



THE

# CEYLON GOVERNMENT GAZETTE

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## PART II.—LEGAL.

*(Separate paging is given to each Part in order that it may be filed separately.)*

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**PASSED ORDINANCES.**

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

**No. 29 of 1935.**

**An Ordinance to amend the General Loan and Inscribed Stock Ordinance, No. 5 of 1921.**

F. G. TYRRELL.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title.

**1** This Ordinance may be cited as the General Loan and Inscribed Stock Amendment Ordinance, No. 29 of 1935.

Repeal of section 6 of Ordinance No. 5 of 1921 and substitution of a new section therefor.

**2** Section 6 of the General Loan and Inscribed Stock Ordinance, No. 5 of 1921 (hereinafter referred to as "the principal Ordinance"), is hereby repealed and the following new section is substituted therefor :—

Redemption of debentures.

**6.** The debentures shall be redeemable either—

(a) at par on a fixed date to be declared at the time of issue of the debentures, such date being not later than sixty years from the date of the issue : provided that the Governor or the Crown Agents acting on his behalf may reserve the option to redeem the debentures at some earlier date on such conditions as may be declared at the time of issue ; or

(b) by annual drawings at par, or at the option of the Governor or the Crown Agents acting on his behalf of purchase at or below par.

Amendment of section 13 of the principal Ordinance.

**3** Section 13 of the principal Ordinance is hereby amended by the substitution for all the words from "after" to "afore-said," of the following :—

"The Governor shall, in the half year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken, and in each subsequent half year,"

Amendment of section 15 of the principal Ordinance.

**4** Section 15 of the principal Ordinance is hereby amended by the substitution for the words "on a date to be named when issuing the debentures", of the words "on a fixed date".

Amendment of section 23 of the principal Ordinance.

**5** Section 23 of the principal Ordinance is hereby amended by the substitution for all the words from "and forwarded" where those words occur for the first time to the end of the section, of the following :—

"and disposed of in such manner as the Governor or the Crown Agents acting on his behalf may decide. Any debenture redeemed by purchase shall be cancelled and disposed of in like manner."

Repeal of section 25 of the principal Ordinance and the substitution of a new section therefor.

**6** Section 25 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Redemption of inscribed stock.

**25.** All the inscribed stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue : Provided that the Governor or the Crown Agents acting on his behalf may reserve the option to redeem the stock in whole or in part, by drawings or otherwise, at any time prior to such date on such conditions as may be declared at the time of issue. From and after the date appointed for the redemption of the stock or any part of it all the interest on the principal moneys represented thereby shall cease and determine whether payment of the principal shall have been demanded or not.

7 Section 27 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Repeal of section 27 of the principal Ordinance and the substitution of a new section therefor.

27. The Governor shall, in the half year ending on the date specified in the terms of issue of the loan as that on which the first contribution to the sinking fund shall be taken, and in each subsequent half year, appropriate out of the said revenue and assets of the Colony of Ceylon for the formation of a sinking fund an additional sum equal to one-half of the annual contribution specified in the prospectus or in the case of a loan not issued publicly, in the terms of issue, relating to the loan in respect of the total nominal amount of such inscribed stock including any such inscribed stock as may at any time have been issued in exchange for debentures under the authority of this Ordinance, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Mode of providing for repayment of principal of inscribed stock.

8 Section 31 of the principal Ordinance is hereby amended in paragraph (d) thereof by the substitution for the words "any outstanding loans," of the words "any outstanding loans, whether issued before or after the commencement of this Ordinance,".

Amendment of section 31 of the principal Ordinance.

9 The following new section shall be inserted immediately after section 37, and shall have effect as section 37A, of the principal Ordinance :—

Insertion of new section 37A in the principal Ordinance.

37A. Upon the notification in the Gazette of any resolution passed by the State Council and approved by the Governor, that all privileges exemptions and immunities attaching by virtue of any written law in force in Ceylon to any debenture or inscribed stock issued for the purposes of any loan charged on the public revenue of Ceylon at any time prior to the twenty-first day of March, 1932, shall attach to any new debenture or inscribed stock issued in conversion of the earlier debenture or inscribed stock aforesaid, all such privileges exemptions and immunities shall accordingly attach to any such new debenture or inscribed stock issued or duly transferred to any individual not ordinarily resident in Ceylon or to any company or body of persons having its registered or principal office outside Ceylon or having its business actually controlled or managed from any place outside Ceylon.

Exemption from tax and duty in certain cases.

Passed in Council the Tenth day of October, One thousand Nine hundred and Thirty-five.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Eleventh day of October, One thousand Nine hundred and Thirty-five.

G. M. RENNIE,  
Secretary to the Officer Administering  
the Government.

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

**No. 30 of 1935.**

D 18/32

**An Ordinance to provide for the Registration of Aliens in the Island.**

F. G. TYRRELL.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

1 This Ordinance may be cited as the Aliens Registration Ordinance, No. 30 of 1935.

Short title.

2 The Governor may appoint any person, by name or by office, to be or to act as Registrar of Aliens.

Appointment of Registrar of Aliens.

Returns to be  
furnished by  
aliens.

3 Every alien who—

- (a) enters the Island intending to remain therein for a period of one month or longer, or
- (b) is in the Island one month after the date of his arrival therein, or
- (c) has, at the date of the commencement of this Ordinance, been in the Island for a period of one month or longer,

shall forthwith furnish to the Registrar a return in the form prescribed in the Schedule to this Ordinance :

Provided that the Governor may at any time by proclamation in the Gazette direct that every alien of any race, nationality, or class specified therein shall immediately upon entering the Island furnish the aforesaid return ; and, upon the publication of any such proclamation, it shall be the duty of every alien to whom the proclamation applies to furnish the aforesaid return accordingly :

Provided further that this section shall not apply to—

- (1) any alien who is in the Island at the date of the commencement of this Ordinance and who has furnished a return under section 8 of the Supervision of Aliens Ordinance, No. 14 of 1917 ; and
- (2) any alien who is under the age of fifteen years at the time of his arrival in the Island, but every such alien shall, if at the date on which he attains his fifteenth year he intends to remain in the Island for a period of one month or longer, or if he is in the Island one month after that date, forthwith furnish to the Registrar a return in the form prescribed in the Schedule to this Ordinance.

Restriction of  
movements of  
aliens.

4 The Governor may by order restrict the movements of any alien or class of aliens and may in such order prohibit any alien or member of a class of aliens from changing his residence or travelling within the Island without a permit issued in that behalf by such officer or officers and subject to such conditions as may be specified in the order.

Deportation  
of aliens.

5 (1) The Governor may by order direct the deportation of any alien from the Island if he is satisfied, after such inquiry as he may deem necessary, that the deportation of that alien is essential in the public interest.

(2) An alien who has been deported from the Island in pursuance of an order made under sub-section (1) shall not at any time after the date of that order enter the Island without a permit issued by the Governor.

Verification  
of returns.

6 The Registrar or any police officer not below the rank of Assistant Superintendent may direct any alien—

- (a) to appear before him and to supply on or before a specified date such information or explanation as the Registrar or such police officer may require in respect of any particulars stated in any return furnished by such alien ;
- (b) to produce before a specified date such documentary or other evidence as the Registrar or such police officer may require for the purpose of verifying any facts or particulars in any return furnished by such alien.

Regulations.

7 (1) The Chief Secretary may make regulations—

- (a) requiring any alien or any class of aliens to notify to the Registrar or other specified officer all changes or intended changes of residence ;
- (b) varying the particulars required by the form of return prescribed in the Schedule ;
- (c) generally for the purpose of carrying out or giving effect to the provisions of this Ordinance.

(2) A regulation made under sub-section (1) shall not come into operation unless it has been approved by the State Council and ratified by the Governor, nor until notification of such approval and ratification has been published in the Gazette.

(3) A regulation made under sub-section (1) shall when approved by the State Council, ratified by the Governor, and published in the Gazette be as valid and effectual as if it were herein enacted.

## 8 (1) Any alien who—

Offences.

- (a) commits a breach of any of the provisions of this Ordinance or of any regulation made thereunder, or
- (b) makes default in complying with any order, direction, condition, or requirement duly made under the powers conferred by this Ordinance, or
- (c) knowingly makes any false statement in any return furnished by him under this Ordinance or knowingly supplies any false information or any false explanation when required to furnish any information or explanation under this Ordinance,

shall be guilty of an offence and shall, on conviction after summary trial by a Police Magistrate, be liable to a fine not exceeding one thousand rupees or to simple or rigorous imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) All offences against this Ordinance shall be deemed to be cognizable offences within the meaning of the Criminal Procedure Code, 1898.

9 Whenever any question arises in any proceeding under this Ordinance whether any person alleged to be an alien is or is not an alien, the onus of proving that such person is not an alien shall lie upon such person.

Onus of proof.

10 In this Ordinance unless the context otherwise requires—

Interpretation.

“alien” means any person not being either a British subject or the subject of a state under His Majesty’s protection or the subject of a state in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty ;

“Registrar” means the person appointed by the Governor to be or to act as Registrar of Aliens under section 2.

11 The Supervision of Aliens Ordinance, No. 14 of 1917, is hereby repealed.

Repeal of Ordinance 14 of 1917.

## SCHEDULE.

## Form of Return.

- (1) Name in full (designation to be stated, Rev., Mr., Mrs., or Miss, &c.) : ———.
- (2) Parentage, that is—  
 (a) Father’s name in full and nationality : ———.  
 (b) Mother’s (maiden) name in full, and original nationality : ———.
- (3) Date of birth : ———.
- (4) Place and country of birth : ———.
- (5) Nationality : ———.
- (6) Number, date and place of issue of passport or other papers of identity : ———.
- (7) If male, whether he has served in the armed forces of his country, and if so in what capacity and between what dates : ———.
- (8) Whether previously in the British Empire, and if so, places of residence, with dates : ———.
- (9) Occupation : ———.
- (10) Name and address of employer if any. (If engaged in religious or missionary work state the name of the religious body or missionary society) : ———.
- (11) Date of arrival in Ceylon and name of ship by which arrived : ———.
- (12) Names and addresses of persons, not exceeding three, to whom he is well known : ———.  
 ———.  
 ———.
- (13) Duration of intended stay and address in Ceylon : ———.

Passed in Council the Twentieth day of September, One thousand Nine hundred and Thirty-five.

E. W. KANNANGARA,  
 Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Fourteenth day of October, One thousand Nine hundred and Thirty-five.

G. M. RENNIE,  
 Secretary to the Officer Administering  
 the Government.

## DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that the Gansabhawa records in connection with the Village Tribunal criminal and civil money cases of the Galle District from January 1, 1934, to December 31, 1934, will be destroyed on January 4, 1936, at the Galle Kachcheri in terms of the Government notification published in *Gazette* of December 11, 1908.

The Kachcheri,  
Galle, October 10, 1935.

K. KANAGASUNDRAM,  
for Government Agent.

In the Court of Requests of Badulla-Haldumulla.

M. Muttusamy, Head Kangany of Sinna Golkonda estate, Haputale, on his own and on behalf of the labourers appearing on Schedule A annexed to the plaint ..... Plaintiff.

No. 166. Vs.

The Proprietor of Sinna Golkonda estate, Haputale ..... Defendant.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Badulla-Haldumulla holden at Bandarawela by 100 labourers of Sinna Golkonda estate, Haputale, against the proprietors thereof under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 908.06.

September 27/30, 1935. N. M. BHARUCHA,  
Commissioner of Requests.

NOTICE is hereby given that three months from the date hereof the records of the District Court of Badulla, Courts of Requests and Police Courts of Badulla and Badulla-Haldumulla enumerated in the schedule below, will be destroyed under the provisions of section 6 of Ordinance No. 12 of 1894.

Any person interested in any record may personally, by Proctor or by duly authenticated petition claim, upon good cause shown, that such record should not be destroyed.

### Schedule referred to.

Year.	No. of Cases	No. of Cases to be destroyed.	Court.
1922-1925 ..	3,800-4,199 ..	400 ..	District Court (Civil)
1920-1925 ..	4,351-4,999 ..	649 ..	Court of Requests, Badulla-Haldumulla
1923-1925 ..	4,300-4,799 ..	500 ..	Court of Requests, Badulla
1925-1930 ..	19,100-25,399 ..	6,300 ..	Police Court, Badulla-Haldumulla
1927-1930 ..	1,200-7,899 ..	6,799 ..	Police Court, Badulla
Inquest Proceedings from 1888 to 1927.			
Total ..		14,648	

N. M. BHARUCHA,  
District Judge, Commissioner of Requests, and Police Magistrate.

The District Court,  
Badulla, October 10, 1935.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,706. In the matter of the insolvency of Adamjee Noorbhoy of 20, Dam 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 November 26, 1935, for the grant of a certificate of conformity to the insolvent.

October 9, 1935. By order of court, S. W. DE SILVA,  
for Secretary.

In the District Court of Colombo.

No. 4,828. In the matter of the insolvency of R. Wimala-gunawardene of 115, Hill street, Dehiwala.

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 November 12, 1935, for the grant of a certificate of conformity to the insolvent.

October 16, 1935. By order of court, GERALD E. DE ALWIS,  
Secretary.

In the District Court of Colombo.

No. 4,848. In the matter of the insolvency of Michael Francis Perera Goonaratne of Ward place, Colombo.

WHEREAS the Bank of Chettinad, Limited, Colombo, has filed a petition for the sequestration of the estate of the above-named Michael Francis Perera Goonaratne, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Michael Francis Perera Goonaratne insolvent accordingly; and that two public sittings of the court, to wit, on November 12, 1935, and on November 26, 1935, 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.

October 8, 1935. By order of court, GERALD E. DE ALWIS,  
Secretary.

In the District Court of Colombo.

No. 4,851. In the matter of the insolvency of Don Cornelis Waragoda, 190, Maradana, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 10, 1935, for the grant of a certificate of conformity to the insolvent.

October 9, 1935. By order of court, S. W. DE SILVA,  
for Secretary.

In the District Court of Colombo.

No. 4,854. In the matter of the insolvency of Willadurage Lewis Silva of 193, High street, Wellawatta.

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 November 12, 1935, for the grant of a certificate of conformity to the insolvent.

October 16, 1935. By order of court, GERALD E. DE ALWIS,  
Secretary.

In the District Court of Kandy.

No. 2,100. In the matter of the insolvency of Punchihewage John de Silva of Kadiyanhena estate in Kotmale.

WHEREAS A. B. Charles de Silva of Kurunduwatta, Gampola, has filed a declaration of insolvency, and a petition for the sequestration of the estate of P. John de Silva, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said P. John de Silva insolvent accordingly; and that two public sittings of the court, to wit, on November 8, 1935, and on December 6, 1935, 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.

October 8, 1935. By order of court, E. J. DE SILVA,  
Secretary.

In the District Court of Nuwara Eliya, holden at Hatton.  
No. 25. In the matter of the insolvency of Joseph Van Reyk of Riccarton estate, Maskeliya.

WHEREAS the above-named Joseph Van Reyk has filed a declaration of insolvency and a petition for the sequestration of his estate has been filed by John Boulton of Rockwood estate, Nuwara, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Joseph Van Reyk insolvent accordingly; and that two public sittings of the court, to wit, on November 5, 1935, and November 19, 1935, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, N. JEGARAJAH,  
October 15, 1935. Acting Secretary.

In the District Court of Badulla.

No. 25. In the matter of the insolvency of Vambiah Arumugam.

WHEREAS A. R. M. Ramasampillai of Passara has filed a declaration of insolvency, and a petition for the sequestration of the estate of Vambiah Arumugam, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Vambiah Arumugam insolvent accordingly; and that two public sittings of the court, to wit, on October 29, 1935, and on November 29, 1935, 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, A. K. ALVAPILLAI,  
October 5, 1935. Secretary.

In the District Court of Badulla.

No. 26. In the matter of the insolvency of M. V. Velautham Pillai of Dikwela estate, Haliela.

WHEREAS Mavenna Muna Velautham Pillai of Haliela has filed a declaration of insolvency, and a petition for the sequestration of the estate of M. V. Velautham Pillai, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. V. Velautham Pillai insolvent accordingly; and that two public sittings of the court, to wit, on November 1, 1935, and on December 6, 1935, 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, A. K. ALVAPILLAI,  
October 5, 1935. Secretary.

## NOTICES OF FISCALS' SALES.

### Western Province.

29. In the District Court of Colombo.

Clara Frederica Geddes, presently of 19, Skeena Hill, South Fields, London, S.W., England ..... Plaintiff.  
No. 378. Vs. 39.

Kirikankanang Lewis Andrew Perera Jayawardene of May Green House, Dehiwala, in the Palle pattu of Salpiti korale ..... Defendant.

NOTICE is hereby given that on Tuesday, November 19, 1935, 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. 2,222, with interest on Rs. 2,000 at 15 per cent. per annum from February 24, 1934, till date of decree May 4, 1934, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, less a sum of Rs. 150, viz.:—

All that and those the allotment of land bearing lot No. 17A being a divided and defined portion of the allotment No. 17, in Dehiwala, registration plan No. 1 called Nelligahawatta, together with the house thereon bearing assessment No. 66, situated at Dehiwala, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; bounded on the north by lot No. 16, east by the

high road, south by lot 17B, and on the west by lot No. 14, containing in extent 29 40/100 perches according to the survey plan No. 458, dated February 25, 1915, and made by C. C. Wijetunga, Special Licensed Surveyor.

Fiscal's Office,  
Colombo, October 15, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

28. In the District Court of Colombo.

R. Rajendra of Colombo, trustee of the Ponnambala Vanesvara Kovil, Colombo ..... Plaintiff.  
No. 1,046. Vs. 39.

(1) N. Ratnasabapathy of Cresborough, Kynsey road, Colombo, (2) Srikanta Ponnambalam of Sri Vilas, Rosmead place, Colombo, (3) executors of the last will and testament of Coomarasamy Sri Kanta, deceased. .... Defendants.

NOTICE is hereby given that on Monday, November 18, 1935, at 3.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 6,500, with interest thereon at 9 per cent. per annum from date of decree March 22, 1935, till payment in full and costs of suit, poundage, viz.:—

All that south-eastern portion of the land shown in title plan No. 63,750 and marked No. 57A and known as Sri Villas, bearing No. 41A, Rosmead place, within the Municipality and in the District of Colombo, Western Province; bounded on the north by part of the land bearing No. 57, Ward place, belonging to Sir P. Ramathan, east by Rosenberg house, belonging to D. Muttusamy, south by Rosmead place, and west by No. 57B, containing in extent 2 roods and 14 perches, and registered under A 66/39.

Fiscal's Office,  
Colombo, October 15, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

Samaratunga Liyana Mohottige Dona Saralata Hamine and her husband (2) Liyanage Don Charles Appuhamy, both of Pannipitiya ..... Plaintiffs.  
No. 1,564. Vs. 46.

(1) Ramanayake Aratchige Dona Payman Seneviratne Hamine, (2) Ramanayake Aratchige Dona Duliana, both of Pannipitiya ..... Defendants.

NOTICE is hereby given that on Saturday, November 16, 1935, will be sold by public auction at the respective premises the following property mortgaged with the plaintiffs by bond No. 68 dated September 15, 1928, attested by Victor C. Perera, Notary Public, and ordered to be sold by the order of court dated April 11/13, 1935, for the recovery of the sum of Rs. 1,937.63, with interest on Rs. 1,000 at 16 per cent. per annum from July 25, 1934, to the date of decree January 18, 1935, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, viz.:—

At 11 a.m.—(1) All that undivided  $\frac{1}{2}$  part of an allotment of land called Gorakagahawatta alias Diyambalagahawatta, situated at Pannipitiya, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province, together with the trees and plantations and the tiled house standing thereon; and bounded on the north by the land of Ramanayake Aratchige Don Cornelis Appuhamy and others, on the east by the dewata road, and the land of Samaratunga Liyana Mohotti, on the south by the field of Ramanayake Aratchy, on the west by the land of Don Cornelis Appuhamy and others, containing in extent land sufficient to plant about 1,000 coconut trees which said premises have been held and possessed by the said defendants under and by virtue of deed No. 25,062 dated May 25, 1927, attested by T. D. S. A. Dissanayaka, Notary Public.

At 11.30 a.m.—(2) A portion of the field called Deniyakumbura, situated at Pannipitiya aforesaid, together with all the trees and plantations standing thereon; and bounded on the north by the land of Ramanayaka, on the east by a portion of the same field, on the south by Depawella, on the west by a portion of the same field, containing in extent land sufficient to plant about 3 kurumies of paddy sowing, which said premises have been held and possessed by the said defendants under the aforesaid deed.

Prior registration M 247/88 and 278/245.

Fiscal's Office,  
Colombo, October 15, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

In the matter of the last will and testament of Ahamado Lebbe Hamidu Lebbe, late of Meewitiya, Kotambe, in the District of Colombo, deceased.

No. 5,755, Testy.

(1) Assena Lebbe Abdul Samad, (2) Assena Lebbe Abdul Latiff, both of Meewitiya, Kotambe. . . . . Executors.

NOTICE is hereby given that on Saturday, November 9, 1935, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the estate of the above-named deceased in the following property for the recovery of the sum of Rs. 7,455.31, with interest at 4 per cent. per annum from July 26, 1934, to date of payment by the balance estate duty due in this case, together with a further sum of Rs. 775.35, Rs. 719.85 being outstanding interest and Rs. 55.20 being costs of citation, and of this writ, and a further Rs. 25.80 being stamp duty, viz. :-

All those lot marked letters B and C in plan No. 1,528 dated May 6, 1904, and made by George P. Weeraratne, Surveyor, of the lands called Hedawakagahlanda and Nagollahena, adjoining each other; containing in extent 22 acres 3 roods and 12 perches, save and except therefrom land in extent 28 yards in length and 14 yards in breadth and the ambalama standing thereon as marked by red line in the said plan No. 1,528, situated at Ellalamulla and Meewitiya in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by lot marked A in the said plan No. 1,528, east by the land claimed by Horatala and the land purchased from the Crown by K. Williya, south by a portion of land appearing in plan No. 51,869, and on the west by the road leading from Pasyala to Hanwella, which said premises have been held and possessed of upon deed of transfer No. 2,393 dated January 19, 1922, attested by J. P. S. Ratnayake, Notary Public, transfers Nos. 3,673 dated February 6, 1903, 5,365 dated January 20, 1905, 5,880 dated September 13, 1905, 9,898 dated April 30, 1909, 13,730 dated February 10, 1913, all attested by J. B. Jayaratne, Notary Public, and transfer No. 8,742 dated September 25, 1910, attested by D. C. Wijesinghe, Notary Public.

Note.—The title of the deceased to the above property has been passed by the Crown Proctor, Colombo, and the deeds are available for inspection at the office of the Commissioner of Income Tax, Estate Duty and Stamps.

Fiscal's Office,  
Colombo, October 15, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

Sarnelis de Silva Gunasekera of Maradana. . . . . Plaintiff.

No. 49,385.

Vs.

Assena Lebbe Abdul Latiff of Kotambe Pasyala, Vayangoda, as legal representative of the estate of late Ahamadu Lebbe Hansidu Lebbe. . . . . Defendant.

NOTICE is hereby given that on Thursday, November 21, 1935, at 12.30 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. 8,450, with further interest on Rs. 6,500 at the rate of 15 per cent. per annum from June 23, 1932, till date of decree, and thereafter with legal interest on the whole amount adjudged till payment in full and further sum of Rs. 325.12 being costs, less the sums of Rs. 5,764.61 and Rs. 267.91 and Rs. 345 already recovered, viz. :-

All that land called Mulladeniyawatta together with everything appertaining thereto, situated at Weweldeniya in the Udugaha pattu of Hapitigam korale, in the District of Negombo, Western Province; bounded on the east by Kandy road, on the south by land of D. D. Jayawardene, on the west by Karasnegalazekumbura and land belonging to others, and on the north by Palliyawatta, containing in extent 27 acres.

Fiscal's Office,  
Colombo, October 15, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

(1) T. N. Alles, wife of (2) F. N. Alles, both of Ambalama road, Kotahena, Colombo. . . . . Plaintiffs.

No. 51,975.

Vs.

(1) Assena Lebbe Abdul Samado, (2) Assena Lebbe Abdul Latiff, both of Meewitiya of the District of Colombo, Western Province, executors of the last will and testament of Ahamado Lebbe Hameedo Lebbe of Meewitiya in Kotambe. . . . . Defendants.

NOTICE is hereby given that on Thursday, November 21, 1935, 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 the sum of Rs. 1,884.75, with interest thereon at 15 per cent. per annum from March 1, 1933, till March 15, 1933, and thereafter on the aggregate amount of 9 per cent. per annum till payment in full and costs of suit, viz. :-

1. At 11 a.m.—All that allotment of land called Tittawelahena situated at Weweldeniya in the Udugaha pattu of Hapitigam korale in the District of Negombo, Western Province; and bounded on the north by Hapathgomuwapillewa, on the north-east by land purchased by H. P. Punchappu and the property of H. P. Punchappu and others, on the east by property of H. Seenchihamy and others, on the south-east by the properties of H. Henchi Appu, Sitta and others and O. H. Sitta and others, on the south by the property of B. Baba and others, on the south-west by land described in plan No. 107,130, on the west by land purchased by J. H. Senarat Bandara and land described in plan No. 107,128; containing in extent 7 acres 3 roods and 34 perches, and registered in F 4/187.

2. At 11.15 a.m.—All that allotment of land called Tittawelahena, situated at Weweldeniya aforesaid; and bounded on the north-east by land described in plan No. 107,129, on the east by the properties of B. Baba and others, I. Sanchihamy and others, and R. Henchi Appu, on the south-west by land described in plan No. 55,897, on the west by land described in plan No. 103,969, and on the north-west by land purchased by John H. Senarat Bandara; containing in extent 10 acres and 10 perches, and registered in F 4/186.

3. At 11.45 a.m.—The land called Goroggahalanda alias Bangalawewatta, together with the building, trees, and plantations standing thereon, situated at Weweldeniya aforesaid; bounded on the north by fields and Pansalwatta, on the east by Mulladeniya and the fields of villagers, on the south by high road from Weweldeniya to Mirigama, and on the west by fields and the lands belonging to Podisingho Appuhamy of Koskandawala; containing in extent about 20 acres more or less.

4. At 12 noon.—The land called Medde Meddetenna, together with everything belonging thereto, situated at Weweldeniya aforesaid; bounded on the north by lands belonging to H. Endoris Appu and others, on the east by fields, on the south by land called Meddetenna belonging to Koskandawala Podisingho Appuhamy, on the west by lands belonging to K. K. Selestina Hamy and Nikawalage Gabriel Appu and others; containing in extent about 10 acres.

Fiscal's Office,  
Colombo, October 15, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

Don Emmanuel Wanigasooriya of Colombo, executor of the last will and testament of Dona Juliana Wanigasooriya nee Wijesinghe Hamine, late of Sedawatta, deceased. . . . . Plaintiff.

No. 53,730.

Vs.

(1) Jayasekera Subasinghe Arachchige Pieris Appuhamy and (2) Jayasekera Subasinghe Arachchige Davith Appuhamy, both of Kalatuwawa, in the Meda pattu of Siyane korale. . . . . Defendants.

NOTICE is hereby given that on Friday, November 15, 1935, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff's testatrix by bond No. 1,956 dated June 7, 1929, attested by D. E. Wanigasooriya, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated June 10, 1935, for the recovery of the sum of Rs. 1,582, with interest on Rs. 1,150 at 16 per cent. per annum from August 31, 1933, up to April 23, 1934, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs of this action less Rs. 455, viz. :-

1. At 1 p.m.—An undivided 9/20 of Hondaporagahawatta, situated at Kalatuwawa in the Meda pattu of Siyane korale, in the District of Colombo, Western Province; bounded on the north by the garden and the Ma of Kamburugodage Appusingho and others, on the east by Attanagalu-oya, on the south by the ditch of Mahawatta belonging to Jayasekera Subasinghe Arachchige Sulanchi Appu and others, and on the west by the live fence of Hondaporagahawatta of Jayasekera Subasinghe Arachchige Amaris Appu and others, containing in extent about 10 acres and registered in E 224/273.

2. At 1.15 p.m.—An undivided 7/20 of Welabodawatta, situated at Kalatuwawa aforesaid; bounded on the north by the ditch of the land called Hondaporagahawatta of Davith Appuhamy and others, on the east by the live fence of Mahawatta of Sulanchi Appu and others, on the



south by Galahitiyekumbura of Amaris Appu and others, and on the west by the live fence of Welabodawatta of Brampy Appu and Galahitiyekumbura of Don Hendrick, Police Officer, containing in extent 2 acres, and registered in E 224/274.

3. At 1.30 p.m.—An undivided  $\frac{7}{10}$  of Hondapora-gahawatta, and of the tiled house standing thereon, situated at Kalatuwara, aforesaid; bounded on the north by the live fence of the portion of Hondapora-gahawatta of Amaris Appu, on the east by the live fence of the portion of Hondapora-gahawatta of Jayasekera Sadasinghe Aratchige Pieris Appuhamy and others, on the south by the ditch separating the land called Mahawatta of Sulanchi Appu and others, and on the west by the ditch of Welabodawatta of Brampy Appuhamy and others, containing in extent 3 acres, and registered in E 224/275.

Fiscal's Office,  
Colombo, October 15, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Kalutara.

The estate of the late Superina Sudawlina Goonetilleke of Kandewatta Walauwa, Malewana ..... Plaintiff.

No. 2,425 Test. Vs.

Clara Sarmarine Dissanayaka of Colpetty, c/o M. E. Wickramasinghe, Proctor of Mulftsdorp, Colombo..... Defendant.

NOTICE is hereby given that on Friday, November 15 1935, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said C. S. Dissanayaka in the following property for the recovery of Rs. 883.88, with interest at 4 per cent. on Rs. 934.76 from October 16, 1934, viz. :—

1. Undivided  $\frac{5}{60}$  shares of the land called Saiyan-podiyawatta and Timbirigahawatta, situated at Katukurunda in Kalutara badda in the District of Kalutara; and bounded on the north by the wall of the house called Gem Villa, east by Colombo-Galle high road, south by dewata road, and west by Madatiyagahawatta alias the land in the name of Patabendiarachchirallage; and containing in extent about 5 acres.

Deputy Fiscal's Office, H. SAMERESINGHA,  
Kalutara, October 14, 1935. Additional Deputy Fiscal.

In the District Court of Kalutara.

Bodiyabaduge Dionysius of Desastra Kalutara ..... Plaintiff.

No. 18,293. Vs.

Michael Francis Perera Gooneratne of Desastra Kalutara ..... Defendant.

NOTICE is hereby given that on Tuesday, November 12, 1935, commencing at 4.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 6,687.39 with interest on Rs. 1,000 at 15 per cent. per annum and on Rs. 4,000 at the rate of 12 per cent. per annum from October 17, 1933, till October 27, 1933, and thereafter at 9 per cent. per annum on the aggregate amount till payment in full and Rs. 82.70 and a further sum of Rs. 13.80, viz. :—

1. The entire soil, all the plantations, and everything standing thereon of the land called Katumbulahawatta, situated at Desastra Kalutara in Kalutara badda of Kalutara totamune, District of Kalutara; bounded on the north by Madatiyagahawatta and Uswatta, on the east by Jankuragewatta, on the south by Katukosgahawatta, and on the west by old high road; containing in extent about 3 roods and 32 perches. Registered in Kalutara A 331/139.

2. All that undivided one half part or share towards the north from and out of the land called Katukosgahawatta, together with the entirety of the tiled and thatched house and the trees and plantations standing thereon, situated at Desastra Kalutara aforesaid; bounded on the north-west by Gikiyanagewatta and Jankuregewatta, on the north-east by Duwewatta Walauwewatta and cart road leading to the said Walauwe, on the east also by the cart road leading to the said Walauwe, on the south-west by the old high road; containing in extent 1 rood and 29  $\frac{16}{100}$  square perches. Registered in A 331/140.

3. An undivided  $\frac{1}{4}$  share of the soil and trees of the land called Jankurewatta, situated at Desastra Kalutara aforesaid; bounded on the north by Uswatta, on the east by land

in the name of Seneviratne Mudliyar, on the south by Katukosgahawatta, and on the west by Pilokhirenparagewatta; and containing in extent about 1 acre. Registered in A 305/292.

Deputy Fiscal's Office, H. SAMERESINGHA,  
Kalutara, October 14, 1935. Additional Deputy Fiscal.

### Central Province.

In the District Court of Kandy.

Daisy Alwis of Trincomalee street, Kandy... Plaintiff.

Adambarage George Alwis of Kandy, administrator of the estate of Daisy Alwis, deceased... Substituted Plaintiff.

No. 41,739.

Vs.

Mahamarakkalage John Dias of Eriyagama in Gangapalata, Yatinuwara ..... Defendant.

NOTICE is hereby given that on Saturday November 9, 1935, at 10 A.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 27,568 dated June 6, 1929, and attested by J. W. Wickremasinghe Notary Public, of Kandy, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated June 7, 1935, for the recovery of the sum of Rs. 3,586.25, with interest thereon at the rate of 9 per cent. per annum from December 18, 1931, till payment in full, and costs of this action taxed at Rs. 180.16 (less a sum of Rs. 1,750), and poundage, viz. :—

All that southern half part or share in extent 5 lahas paddy sowing, together with the tiled house and everything thereon out of the eastern portion in extent 1 pela paddy sowing out of all that land called Hewanewellewatta of 5 pelas paddy sowing extent in the whole, situate at Eriyagama in Gangapalata of Yatinuwara, in the District of Kandy, Central Province; and which said southern half share being bounded on the east by river, south by fence of Migel Appu's garden, west by high road, and north by limit of the remaining portion of this land belonging to the heirs of late Simonhamy being part and parcel of all that eastern portion in extent 1 pela paddy sowing of land called Hewanewellewatta of 5 pelas paddy sowing in the whole, situate at Eriyagama aforesaid; and which said eastern portion in extent 1 pela paddy sowing is bounded on the east by the river, south by fence of Migel Appu's garden, west by high road, and north by limit of Tegis Appu's garden. Registered in B 108/298, and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,  
Kandy, October 8, 1935.

H. C. WIJESINHA,  
Deputy Fiscal.

### Southern Province.

In the District Court of Tangalla.

In the matter of the last will and testament of the deceased, Cornelia Samarasinghe Dissanayake Hamine of Galagama; ..... Plaintiff.

No. 1,036 Testy.

Vs.

David Dias Ekanayake ..... Administrator.

NOTICE is hereby given that on Thursday, November 14, 1935, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said estate in the following property for the recovery of a sum of Rs. 75.74, with interest at 4 per cent. from September 14, 1932, together with outstanding interest Rs. 10.08 and penalty Rs. 20, less a sum of Re. 1.36 recovered, viz. :—

1. All that undivided 2 bags and 2 kurunies extent of Leanagepotukuna, situated at Palatuwa in Gangaboda pattu of Matara District, Southern Province; and bounded on the north by ela, east by Andacumbura alias Pathiranagewila and Mirissaliyadda, south by Athapattugewila, and on the west by Boralagepotukuna; and containing in extent 12 bags of paddy sowing.

2. All that undivided  $\frac{1}{2}$  share of Kendagahakumbura alias Mudungodella, situated at Palatuwa aforesaid; and bounded on the north by Walaliyadda, east by Medaliyadda, south by Peralandewatta and Kebellagahakoratuwe-atmaga, and west by Kiralagaswilewatta; and containing in extent 3 amunams of paddy sowing.

3. All that undivided  $\frac{1}{2}$  share of Kodikumbura, situated at Palatuwa aforesaid; and bounded on the north by Maragahaira, east by Wilacumbura, south by gange, and on the west by Rubasin Patiranagegedarawatta; and containing in extent 1 amunam of paddy sowing.

4. All that undivided  $\frac{1}{2}$  share of Kohilawattegeowita and with the tiled house of 11 cubits standing thereon, situated at Palatuwa aforesaid; and bounded on the north by Radage Pelawatta, east by Godagewatta, south by Godageowita *alias* Bakmeegahaowita, and on the west by road; and containing in extent about  $\frac{1}{2}$  an acre.

5. All that undivided  $\frac{1}{2}$  share of Indura and Kuruppegukumbura, situated at Palatuwa aforesaid; and bounded on the north by Mohottigewila, east by Elabodaekumbura and Mahacumbura, south by Moraduwa Pitawagura and Doowe-ela, and on the west by Ganga; and containing in extent 2 annams of paddy sowing.

6. All that the divided and separated portion marked letter E of the land Pokunewatta, situated at Palatuwa aforesaid; and bounded on the north by Punchikanatte-watta, east by a portion of same land, south by Unellai-gederawatta and Halpegewatta, and on the west by a portion of same land; and containing in extent about 1 acre.

7. All that the divided and separated portion marked letter C of Unellai-gederawatta, situated at Palatuwa aforesaid; and bounded on the north by Pokunewatta, east by Unella-addarakumbura, south by a portion of same land; and on the west by a portion of same land; and containing in extent about 2 acres.

Deputy Fiscal's Office,  
Matara, October 14, 1935.

H. V. F. ABAYAKOON,  
Additional Deputy Fiscal.

### Northern Province.

In the District Court of Jaffna.

Kandappar Rasiah of Vaddukkoddi . . . . . Plaintiff.

No. 22. Vs.

(1) Velu Naganathy and wife (2) Theivanai, (3) Nagamuttu Kathirgamu and wife (4) Nagamuttu, all of Karaitivu East . . . . . Defendants.

NOTICE is hereby given that on Saturday, November 9, 1935, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of Rs. 105, the payment in full and costs Rs. 265.91, poundage, and charges, viz. :—

1. A piece of land situated at Kalapoomy in Karaitivu East parish, Islands division of the Jaffna District, Northern Province, called "Kottampalai and Manakkai", in extent 40 lachams p. c.; and bounded on the east by Vinasithamby Vaithilingam and another, north by Sanmugam Kandiah, west by Sinnammah, wife of Kandiah, and another, and south by Kathirgammar.

2. An undivided 9 lachams varagu culture with its appurtenances of a piece of land, situated at ditto called "Thoppukkadu", in extent 10 lachams varagu culture, with palmyras and margosa trees; and bounded on the east and west by lane, north by Savuntharam, wife of Arumugam Kandiah, and south by Marimuttu Kumaravelu and shareholders.

Fiscal's Office,  
Jaffna, October 14, 1935.

S. TURAIYAPPAH,  
Deputy Fiscal.

### North-Western Province.

In the District Court of Kandy.

E. L. Unoos Lebbe of Galhinna in Pallegampaha of Sarasiyapattu . . . . . Plaintiff.

No. 44,603. Vs.

(1) Gammahalegedera Sayedu Lebbe's son Jamaldeen Lebbe, (2) Gammahalegedera Seyadu Lebbe's daughter Jameela Umma, (3) Gammahalegedera Seyadu Lebbe's son Mohammedu Cassim, (4) Gammahalegedera Seyadu Lebbe's son Abdul Majeed, (5) Gammahalegedera Seyadu Lebbe's son Jainudeen, and (6) Adappayalegedera Ismail Lebbe's daughter Howwa Umma, wife of the deceased; the 3rd, 4th, and 5th defendants by their guardian *ad litem* the 1st defendant, all of Galhinna of Sarasiyapattu . . . . . Defendants.

NOTICE is hereby given that on Friday, November 8, 1935, commencing from the 1st land at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 1,000, with further interest on Rs. 726 at 12 cents per Rs. 10 per month from December 8, 1933, till May 1, 1934, and thereafter with legal interest on the aggregate amount at 9 per cent. per annum, costs of suit and poundage, till payment in full, viz. :—

1. An undivided  $\frac{1}{2}$  part or share from and out of the field called Tumpela in extent about 3 pelas paddy sowing

out of all those contiguous fields called Mahakumbura and its adjoining Tumpela in the aggregate extent of about 2 amunams and 3 pelas paddy sowing extent, situate at Kosgolla in Madure kotte of Welilawili hatpattu in the District of Kurunegala, North-Western Province; and the entirety being bounded on the east by inniyara of Heenidepela and Udakumbure-inniyara, south by wetaroda of Miriellekotuwa, west by oya and Meekandana-watta-ima, and north by wetaroda of Kehelwattena.

2. An undivided  $\frac{1}{2}$  part or share from and out of Watte, gala and Thaladepepla in the aggregate extent of 5 pelas paddy sowing extent, situate at Kosgolla aforesaid; and the entirety being bounded on the north by ela, east by fence of Kahawattellagehena, south by village limit of Wegama, and west by Rukkattanagahamulagoda and inniyara of Dambagahamulaliyadda.

3. An undivided  $\frac{1}{2}$  part or share from and out of Miriellekotuwekumbura of 2 pelas paddy sowing extent, situate at Kosgolla aforesaid; and bounded on the north by inniyara of Ridi Vihare and Wegama Temple field, east by inniyara of Tikirikumarihamy's field, south by Udakumburewetaroda, and west by rodawetiya.

4. An undivided  $\frac{1}{2}$  part or share from and out of Kehelwattena of 2 kurunies kurakkan sowing extent, situate at Kosgolla aforesaid; and bounded on the east by inniyara of Kehelwattakumbura, south by agala, west by Deduru-oya, and north by Mahakumburawetaroda.

5. An undivided  $\frac{1}{2}$  part or share from and out of Mahakumburehena of 2 kurunies kurakkan sowing extent, situate at Kosgolla aforesaid; and bounded on the north and east by Medduma Kumarihamy's field, south by Andiyekotuwapillewa, and west by fence of Meekandana-watta.

6. Undivided  $\frac{1}{2}$  from and out of Rukkattanagahamulagodaliyadda of 2 pelas paddy sowing from and out of Medaweamuna of Ramteti-yawakumbura of 3 amunams and Dambagahamulaliyadda and Rukkattanagahamulaliyadda of 2 amunams and which said Rukkattanagahamulaliyadda of 2 pelas paddy, situate at Kosgolla aforesaid; and bounded on the east by inniyara of Wattegalakumbura, south by inniyara of Thaladepelakumbura, west by Pinkumbura and Gansabhawaroda, and north by niyara of the pillewa of Kalu Banda Registrar.

7. Undivided  $\frac{1}{2}$  part or share out of all that portion of 12 lahas towards west from and out of Mahakumbura of 18 lahas, situate at Kosgolla aforesaid; and which said 12 lahas are bounded on the east by inniyara of this field belonging to Pansala, south by imaniyara of Medduma Banda's field and roda, west by imaniyara of Medduma Banda's pillewa and humbaha, and north by inniyara of Medduma Banda's field.

8. An undivided  $\frac{1}{2}$  part or share from and out of Kehelwattakumbura of 2 pelas paddy sowing and  $\frac{1}{2}$  share of the adjoining hena of 3 lahas kurakkan sowing extent, situate at Kosgolla aforesaid; and bounded on the north by agala of Medduma Banda's hena and temple roda, east by Viharekumbura, south and west by oya, and registered under A 334/79-80, 307/157, 288, 289, 334/81, 82, and 305/30.

Fiscal's Office,  
Kurunegala, August 23, 1935.

R. S. GOONESEKERA,  
Deputy Fiscal.

### Province of Sabaragamuwa.

In the District Court of Ratnapura.

James Van Danberg, Proctor, Ratnapura . . . . . Plaintiff.

Mrs. M. M. A. P. Van Danberg of Ratnapura, administratrix of the intestate estate of James Van Danberg; deceased . . . . . Substituted Plaintiff.

No. 5,064. Vs.

Mohammedo Ismail Notaries Abdul Caffoor of Katukurunda in Kalutara badda, presently of Old road, Beruwala . . . . . Defendant.

NOTICE is hereby given that on Tuesday, November 12, 1935, at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 4,758, together with interest on Rs. 4,168.17 at 12 per cent. per annum from March 19, 1929, till November 14, 1929, and thereafter on the aggregate sum at the rate of 9 per cent. per annum till payment in full and costs of suit and poundage under the order to sell, less Rs. 2,432.50 paid by the defendant to plaintiff, viz. :—

1. An undivided  $\frac{1}{2}$  share of all those contiguous allotments of land called Niyakolahena of the extent of about 3 pelas of paddy sowing, Pahalollahehena of the extent of about 3 pelas of paddy sowing, Menerihena of

the extent of about 3 pelas of paddy sowing, Andigehena of the extent of about 2 pelas of paddy sowing, Dummalehena of the extent of about 2 pelas of paddy sowing, and Batahena of the extent of about 2 pelas of paddy sowing, situated at Balibatgoda in the Nela pattu of Nawadun korale in the District of Ratnapura of the Province of Sabaragamuwa; and together bounded on the north by Pandeniyehena and Jineruwagewatta, east by Ihaladepela, Pahalollaha, Nugagahaladda, Asseduma, Bandaraliadda, Batadombagaladda, Medaliadda, and Halgahaliadda, south by Naakaraha, and west by Diyakonthaele-dola and Patalawalehena (excluding however within the said boundaries the undivided land called Pahalollahahena and Andigehena); and which said lands now bearing lot 6R in B. S. P. No. 51 are bounded on the north by Udahawatta, Delgahawatta, and Medaliaddekumbura, east by Hikkah-dola, Pahalollahehenakumbura, and Pahalollahehena, south by Potgul kandemukalana *alias* Indiwiyehehena, and west by Pandeniyehena; and containing in extent 17 acres 1 rood and 34 perches, together with the rubber plantation appertaining thereto, and registered at the Ratnapura Land Registry Office under registered mark B 173/274.

2. An undivided  $\frac{1}{2}$  share of the allotment of land called Pahalollahehena bearing lot 6T in B. S. P. No. 51, situated at Balibatgoda aforesaid; bounded on the north by Maha-dola, east by Ihaladepela, south by Maha-dola, and west by Amuhena; and which said lot No. 6T is bounded on the north by Maha-dola, Pahalollahekumbura claimed by H. Kirimanis, Ihaladepelikumbura claimed by Romial Vedarala, and Meegahakumbura claimed by Saradialappu, east by Naakalehena belonging to the Crown and Angurumelehena *alias* Indiwiyehehena, south by Maha-dola, and west by Dummelehena and Menerihena; and containing in extent 6 acres 3 roods and 14 perches, and registered at the Ratnapura Land Registry Office under registered mark B 173/275.

3. On Wednesday, November 13, 1935, commencing at 2 p.m.—The two allotments of land marked D and E in plan No. 141 dated October 13, 1916, made by Mr. K. Vale Murukku, Licensed Surveyor, of Mirisankanattmukulana, situated at Karawita in Meda pattu of Nawadun korale in the District of Ratnapura of the Province of Sabaragamuwa; bounded on the north by lot marked C in the said plan, east by Karawita-ganga, south by Ganga-addarahena and Lokaderniyehena, and west by Gimbookka-dola; and containing in extent 50 acres 2 roods 17  $\frac{8}{30}$  perches, together with the rubber plantation and the bungalows and machinery standing thereon, and registered at Ratnapura Land Registry Office under registered mark B 176/22.

4. All those allotments of land called Koladeeyankadahena marked lot 54N in B. S. P. No. 202 and Koladeeyankadahena marked lot 54R in the said plan, situated at Watupitiya in Meda pattu aforesaid; bounded on the north by Gansabhawa road, east by Gansabhawa road, lot 54Q called Koladeeyankadahena sold to Hewainne Rankiriya under the Waste Lands Ordinances, Gansabhawa road and lot marked 247 of Koladeeyankadawatta declared private, south by Karawita Gammama, and west by lots 54 O and 54M of St. Anthonizwatta sold to Lazarus Motha and another under the Waste Lands Ordinances; and containing in extent 4 acres 1 rood and 17 perches, and registered at the Ratnapura Land Registry Office under registered mark B 176/23.

Fiscal's Office,  
Ratnapura, October 15, 1935.

E. MUNASINHA,  
Deputy Fiscal.

I, Edmund Rodrigo, Fiscal for the North-Western Province, do hereby appoint R. V. Brito to be Marshal, Puttalam District, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, and authorize him to perform duties and exercise the authority for which this shall be his warrant.

Given under my hand at Kurunegala, this 10th day of October, 1935.

E. RODRIGO,  
Fiscal.

I, Edmund Rodrigo, Fiscal for the North-Western Province, do hereby appoint S. M. Marikkar to be Marshal for the divisions of Dambadeni Udukaha north and west and Mairawathi korales of Dambadeni hatpattu, Giratalana, Baladora, and Angomu korales of Dewamedu hatpattu, Karandapattu, Meddeketiya, Yatikaha, Yagampattu, Kinyama, Katugampola Medapattu east and west, Katugampola north and south, and Pitigal korales of Katugampola hatpattu in the Kurunegala District under the provisions of the Fiscal's Ordinance, No. 4 of 1867, for October 18

and 19, 1935, or until the resumption of duties by the permanent Marshal and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his mandate.

Given under my hand at Kurunegala, this 12th day of October, 1935.

E. RODRIGO,  
Fiscal.

I, Edmund Rodrigo, Fiscal for the North-Western Province, do hereby appoint K. M. Tenekoon to be Marshal for the divisions of Dambadeni Udukaha north and west and Mairawathi korales of Dambadeni hatpattu, Giratalana, Baladora, and Angomu korales of Dewamedu hatpattu, Karandapattu, Meddeketiya, Yatikaha, Yagampattu, Kinyama, Katugampola Medapattu east and west, Katugampola north and south, and Pitigal korales of Katugampola hatpattu in the Kurunegala District under the provisions of the Fiscal's 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.

Given under my hand at Kurunegala, this 10th day of October, 1935.

E. RODRIGO,  
Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

32 Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Mallawa Aratchige Dona Sophia Gunaratne Hamine of 264, Cotta road, in Colombo, deceased.

Mallawa Aratchige Don Albert Guneratne of 264, Cotta road, Colombo.....Petitioner.

Rs. 16.00 And

(1) Withhatchi Mudianglese Dona Elizabeth, (2) ditto Don Thomas Appuhamy, both of Castle street in Colombo, (3) Mallawa Aratchige Don Victor Guneratne, and (4) Anthonhettege Maria Dias, both of Rajagiriya in Wellawatta..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September 21, 1935, in the presence of Mr. W. H. W. Perera, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated July 26, 1935, and (2) of the attesting Notary dated July 25, 1935, having been read:

It is ordered that the last will of Mallawa Aratchige Dona Sophia Gunaratne Hamine, deceased, of which the original has been produced and 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 the respondents above named or any other person or persons interested shall, on or before October 31, 1935, show sufficient cause to the satisfaction of this court to the contrary.

September 21, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Hikkaduwege Dewitt Dickman Fernando of 4, Pennycuick road, Wellawatta, deceased.

Hikkaduwege Emalin Fernando of 4, Pennycuick road, Wellawatta.....Petitioner.

And

(1) Hikkaduwege Premawathie Fernando of Wellawatta, wife of (2) Dewapurage Sam Fernando of the C. G. R., Bandarawela, (3) Hikkaduwege Kamalawathie Fernando, (4) Hikkaduwege Agnes Fernando, (5) Hikkaduwege Wijethunga Fernando, (6) Hikkaduwege Anulawathie Fernando, (7) Hikkaduwege Danawathie Fernando, all of Pennycuick road, Wellawatta, (8) Hikkaduwege Martin Fernando of Messenger street, Colombo..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September

6, 1935 in the presence of Messrs. Van Cullenburg & de Witt, Proctors, on the part of the petitioner above named; and the affidavit of the petitioner dated September 6, 1935, having been read :

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 3rd to 7th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as the mother 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 October 24, 1935, show sufficient cause to the satisfaction of this court to the contrary.

September 6, 1935. G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Samuel Philip Wittahatchy of Kynsey road in Colombo, deceased.

Abraham Peter Casie Chitty of Pettah in Colombo ..... Petitioner.

And Louis Cornelis Wittahatchy of Elaha in the Ragam pattu of Aluthara korale, (2) A. V. Kannangara nee Wittahatchy of Kandy, and her husband, (3) R. L. Kannangara, Teacher, Trinity College, Kandy, (4) Eugene Edward Wittahatchy of Messrs. James Finlay & Co., Ltd., Colombo, (5) Erny Wittahatchy of Galpola estate, Danthagamuwa, (6) Gerald Ernest de Alwis, Secretary of the District Court, Colombo ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September 18, 1935, in the presence of Mr. P. M. Aloysius Corea, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 10, 1935, having been read :

It is ordered that the 6th respondent be and he is hereby declared entitled, as Secretary of the District Court of Colombo, to have letters of administration to the estate of the above-named deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 24, 1935, show sufficient cause to the satisfaction of the court to the contrary.

September 18, 1935. G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Telge Maria Peiris of Moratuwella in No. 7,330. Moratuwa, deceased.

Udiriappuwaduge Saldon Joseph Fernando of Moratuwella in Moratuwa ..... Petitioner.

And (1) Udiriappuwaduge William Peter Fernando, (2) Udiriappuwaduge Henry Charles Fernando, (3) Udiriappuwaduge Samuel Peter Fernando, all of Moratuwella in Moratuwa ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September 19, 1935, in the presence of Messrs. Perera & Fernando, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 16, 1935, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named 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 October 24, 1935, show sufficient cause to the satisfaction of the court to the contrary.

September 19, 1935. G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Mutuwadige Daniel Perera of Wattaddara in Veyangoda, deceased.

Tittalapitige Agnes Fonseka of Wattaddara in Veyangoda ..... Petitioner.

And (1) Mutuwadige Justin Walter Perera, minor appearing by his guardian *ad litem*, (2) Tittalapitige Edward Fonseka of Wattaddara ..... Respondents.

THIS action coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, September 19, 1935, in the presence of S. D. R. Valentine, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 16, 1935, having been read :

It is ordered (a) that the 2nd respondent be and he is hereby appointed guardian *ad litem* of the minor, the 1st respondent above named, to represent him for all the purposes of this action, and (b) 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 entitled, shall, on or before October 24, 1935, show sufficient cause to the satisfaction of the court to the contrary.

September 19, 1935. G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Xavier Sinniah Motha of Tuticorin, No. 7,335. South India, deceased.

Dona Maria Rosary Ammal Motha of Peiris avenue, Wellawatta ..... Petitioner.

And (1) Mary Catherine Eugin Ammal, wife of Stanislaus Sinnathamby Motha of Victoria street, Tuticorin, (2) Mary Xavier Josephine Barbara Ammal Motha, wife of M. Arayalambika Morais of Emperor street, Tuticorin, (3) Gabriel Lazar Motha of Loyla College, Madras, (4) Mary Lourdu Ammal Motha of Peiris avenue, Wellawatta, (5) Mary Ruby Motha of Peiris avenue, Wellawatta, (6) Dewan Bahadur I. X. Pereira of Vajira road, guardian *ad litem* of the 4th and 5th respondents minors above named. Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September 20, 1935, in the presence of Mr. G. R. Motha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 19, 1935, and the order of the Supreme Court dated September 4, 1935, having been read :

It is ordered (a) that the 6th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 4th and 5th respondents above named, to represent them for all the purposes of this action, and (b) 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 October 24, 1935, show sufficient cause to the satisfaction of the court to the contrary.

September 20, 1935. G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Wanigesooriyage Don Siyadoris Perera No. 7,354. of 64, Green street in Colombo, deceased.

Wanigesooriyage Don Edwin Perera of 10, Thomas lane, Old Kolonnawa in Colombo ..... Petitioner.

And (1) Allahakongey Agnes Perera, (2) W. Dona Pouisa Catherine Perera, both of 64, Green street, Colombo ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 4, 1935, in the presence of Mr. B. O. Pullenayagam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 4, 1935, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as son 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 October 31, 1935, show sufficient cause to the satisfaction of the court to the contrary.

October 4, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament (with codicil) of Walter Ormiston, No. 7,358 N. T. formerly of Kalupahani estate, Haldum-mulla, in the Province of Uva, and lately residing at the New Oriental Hotel, Galle, in the Island of Ceylon, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 10, 1935, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, George Roland Smart of Colombo; and (1) the affidavit of the said petitioner dated October 8, 1935, and (2) the power of attorney dated August 13, 1935, having been read: It is ordered that the will of the said Walter Ormiston, deceased, No. 1,526, dated December 23, 1932, and Codicil thereto No. 1,584 dated September 27, 1934, both attested by Cyril Herbert Wikramanayake of Galle aforesaid Notary Public, the originals of which have been produced and are now deposited in this court, be and the same are hereby declared proved; and it is further declared that the said George Roland Smart is the attorney in Ceylon of the sole executor named in the said will, and that he is entitled to have letters of administration (with will and codicil annexed) issued to him accordingly, unless any person or persons interested shall, on or before November 7, 1935, show sufficient cause to the satisfaction of this court to the contrary.

October 10, 1935.

G. C. THAMBYAH,  
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Mary Matilda de Silva, nee Wijesinghe, No. 5,297. deceased, of Matale.

THIS matter coming on for disposal before W. E. Barber, Esq., District Judge, Kandy, on May 23, 1935, in the presence of Mr. A. Wanigasinghe, Proctor, on the part of the petitioner, Edward Allen de Silva; and the affidavit of the said petitioner dated February 27, 1935, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the widower of the deceased, to have letters of administration to her estate issued to him, unless the respondent—John William de Silva by his guardian *ad litem* Dona Maria Solomonia de Silva—or any other person or persons interested shall, on or before June 27, 1935, show sufficient cause to the satisfaction of this court to the contrary.

May 23, 1935.

W. E. BARBER,  
District Judge.

The date for showing cause is extended to August 19, 1935.

June 27, 1935.

W. E. BARBER,  
District Judge.

The date of showing cause is extended to September 2, 1935.

August 19, 1935.

R. F. DIAS,  
District Judge.

The date for showing cause is extended to September 23, 1935.

September 2, 1935.

R. F. DIAS,  
District Judge.

The date of showing cause is extended to October 21, 1935.

September 23, 1935.

R. F. DIAS,  
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Rajapaksa Wasala Mudiyansele Polwattedgedara Malhamy of Napana in Uda Gampaha of Pata Dumbara, Kandy District, deceased.

Rajapaksa Wasala Mudiyansele Polwattedgedara Hanhamy of Napana aforesaid ..... Petitioner.

(1) Arachchi Ratnayake Mudiyansele Medagedara Tikiri Menika of Napana aforesaid, (2) Rajapaksa Wasala Mudiyansele Polwattedgedara Appuhamy of Gumpaha in Uda Gampaha aforesaid, (3) Rajapaksa Wasala Mudiyansele Polwattedgedara Appuhamy, (4) ditto Mudiyansele, (5) ditto Ukku Banda, all of Napana aforesaid, and (6) Rajapaksa Wasala Mudiyansele Polwattedgedara Puchi Amma of Koshinna in Pata Hewaheta ..... Respondents.

THIS matter coming on for disposal before W. E. Barber, Esq., District Judge, Kandy, on July 24, 1935, in the presence of Mr. S. B. Yatawara on the part of petitioner, Rajapaksa Wasala Mudiyansele Polwattedgedara Hanhamy of Napana; and the affidavit of the said petitioner dated July 23, 1935, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a son of the 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 August 29, 1935, show sufficient cause to the satisfaction of this court to the contrary.

W. E. BARBER,  
District Judge.

Extended to October 3, 1935.

R. F. DIAS,  
District Judge.

August 29, 1935.

Extended to October 21, 1935.

R. F. DIAS,  
District Judge.

October 3, 1935.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Yapa Jurisdiction. Mudiyansele Gannilegedera Appuhamy No. 5,321. Aracci of Metideniya in Udispattu South of Uda Dumbara, deceased.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on September 16, 1935, in the presence of Messrs. Coomaraswamy & Vijayaratham on the part of the petitioner, Yapa Mudiyansele Gannilegedera Bandara Menika; and the affidavit of the said petitioner dated August 16, 1935, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents, (1) Yapa Mudiyansele Gannilegedera Loku Banda, (2) Yapa Mudiyansele Gannilegedera Tikiri Banda, (3) Yapa Mudiyansele Gannilegedera Mutu Banda, (4) Yapa Mudiyansele Gannilegedera Biso Menika, (5) Yapa Mudiyansele Gannilegedera Wijeratna Banda, (6) Yapa Mudiyansele Gannilegedera Abeypala, (7) Yapa Mudiyansele Gannilegedera Wimalawathie, all of Metideniya, the 3rd to 7th by their guardian *ad litem* the 1st respondent or any other person or persons interested, shall, on or before October 10, 1935, show sufficient cause to the satisfaction of this court to the contrary.

September 16, 1935.

R. F. DIAS,  
District Judge.

The date for showing cause is extended to November 11, 1935.

October 10, 1935.

R. F. DIAS,  
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the late Anna Maria Jurisdiction. Fernandez, deceased, of Mount Carmal estate, Nawalapitiya. No. 5,332.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on September 26, 1935, in the presence of Messrs. Coomaraswamy & Vijayaratham,

Proctors, on the part of the petitioner, S. Samuel Fernandez; and the affidavit of the said petitioner dated August 14, 1935, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as a cousin of the deceased above named, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Agnes Perera, (2) Lucy Rosline Fernandez, (3) Lily Margaret Fernandez, (4) Margaret Fernandez, (5) Johana Francisca Fernandez, all of Mount Carmal estate, Navalapitiya; the 2nd and 3rd by their guardian *ad litem* L. Fernandez, and the 5th respondent by her guardian *ad litem* the 4th respondent—or any other person or persons interested shall, on or before October 24, 1935, show sufficient cause to the satisfaction of this court to the contrary.

September 26, 1935.

R. F. DIAS,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate, of the late  
Jurisdiction. Eliathamby Thambiah of Vannarponnai  
No. 35. East, deceased.

Valliammai, widow of Nagamuttu Nagalingam of  
Araly West ..... Petitioner.

31 Vs.

(1) Thambiah Kandiah of Vannarponnai East, presently of P. & T. Store, Kuala Lumpur, (2) Sellappah Ponnudurai and wife (3) Viyalachy of Vannarponnai East, (4) Sinnappu Rasiah and wife (5) Thankaratnam of ditto, (6) Rasammah, daughter of Thambiah, (7) Thambiah Eliathamby of ditto, (8) Sellammah, widow of Eliathamby Thambiah of ditto; the 6th and 7th respondents are minors appearing by their guardian *ad litem* the 8th respondent ..... Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on May 20, 1935, in the presence of Mr. S. Nagalingam, Proctor for petitioner; and the affidavit of the petitioner dated May 17, 1935, having been read:

It is ordered that letters of administration in respect of the estate of the above-named deceased be granted to the petitioner, unless the above-named respondents or any other person shall, on or before June 26, 1935, show sufficient cause to the satisfaction of this court to the contrary.

May 29, 1935.

C. COOMARASWAMY,  
District Judge.

Extended for October 22, 1935.

In the District Court of Jaffna.

Order Nisi.

32 Testamentary In the Matter of the Estate of the late  
Jurisdiction. Sivakameyppillai, wife of V. Kanagasabai  
No. 104. Sivapirakasapillai of Alvai North,  
deceased.

V. Kanagasabai Sivapirakasapillai of Alvai North..Petitioner

Vs.

(1) Sivapirakasapillai Bala Subramaniam, (2) Padma-chothy, daughter of Sivapirakasapillai, (3) V. Thambar Sabharathpillai, wife of Alvai North; 1st and 2nd respondents are minors by their guardian *ad litem* the 3rd respondent ..... Respondents.

THIS matter of the petition of V. Kanagasabai Sivapirakasapillai, praying for letters of administration to the estate of the above-named deceased Sivakameyppillai, wife of Sivapirakasapillai, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on August 6, 1935, in the presence of Messrs. Kandaiya & Mailvaganam, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated March 27, 1935, having been read: It is declared that the petitioner is the husband of the said intestate, and is entitled to have letters of administration

to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before August 30, 1935, show sufficient cause to the satisfaction of this court to the contrary.

August 6, 1935.

C. COOMARASWAMY,  
District Judge.

Extended and reissued for October 23, 1935.

C. COOMARASWAMY,  
District Judge.

30 In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Sivak-  
Jurisdiction. kolunthu Rajenthiram of Vaddukkoddi,  
No. 8,588. deceased.

Kumaraswamy Sivakkolunthu of Vaddukkoddi..Petitioner.

(1) Sivakkolunthu Sivagnanam of ditto, (2) Chellappah Rajaratnam of Norwood estate, Kandy.... Respondents.

THIS matter of the petition of the petitioner above-named, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on November 22, 1934, in the presence of Mr. V. K. Gnanasundram, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated May 11, 1934, 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 February 13, 1935, show sufficient cause to the satisfaction of this court to the contrary.

January 24, 1935.

C. COOMARASWAMY,  
District Judge.

Extended for September 11, 1935.

Extended for October 22, 1935.

September 11, 1935.

C. COOMARASWAMY,  
District Judge.

C. COOMARASWAMY,  
District Judge.

In the District Court of Jaffna.

31 Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Annappillai, wife of Veluppillai Kuma-  
No. 8,626. resu of Moolai, deceased.

Veluppillai Kumaresu of Changanai ..... Petitioner.

(1) Kumaresu Thewanthiran of ditto, (2) Maheswari Ammal, daughter of Kumaresu of ditto, (3) Kumaresu Arasaratnam of ditto, (4) Arumugam Arunasalam of Changanai, (5) Valayammal, widow of Thillaipillai Karayagesu of Moolai, (6) Sabapathy Kandappu of Vaddukkoddi East; the 1st to 3rd are minors by their guardian *ad litem* the 4th 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 C. Coomaraswamy, Esq., District Judge, on January 28, 1935, in the presence of Mr. T. M. Subbiah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 19, 1934, having been read: It is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before February 27, 1935, show sufficient cause to the satisfaction of this court to the contrary.

February 6, 1935.

N. SINNETHAMBY,  
District Judge.

Extended for October 22, 1935.

In the District Court of Ratnapura.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Kondakumarage Dharmasena, deceased, No. 1,030. of Teppanawa.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge, Ratnapura, on September 4, 1935, in the presence of Messrs. Gunasekera & Gunasekera, Proctors, on the part of the petitioner Kondakumarage Gunawardena of Teppanawa; and the affidavit of the said petitioner dated September 4, 1935, having been read:

It is declared that the said petitioner above-named is the eldest son of the deceased above named, and that he is entitled to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents—(1) Kondakumarage Podihamy *alias* Esline Podihamy, (2) ditto Menikhamy *alias* Gnanawathie, (3) ditto

Ariyawathie *alias* Pemawathie, (4) ditto Sirisena *alias* Amerasekera, (5) Uyanakumarage Leelawathiehamine, all of Teppanawa; 2nd, 3rd, and 4th respondents minors, by their guardian *ad litem* the 5th respondent—or any other person or persons interested shall, on or before October 9, 1935, show sufficient cause to the satisfaction of this court to the contrary.

Rs. 16.00.  
September 4, 1935.

A. R. HALLOCK,  
District Judge.

This *Order Nisi* is extended for November 6, 1935.

L. H. DE ALWIS,  
District Judge.

October 9, 1935.

## DRAFT ORDINANCES.

### MINUTE.

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

#### An Ordinance to provide for the protection of the Fauna and Flora of Ceylon.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

1 This Ordinance may be cited as the Fauna and Flora Protection Ordinance, No. of 1935, and shall come into operation on a date to be appointed by the Governor by proclamation published in the Gazette.

Short title and commencement.

#### PART I.

##### NATIONAL RESERVES.

2 (1) The Governor may by proclamation published in the Gazette constitute any specified portion of Crown land a National Reserve and shall in such proclamation direct that the National Reserve so constituted shall be of one of the following classes:—

National Reserves.

- (a) a Strict Natural Reserve,
- (b) a National Park, or
- (c) an Intermediate Zone.

(2) The Governor may in like manner direct that from a specified date—

- (a) the limits of any National Reserve shall be altered or varied;
- (b) any National Reserve shall cease to be a National Reserve; or
- (c) a National Reserve of one class shall be a National Reserve of another class.

3 The Governor may by proclamation published in the Gazette constitute any specified portion of land, whether it is or is not Crown land, a Sanctuary and may in like manner direct that from a specified date—

Sanctuaries.

- (a) the limits of any Sanctuary shall be altered or varied, or
- (b) any Sanctuary shall cease to be a Sanctuary.

4 No person shall, except in accordance with regulations, enter any Strict Natural Reserve or National Park.

Entry into National Parks.

5 Any person who—

- (a) enters a Strict Natural Reserve or National Park save in accordance with regulations; or
- (b) having entered a Strict Natural Reserve or National Park in accordance with regulations—
  - (i) fires any gun,
  - (ii) shoots at, kills, captures, or pursues or attempts to kill, capture, or pursue any wild animal,
  - (iii) does or attempts to do any act in order to disturb any wild animal or to interfere with the breeding place of any such animal,

Acts prohibited in Strict Natural Reserves and National Parks.

- (iv) tethers or turns loose any domestic animal, or permits or suffers any such animal to enter or to graze therein,
  - (v) fells, girdles, lops, taps, burns, or in any way damages or destroys any plant or takes or removes any plant therefrom,
  - (vi) kindles, keeps, or carries any fire,
  - (vii) clears or breaks up any land for cultivation, mining, or for any other purpose, or
  - (viii) possesses or uses any explosive or poisonous substance capable of being used for the injury or destruction of any animal or plant ; or
- (c) approaching any Strict Natural Reserve or National Park by aeroplane or other means of aerial transport, fires any gun or shoots at or kills any wild animal in that Reserve or Park,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment.

Acts regulated  
in Intermediate  
Zones and  
Sanctuaries.

**6** No person shall except in accordance with regulations—

- (a) enter any Intermediate Zone : or
- (b) in any Intermediate Zone or Sanctuary—
  - (i) fire any gun,
  - (ii) shoot at, kill, capture, or pursue or attempt to kill, capture or pursue any wild animal, or
  - (iii) do or attempt to do any act in order to disturb any wild animal or to interfere with the breeding place of any such animal ; or
- (c) in any Intermediate Zone—
  - (i) tether or turn loose any domestic animal or permit or suffer any such animal to enter or to graze therein ;
  - (ii) fell, girdle, lop, tap, burn, or in any way damage or destroy any plant or take or remove any plant therefrom ;
  - (iii) kindle, keep, or carry any fire ;
  - (iv) clear or break up any land for cultivation, mining, or for any other purpose ; or
  - (v) possess or use any explosive or poisonous substance capable of being used for the injury or destruction of any animal or plant.

Regulations.

**7** Regulations may be made—

- (a) prescribing the conditions subject to which persons may enter any National Park or Intermediate Zone and regulating the acts which may be done therein ;
- (b) prescribing the purposes for which and the circumstances in which the Warden may grant permission to any person to do any act in any National Park, Intermediate Zone or Sanctuary not otherwise authorized by this Part ;
- (c) declaring that the provisions of this Part of this Ordinance shall apply to any specified insect as if that insect were an animal within the meaning of section 9 ;
- (d) declaring that the provisions of this Part of this Ordinance shall not apply to any specified animal in any specified area.

Punishment for  
breach of  
regulations.

**8** Any person who commits a breach of any regulation made under this Part of this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Interpretation.

**9** In this Part of this Ordinance, unless the context otherwise requires—

- “ animal ” includes all birds, reptiles, fishes, and every kind of vertebrate animal,
- “ domestic animal ” includes—
  - (a) cattle, sheep, goats, horses, asses, mules, and dogs, and
  - (b) when they are domesticated by man, elephants, buffaloes, pigs, deer, hare, rabbits and any other animal of whatever species ;
- “ plant ” includes all members of the vegetable kingdom, whether living or dead, and any part of a plant ;
- “ wild animal ” includes all animals which are not domestic animals.



## PART II.

## TUSKERS, ELEPHANTS, BUFFALOES, DEER AND FOWL.

10 (1) No person shall, in any area outside a National Reserve or Sanctuary, shoot at, kill, capture, or pursue or attempt to kill, capture, or pursue any tusker, elephant, or buffalo, or any deer or fowl without having obtained a licence in that behalf from the Warden.

Tuskers, elephants, buffaloes, deer and fowl not to be killed, &c., without a licence.

(2) Every licence to do any act mentioned in sub-section (1) shall be in the prescribed form and subject to the payment of the prescribed stamp duty, and shall continue in force for such period and within such local limits and be subject to such conditions as the Warden may think fit to inscribe thereon.

11 (1) Whenever it appears to the Warden that in any area outside a National Reserve damage to persons or to crops, plantations, or other property is likely to be caused by tuskers, elephants, buffaloes, or deer, he may by notices affixed in conspicuous places within that area declare that area to be one within which damage by tuskers, elephants, buffaloes, or deer, as the case may be, is likely, and may issue licences upon such conditions as he may inscribe thereon and either free of stamp duty or subject to such stamp duty not exceeding the duty otherwise prescribed for such a licence as he may deem fit to impose, to shoot at, kill or capture tuskers, elephants, buffaloes or deer, as the case may be, within that area while the declaration is in force ;

Declaration of areas in which damage by tuskers, elephants, buffaloes, or deer is likely.

Provided, however, that nothing in this section shall be deemed to require any person residing or cultivating land in that area to obtain a licence to shoot at, kill, or capture tuskers, elephants, buffaloes, or deer, as the case may be, while the declaration is in force.

(2) Every declaration under sub-section (1) shall be forthwith reported by the Warden to the Executive Committee and shall be valid and continue in force for a period of twenty-one days from the date of such declaration.

(3) The Executive Committee may by notification in the Gazette confirm, revoke, extend or otherwise amend such declaration, but without prejudice to anything done or suffered thereunder prior to the publication of such notification.

12 A reward of not more than one hundred rupees may, with the approval of the Executive Committee, be paid by the Warden in respect of each tusker or elephant killed in any area in which a declaration under section 11 (1) relating to tuskers or elephants is in force, or in any area outside a National Reserve in which damage has been or is being caused by tuskers or elephants, although no such declaration is in force in such area.

Rewards in certain cases.

13 (1) Whenever in any area outside a National Reserve—

- (a) any tusker, elephant, or buffalo or any deer, or fowl trespasses or attempts to trespass in or upon any land under any cultivation, or
- (b) any buffalo bull joins and accompanies a herd of domestic buffaloes—

Killing, &c., of tuskers, elephants, buffaloes, deer and fowl without licence in certain cases.

it shall be lawful for any person without a licence to shoot, kill, capture, or pursue or attempt to shoot, kill, capture or pursue such tusker, elephant, or buffalo or such deer or fowl.

(2) It shall be lawful for the owner or person in charge of any land in or upon which any tusker or elephant has trespassed under sub-section (1) to follow up and shoot, kill, or capture the tusker or elephant, after having first given information of the trespass and of the damage, if any, to the nearest Headman or Police Officer.

(3) The Governor may if he thinks it expedient by proclamation published in the *Gazette* suspend the operation of this section for any period either throughout the Island or in any specified part of the Island.

(4) The Warden may, upon being satisfied that any tusker or elephant has trespassed on any land as provided in sub-section (1), issue a special licence, in the prescribed form and subject to the payment of the prescribed stamp duty and to such conditions as he may think fit to inscribe thereon, to any person to follow up and shoot such tusker or elephant.

14 (1) Whenever a tusker, elephant, or buffalo or a deer, or fowl, is killed or captured under the provisions of section 11 or section 13, information thereof shall be given by the person who kills or captures the tusker, elephant, or buffalo, or the deer or fowl, with as little delay as possible to the nearest Headman or Police Officer.

Killing or capturing under sections 11 or 13 to be reported.

(2) Whenever a tusker or elephant is killed or captured under the provisions of sub-section (1) or sub-section (2) of section 13, or of the proviso to section 11 (1), the tusker and its tusks, or the elephant, as the case may be, shall be the property of the Crown.

Royalties payable on tuskers and elephants exported.

15 (1) A royalty according to such rates as may from time to time be prescribed, shall be levied by the officers of customs at the port of shipment in respect of every elephant, whether wild or tame, removed from the Island to any place outside the Island.

(2) No tusker shall be removed from the Island to any place outside the Island except with a special permit issued by the Warden on payment of the prescribed royalty.

(3) This section shall have effect as though it formed part of Ordinance No. 17 of 1869, and the provisions of that Ordinance shall apply accordingly.

Offences—  
tuskers.

16 Any person who—

(a) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, shoots at, kills, captures, or pursues, or attempts to kill, capture or pursue, any tusker; or

(b) removes or attempts to remove any tusker from the Island without having obtained a permit under section 15 (2), or in any way attempts to evade payment of the royalty imposed under that section—

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to one year or to both such fine and imprisonment and where any person is convicted of any offence under paragraph (a) of this section the tusker, if captured, and the tusks shall be confiscated by order of the court by which the offender is convicted.

Offences—  
Elephants.

17 Any person who—

(a) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder, shoots at, kills, captures, or pursues, or attempts to kill, capture, or pursue, any elephant; or

(b) removes or attempts to remove any elephant from the Island without having paid the royalty leviable under section 15 (1) or in any way attempts to evade payment of such royalty—

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment, and where any person is convicted of any offence under paragraph (a) of this section, the elephant, if captured, shall be confiscated by order of the court by which the offender is convicted.

Offences—  
Buffaloes, deer  
and fowl.

18 Any person who—

(1) in contravention of this Part of this Ordinance or contrary to the tenor of any licence issued to him thereunder—

(a) shoots at, kills, captures, or pursues or attempts to kill, capture, or pursue any buffalo or any deer or fowl; or

(b) lays or spreads any trap except in or upon any land under any cultivation, for the purpose of capturing or destroying any buffalo, deer or fowl; or

(2) during the close season, shoots, kills, or captures or attempts to shoot, kill, or capture any deer or fowl, or takes the eggs of any fowl,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

Unlawful possession of tusker or elephant.

19 (1) No person shall possess a tusker or elephant unless—

(a) he is the captor of that tusker or elephant—

(i) under a licence issued under this Ordinance or any regulation made thereunder, or under any written law repealed by this Ordinance, or

(ii) at a kraal duly held under the provisions of any written law;

(b) he is the successor in title to such captor;

- (c) he is in possession on behalf of such captor or his successor in title ; or  
 (d) that tusker or elephant is the offspring of an elephant lawfully captured under this Ordinance or any regulation made thereunder, or under any written law repealed by this Ordinance.

(2) Any person who possesses a tusker or elephant in contravention of sub-section (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment, and subject to the rights of any lawful captor or possessor, the tusker or elephant shall be confiscated.

20 Where a person is reasonably suspected of being the unlawful captor or possessor of a tusker or of an elephant, it shall be lawful for any police officer or Headman or Warden to seize and detain such tusker or elephant in his custody pending the order of a Police Magistrate thereon.

Power of police officer to detain tusker or elephant on suspicion.

21 Any person who during a close season, or without a licence in that behalf at any other time, is found in possession of any fresh meat of any deer or fowl or any fresh hides or horns of any deer or of any freshly taken skin, feathers or eggs of any fowl, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description for a term which may extend to three months or to both such fine and imprisonment.

Unlawful possession of fresh meat of deer and or fowl, &c.

22 The provisions of this Part of this Ordinance relating to the killing, capturing, or pursuing of tuskers, elephants or buffaloes shall not apply to any act done at any kraal lawfully held under the provisions of any written law for the time being in force.

Part II not to apply to act done at kraals lawfully held.

23 Regulations may be made prescribing the circumstances in which and the conditions subject to which the Warden may issue either free of stamp duty or on payment of less than the prescribed duty, any licence required under this Part of this Ordinance.

Regulations.

24 In this Part of this Ordinance, unless the context otherwise requires—

Interpretation.

“ buffalo ” means a wild buffalo ;

“ deer ” means any of the following species of deer :—

- (a) Sambur (*Rusa unicolor*),  
 (b) Spotted deer (*Axis axis Ceylonensis*),  
 (c) Red or barking deer (*Muntiacus Malabaricus*),  
 (d) Paddy field or hog deer (*Myelaphus porcinus*) ;

“ elephant ” means a wild elephant other than a tusker ;

“ fowl ” means any of the following species of fowl or partridge :—

- (a) Pea fowl (*Pavo cristatus*),  
 (b) Ceylon spur fowl (*Calliperdix bicalcarata*),  
 (c) Grey partridge (*Francolinus pondicerianus*),  
 (d) Painted partridge (*Francolinus pictus*) ;

“ tusker ” means a wild elephant having a tusk or tusks.

### PART III.

#### BIRDS, BEASTS AND REPTILES.

25 Any person who, in any area outside a National Reserve or Sanctuary and save in accordance with regulations—

Offences with regard to birds, beasts, and reptiles in Schedule I.

- (a) knowingly kills or attempts to kill, or wounds or captures, or uses any boat for the purpose of killing or capturing any bird, beast or reptile included for the time being in Schedule I. or  
 (b) takes or destroys the eggs or nest of any such bird or reptile ; or  
 (c) uses any lime, or any trap for the purpose of killing or capturing any such bird, beast or reptile ; or  
 (d) has in his control or possession any such bird, beast, or reptile recently killed or captured, or the feathers or skin of such bird, beast or reptile recently killed or captured or the recently taken eggs of any such bird or reptile ; and

any person who in any such area exposes or offers for sale any part of such bird, beast, or reptile, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment :

Provided that no person shall be convicted under this section of capturing any bird or beast if the court is satisfied that the bird or beast was captured *bona fide* for the purpose of being kept alive in captivity as a cage bird or beast or otherwise.

Offences with regard to birds and beasts included in Schedule II.

**26** In any area outside a National Reserve or Sanctuary, any person who, during the close season and save in accordance with regulations, does with respect to any bird or beast included for the time being in Schedule II. or with regard to the eggs, nest or feathers of any such bird or the skin or any other part of such beast, any of the acts mentioned in paragraphs (a), (b), (c), or (d) of section 25, and any person who in any such area and during such season exposes or offers for sale the feathers or skin of any such bird or beast or purchases the feathers or skin of any such bird or beast for the purpose of preparing such feathers or tanning such skin for use, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten rupees or to imprisonment of either description for a term which may extend to two weeks or to both such fine and imprisonment.

Penalty for refusing to give name and place of abode.

**27** Where any person is found offending against this Part of this Ordinance, it shall be lawful for any other person to require the person offending to give his name and place of abode, and in case the person so offending, after being so required, refuses to give his correct name or place of abode or gives an incorrect name or place of abode, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty rupees or to imprisonment of either description for a term which may extend to two weeks or to both such fine and imprisonment.

Alteration of Schedules.

**28** The Executive Committee may from time to time by notification in the *Gazette* direct that the name of any bird, beast or reptile be included in or expunged from Schedule I. or that the name of any bird or beast be included in or expunged from Schedule II.

Certificate of Director of Colombo Museum.

**29** The production of a certificate purporting to be signed by the Director of the Colombo Museum with regard to any bird, beast, or reptile which is alleged to be a bird, beast or reptile included in any Schedule referred to in this Part of this Ordinance, or with regard to any part of any bird, beast or reptile which is alleged to be so included, shall be sufficient *prima facie* evidence of the facts therein stated.

Temporary prohibition against killing or taking any bird in specified areas.

**30** (1) The Executive Committee may by notification in the *Gazette* declare that for a specified period not exceeding three months from the date of the notification, no person shall shoot, kill, trap, or capture any bird of any species whatever in any area outside a National Reserve or Sanctuary specified in the notification, and any person who in any such area and during such period shoots, kills, traps or captures any bird, save on land which is under any cultivation, shall be guilty of an offence and shall be liable on conviction, to a fine not exceeding twenty-five rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

Regulations.

**31** Regulations may be made prescribing the circumstances in which and the conditions subject to which any person may be permitted to do any act which is expressed in section 25 or section 26 to be prohibited save when done in accordance with regulations.

Prohibition of import of non-indigenous animals without a licence.

**32** (1) Save in accordance with the conditions of a licence in the prescribed form obtained from the prescribed officer on payment of the prescribed duty, no person shall import into the Island any living animal of a species which is not indigenous to the Island.

(2) In this section "animal" means any animal as defined in section 9, other than a fish.

(3) This section shall have effect as though it formed part of Ordinance No. 17 of 1869 and the provisions of that Ordinance shall apply accordingly.

Regulations.

**33** Regulations may be made—

(a) requiring a certificate from an approved authority that any animal imported under a licence issued under section 32 is free from infection or disease ;

- (b) prohibiting any animal imported under a licence issued under section 32 from being released or turned loose in any part of the Island or prescribing the area or areas within which such animal may be released or turned loose ;
- (c) exempting any specified species of animal from any regulation made under this section.

34 (1) Any person who does any act in contravention of the provisions of section 32 or contrary to the tenor of any licence issued to him under that section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand rupees or to imprisonment of either description for a term which may extend to six months or to both such fine and imprisonment.

Penalty for contravention of section 32.

(2) Any person who releases or turns loose any animal which has been imported on contravention of section 32 shall in addition to any punishment to which he may be liable under sub-section (1) be liable to a fine of one hundred rupees in respect of each animal so released or turned loose.

## PART IV.

### PLANTS.

35 The Executive Committee may by notification in the *Gazette* direct that any plant specified in the notification shall not, either throughout the whole Island or in any specified area, be uprooted, destroyed, injured, removed, sold, or exposed for sale, except in accordance with the conditions of a licence obtained in that behalf from the prescribed officer.

Prohibition of the uprooting or destruction of certain plants.

36 Regulations may be made—

Regulations.

- (a) for prohibiting or regulating the exportation from the Island of any specified plant ;
- (b) for prohibiting or regulating the importation into the Island of any specified plant ;
- (c) regulating the transfer of any specified plant from one locality to another within the Island ;
- (d) generally for the purpose of preventing the introduction into the Island and the spreading therein of weeds, or of pests and diseases injurious to or destructive of plants.

37 Any person who—

Offences.

- (a) uproots, destroys, injures, removes, sells, or exposes for sale any plant in contravention of any notification under section 35 or contrary to the tenor of any licence issued thereunder ; or
- (b) does any act in contravention of any regulation made under this Part of this Ordinance,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

38 In this Part of this Ordinance, unless the context otherwise requires, "plant" includes all members of the vegetable kingdom and any part of a plant other than a flower.

Meaning of "plant".

## PART V.

### MISCELLANEOUS PROVISIONS.

39 (1) No person shall carry on or exercise the business or trade of a taxidermist or any business or trade for the purchase or sale of any animal, whether living or dead, or any part of any dead animal except with a licence in that behalf obtained from the Warden.

Taxidermists to be licensed.

(2) Every such licence shall be issued free of charge and shall be subject to the prescribed conditions.

(3) In this section "animal" means an animal as defined in section 9, but does not include a domestic animal.

40 (1) Save in accordance with the conditions of a licence in the prescribed form, obtained from the prescribed officer on payment of the prescribed duty, no person shall export from the Island—

Prohibition of export of animals without a licence.

- (a) any animal, whether living or dead, or
- (b) the horns, skin, plumage or any other part of any animal.

(2) This section shall have effect as though it formed part of Ordinance No. 17 of 1869 and the provisions of that Ordinance shall apply accordingly.

(3) In this section "animal" means any animal as defined in section 9, other than a living elephant or tusker, whether wild or tame or a domestic animal.

Prohibited roads.

41 (1) The Executive Committee may by notification in the *Gazette* declare any road in any area outside a National Reserve or Sanctuary to be a prohibited road.

(2) Any person who discharges any gun on any prohibited road or on any road reservation along such road shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

(3) A list of all roads prohibited under sub-section (1) shall be posted up at some conspicuous place in every Kachcheri, court-house and resthouse situate within the district in which any such road or part of such road lies.

Prohibition of shooting from vehicles.

42 No person shall shoot or attempt to shoot any animal, whether wild or domestic, while he is sitting in or standing upon any part of any vehicle of any kind.

## PART VI.

### GENERAL.

#### *Licences.*

Refusal or revocation of licences.

43 (1) The Warden or any other officer empowered to issue a licence under this Ordinance or any regulation made thereunder may in his discretion refuse to issue any such licence and may, by notice in writing to any person to whom any such licence has been issued, revoke such licence.

(2) Any person aggrieved by the refusal or revocation of any licence may appeal against such refusal or revocation to the Executive Committee within seven days from the date of such refusal or revocation being communicated to him and the decision of the Executive Committee on any such appeal shall be final and conclusive.

Licences not to be transferred.

44 (1) No person other than the person actually named in any licence issued under this Ordinance or any regulation made thereunder shall be entitled under cover of that licence to do any act to authorize which that licence was issued.

(2) Any person who—

(a) transfers to any other person any licence issued to him under this Ordinance or any regulation made thereunder; or

(b) accepts any licence transferred in contravention of paragraph (a); or

(c) in any case where no other punishment is provided by this Ordinance, commits a breach of any of the conditions of any licence issued to him under this Ordinance or any regulation made thereunder,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a term which may extend to one month or to both such fine and imprisonment.

Shooting, &c., at night not to be authorized by licence.

45 No licence issued under this Ordinance or any regulation made thereunder shall be deemed to authorize the licensee to shoot at, kill, capture, pursue, or take any animal as defined in section 9 between the hours of sunset and sunrise unless special permission in that behalf is inserted in the licence.

Offences and penalties.

46 Any person, who does any act in contravention of any of the provisions of this Ordinance or any regulation made thereunder, shall be guilty of an offence punishable, where no other penalty is expressly provided by this Ordinance, with a fine not exceeding two hundred rupees or with imprisonment of either description for a term which may extend to three months or with both such fine and imprisonment.

#### 2. *Offences and Penalties.*

Exemptions from liability.

47 (1) Nothing shall be deemed to be an offence under this Ordinance or any regulation made thereunder which is done—

(a) for the purpose of protecting any crop, plantation, or other property from any damage caused or likely to be caused by any animal trespassing on any land on which such crop, plantation, or other property is situate; or

- (b) for the purpose of protecting any human being or any domestic animal from any immediate danger or injury by any wild animal ; or
- (c) for the purpose of killing, destroying, pursuing or capturing, in or in the immediate vicinity of any human dwelling or of the land on which such dwelling is situate, any leopard, bear, wild boar, crocodile, or poisonous reptile ; or
- (d) with the written permission of the Warden, for the preservation or scientific study of the fauna and flora in any National Reserve or Sanctuary or for any prescribed purpose ;
- (e) in accordance with any provision of this Ordinance or any regulation made thereunder.

(2) In this section the expressions " animal," " domestic animal," and " wild animal " have the meanings assigned to those expressions respectively in section 9.

48 No prosecution for any offence under this Ordinance or any regulation made thereunder shall be instituted except with the written sanction of the Warden.

Prosecutions  
to be  
sanctioned.

49 All offences under this Ordinance or any regulations made thereunder shall be summarily triable by a Police Court and such court shall have power to award the punishments hereinbefore prescribed, anything in the Criminal Procedure Code, 1898, or any other Ordinance to the contrary notwithstanding.

Jurisdiction of  
Police Courts.

50 Any gun, trap, net or other contrivance or appliance used in or for the commission of any offence under this Ordinance or any regulation made thereunder may be confiscated by order of the court by which the offender is convicted of any such offence.

Confiscation  
of guns, &c.

51 It shall be lawful for any Police Court imposing a fine under this Ordinance or any regulation made thereunder to award to the informer any share not exceeding one-half of so much of the fine as is actually recovered and realized.

Informer's  
share of fines.

52 Any officer of the Police, Revenue, Forest or other Department of Government, not below the prescribed rank, may, subject to such restrictions as may be prescribed, stop and search any person whom he reasonably suspects of having committed any offence under this Ordinance or any regulation made thereunder, or any vessel or vehicle in which he reasonably suspects any such person to be.

Powers of  
search.

### 3. *Appointment of Officers and Advisory Committee.*

53 (1) The Governor may appoint—

Appointment  
of officers.

- (a) any person by name or by office to be or to act as Warden for the purposes of this Ordinance ;
- (b) any person by name or by office to be or to act as Deputy Warden for the purposes of this Ordinance ;
- (c) any person to be or act as District Warden for any specified district or area ;
- (d) any person to act as an Honorary District Warden of any National Reserve or Sanctuary ;
- (e) such other officers and servants as may from time to time be required for the purposes of this Ordinance.

(2) In the exercise of their powers and in the discharge of their duties under this Ordinance, all persons, officers and servants appointed by the Governor under this section shall be subject to the general direction and control of the Executive Committee.

(3) All persons, officers, and servants appointed under this section shall be deemed to be public servants within the meaning of the Ceylon Penal Code.

54 The Warden may with the approval of the Executive Committee delegate to any District Warden in respect of his district or area or to any Honorary District Warden in respect of the National Reserve or Sanctuary for which he is appointed any power or duty conferred or imposed on the Warden by this Ordinance or any regulation made thereunder.

Powers of  
District  
Wardens.

55 (1) The Governor may appoint an Advisory Committee, which shall consist of the Warden as Chairman and of eleven other persons, for the purpose of advising the Warden and making recommendations to the Executive Committee on matters and questions affecting the protection of the fauna and flora of Ceylon.

Advisory  
Committee.

(2) Meetings of the Advisory Committee shall be held at least twice in every year.

## 4.—Regulations.

## Regulations.

56 (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters:—

- (a) the circumstances in which and the conditions subject to which the Warden may grant permission to any person to do any act not otherwise authorized by this Ordinance, for the purposes of the preservation or scientific study of the fauna and flora of the Island ;
- (b) the circumstances in which and the conditions subject to which any licence under this Ordinance or any regulation thereunder may be issued free of charge ;
- (c) the prohibition or regulation of the import, manufacture, sale, possession, or use of any headgear so constructed as to be capable of being fitted with any electric or acetylene light, or of any such light constructed so as to be capable of being fitted into any headgear ;
- (d) the period of office of the members of the Advisory Committee appointed under section 55, the manner in which meetings of that Committee shall be convened, the procedure to be followed at such meetings, and the manner in which the recommendation of that Committee shall be made ;
- (e) the declaration of any period, other than that specified in section 57, as a close season in respect of any particular species or bird or beast, either throughout the whole Island or in any specified area ; and
- (f) all matters stated or required by this Ordinance to be prescribed.

(3) Every regulation made by the Executive Committee shall be brought before the State Council by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification. No regulation made by the Executive Committee shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Gazette*.

(4) A regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall, upon notification of such approval and ratification in the *Gazette*, be as valid and effectual as if it were herein enacted.

## 5. Interpretation, Repeals, and Savings.

## Interpretation.

57 In this Ordinance, unless the context otherwise requires—

“close season” means the period from April 30th to October 31st in each year, or such other period as may be prescribed in respect of any particular species of bird or beast either throughout the whole Island or in any specified area ;

“Crown land” means all land to which the Crown is lawfully entitled together with all rights, interests, and privileges attached or appertaining thereto ;

“Executive Committee” means the Executive Committee of Agriculture and Lands ;

“gun” means any gun as defined in the Firearms Ordinance, No. 33 of 1916 ;

“prescribed” means prescribed by this Ordinance or by regulations made thereunder ;

“regulation” means a regulation made by the Executive Committee of Agriculture and Lands under this Ordinance ;

“trap” includes any snare, net, pitfall, or other device for capturing, killing, or injuring any animal as defined in section 9, and also any device or construction used for the concealment of human beings in order to facilitate the capturing, killing or injuring of any such animal ;

“Warden” means the person appointed by the Governor to be or to act as Warden under section 53, and includes the Deputy Warden appointed under that section.

Savings—  
Licence.

58 Every licence issued by any authority under any written law repealed by this Ordinance for the doing of any act for which a licence is required by this Ordinance, shall be valid and continue in force until the expiration of the period for which it was granted.



59 All such proclamations, notifications, and orders issued, and all such regulations and rules made, and all such concessions, permissions and authorizations given, and all such royalties fixed under any written law repealed by this Ordinance as are in force at the date on which this Ordinance comes into operation shall, so far as they relate to matters for which provision may in any manner be made under this Ordinance and so far as they are not inconsistent with the provisions of this Ordinance, continue in force until provision in regard to such matters is made in accordance with the provisions of this Ordinance.

Proclamations,  
notifications,  
rules, &c.

60 The provisions of written law specified in the second column of Schedule III. are hereby amended or repealed in the manner and to the extent specified in the third column of that Schedule.

Repeals.

SCHEDULE I.

(Section 25.)

*List of Birds absolutely protected.*

<i>English Name.</i>	<i>Scientific Name.</i>	<i>Sinhalese Name.</i>	<i>Tamil Name.</i>
Ceylon Magpie ..	<i>Cissa Ornata</i>	.. Kehibella	.. —
Paradise Fly-catcher ..	<i>Terpsiphone paradisi</i>	paradisi Redi-hora, hora	Gini- Vedi-vat-kuruvi
Orange Minivet ..	<i>Pericrocotus flammeus</i>	speciosus Gini-kurulla	.. Mampala-kuruvi
Malabar Small Minivet	<i>Pericrocotus malabaricus</i>	peregrinus Kos-kurulla	.. Mampala-kuruvi
Southern Hill-Mynah ..	<i>Eulabes religosa</i>	.. Sela-lihiniya	.. Malai-nakana-pachchi
Ceylon Hill-Mynah ..	<i>Eulabes ptilogenys</i>	.. Sela-lihiniya	.. Malai-nakana-pachchi
Black-headed Oriole ..	<i>Oriolus xanthornus Ceylonensis</i>	Kaha-kurulla	.. Mampala-kuruvi man-kuyil
Painted-Thrush, Indian Pitta	<i>Pitta brachyura</i>	.. Avichchiya	.. Aru-mani-kuruvi, totta-kallan
Woodpeckers of all species	All members of the family <i>Picidae</i>	Kerella	.. Maran-kotti, tachchan kuruvi
Indian Roller (Blue Jay)	<i>Coracias benghalensis indica</i>	Dumbona, kawuluwa	dun- Panam-kakam, tottukili
Kingfishers of all species	All members of the family <i>Alcedinidae</i>	Pilihuduwa	.. Minkotti
Malabar Pied Hornbill	<i>Anthracoceros coronatus</i>	Poruwa-kendetta	.. Irattai-chondu-kuruvi
Ceylonese Hornbill ..	<i>Lophoceros galensis</i>	griseus gin-Kendetta	.. Irattai-chondu-kuruvi
Ceylon Hoopoe ..	<i>Upupa epops Ceylonensis</i>	Porowa-kurulla	.. Chaval-kuruvi
Ceylon Trogon ..	<i>Harpacles fasciatus</i>	.. Gini-kurulla	.. —
Storks of all species ..	All members of the sub-family <i>Cinconiidae</i>	Kokka, Mana Datu-eluwa	or Narai
Purple Heron ..	<i>Ardea purpurea lenis</i>	manil-Karawala-kokka, barendi-kokka	Chen-narai
Large White Egret ..	<i>Egretta alba modesta</i>	.. Loku-sudda-kokka, badadel-kokka	Periya-vellai kokku
Smaller White Egret ..	<i>Egretta intermedia media</i>	Sudda-kokka	.. Vellai-kokku
Little Egret ..	<i>Egretta garzetta garzetta</i>	Sudda-kokka	.. Sinna-vellai kokku
Cattle Egret ..	<i>Bubulcus ibis mandus</i>	coro-Harak-kokka	.. Nunni-kokku
Bear Monkey, or Hill Wanduroo	<i>Ratufa mairourn cus senex monti cola</i>	Pithe- Maha Wandura	.. Periya Mundi
Grey Flying Squirrel ..	<i>Petaurista lunka</i>	Philippensis Hambawa or Hangu	Paravai-anil
Small Ceylon Flying Squirrel	<i>Pteromys layardi</i>	.. Hambawa	.. Paravai-anil

*List of Reptiles absolutely protected.*

Water lizard ..	<i>Varanus salvator</i>	.. Kabaragoya	.. Kabaragoyen
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SCHEDULE II.

(Section 26.)

*List of Birds and Beasts protected during the Close Season.*

<i>English Name.</i>	<i>Scientific Name.</i>	<i>Sinhalese Name.</i>	<i>Tamil Name.</i>
Jungle Fowl ..	<i>Gallus lafayettii</i>	.. Weli-kukula, kikili	weli- Kaddu-koli
Bustard Quail ..	<i>Turnix javanica leggei</i>	.. Bola-watuwa	.. Kadai
Golden Plover ..	<i>Pluvialis fulvus</i>	dominicus Oleyiya, watuwa	rana- Kotan
Snipe, all species including Jack-snipe and Painted snipe	<i>Ganus minima</i>	Gallinago all Limnocyptes	.. Ullan-kuruvi
—	<i>Rostratula benghalensis</i>	Raja-watuwa, keswatuwa	ulu- Ullan-kuruvi
Whistling teal ..	<i>Dendrocygna javanica</i>	.. Seruwa	.. Chamba-tara
Cotton Duck	Teal, Quacky Duck	<i>Nettopus coromandelianus</i>	.. Raja-tara

## SCHEDULE III.

(Section 60).

Number and Year.	Short Title.	Nature and Extent of Repeal or Amendment.
1 of 1909 (11,873)	The Game Protection Ordinance, 1909	<ol style="list-style-type: none"> <li>1. The words " Game, Wild Beasts, Birds, Reptiles, and " occurring in the title of the Ordinance shall be repealed.</li> <li>2. The preamble shall be repealed.</li> <li>3. <i>Part I.</i> <ol style="list-style-type: none"> <li>(1) In section (1), for all the words from " The Game Protection Ordinance, 1909," to the end of the section, there shall be substituted the words ' the Fish Protection Ordinance, 1909.'</li> <li>(2) In section 3 (2), the words " beasts, birds, or " shall be repealed.</li> </ol> </li> <li>4. <i>Part II.</i> The whole Part (sections 4 to 13B) shall be repealed.</li> <li>5. <i>Part III.</i> <ol style="list-style-type: none"> <li>(1) In section 14, for all the words from the beginning of the section to the word " hereto ", there shall be substituted the words ' The word " fishes " in this Part of this Ordinance means fishes mentioned in Schedule III. hereto.'</li> <li>(2) In sections 14 and 18, the words " birds, beasts, and " shall be repealed wherever those words occur.</li> <li>(3) In sections 15 and 19, the words " birds, beasts, or " shall be repealed wherever those words occur.</li> </ol> </li> <li>6. <i>Part IV.</i> The whole Part (sections 20 to 26) shall be repealed.</li> <li>7. Schedules II, IV and V shall be repealed.</li> <li>8. <i>In Schedule III.</i> <ol style="list-style-type: none"> <li>(1) The two columns headed respectively " Birds " and " Beasts ", and all the items appearing in those columns, shall be repealed.</li> <li>(2) In the column headed " Fishes ", the items " Perch ", " Gourami " and " Tench " shall be repealed.</li> </ol> </li> </ol>
11 of 1891 (1,740)		.. The whole Ordinance shall be repealed.

*Objects and Reasons.*

The better protection of the Fauna and Flora of the Island is the object of this Bill which is based partly on the provisions of the Game Protection Ordinance, 1909, and partly on the recommendations of the Fauna and Flora Protection Committee published as Sessional Paper XIX. of 1934.

2. Part I consisting of clauses 2 to 9 is almost entirely new. The intention is to give the Governor power to appoint a Warden for the whole Island with a deputy and a number of district and honorary wardens assisting him, and to create by proclamation three kinds of National Reserves—

- (1) Strict Natural Reserves into which the public are not to be admitted and in which the shooting or trapping of animals and the felling of trees are to be strictly prohibited ;
- (2) National Parks into which the public are to be admitted subject to regulation ; and
- (3) Intermediate Zones in which acts prohibited in the other classes of National Reserves are to be permitted subject to regulation.

3. With regard to specific animals provision is to be made in Part II (consisting of clauses 10 to 24, which are based largely on the existing Ordinance) for the protection of tuskers, other elephants, buffaloes and deer and also of wild fowl in the National Reserves and Sanctuaries. The shooting or capture of these is to be regulated by licence ; but where damage to life or property is anticipated in areas outside the National Reserves the warden is to be given power to issue licences free of charge or at reduced rates, and bona-fide residents of any threatened area are to have the right to shoot these animals in defence of life or property. Tuskers and other elephants can be possessed only if they have been captured under a licence, and can be exported only on payment of a royalty.

4. Part III (clauses 25 to 34) which deals with birds, beasts and reptiles is also based almost entirely on the existing Ordinance. The only new provisions are those in clauses 30 and 32. The former of these is intended to protect birds which in certain areas are rendered helpless by the overpowering scent of plants like the "nelun" when they are in bloom; while clause 32 seeks to regulate by licence the importation of any species of animal or bird which is not indigenous to the Island.

5. Part IV (clauses 35 to 38) which deals with plants is new. The provisions proposed in clause 35 will enable the Executive Committee of Agriculture and Lands by a notification applicable to the whole Island or to any defined area, to regulate by licence the removal or transplantation or sale of specified plants. Power is also to be given by clause 36 to make regulations for controlling both the importation and the exportation of plants.

6. Further protective measures relating to animals are proposed in Part V. Clause 39 provides for the licensing of taxidermists; clause 40, for the control of the exportation of animals and of horns, skins and feathers; and clause 41, for the prohibition of shooting along certain roads outside the National Reserves which are to be declared by the Executive Committee to be prohibited roads. Similarly in Part VI clause 45 seeks to prohibit absolutely the shooting of animals at night, by enacting expressly that licences are not to be issued for that purpose. Power is also to be given by clause 50 to the court convicting an offender to confiscate any gun, trap or net used in the commission of the offence.

7. In clause 55 provision is made for the appointment of an Advisory Committee to advise the Warden and to make recommendations to the Executive Committee of Agriculture and Lands, which is to be empowered by clause 56 to make all the regulations that may be necessary for prescribing the details wherever they are required and laying down the conditions subject to which the various licences are to be issued.

D. S. SENANAYAKE,  
Minister for Agriculture and Lands.

Colombo, October 16, 1935.