto Emalin Nona, (7) ditto Malin Singho, (8) ditto Sirinelis Singho, (9) Koragalamarallage Podimona, (10) Senanayeka Amarasinghe Mohotti Appuhamillage Semanis Singho, (11) ditto Engonona, (12) ditto Abilin Singho, (13) ditto Ayussawathinona, all of Marapola—or any other person or persons shall, on or before July 27, 1923, show sufficient cause to the satisfaction of this court to the contrary.

July 3, 1923.

F. D. PERIES,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Savina Fernando Nijman Pulle of
No. 2,130. Obberiya in Dunagala Pathu, deceased.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on July 4, 1923, in the presence of Mr. J. P. A. Caldera, Proctor, on the part of the petitioner, Philippu Fernando Savari Pulle of Obberiya; and the affidavit of the said petitioner dated July 3, 1923, having been read:

It is ordered that the 3rd respondent be appointed guardian *ad litem* over the 1st and 2nd respondents, who are minors, for the purpose of this testamentary action, unless sufficient cause be shown to the contrary.

It is further ordered that the petitioner be and he is hereby declared entitled, as the husband of the said deceased, to administer the estate of the deceased above named, and that letters of administration do issue to him accordingly, unless the respondents—(1) Margaret Fernando Philippu Pulle, (2) Juan Fernando Philippu Pulle, (3) Jacob Fernando Christogu Pulle Annavi of Bambukuliya—or any other person or persons interested shall, on or before July 30, 1923, show sufficient cause to the satisfaction of this court to the contrary.

July 4, 1923.

F. D. PERIES,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Jurisdiction. Nallahewage Avenna Silva, deceased, of No. 1,560. Warapitiya.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on May 29, 1923, in the presence of Mr. D. J. K. Goonetilleka, Proctor, on the part of the petitioner, Hewawasansarukkalingey Heenhamy Fernando of Warapitiya; and the affidavit of the said petitioner dated May 29, 1923, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration issued to her, unless the respondents—(1) Nallahewage Podi Sinno, (2) ditto Livinis Sinno, (3) ditto Jane Nona, and (4) ditto Hendrick Sinno, all of Warapitiya; 2nd to 4th minors by their guardian *ad litem* the 1st respondent—or any other person or persons interested shall, on or before July 13, 1923, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 1st respondent be and he is hereby appointed guardian *ad litem* over the 2nd, 3rd, and 4th respondents, minors, for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before July 13, 1923, show sufficient cause to the satisfaction of this court to the contrary.

W. H. B. CARBERY,
District Judge.
May 29, 1923.

This *Order Nisi* is extended to August 3, 1923.

W. H. B. CARBERY,
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the late Jurisdiction. Egodayalagedere Sirimala, deceased, of No. 4,013. Amandawaka.

THIS matter coming on for final disposal before Paules Edward Pieris, Doctor of Letters, District Judge, Kandy, on June 26, 1923, in the presence of Mr. H. A. C. Wickremaratne, Proctor, on the part of the petitioner, Egodayalagedere Kiri Sanda; and the affidavit of the said petitioner dated June 18, 1923, and his petition having been read: It is ordered that the said petitioner, as the eldest son of the deceased above named, be and he is hereby declared entitled to have letters of administration to the estate of the deceased issued to him accordingly, unless the respondents—(1) Egodayalagedera Menika, (2) Egodayalagedera Appuwa—shall, on or before July 23, 1923, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.
June 26, 1923.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Matarage Babasinno, deceased, of Unawatuna. No. 5,788.

THIS matter coming on for disposal before A. P. Boone, Esq., District Judge, Galle, on June 25, 1923, in the presence of J. N. Goonetilleka, Proctor, on the part of the petitioner, Matarage Sestalappu of Unawatuna; and the affidavit of the said petitioner dated June 7, 1923, having been read: It is ordered that the said petitioner, as son of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz., (1) Naikaluge Punchihamy, (2) Matarage Sominona, wife of (3) Mahasaranguge Davith Sinno, (4) Matarage Mendis Appu, all of Unawatuna, (5) ditto Pemawati, wife of (6) S. H. A. Waidiyasagara, both of

Mataraga, (7) Matarage Gunapala, (8) ditto Lenty Silva, (9) ditto Jinadasa, shall on or before July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the said 4th respondent be appointed guardian *ad litem* over the 9th minor respondent, unless the respondents shall, on or before July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

A. P. BOONE,
District Judge.
June 25, 1923.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of Paravitarana Weerasekera Punchibaba of No. 2,913. Bamunugama, deceased. Under Rs. 2,500.

Leana Tantirigamage Don Theodoris of Bamunugama Petitioner.

Vs.

(1) Gamapatirana Don Pediris Silva, Vel Vidane, (2) ditto Babyhami, (3) ditto Maddumahamy, all of Moonamalpe, (4) Leanatantirigamage Minkohamy, and husband (5) Wickremasekera Rajapaksa Wimala gunaratna Don Andris, both of Bamunugama, (6) Leanatantirigamage Josehamy, and husband (7) Abeywickrema Kankanam Patirana Don Andris, both of Urapola, (8) Leana Tantirigamage Mituruhamy and husband (9) Punangalage Don Carolis of Bamunugama, (10) Leanatantirigamage Dona Gimara, and husband (11) Leanage Don James, both of Kamunudeniya Respondents.

THIS matter coming on for disposal before E. Rodrigo, Esq., District Judge of Matara, on May 4, 1923, in the presence of Mr. Samson Dias, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 2, 1923, having been read:

It is ordered that the petitioner, Leanatantirigamage Don Teodoris of Bamunugama, be and he is hereby declared entitled, as son of the said deceased, to administer the said estate, and that letters of administration do issue to him accordingly, unless the respondents above named shall, on or before July 24, 1923, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 1st respondent, Gamapatirana Don Pediris Silva, be and he is hereby appointed guardian *ad litem* over the minors, the 2nd and 3rd respondents, unless sufficient cause be shown to the contrary on or before July 24, 1923.

E. RODRIGO,
District Judge.
May 4, 1923.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of Appu No. 2,920, D. C., Henedige Nensinona Abeygunawardana, Matara, late of Kottagoda, deceased.

Appu Henedige Abraham de Silva Abeygunawardana of Ethpitiya in West Giruwa pattuwa Petitioner.

Vs.

(1) Appu Henedige Alicenona Abeygunawardana, and husband (2) Amadoru Galappattige David Sinno, both of Kottagoda, (3) Appu Henedige Charles Abeygunawardana, (4) Appu Henedige Martin Abeygunawardana, both of Ethpitiya (minor), by his proposed guardian *ad litem*, the 3rd respondent Respondents.

THIS matter coming on for disposal before E. Rodrigo, Esq., District Judge of Matara, on May 21, 1923, in the presence of the petitioner; and the affidavit of the said petitioner dated May 19, 1923, having been read:

It is ordered that the petitioner, Appu Henedige Abraham de Silva Abeygunawardana of Ethpitiya, be and he is hereby

declared entitled, as eldest brother of the said deceased, to administer the said estate, and that letters of administration do issue to him accordingly, unless the respondents above named shall, on or before August 17, 1923, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 3rd respondent, Appu Henne-dige Charles Abeygunawardana, be and he is hereby appointed guardian *ad litem* over the minor, the 4th respondent, Appu Henne-dige Martin Abeygunawardana, unless sufficient cause be shown to the contrary on or before August 17, 1923.

May 21, 1923.

E. RODRIGO,
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Estate of Tikirahenne-
Jurisdiction. dige Piyoris Appu, late of Dodampahala,
No. 2,935. deceased.

Between

Lokukamadihenne-dige Babahamy of Dodam-
pahala Petitioner.

And

(1) Tikirahenne-dige Hendrick, (2) ditto Missi Nona, (3) ditto Mendis, (4) ditto Sopinona, (5) ditto David, (6) ditto Mellin Nona, (7) ditto Arthur, (8) ditto Lilly Nona, (9) ditto Albert, (10) Abraham Galappattige Hector, (11) D. N. A. Galappatti, all of Dodampahala Respondents.

THIS matter coming on for disposal before E. Rodrigo, Esq., District Judge of Matara, on June 28, 1923, in the presence of Mr. M. D. T. Kulatilleka on the part of the petitioner; and the affidavit of the said petitioner dated June 28, 1923, having been read:

It is ordered that the petitioner, Lokukamadihenne-dige Babahamy, be and she is hereby declared entitled, as widow of the said deceased, to administer the said estate, and that letters of administration do issue to her accordingly, unless the respondents shall, on or before August 17, 1923, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the said 11th respondent, D. N. A. Galappatti of Dodampahala, be and he is hereby appointed guardian *ad litem* of the 4th to 10th respondents, unless the respondents above named shall, on or before August 17, 1923, show sufficient cause to the satisfaction of this court to the contrary.

June 28, 1923.

E. RODRIGO,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of
Jurisdiction. Nagappiar Kuddippillai, late of Tirunel-
No. 5,107. vely, deceased.

Annappillai, widow of Kuddippillai of Tirunelvely
East Petitioner.

Vs.

(1) Nakappiar Ponnu of Colombo, now of Tirunelvely East, (2) Arumugam Naganathy of Tirunelvely East, and his wife (3) Suntharam of ditto, (4) Vallipuram Kanapathippillai of ditto, (5) Annam, daughter of Vallipuram of ditto, (6) Vallipuram Kantaiyah of ditto, and (7) Sinnachchi, widow of Vallipuram of ditto; the 4th, 5th and 6th respondents are minors, and appear by their guardian *ad litem* the 7th respondent Respondents.

THIS matter of the petition of the above named petitioner, praying for letters of administration to the estate of the above named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on June 5, 1923, in the presence of Messrs. Casippillai & Cathiravelu, Proctors,

on the part of the petitioner; and the affidavit of the petitioner dated April 4, 1923, having been read: It is declared that the petitioner is the widow of the deceased, and is entitled to have letters of administration to the estate of the deceased issued to her, unless the respondents or any other person shall, on or before July 31, 1923, show sufficient cause to the satisfaction of this court to the contrary.

June 22, 1923.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Theivanaipillai, wife of Arunasalam
No. 5,120. Kandiah of Udupiddy, deceased.

Thambiah Velupillai of Karanavai North, Udu-
pidy Petitioner.

Vs.

(1) Kandiah Arunasalam of Karanavai North, Udupiddy, (2) Arunasalam Kandiah of ditto; the 1st respondent is a minor by his guardian *ad litem* the 2nd respondent Respondents.

THIS matter of the petition of Thambiah Velupillai of Karanavai North, Udupiddy, praying for letters of administration to the estate of the above named deceased, Theivanaipillai, wife of Arunasalam Kandiah of Udupiddy, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on June 26, 1923, in the presence of Messrs. Sivapragasam & Katiresu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated March 5, 1923, having been read: It is declared that the petitioner is the father of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before July 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

July 3, 1923.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Annamma, wife of Sengamalayar Valli-
No. 5,164. puram of Saravanai, deceased.

Valliammai, widow of Murukappiar of Sarava-
nai Petitioner.

Vs.

(1) Murukappiar Nagalingam of Saravanai, (2) Murukappiar Thuraiyappah of ditto, (3) Murukappiar Sinnadurai of ditto, (4) Issuvanathar Thillaiyampalam and wife (5) Rasamma of ditto, (6) Maddaitamby Marimuttu and wife (7) Sinnamma of ditto, (8) Ponnamma, daughter of Murukappiar, of ditto, (9) Nallamma, daughter of Murukappiar, of ditto, (10) Sengamalayar Vallipuram of ditto Respondents.

THIS matter of the petition of the above named petitioner, praying that the above named 2nd respondent be appointed guardian *ad litem* over his minor sisters, the 8th and 9th respondents, and that letters of administration to the estate of the above named deceased be issued to the petitioner, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on June 7, 1923, in the presence of Mr. R. R. Nalliah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated June 5, 1923, having been read: It is ordered that the above named 2nd respondent be appointed guardian *ad litem* over his minor sisters, the 8th and 9th respondents, for the purpose of protecting their interests and of representing them in this case, and that letters of administration to the estate of the above named

deceased be issued to the petitioner, unless the above-named respondents appear before this court on July 10, 1923, and state objections or show sufficient cause to the satisfaction of this court to the contrary.

June 19, 1923. G. W. WOODHOUSE,
District Judge.

Time to show cause extended to August 2, 1923.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of Annap-
Jurisdiction. J. 113, wife of Ponnampalam Thamo-
No. 5,179 tharampillai of Mailiddy in Jaffna, late
Class II. of Kuala Lumpur, deceased.

Ponnampalam Thamo-tharampillai of Mailiddy. Petitioner.

Vs.

(1) Ponnu, widow of Vallipuram of Mailiddy, (2) Thamo-
tharampillai Rasentharam of ditto, (3) Thamotha-
rampillai Ramathan of ditto, and (4) Thamotha-
rampillai Sachethanatham of ditto . . . Respondents.

THIS matter coming on for disposal before G. W. Wood-
house, Esq., District Judge, on June 25, 1923, in the
presence of Mr. R. R. Nalliah, Proctor, on the part of the
petitioner; and the affidavit of the petitioner dated June
20, 1923, having been read: It is ordered that the above-
named 1st respondent be appointed guardian *ad litem* over
the minor 2nd, 3rd, and 4th respondents for the purpose of
representing them in this case, and that letters of adminis-
tration to the estate of the above-named deceased be issued
to the petitioner as his lawful husband, unless the above-
named respondents or any other person shall, on or before
July 31, 1923, show sufficient cause to the satisfaction of
this court to the contrary.

July 9, 1923. G. W. WOODHOUSE,
District Judge.

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Assen Ossen Pillai Cader Mohideen, late
No. 528. of Mussalpty in Akkara pattu in the
Puttalam District, deceased.

Between

Assen Meera Natchia of Mussalpty aforesaid. Petitioner.

And

(1) Cader Mohideen Marudo Naing Marakar of Mussal-
pty, (2) Cader Mohideen Assen Ossen Pillai of Kara-
tivu in Kalpitiya, (3) Packer Tamby Sego Mohideen
of Ammatotam in Akkara pattu aforesaid, and
guardian *ad litem* of the minor, Ummukulisumms,
aged about 6 months. Respondents.

THIS matter coming on for disposal before N. M. Bharu-
cha, Esq., District Judge of Puttalam, on June 27,
1923, in the presence of Mr. Wilfred A. Muttukumaru,
Proctor, on the part of the petitioner above named; and
the petitioner's affidavit and petition dated November 8 and
13, 1922, respectively having been duly read:

It is ordered that Assen Meera Natchia, the petitioner
above named, be and she is hereby appointed guardian
ad litem of the minors, (a) Cader Mohideen Mohideen Abdul
Cader, (b) Cader Mohideen Assenna Marakar, and (c)
Cader Mohideen Mohamado Ibrahim, and the 3rd re-
spondent above named be and he is hereby appointed

guardian *ad litem* of his minor daughter above named,
and that the 1st respondent above named be and he is
hereby appointed administrator of the estate of the
deceased above named, and that letters of administration
be issued to him accordingly, unless the respondents above
named or any other person or persons interested shall, on or
before July 23, 1923, show sufficient cause to the satisfaction
of this court to the contrary.

June 27, 1923. G. C. MILES,
Additional District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Ambagahage Barbera Fernando of
No. 1,518. Thabbowa, deceased.

A. James Fernando of Thabbowa Petitioner

And

(1) Gustina Fernando of Thabbowa, (2) Empragina
Fernando, and husband (3) Juan Kurera, both of
Thalwila, (4) Siriyanu Fernando, (5) Jane Fernando,
both of Thabbowa Respondents.

THIS matter coming on for disposal before N. M. Bharu-
cha, Esq., District Judge of Chilaw, on June 26, 1923, in the
presence of Messrs. Corea & Corea, Proctors, on the part
of the petitioner; and the affidavit and petition of the said
petitioner dated June 26, 1923, having been read:

It is ordered that the above-named 4th respondent be and
he is hereby appointed guardian *ad litem* over the 5th
respondent, who is a minor, for the purpose of these proceed-
ings, and that the petitioner be and he is hereby declared
entitled, as the son-in-law of the said deceased, to have letters
of administration to her estate issued to him, unless the
respondents above named or any other person or persons
interested shall, on or before August 6, 1923, show sufficient
cause to the satisfaction of this court to the contrary.

June 26, 1923. N. M. BHARUCHA,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Manel Perera Wijegunatilaka Appuhamy
No. 1,521. of Eviriwatta, deceased.

Lokubalasoorige Isabellahamy of Eviriwatta. Petitioner.

And

(1) Migel Perera of Giriulla, (2) Sineris Perera of Ango-
muwa, (3) Emaliya Perera, and husband (4) Emalis
Perera, both of Kanugala, (5) Agostinahamy, and
husband (6) Andiris Appu, both of Katunayaka, (7)
Sampinona, and husband (8) Pabilis Appuhamy, both
of Irattakulama, (9) Nondhamy, and husband (10)
Siman Appu, both of Nawasigahawatta. Respondents.

THIS matter coming in for disposal before N. M. Bharu-
cha, Esq., District Judge of Chilaw, on July 2, 1923, in the
presence of Messrs. Corea & Corea, Proctors, on the part
of the petitioner; and the affidavit of the said petitioner dated
July 2, 1923, having been read:

It is ordered that the above-named 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
August 6, 1923, show sufficient cause to the satisfaction of
this court to the contrary.

July 2, 1923. N. M. BHARUCHA,
District Judge.

In the District Court of Anuradhapura.

Testamentary In the Matter of the Estate and Effects of
Jurisdiction. Malalage Dona Louisa Nona of Anu-
No. 811. radhapura, deceased.
Pattarayakage Hendrick Appu of Anuradha-
pura Petitioner.

Vs.

(1) Malalage Dona Maria Nona of Anuradhapura,
(2) F. D. Silva of Pallegoda estate, Pallegoda, Ben-
tota, Kegalla District Respondents.

THIS matter coming on for disposal before C. J. S. Pritchett, Esq., District Judge of Anuradhapura, on June 24, 1923, in the presence of Mr. S. Nataraja, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated May 31, 1923, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the said Malalage Dona Louisa Nona, deceased, to have letters of administration to her estate issued to him, unless the respondents or any other person shall, on or before June 26, 1923, show sufficient cause to the satisfaction of this court to the contrary.

June 14, 1923. — C. J. S. PRITCHETT,
District Judge.

Time to show cause against the *Order Nisi* extended to July 17, 1923.

June 26, 1923. — C. J. S. PRITCHETT,
District Judge.

Time to show cause against the *Order Nisi* extended to August 7, 1923.

July 17 1923. — C. J. S. PRITCHETT,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Arachchillage Jiwanderahamy of Heen-
No. 885. werella, deceased.

Kasturi Aratchillage Appuhamy of Heenwe-
rella Petitioner.

Vs.

(1) Aratchillage Ran Menika, (2) Ukkai Menika, (3)
Punchi Etana, all of Heenwerella Respondents.

THIS matter coming on for disposal before W. J. L. Rogerson, Esq., District Judge, Kegalla, on May 31, 1923, in the presence of Mr. Molligode, Proctor, on the part of the petitioner; and his affidavit and petition dated April 28 and May 31, 1923, respectively, praying for letters of administration of the said estate to be issued to him, having been read: It is ordered and declared that the petitioner, as the son-in-law of the deceased, is entitled to letters of administration of the said estate, and that such letters will be issued to him accordingly, unless the respondents or any person or persons interested shall, on or before July 4, 1923, show sufficient cause to the satisfaction of the court to the contrary.

May 31, 1923. — W. J. L. ROGERSON,
Judge.

Extended *Order Nisi* for July 25, 1923.

July 4, 1923. — AELIAN ONDAATJE,
Acting District Judge.