



THE

CEYLON GOVERNMENT GAZETTE

No. 8,164—FRIDAY, NOVEMBER 1, 1935.

Published by Authority.

PART II.—LEGAL.

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

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PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

PASSED ORDINANCES.

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

No. 31 of 1935.

An Ordinance to validate certain proceedings of the District Court, the Court of Requests and the Police Court of Mullaittivu sitting at Vavuniya.

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 Mullaittivu Courts (Validation of Proceedings) Ordinance, No. 31 of 1935.

Validation of proceedings at Vavuniya between 1st November, 1898, and 6th December, 1932.

2 No proceedings instituted or taken during the period beginning on the 1st day of November, 1898, and ending on the 6th day of December, 1932, in the District Court of the judicial district of Mullaittivu or in the Court of Requests or the Police Court of the judicial division of Mullaittivu, and no proceedings taken for the purpose of enforcing any judgment, sentence, or order made or pronounced by any of the said courts during that period shall be deemed to be invalid by reason only of the failure to have appointed the town of Vavuniya as a place at which the said courts may have been holden during that period.

Passed in Council the Ninth 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 Eighteenth 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. 32 of 1935.

An Ordinance to amend the British and Colonial Probate Ordinance, No. 7 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 British and Colonial Probate Amendment Ordinance, No. 32 of 1935.

Amendment of section 2 of Ordinance No. 7 of 1921.

2 Section 2 of the British and Colonial Probate Ordinance, No. 7 of 1921, is hereby amended by the insertion of the following new definition at the end thereof :—

“ British possession ” includes any territory which is under His Majesty’s protection or in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty.

Passed in Council the Ninth 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 Eighteenth 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. 36 of 1935.

An Ordinance to amend the Weights and Measures Ordinance, 1876.

No. 8 of 1876.

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 Weights and Measures (Second Amendment) Ordinance, No. 36 of 1935.

Short title.

2 The following new section is hereby inserted immediately after section 17, and shall have effect as section 18, of the Weights and Measures Ordinance, 1876 :—

Insertion of new section 18 in Ordinance No. 8 of 1876.

18. (1) For the purposes of any test or verification of the copies of the standard weights and measures preserved under section 2—

Verification of the copies preserved under the Ordinance.

(a) one set of copies of the standards declared by section 1 may be preserved by the Registrar-General; and

(b) a person may be appointed by the Governor, by name or by office, to be or to act as Inspector of Weights and Measures for the Island.

(2) The person so appointed may at any time inspect and test or verify the copies of the standards preserved under section 2, and it shall be the duty of the authority by whom such copies are preserved to permit such inspection and to render all such assistance as may be necessary for such test or verification.

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 Twenty-third 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. 35 of 1935.

An Ordinance to vest in the Rubber Research Board the right, title and interest of the lessee in certain lands leased by the Crown for the use of the Ceylon Rubber Research Scheme.

F. G. TYRRELL.

WHEREAS by two Indentures of Lease dated the twenty-seventh day of May, Nineteen hundred and Twenty-seven and the twenty-sixth day of May, Nineteen hundred and Twenty-eight, respectively, His Excellency the Governor, acting therein for and on behalf of His Majesty King George the Fifth, let, leased and demised to Frank Arthur Stockdale in his capacity as Chairman of the Ceylon Rubber Research Scheme and to his successors in office as Chairman of that Scheme the lands described in the schedules to the said two indentures of lease :

Preamble.

And whereas it is expedient to transfer and assign to the Rubber Research Board constituted and established under the Rubber Research Ordinance, 1930, all the right, title and interest of the aforesaid Frank Arthur Stockdale and of his successors in office as Chairman of the Ceylon Rubber Research Scheme in, to and over the lands let, leased and demised under the said two indentures of lease :

No. 10 of 1930.

And whereas the necessary deed of transfer and assignment by the Chairman for the time being of the said Scheme cannot legally be executed by reason of the fact that the said Scheme was not a body corporate constituted by law and that the consent of each and every one of the members participating in the said Scheme cannot now be obtained owing to the death or absence beyond the seas of certain of them, and for divers other good and sufficient causes :

Be it therefore 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 Rubber Research Farm (Transfer of Lease) Ordinance, No. 35 of 1935.

Transfer to
Rubber
Research
Board of lease-
hold rights of
Rubber
Research
Scheme.

No. 10 of 1930.

2 All the right, title and interest of the Ceylon Rubber Research Scheme and of the members of that Scheme and of Frank Arthur Stockdale in his capacity as Chairman of that Scheme and of his successors in office as Chairman of that Scheme in, to and over the lands let, leased and demised by the Governor on behalf of His Majesty under the two indentures of lease severally set forth in the Schedule hereto, shall be and are hereby transferred to and vested in the Rubber Research Board constituted and established under the Rubber Research Ordinance, 1930; and such lands may be held, possessed and used by the Rubber Research Board for the purposes set out in section 2 of that Ordinance subject to the terms, conditions, covenants, exceptions and reservations contained in the said two indentures of lease.

Saving of the
rights of the
Crown, &c.

3 Nothing in this Ordinance shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate, or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

Schedule.

I.

THIS INDENTURE made on the dates specified on page 5 between His Excellency Sir Hugh Clifford, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Grand Cross of the Most Excellent Order of the British Empire, Governor of Ceylon (hereinafter called the Lessor, which expression shall include his successors in office for the time being) acting herein for and on behalf of His Majesty King George the Fifth, his heirs and successors of the one part, and the Honourable Mr. Frank Arthur Stockdale, Director of Agriculture, in his capacity as Chairman of the Ceylon Rubber Research Scheme, on behalf of himself and his successors in office as Chairman of the Ceylon Rubber Research Scheme, hereinafter called the Lessee.

WITNESSETH :

That in consideration of the rent hereinafter reserved and of the covenants on the part of the lessee hereinafter contained the lessor doth hereby let demise and lease unto the lessee to be used as an experiment station for the study of the growth and development of budded rubber trees and of rubber trees raised from seed selected from trees of known parentage, the study of soil problems and the effect of manures on the growth and development of the rubber tree and generally for research work in connection with the growth cultivation and development of the rubber tree and the extraction of latex therefrom and the manufacture of rubber for commercial uses; and subject to such exceptions and reservations as are hereinafter contained all that allotment of Crown land called Navitigaladeniya and Navitigalakele in Wettewa village, Iddagoda pattuwa, Pasdun korale west and Pinnagoda village, Maha pattu north, Pasdun korale east, Kalutara District, Western Province, containing in extent Fifty-two acres, Three roods, and Thirty-three perches, (52A. 3R. 33P.) and more particularly described in the schedule hereto, together with all ways, rights, easements and appurtenances thereto belonging. Except and reserving to the Crown out of this demise all mines, plumbago, gold, silver, precious stones, iron, tin, lead, and all petroleum, rock oil, mineral oil, coal, shale, or other deposit or formation from which any such oil may be obtained, (which said petroleum, rock oil, mineral oil, coal, shale, or other deposit or formation as aforesaid shall hereinafter in these presents be deemed to be included and comprised in the term "minerals") and all other minerals or metals of whatsoever nature, or the ores thereof, in, under, or upon the said premises or any part thereof, together with all right to mine, search, prospect for the same, and all other powers and privileges necessary or requisite for discovering or working such mines, or procuring, smelting and carrying away such plumbago, gold, silver, precious stones, iron, tin, lead and all other mines or metals of whatsoever nature, or the ores thereof.

TO HOLD the said allotment of land for the term of 99 years from the first day of January, 1926, determinable nevertheless as hereinafter provided YIELDING and PAYING therefor yearly and every year unto the Lessor at the Kalutara Kachcheri the yearly rent of one rupee (Re. 1) (lawful money of Ceylon) in advance on or before the 5th day of January in each and every year; the first of such payments having been made before the execution of these presents, the next payment to be made on or before the fifth day of January, 1927.

AND it is hereby mutually agreed upon by and between the Lessor and lessee in manner following, that is to say :

1. That the Lessee shall and will from time to time during the said term of Ninety-nine years well and truly pay the said rent

unto the lessor or to the Assistant Government Agent of the District of Kalutara at the Kalutara Kachcheri on the day and in the manner hereinbefore appointed for payment thereof.

2. That the lessee shall make use of the said land for the purposes hereinbefore set forth only and for no other purpose and shall be at liberty to erect on the said premises at his own cost and expense such buildings as may be necessary for the said purposes and shall peaceably and quietly surrender and deliver possession of the said premises together with the plantations and buildings standing thereon at the expiration or sooner determination of the said term, without any claim for compensation in respect of the plantations standing thereon or for any improvements or alleged improvements upon the said land and the buildings (if any) erected thereon shall become the exclusive property of the lessor.

3. That the lessee shall not use or suffer the said premises or any part thereof to be used for any purpose or purposes other than the purposes hereinbefore set forth. PROVIDED ALWAYS and it is hereby specially declared that should the said premises cease to be used and maintained as an experiment station as aforesaid it shall be lawful for the lessor to resume possession of the said premises together with the plantations and buildings standing thereon and the same shall revert to and become the exclusive property of the Crown, without any claim on the part of the lessee for compensation for improvements or on any ground whatsoever. A certificate under the hand of the Government Agent Western Province that the said premises is not being developed or maintained as an experiment station as required by this covenant shall in all cases be final, conclusive and binding on both parties for the purposes of this lease in regard to the matters or things so certified.

4. That the Lessee shall from time to time during the said term when and so often as need shall require, at his own cost, maintain all boundary marks, hedges, mounds and banks, fences, ditches and drains which indicate the boundaries of the premises hereby demised.

5. That the lessee shall permit the lessor, his agent or agents, or surveyors, at all reasonable hours of the day during the continuance of this lease, to enter upon the said land and premises for the purpose of inspecting the condition thereof.

6. The Lessee shall not sub-let, sell, donate, mortgage or otherwise dispose of or deal with his interest in this lease, or any portion thereof, without the written consent of the lessor or of the Controller of Revenue for the time being acting for and on behalf of the lessor, and every such sub-lease, sale, donation or mortgage without such consent shall be absolutely void.

7. The Lessee shall not remove or disturb any Government trigonometrical station, or beacon, or boundary pillar or marks. Such disturbance or removal will render the lessee liable to all expenses incurred in refixing and restoring such objects.

8. Provided further and it is hereby further agreed that if any rent hereby reserved or any part thereof shall remain unpaid for the space of six months after the time hereby appointed for payment thereof, whether the same shall have been legally demanded or not or if any breach shall be committed by the lessee of any of the covenants herein on the lessee's part contained or if it shall be certified by the said Government Agent Western Province that the said land has not been developed as an experiment station and maintained as such according to the true intent and meaning of this lease or if the lessee shall become bankrupt or compound with his creditors or if the interests of the lessee be sold in execution of a decree against him, then, and in any of the said cases this demise and the privileges hereby reserved together with these presents shall forthwith cease and determine and the lessor or his agent or agents may thereupon enter into and upon the said land and premises or any part thereof in the name of the whole and the same have again, repossess and enjoy as in his former estate and the said premises shall forthwith revert to the Crown without any claim on the part of the lessee against the lessor for compensation on account of any improvements or otherwise whatsoever.

F. A. STOCKDALE,
Chairman, Rubber Research Scheme.
Signature of Lessee.

Witnesses to the signature of the lessee at Peradeniya, this second day of May, One thousand Nine hundred and Twenty-seven.

1. J. I. Gnanamuttu
2. A. Visvanathan



HUGH CLIFFORD,
Signature of His Excellency
the Governor.

I certify that the above signature, attached by means of a stamp under the provisions of Ordinances No. 11 of 1884, No. 30 of 1884 and No. 15 of 1915 has been so attached in my presence at Colombo, this twenty-seventh day of May, One thousand Nine hundred and twenty-seven.

R. NEVILLE,
Private Secretary to the
Governor.

The Schedule above referred to.

All that allotment of Crown land called Navitigaladeniya and Navitigalakele in Wettewa Village, Iddagoda pattuwa, Pasdun korale west, and Pinnagoda village, Maha pattu north, Pasdun korale east, Kalutara District, Western Province.

Bounded as follows:—North by Lots 3 and 1 in P. P. 18,893, T. P. 370,507, Navitigaladeniya said to be Crown and L. Ps. 2,369 and 2,373. East by Lot 9 in P. P. 18,893 and T. P. 365,902. South by T. Ps. 376,964, 125,927, and 184,346, Lot 2 in P. P. 18,673 and Lot 3 in P. P. 17,286. West by Lots 6, 5, 4, and 3 in P. P. 18,893 and Navitigalakele said to be Crown. Containing in extent Fifty-two acres Three roods and Thirty-three perches (52A. 3R. 33P.) and more particularly delineated and described in Lease Plan No. 2,935 dated the 21st September, 1926, authenticated by A. J. Wickwar, Esquire, Surveyor-General.

II.

This Indenture made on the dates specified on page 5, between His Excellency Sir Herbert Stanley, K.C.M.G., Governor of Ceylon (hereinafter called the Lessor, which expression shall include his successors in office for the time being) acting herein for and on behalf of His Majesty KING GEORGE THE FIFTH, his heirs and successors of the one part, and the Honourable Mr. Frank Arthur Stockdale, Director of Agriculture, in his capacity as Chairman of the Ceylon Rubber Research Scheme, on behalf of himself and his successors in Office as Chairman of the Ceylon Rubber Research Scheme, hereinafter called the Lessee.

Witnesseth.

That in consideration of the rent hereinafter reserved and of the covenants on the part of the lessee hereinafter contained the Lessor doth hereby let demise and lease unto the Lessee to be used as an experiment station for the study of the growth and development of budded rubber trees and of rubber trees raised from seed selected from trees of known parentage, the study of soil problems and the effect of manures on the growth and development of the rubber tree and generally for research work in connection with the growth cultivation and development of the rubber tree and the extraction of latex therefrom and the manufacture of rubber for commercial uses; and subject to such exceptions and reservations as are hereinafter contained all that allotment of Crown Land called Nawitigalakele in Owitigala Village, Iddagoda pattuwa, Pasdun korale west, in the Kalutara District of the Western Province, containing in extent Thirteen Acres One Rood and Thirty Perches (13A. 1R. 30P.) and more particularly described in the Schedule hereto, together with all ways, rights, easements and appurtenances thereto belonging. Except and reserving to the Crown out of this demise all mines, plumbago, gold, silver, precious stones, iron, tin, lead, and all petroleum, rock oil, mineral oil, coal, shale, or other deposit or formation from which any such oil may be obtained (which said petroleum, rock oil, mineral oil, coal, shale, or other deposit or formation as aforesaid shall hereinafter in these Presents be deemed to be included and comprised in the term "minerals") and all other minerals or metals of whatsoever nature, or the ores thereof, in, under or upon the said premises or any part thereof, together with all right to mine, search, prospect for the same, and all other powers and privileges necessary or requisite for discovering or working such mines, or procuring, smelting, and carrying away such plumbago, gold, silver, precious stones, iron, tin, lead, and all other mines, or metals of whatsoever nature, or the ores thereof. TO HOLD the said allotment of land for the term of 98 years from the 1st day of January, 1927, determinable nevertheless as hereinafter provided YIELDING and PAYING therefor yearly and every year unto the Lessor at the Kalutara Kachcheri the yearly rent of One Rupee (Re. 1) (lawful money of Ceylon) in advance on or before the 1st day of January in each and every year; the first of such payments having been made before the execution of these presents, the next payment to be made on or before the 1st day of January, 1929.

AND it is hereby mutually agreed upon by and between the Lessor and Lessee in manner following, that is to say:

1. That the Lessee shall and will from time to time during the said term of Ninety-eight years well and truly pay the said rent unto the lessor or to the Assistant Government Agent of the District of Kalutara at the Kalutara Kachcheri on the day and in the manner hereinbefore appointed for payment thereof.

2. That the Lessee shall make use of the said land for the purposes hereinbefore set forth only and for no other purpose and shall be at liberty to erect on the said premises at his own cost and expense such buildings as may be necessary for the said purposes and shall peaceably and quietly surrender and deliver possession of the said premises together with the plantations and buildings standing thereon at the expiration or sooner determination of the said term, without any claim for compensation in respect of the plantations standing thereon or for any improvements or alleged improvements upon the said land, and the buildings (if any) erected thereon shall become the exclusive property of the Lessor.

3. That the Lessee shall not use or suffer the said premises or any part thereof to be used for any purpose or purposes other than the purposes hereinbefore set forth. Provided always and it is hereby specially declared that should the said premises cease to be used and maintained as an Experiment Station as aforesaid it shall be lawful for the Lessor to resume possession of the said premises together with the plantations and buildings standing thereon and the same shall revert to and become the exclusive property of the Crown, without any claim on the part of the Lessee for compensation for improvements or on any ground whatsoever. A Certificate under the hand of the Government Agent, Western Province that the said premises is not being developed or maintained as an Experiment Station as required by this covenant shall in all cases be final, conclusive and binding on both parties for the purposes of this lease in regard to the matters or things so certified.

4. That the Lessee shall from time to time during the said term when and so often as need shall require, at his own cost, maintain all boundary marks, hedges, mounds, and banks, fences, ditches, and drains which indicate the boundaries of the premises hereby demised.

5. That the Lessee shall permit, the Lessor, his Agent or agents, or surveyors, at all reasonable hours of the day during the continuance of this lease, to enter upon the said land and premises for the purpose of inspecting the condition thereof.

6. The Lessee shall not sublet, sell, donate, mortgage, or otherwise dispose of or deal with his interest in this lease, or any portion thereof, without the written consent of the lessor or of the Controller of Revenue for the time being acting for and on behalf of the Lessor, and every such sub-lease, sale, donation, or mortgage without such consent shall be absolutely void.

7. The Lessee shall not remove or disturb any Government Trigonometrical station, or beacon, or boundary pillar or marks. Such disturbance or removal will render the lessee liable to all expenses incurred in refixing and restoring such objects.

8. Provided further and it is hereby further agreed that if any rent hereby reserved or any part thereof shall remain unpaid for the space of six months after the time hereby appointed for payment thereof, whether the same shall have been legally demanded or not or if any breach shall be committed by the Lessee of any of the covenants herein on the lessee's part contained or if it shall be certified by the said Government Agent, Western Province that the said land has not been developed as an Experiment Station and maintained as such according to the true intent and meaning of this lease or if the lessee shall become bankrupt or compound with his creditors or if the interests of the lessee be sold in execution of a decree against him, then, and in any of the said cases this demise and the privileges hereby reserved together with these presents shall forthwith cease and determine and the lessor or his agent or agents may thereupon enter into and upon the said land and premises or any part thereof in the name of the whole and the same have again, repossess and enjoy as in his former estate and the said premises shall forthwith revert to the Crown without any claim on the part of the lessee against the lessor for compensation on account of any improvements or otherwise whatsoever.

F. A. STOCKDALE,
Signature of Lessee.

H. J. STANLEY,
Signature of His Excellency
the Governor.

Witnesses to the signature of the Lessee at Peradeniya this 14th day of May, One thousand Nine hundred and Twenty-eight.

1. J. I. Gnanamuttu.
2. A. Visvanathan.

I certify that the above signature, attached by means of a stamp under the provisions of Ordinance No. 12 of 1927, has been so attached in my presence at Kandy this Twenty-sixth day of May, One thousand Nine hundred and Twenty-eight.



By His Excellency's command,

R. B. NAISH,
Assistant Controller of Revenue.

M. E. ANTROBUS,
Private Secretary to
the Governor.

The Schedule above referred to.

All that allotment of Crown Land called Nawitigalakele in Owitigala Village, Iddagoda Pattuwa, Pasdun korale west, Kalutara District, Western Province. Bounded as follows:— North by Lot 2 in P. P. 19,356, L. P. 2,935 and Lot 6 in P. P. 18,893. East by T. P. 381,859 and a channel. South by a channel and land claimed on T. Ps. 184,345 and 55,286. West by land claimed on T. Ps. 55,286 and 73,087. Containing in

extent Thirteen Acres One Rood and Thirty Perches (13A. 1B. 30P.) and more particularly delineated and described in Lease Plan No. 3,270 dated the 4th February, 1928, authenticated by A. H. G. Dawson, Esquire, Surveyor-General.

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 Twenty-third day of October, One thousand Nine hundred and Thirty-five.

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

DRAFT ORDINANCES.

MINUTE.

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

613/1 (SB)

No. 22 of 1909.

An Ordinance to amend the Stamp Ordinance, 1909.

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 Stamp Amendment Ordinance, No. of 1935.

Amendment of section 3 of Ordinance No. 22 of 1909.

2 Section 3 of the Stamp Ordinance, 1909, (hereinafter referred to as "the principal Ordinance") is hereby amended in paragraphs (3) and (21) thereof, by the substitution in each of those paragraphs for the words 'by "The Bills of Exchange Act, 1882" (45 and 46 Victoria, chapter 61)', of the words "by the Bills of Exchange Ordinance, 1927".

Amendment of section 36 of the principal Ordinance.

3 Section 36 of the principal Ordinance is hereby amended in paragraph (a) of the proviso thereto by the substitution for the word "exceptions," of the words "exceptions and to the provisions of section 36A,".

Insertion of a new section 36A in the principal Ordinance.

4 The following new section shall be inserted immediately after section 36, and shall have effect as section 36A, of the principal Ordinance :—

Effect of non-compliance with stamp laws in case of certain bills of exchange.

36A. Notwithstanding any written or other law to the contrary, a bill of exchange which is presented for acceptance or accepted, or payable, outside Ceylon shall not be invalid by reason only that it is not stamped in accordance with the provisions of this Ordinance, or of any other law for the time being in force relating to stamp duties; and any such bill of exchange which is unstamped or not properly stamped may be admitted in evidence on payment of the duty with which that bill of exchange is chargeable, or, in the case of any such bill of exchange which is insufficiently stamped, of the amount required to make up the duty, together with a penalty, as prescribed in paragraph (a) of the proviso to section 36.

Objects and Reasons.

The object of this Bill is to amend the Stamp Ordinance, 1909, so as to enable notice of accession to be given on behalf of Ceylon to an International Convention relating to Bills of Exchange which was signed at Geneva on June 7, 1930, and acceded to by His Majesty in respect of the United Kingdom on April 18, 1934.

2. Article I of the Convention provides that if their laws do not already make provision to this effect, the High Contracting Parties undertake to alter their laws so that the validity of obligations arising out of a bill of exchange or a promissory note or the exercise of the rights that flow therefrom shall not be subordinated to the observance of the provisions concerning the stamp, subject however to the provision that the Contracting Parties may suspend the exercise of such rights until payment of the stamp duties prescribed or of any penalties incurred.

3. Section D of the Protocol to the Convention provides that in respect of the United Kingdom the only instruments to which the provisions of the Convention shall apply are bills of exchange presented for acceptance or accepted or payable elsewhere than in the United Kingdom and that a similar limitation may be applied in the case of any Colony to which the Convention may be extended in virtue of Article 9, provided that a notification claiming such limitation is addressed to the Secretary General of the League of Nations before the date on which the application of the Convention to that Colony takes effect.

4. The relevant law applicable to bills of exchange is substantially the same in Ceylon as in the United Kingdom. This Bill has therefore been modelled on the provisions of section 42 of the Finance Act, 1933, which was enacted in order to give effect to the terms of the Convention subject to the modifications required by the reservation made in section D of the Protocol.

5. Clause 4 of the Bill adds to the Stamp Ordinance, 1909, a new section which provides that a bill of exchange which is presented for acceptance, or accepted, or payable, outside Ceylon shall not be invalid by reason only that it is not stamped in accordance with the law and that such a bill of exchange may be admitted in evidence on payment of the deficiency of the stamp duty and the penalties prescribed in section 36.

6. Clause 3 of the Bill effects a consequential amendment in section 36 of the principal Ordinance.

7. The opportunity has been taken to amend the definitions of "bill of exchange" and "promissory note" in section 3 of the principal Ordinance by deleting references to the Bills of Exchange Act, 1882, and substituting therefor references to the Bills of Exchange Ordinance, 1927, which now consolidates the law relating to bills of exchange in Ceylon.

The Treasury, C. H. COLLINS,
Colombo, October 31, 1935. Acting Financial Secretary.

MINUTE.

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

An Ordinance relating to the short titles of Ordinances.

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 Short Titles (Numberation) Ordinance, No. of 1935. Short title.

2 It shall be lawful for the Secretary to the Governor to insert in the short title of any Ordinance which has been duly assented to and signed by the Governor in accordance with Article 74 of the Ceylon (State Council) Order in Council, 1931, the serial number assigned to that Ordinance. Secretary to the Governor authorised to insert serial number in short title of an Ordinance.

3 Where a Bill passed by the State Council and reserved by the Governor for the signification of His Majesty's pleasure has been assented to by His Majesty and the signification of such assent has been received by the Governor, it shall be lawful for the Secretary to the Governor to insert in the short title of that Bill the serial number assigned thereto ; and in a case where the proclamation required by Article 74 of the Ceylon (State Council) Order in Council, 1931, to be published in the Government Gazette for the purpose of Secretary to the Governor authorised to insert serial number and to modify date in short title of reserved Bill.

signifying the assent of His Majesty to a Bill cannot be so published in the year cited in the short title of the Bill as passed by the State Council, it shall be lawful for the Secretary to the Governor, in addition to inserting the serial number, to modify the short title of that Bill by substituting the year in which the proclamation is to be published in the Government Gazette for the year cited in the short title of the Bill as passed by the State Council.

Short title dealt with under this Ordinance deemed to have been passed by State Council.

Repeal.

4 A short title supplemented or modified by the Secretary to the Governor under this Ordinance shall be deemed to have been passed by the State Council in the form so supplemented or modified.

5 The Short Titles (Numeration) Ordinance, No. 21 of 1912, is hereby repealed.

Objects and Reasons.

Section 2 of the Short Titles (Numeration) Ordinance, No. 21 of 1912, authorises the Clerk of the Council to insert the serial number in the short title of a passed Ordinance "at the time of the presentation of the Ordinance for the approval of the Governor". Clause VII (2) of the Royal Instructions provides that the Ordinances of each year shall be distinguished by consecutive numbers commencing in each year with the number one, and that Bills not assented to by the Governor but reserved by him for the signification of His Majesty's pleasure shall be dated as of the day and numbered as of the year in which they are brought into operation.

2. The provisions of section 2 of the Short Titles (Numeration) Ordinance, No. 21 of 1912, cannot be reconciled with those of Clause VII (2) of the Royal Instructions in a case where the proclamation signifying His Majesty's assent to a reserved Bill is published in the Government Gazette in a year other than that cited in the short title of the Bill as passed by the State Council. In such a case, the serial number inserted in the short title of the Bill by the Clerk of the Council may not be the serial number of the Bill when it becomes law.

3. No difficulty will arise if the appropriate serial number can be inserted in the short title after a Bill has received the Governor's assent or after the Governor has been informed that His Majesty has assented to a Bill which has been reserved for the signification of His Majesty's pleasure.

4. It has also been found that, under the new Constitution it will be more convenient from an administrative point of view if the Secretary to the Governor and not the Clerk of the Council is entrusted with the duty of inserting serial numbers in the short titles of Ordinances.

5. This Bill accordingly repeals the Short Titles (Numeration) Ordinance, No. 21 of 1912, and casts upon the Secretary to the Governor the responsibility for the insertion of serial numbers in the short titles of Ordinances.

Attorney-General's Chambers,
Colombo, October 20, 1935.

J. W. R. ILANGAKOON,
Acting Attorney-General.

MINUTE.

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

An Ordinance to declare that certain acts relating to nomination papers, ballot papers and ballot boxes are offences and to prescribe adequate penalties for such offences.

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

Short title and commencement.

1 This Ordinance may be cited as the State Council Elections (Nomination and Ballot Papers) Offences Ordinance, No. of 1935, and shall come into operation on such date as the Governor shall appoint by proclamation in the Gazette.

Offences relating to nomination and ballot papers, &c.

2 (1) Every person who—

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged; or

- (b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper ; or
- (c) without due authority supplies any ballot paper to any person ; or
- (d) sells or offers to sell any ballot paper to any person or purchases or offers to purchase any ballot paper from any person ; or
- (e) not being a person entitled under the Order in Council to be in possession of any ballot paper which has been marked with the official mark in accordance with Article 38 (2) of the Order in Council, has any such ballot paper in his possession ; or
- (f) puts into any ballot box anything other than the ballot paper which he is authorised to put into that ballot box under the Order in Council ; or
- (g) without due authority takes out of the polling station any ballot paper ; or
- (h) without due authority destroys, takes, opens, or otherwise interferes with any ballot box or packet of ballot papers in use or intended to be used for the purposes of an election ; or
- (i) without due authority prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election ; or
- (j) manufactures, constructs, imports into the Island, has in his possession, supplies or uses for the purpose of an election, or causes to be manufactured, constructed, imported into the Island, supplied or used for the purpose of any election, any appliance, device or mechanism by which a ballot paper may be extracted, affected or manipulated after having been deposited in a ballot box during the polling at any election,

shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be disqualified from voting at any election for a term of seven years thereafter and shall be liable to imprisonment of either description for a term not exceeding two years.

3 Every person who attempts to commit an offence specified in section 2 shall be liable to the punishment prescribed for that offence.

Attempts.

4 In any prosecution for an offence under this Ordinance in relation to a nomination paper, marking instrument, ballot box or ballot paper at any election, the property in such nomination paper, marking instrument, ballot box or ballot paper as well as the property in the counterfoil of any ballot paper may be stated to be in the returning officer at that election.

Property in nomination and ballot papers, &c., vested in returning officer.

5 Every offence under this Ordinance shall be a cognizable offence within the meaning of the Criminal Procedure Code, 1898.

Offences to be cognizable.

6 No prosecution for any offence under this Ordinance shall be entered against any person except at the instance of the Attorney-General or with his written sanction.

Sanction of Attorney-General required for prosecution.

7 In this Ordinance—

• Interpretation.

- (1) " Order in Council " means the Ceylon (State Council Elections) Order in Council, 1931, and includes any Order in Council amending that Order in Council ;
- (2) " election " means an election held under the provisions of the Order in Council for the election of a member of the State Council ;
- (3) the expressions " nomination paper ", " ballot paper ", " official mark ", " marking instrument ", " ballot box ", " polling station ", and " returning officer ", respectively have the same meaning as in the Order in Council.

Objects and Reasons.

Article 4 of the Ceylon (State Council Elections) Order in Council, 1931, empowers the State Council to make provision by Ordinance for any of the matters dealt with in Parts IV,

V, and VI of that Order. If provision is made by Ordinance for any such matter, the Secretary of State is authorised to declare that the Article of the Order in Council which is affected by the Ordinance shall cease to have effect as from the date on which the Ordinance comes into operation. Article 49, which occurs in Part V of the Order in Council, declares that certain acts relating to nomination papers, ballot papers and ballot boxes shall be offences and prescribes penalties for such offences. The object of this Bill is to substitute other provisions for those contained in Article 49 by adding to the list of offences enumerated in that Article and by enhancing the penalties prescribed for such offences.

2. Section 2 of the Ballot Act, 1872, provides that a voter at a parliamentary election shall secretly mark his vote on the ballot paper, fold the paper so as to conceal his vote, and place it in the ballot box in the presence of the presiding officer. At a poll held for the election of a member to the State Council, the voter does not mark his ballot paper but puts his ballot paper into the box coloured with the colour of the candidate whom he prefers in secret and not in the presence of the presiding officer, who has no means of ascertaining whether the voter did put his ballot paper into a ballot box. It will thus be seen that at an election held under the Order in Council a ballot paper may easily be taken outside a polling compartment or station without the knowledge of the presiding officer and that the inability to detect such removal or to penalise the unlawful possession of a ballot paper facilitates the sale and purchase of ballot papers. The acts relating to nomination papers, ballot papers and ballot boxes, which are declared to be offences by Article 49, are identical with the acts which have been penalised by section 3 of the Ballot Act, 1872, and, as was pointed out in the course of the recent debate in the State Council on the motion to adopt a new system of balloting in Ceylon, the provisions of Article 49 are inadequate in that they do not penalise the unlawful possession and the sale of ballot papers.

3. The Dominions Elections Act, 1934, of Canada, which is possibly the most recent legislative measure which enacts a complete code for the conduct of polls and parliamentary elections, reproduces in section 31 of that Act the offences enumerated in section 3 of the Ballot Act, 1872, but includes additional clauses one of which penalises the unauthorised possession of ballot papers. Section 31 of that Act further provides that a person convicted of an offence under that section shall be disqualified from voting for a term of seven years and shall be sentenced to imprisonment without the alternative of a fine. Paragraphs (e) (i) and (j) of Clause 2 of the Bill, and the penalties prescribed in that Clause, are derived from the corresponding provisions of section 31 of the Canadian Act.

4. Clause 2 of the Bill accordingly reproduces in an amended form the provisions of Article 49 of the Order in Council and adds to the list of offences in that Article by including provision to the effect that it shall be an offence to buy or sell a ballot paper or to be in unauthorised possession of a ballot paper. Clause 2 further provides that the penalty for an offence shall be imprisonment, without the option of a fine, for a period not exceeding two years and that a conviction shall automatically disqualify a person from voting at an election for a period of seven years.

5. Clause 5 provides that every offence under the Ordinance shall be a cognizable offence within the meaning of the Criminal Procedure Code, 1898. Similar provision is made in Article 51 of the Order in Council in regard to the offence of personation.

6. Clause 6 provides that no prosecution shall be entered against any person for an offence under the Ordinance except at the instance of the Attorney-General or with his written sanction.

7. The other Clauses of the Bill reproduce the material provisions of clauses (2) and (3) of Article 49 of the Order in Council, together with consequential provisions necessary for the interpretation of the phraseology of the Bill.

J. W. R. ILANGAKOON,
Acting Attorney-General.

Colombo, October 28, 1935.

MINUTE.

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

An Ordinance to declare and amend the Kandyan Law in certain respects.

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 Kandyan Law Declaration and Amendment Ordinance, No. . . . of 1935, and shall apply to persons subject to the Kandyan law.

Short title and application.

I. *Transfer of Property.*

2 Every person competent to contract may transfer, assign, grant, convey, settle, or otherwise dispose of all or any property to which he shall be entitled at any time of whatsoever nature movable or immovable to or on such person or persons not legally incapacitated from taking the same as he shall see fit ; and no transfer, assignment, grant, conveyance, settlement, or other disposition, whether for valuable consideration or not, and whether executed before or after the commencement of this Ordinance, shall be or be liable to be set aside as invalid either wholly or in part by reason that any person, who by any law, usage, or custom, now or at any time heretofore in force would be or would have been entitled to a share of or interest in the property on the death intestate of the person executing the transfer, assignment, grant, conveyance, settlement, or other disposition, has not received such share or interest, or has been deprived of his inheritance or any part thereof. Every such transfer, assignment, grant, conveyance, settlement, or other disposition shall be of full force and effect according to its tenor notwithstanding the absence of any clause providing for disinheritance of heirs or any like provision and no such clause shall be or shall be deemed to have been necessary at any time.

Clause of disinheritance not required.

3. In this Ordinance, unless the context otherwise requires—

Interpretation.

- (a) " gift " means a voluntary transfer, assignment, grant, conveyance, settlement, or other disposition *inter vivos* of immovable property, made otherwise than for consideration in money or money's worth ;
- (b) " donor " means a person who has made a gift ;
- (c) " donee " means a person in whose favour a gift has been made.

4 (1) Subject to the provisions and exceptions hereinafter contained, a donor may, during his lifetime and without the consent of the donee or of any other person, cancel or revoke in whole or in part any gift, whether made before or after the commencement of this Ordinance, and such gift and any instrument effecting the same shall thereupon become void and of no effect to the extent set forth in the instrument of cancellation or revocation : Provided that the right, title, or interest in any immovable property of any person claiming such right, title, or interest under any instrument of lease, mortgage, transfer or assignment executed for valuable consideration by the donee prior to the commencement of this Ordinance shall not, by reason of any such cancellation or revocation of the gift, be affected or prejudiced to any greater extent than it would have been if this Ordinance had not been passed.

Revocation of deeds of gift.

(2) No such cancellation or revocation of a gift effected after the commencement of this Ordinance shall be of force or avail in law unless it shall be effected by an instrument in writing signed by the donor or by some person lawfully authorized by him in the presence of a licensed notary and two or more witnesses present at the same time, and unless the execution of such instrument be duly attested by such notary and witnesses.

Method of revocation.

5 Notwithstanding the provisions of section 4 (1), it shall not be lawful for a donor to cancel or revoke any of the following gifts whether made before or after the commencement of this Ordinance, that is to say :

Deeds of gift which cannot be revoked.

- (a) any gift by virtue of which the property which is the subject of that gift shall vest in the trustee or the controlling viharadhipati for the time being of a temple under the provisions of section 20 of the Buddhist Temporalities Ordinance, 1931; or in any bhikshu with succession to his sacerdotal pupil or pupils or otherwise than as pudgalika for the benefit of himself and his heirs, executors, administrators or assigns ;

Gift to a temple.

- Gift in consideration of marriage. (b) any gift in consideration of and expressed to be in consideration of a future marriage, which marriage has subsequently taken place ;
- Gift effecting a charitable trust. (c) any gift creating or effecting a charitable trust as defined by section 99 of the Trusts Ordinance, No. 9 of 1917 ;
- Gift containing a renunciation of the right to revoke. (d) any gift in the instrument effecting which the donor shall have expressly renounced his right to revoke or cancel by a declaration containing the words " I renounce the right to revoke " or words of substantially the same meaning or, if the language of the instrument be not English, the equivalent of those words in the language of the instrument.
- Compensation for revocation. **6** (1) Upon the cancellation or revocation of any gift, the donor shall be liable to pay to the donee compensation in such sum as shall represent the cost of any improvements to the property effected by the donee, after deducting the rents and profits received by him, and the expenses incurred in the fulfilment of the conditions, if any, attached to the gift, provided that if the donee has made default in the fulfilment of any such conditions, no compensation shall be payable to him in respect of the improvements or otherwise.
- (2) Such compensation shall be payable to any donee otherwise entitled thereto whether or not he would be an heir at law of the donor in the event of such donor dying intestate.

II. Adoption.

- Method of adoption. **7** No adoption effected after the commencement of this Ordinance shall avail in law to create any right or liability unless it be evidenced by an instrument in writing with the consent of the person adopted expressed in the instrument and signed by both the adoptor and the person adopted, in the presence of a licensed notary and two or more witnesses present at the same time and unless such instrument be duly attested by such notary and witnesses ; provided that if the person adopted be a minor such consent may be given and such instrument signed on his behalf by his parents or, if only one parent be alive, by that parent ; but if there be no surviving parent, or if either of his parents cannot be found or is incapable of acting in this behalf by reason of unsoundness of mind, ill-health, or other incapacity, the District Court having jurisdiction in the place where the minor resides may, upon petition by way of summary procedure of any person interested and after such inquiry as the court may direct, appoint any person or persons to give such consent and to sign such instrument.

For the purposes of the Civil Procedure Code, 1889, and of the Stamp Ordinance, 1909, an application to the District Court under this section shall be deemed to be an action of the value of one hundred rupees.

- Rights of person adopted. **8** (1) On the death of the adoptor intestate, a person duly adopted, whether before or after the commencement of this Ordinance, shall have such right of succession to his estate as if he were a legitimate child of the adoptor, that is to say, if the adoptor leave him surviving no child or descendant of a deceased child, then as an only child, or if the adoptor leave a child or children or a descendant of a deceased child, then to the same extent and in like manner as a child, and if married in binna or in diga as the case may be, then as a child so married ; but the person adopted shall, by virtue of the adoption, have no right of succession to any person other than the adoptor.
- Adoptor not to succeed. (2) The adoptor shall not, by virtue of the adoption, acquire any right to succeed to the estate or any part thereof of the person adopted on his death intestate.
- Person adopted succeeds to own parents or relations. (3) Notwithstanding the adoption, the person adopted shall continue to have such right of succession to his or her own parent or parents, or any other person, as he or she would have had if the adoption had not been effected.
- Adoption not to be revoked. (4) A duly effected adoption shall not be cancelled or revoked, and no cancellation or revocation shall affect any right or liability arising out of the adoption.

III. Marriage.

- Binna and diga marriages. **9** (1) A marriage contracted in binna or in diga as the case may be, or deemed by virtue of the provisions of the Amended Kandyan Marriage Ordinance, 1870, or any other law for the time being in force, to be or to have been so contracted, shall be and until dissolved shall continue to be, for all purposes of the law governing the succession to the estates of deceased persons, a binna or diga marriage, and

shall have full effect as such ; and no change in the residence of either party to the marriage, and no conduct of either party to the marriage or of any other person, shall convert or be deemed to have converted a binna marriage into a diga marriage, or a diga marriage into a binna marriage, or cause or be deemed to have caused a person married in diga to have the rights of succession of a person married in binna, or a person married in binna to have the rights of succession of a person married in diga.

(2) Whenever the rights of any person in relation to the law of intestate succession under this Ordinance or otherwise depend upon or are affected by the fact that any person is married, or married in diga or binna, as the case may be, the marriage must be a marriage valid in law, and, in particular, a woman shall not lose any right to which she would otherwise be entitled by reason of her having left her parents' house and gone out in diga, unless she shall have contracted a marriage valid in law.

IV. Inheritance : Immovable Property.

10 (1) In the construction or interpretation of any written or other law and for the purpose of the determination or adjudication of any matter of law, the expressions " paraveni property " or " ancestral property " or " inherited property " and equivalent expressions shall mean immovable property to which the deceased has become entitled—

Paraveni property.

- (a) by succession to any other person who has died intestate, or
- (b) under a deed of gift executed by a donor to whose estate or a share thereof the deceased would have been entitled to succeed if the donor had died intestate immediately prior to the execution of the deed, or
- (c) under the last will of a testator to whose estate or a share thereof the deceased would have been entitled to succeed had the testator died intestate :

Provided, however, that if the deceased shall not have left him surviving any child or descendant, property which had been the acquired property of the person from whom it has passed to the deceased shall be deemed acquired property of the deceased.

(2) Where the paraveni property of any person includes a share in any immovable property of which that person is a co-owner, any divided part of or interest in that property which may be or may have been assigned or allotted to that person by any deed of partition or by any decree for partition entered under the provisions of Ordinance No. 10 of 1863, shall for all purposes be and be regarded as paraveni property of that person.

Partition of paraveni property.

(3) Except as in this section provided, all property of a deceased person shall be deemed to be acquired property.

Acquired property.

(4) The expressions " paternal paraveni " and " maternal paraveni " and similar or equivalent expressions shall be deemed to mean paraveni property as hereinbefore described derived from or through the father or from or through the mother, as the case may be.

Paternal paraveni ; maternal paraveni.

11 When a man shall die intestate leaving a spouse him surviving, then—

Widow.

- (a) the surviving spouse shall be entitled to an estate for life in the acquired property of the deceased intestate, and, if there be no acquired property, or if such property be insufficient for her maintenance, then to maintenance out of the paraveni property: provided that if the deceased intestate shall have left a child or descendant by a former marriage, the surviving spouse's life estate shall extend to only one half of the acquired property ;
- (b) if the surviving spouse shall contract a diga marriage, she shall cease to be entitled to maintenance out of the paraveni property of the deceased but shall not by reason of such re-marriage forfeit her aforesaid life estate in the acquired property ;
- (c) should the surviving spouse be an ewessa cousin of the deceased intestate, she shall not thereby become entitled to any share in the estate larger than that to which she would otherwise have become entitled ;
- (d) in the event of the deceased leaving him surviving no other heir, the surviving spouse shall succeed to all his property both paraveni and acquired.

Re-marriage of widow.

Widow an ewessa cousin.

When widow succeeds to paraveni.

Daughter married in digā after father's death.

12 The digā marriage of a daughter after the death of her father shall not affect or deprive her of any share of his estate to which she shall have become entitled upon his death, provided that if within a period of one year after the date of such marriage the brothers and binna-married sisters of such daughter or any one or more of them, but if more than one then jointly and not severally, shall tender to her the fair market value of the immovable property constituting the aforesaid share or any part thereof, and shall call upon her to convey the same to him or her or them, such daughter shall so convey and shall be compellable by action so to do.

Issue of two marriages : *per capita*.

13 When a man shall die intestate leaving him surviving issue by two or more marriages, such issue and the descendants of any pre-deceased child or children shall inherit *inter se* in all respects as if there had been but one marriage and the estate of the deceased shall not descend *per stirpes* to the issue of each marriage according to the number of marriages.

Legitimate and illegitimate.

14 For the purposes of succession to the estate of any person who shall die intestate, the term "legitimate" shall mean born of parents married according to law and the term "illegitimate" shall mean born of parents not married according to law: provided that a legal marriage between any parties shall have the effect of rendering legitimate any children who may have been procreated between the same parties before the marriage, unless such children shall have been procreated in adultery.

Illegitimate child.

15 When a man shall die intestate leaving an illegitimate child or illegitimate children, such child or children shall have no right of inheritance in respect of the deceased's paraveni property, but shall be entitled to succeed to the acquired property of the deceased in the event of there being no legitimate child or the descendent of a legitimate child, and subject to the interests of the surviving spouse, if any.

Father and mother.

16 If a person shall die intestate leaving him other surviving parents, whether married in binna or in digā, or a parent, but no child or descendant of a child and no surviving spouse, then—

(a) the parents in equal shares, or if one only be alive, then that one shall, if there be surviving any brother or sister of the deceased or the descendant of a brother or sister, be entitled to a life estate in the acquired property of the deceased. The right of a sole surviving parent shall arise and continue whether or not the other parent shall have died before the deceased intestate;

Brothers and sisters.

(b) on the death of the surviving parent, the acquired property shall, subject to the provisions of section 17, devolve upon the brother or sister or brothers and sisters, or the descendant or descendants of any deceased brother or sister by representation;

When no surviving brother or sister.

(c) if there be no brother or sister or descendent of a deceased brother or sister, the parents in equal shares, or the surviving parent as the case may be, shall become entitled to the property;

Paternal paraveni and maternal paraveni.

(d) the father, or if the father be dead the next heir or heirs on the father's side, shall inherit the paternal paraveni, and the mother, or if the mother be dead the next heir or heirs on the mother's side, shall inherit the maternal paraveni. The mother shall not inherit paternal paraveni unless there be surviving no heir on the father's side, and in like manner the father shall not inherit maternal paraveni unless there be surviving no heir on the mother's side.

Brothers and sisters *inter se* always inherit as sons and daughters.

17 In the devolution of the estate of any person who shall have died intestate, whether before or after the commencement of this Ordinance,

(a) whenever the estate or any part thereof shall devolve upon heirs other than a child or the descendant of a child, and such heirs are in relation to one another brothers or sisters, or brothers and sisters, or the descendants of any deceased brother or sister, such heirs shall inherit *inter se* the like shares and in like manner as they would have done had they been the children or descendants of the deceased intestate;

The half-blood *per capita*.

(b) whenever the estate or any share thereof shall devolve upon heirs who in relation to one another are of the half-blood, such heirs *inter se* shall inherit *per capita* and the estate shall not descend to them *per stirpes*.

18 (1) When a woman unmarried, or married in digā, or married in binna on her mother's property, shall die intestate leaving children or the descendants of a child or children, the estate of the deceased shall devolve in equal shares upon all such children, (the descendant or descendants of any deceased child being entitled to his or their parent's share by representation) whether male or female, legitimate or illegitimate, married or unmarried and, if married, whether the marriage be in binna or in digā :

Succession to woman married in digā or married in binna on mother's property.

Provided that if the deceased was married in binna as aforesaid, an illegitimate child or children shall not be entitled to succeed to the paraveni property of the deceased :

Provided further that the descendant of a deceased child shall be entitled to that child's share by representation whether or not he or she has been kept apart from the deceased intestate.

(2) When a woman married in binna on her father's property shall die intestate leaving children or the descendants of a child or children, such child or children, and his or their descendant by representation, shall be entitled to succeed *inter se* in like manner and to the like shares as they would have become entitled out of the estate of their father.

Woman married in binna on father's property.

V. *Inheritance : Movable Property.*

19 Heirlooms and live and dead stock appertaining to immovable property to which a person has become entitled as paraveni property as defined by section 10 shall, on his dying intestate, devolve in like manner as immovable property and the following provisions of this Ordinance shall not apply thereto.

Heirlooms and movables appertaining to paraveni.

20 When a man shall die intestate leaving a surviving spouse she shall be entitled to all wearing apparel, jewellery and ornaments used by her or provided for her use by her deceased husband.

The widow's paraphernalia.

21 When any person shall die intestate leaving a surviving spouse and a child or children, or the descendant of any deceased child entitled to represent his or her parent, the surviving spouse, whether the marriage was in binna or in digā, shall succeed in like manner and to a like share of all the movable property of the deceased whenever obtained, as if he or she had been a legitimate child of the deceased.

The widow.

22 Subject to the aforesaid right of the surviving spouse, if any, the movable property of any person who shall die intestate shall devolve in equal shares upon all his or her surviving children (the descendant or descendants of any deceased child being entitled to his or her or their parent's share by representation) whether male or female, legitimate or illegitimate, married or unmarried, and, if married, whether the marriage be in binna or in digā : provided that if the deceased was a male person an illegitimate child shall not succeed if there be surviving any legitimate child or the descendant of a legitimate child : provided further that the issue of a legitimate child *inter se* shall succeed in like manner.

All children inherit equally.

23 When any person shall die intestate leaving no child or descendant of any deceased child, the surviving spouse, if any, shall succeed to all the movable property of the deceased.

When there is no surviving child or descendant.

VI. *General.*

24 Nothing in this Ordinance shall be deemed to affect or render invalid any existing judgment, decree, or order of a court of competent jurisdiction in respect of any property or the right, title or interest of any person in respect of property the subject matter of the action in which such judgment, decree, or order was given, passed, or made.

Saving existing judgments, decrees or orders.

25 A person who has rendered assistance and support or any other benefit to a person who has subsequently died intestate, shall not by reason of such assistance, support, or benefit, become entitled to succeed to any interest in the estate of such deceased intestate to which he would not have become entitled had such assistance, support or benefit not been rendered.

Assistance and support not to affect rights of succession.

Objects and Reasons.

The object of this Bill is to give legislative effect to the recommendations made in the report of the Kandyan Law Commission which was published as Sessional Paper XXIV of 1935.

Chambers, Hulftsdorp,
Colombo, October 31, 1935.

J. W. R. ILANGAKOON,
Acting Attorney-General.

MINUTE.

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

An Ordinance to check profiteering.

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 Prevention of Profiteering Ordinance, No. of 1935.

Power of Executive Committee to make regulations.

2 (1) If it appears to the Executive Committee that there is, or is likely to arise, in this Island or in any part thereof, any shortage of or any unreasonable increase in the price of any article, the Executive Committee may make such regulations as may be necessary or expedient for the purpose of remedying or preventing that shortage or increase in price.

(2) Without prejudice to the generality of the powers conferred by the foregoing provision, regulations made by the Executive Committee may—

(a) prescribe the price (both wholesale and retail) at which any article shall be sold in the Island or in any part thereof and the conditions of such sale, including conditions as to the time and place of the sale and the quantity and quality of the article to be sold ;

(b) provide for the appointment, constitution and functions of a general advisory board and of one or more local advisory boards, and confer on such board or boards the power to advise as to the prices at which and the conditions subject to which any article may be sold ;

(c) include provision for requiring returns and information, search; inspection, administration of oaths, summoning of witnesses or informants, impounding of documents and the seizure, sale and destruction of articles ;

(d) contain such incidental or consequential provisions as appear to the Executive Committee to be necessary or expedient for securing the effective exercise and discharge of the powers and duties of the Executive Committee under this Ordinance and of any powers or duties conferred or imposed on any board appointed or constituted for the purposes of this Ordinance.

(3) Regulations made by the Executive Committee under this section may be limited in operation to any particular place or part of the Island and in duration for any prescribed time or period.

(4) No regulation made by the Executive Committee under this section shall have effect unless 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.

(5) Every regulation made by the Executive Committee shall, upon the publication of a notification of the approval and ratification of that regulation as provided for in subsection (4), be as valid and effectual as if it were herein enacted.

Penalty for breach of regulations.

3 Any person who commits a breach of any regulation made by the Executive Committee under this Ordinance shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment, and, in the case of such an offence being continued or repeated after such conviction, to an additional fine not exceeding five hundred rupees for each day on which such offence is continued or repeated, or to imprisonment of either description for a period not exceeding one year, or to both such fine and imprisonment ; and the Court may order the forfeiture of the article in respect of which the offence was committed.

Interpretation.

4 In this Ordinance, unless the context otherwise requires—
“ article ” means any article of food, drink, or merchandise ;
“ Executive Committee ” means the Executive Committee of Labour, Industry and Commerce.

Objects and Reasons.

The object of this Bill is to take power to enable the Executive Committee of Labour, Industry and Commerce to make regulations to prevent or remedy any shortage in, or unreasonable increase in the price of, any article of food, drink, or merchandise. No regulation will have effect unless it is approved by the State Council and ratified by the Governor.

2. The Bill is modelled on the Foodstuffs (Prevention of Exploitation) Act, 1931, and reproduces the essential provisions of the Prices Regulation Ordinance, No. 36 of 1917, which is no longer in operation in the Island.

PERI SUNDARAM,

Minister for Labour, Industry and Commerce.

Colombo, October 30, 1935.

(Continued on page 940.)

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,073. In the matter of the insolvency of Callure Appuhamillage Don William of Biagama.

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 19, 1935, to appoint an assignee.

By order of court, GERALD E. DE ALWIS,
Secretary.

In the District Court of Colombo.

No. 4,815. In the matter of the insolvency of S. V. Arumugampillai, carrying on business along with A. Sanmugam Pillai under the name, style, and firm of Arumugam Pillai & Co., Pettah, 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.

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

In the District Court of Colombo.

No. 4,870. In the matter of the insolvency of Peter Silva Amarasinghe of Kalapaluwawa, Cotta.

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 3, 1935, for the grant of a certificate of conformity to the insolvent.

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

In the District Court of Galle.

No. 696. In the matter of the insolvency of Godakande Kankanange Deonis Appuhamy of Godakande.

NOTICE is hereby given that the examination of the above-named insolvent will take place at the sitting of this court on December 17, 1935.

By order of court, V. S. DE SILVA,
for Secretary.

1932, attested by D. L. Gunsekera, 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 August 27, 1935, for the recovery of the sum of Rs. 680.62, with interest on Rs. 500 at 18 per cent. per annum from September 2, 1934, to date of decree (March 22, 1935) and thereafter on the aggregate amount of the decree at 10 per cent. per annum till payment in full and costs, viz. —

The three contiguous portions of land called Walangahawatta, Sillagewatta, and Nugagahawatta, situated at Welisara in the Ragam pattu of Alutkuru korale in the District of Colombo, Western Province; bounded on the north by the land claimed by Mathiashamy and Walanti Silva, on the east by the road from Colombo to Negombo, on the south by the portion of land of Konganige Robertu Fernando and others, and on the west by the land of the estate of Madawita Vitana Mudalige Don Jacovis Samarawickreme, Gardie Arachi; containing in extent about 1½ acres, together with the tiled house and other buildings and plantations standing thereon. Registered B 236/14.

Fiscal's Office,
Colombo, October 24, 1935.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

In the matter of the intestate estate of Heenatimullage Don Pioris Appuhamy, late of Meetotamulla in Ambatalenpahala (deceased).

No. 2,951 Testy.

Heenatimullage Don Charles Appuhamy of Meetotamulla aforesaid, administrator Defendant.

NOTICE is hereby given that on Tuesday, December 3, 1935, at 3 P.M., 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. 109.40, viz. —

All that portion of land called Haliawatta alias Kahata-gahawatta, together with the buildings standing thereon, situated at Meetotamulla in Ambatalenpahala of Alutkuru korale south in the District of Colombo, Western Province; bounded on the north by a portion of this land belonging to H. D. Charles Appuhamy, on the east by high road, on the south by the land of W. A. D. Philip Silva, and on the west by railway line; containing in extent 1 rood and 9 57½/100 perches according to plan No. 96/1925 made by C. H. Frida, Licensed Surveyor.

Fiscal's Office,
Colombo, October 30, 1935.

J. R. TOUSSAINT,
Deputy Fiscal.

NOTICES OF FISCALS' SALES.**Western Province.**

In the District Court of Colombo.

Dr. Victor N. John Pulle of Wattala in Ragam pattu Plaintiff.

No. 1,768. Vs.

(1) De Siri-kewage Dona Ana Hamine and her husband
(2) Madawita Vitana Mudalige Don Marshal Samarawickreme, both of Welisara Defendants.

NOTICE is hereby given that on Thursday, November 28, 1935, at 2 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 868 dated February 23,

B 4

In the Court of Requests of Gampaha.

The Public Trustee of Ceylon, administrator of the estate of the late Sir S. C. Obeyesekera of Hill Castle, Colombo Plaintiff.

No. 4,327. Vs.

Edwin Paulus Herat of Udadeniya Walawwa, Madawita, Danowita, in Hapitigam korale Defendant.

NOTICE is hereby given that on Friday, November 29, 1935, at 3.30 P.M., 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. 85, with legal interest thereon from February 2, 1933, till payment in full and costs Rs. 16.50; subject to the defendant's father's life interest, viz. :—

1. The land called Madugasowita, situated at Madabawita in the Udugaha pattu of Hapitigam korale in the District of Negombo, Western Province, and bounded on the north and west by the property of L. F. Herath, east by the properties of John William Herath and Manawalage Amaris Jayasuriya, and on the south by the property of John William Herath, containing in extent about 2½ acres.

2. The land called Welikulakanda *alias* Adagalhena, situated at Madabawita aforesaid, in extent 2½ acres; and bounded on the north by Crown land, east by a stream and a footpath, south by Village Committee road leading to Mirigama, and on the west by a portion of the same property, owned by Belin Perera.

3. At 5 p.m.—The extent of 6 beras paddy sowing extent which defendant gets from and out of Poogodayagekumbura *alias* Udapelakumbura, situated at Siyambalagoda in Yatigaha pattu of Hapitigam korale aforesaid; and bounded on the north and west by the fields of Siyambalagoda Dewapura Hunuge Liyorsa and others and on the east and south by an ela; containing in extent 10 beras paddy sowing.

Fiscal's Office,
Colombo, October 30, 1935.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

Leanora Julia de Livera of Mosque lane, Wolfendhal street, Colombo Plaintiff.

No. 45,513.

Vs.

(1) Rajapakse Pathirennehelage Don Thegis of Hakwadunna in Udugaha pattu of Siyane korale, (2) Kalunayake Alawala Atchige Don Julis Gurunnanse of Miwala in the Meda pattu of Siyane korale Defendants.

NOTICE is hereby given that on Monday, December 2, 1935, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 327 dated October 20, 1917, attested by J. H. Perera, 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 December 14, 1932, for the recovery of the sum of Rs. 1,889.86, with further interest on Rs. 1,000 at 10 per cent. per annum from August 6, 1931, till date of decree (January 29, 1932), and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs, Rs. 301.47½, less Rs. 100, viz. :—

A. At 1 p.m.—An undivided ½ share of Dunumadalgahakumbura, situated at Panawala in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by the liminary dam of Wewliyadda of Aturugiriatchige Hendrick Sinno, east by Wewliyadda of Polekotuwakumbura of Amaris, Police Headman, and land of Mr. Henry Perera, south by Madawaladeniyakumbura of Menikrala and others, west by lands of Menikrala, P. A. D. Bandaranayake, Muhandiram, and others; containing in extent about 12 perrahs of paddy sowing.

B. At 3.30 p.m.—An undivided ½ of Murutagahaowita, situated at Miwala in the Meda pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by owita land of Kalunayake Alawala Atchige Pelis Appu and live fence of the land of Ibrahim Lebbe, east and south by Attanagalu-oya, west by the live fence of the land of Ibrahim Lebbe; containing in extent about 3 acres.

C. At 2 p.m.—All those undivided 3/12 parts of Migahaland, situated at Dumunnegedara in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by land claimed by Menikrala and the land described in plan Nos. 77,168 and 77,160, north-east by land claimed by Sennotchi Appu, east by land claimed by Sennotchi and the land described in plan No. 77,168 and the land said to belong to the Crown, south by land described in plan No. 51,307, west by lands claimed by Sanchi Appu Karnis Appu and Punchirala; containing in extent about 15 acres, and all the right, title, interest, and claim whatsoever of the defendants in, to, upon, or out of the said premises. Registered F 48/369, E 132/193, F 2/306.

Fiscal's Office,
Colombo, October 30, 1935.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

P. R. V. R. M. Cathamuttu Pillai of Sea street in Colombo Plaintiff.

No. 46,891.

Vs.

(1) K. D. Barron of Urapola, (2) P. W. G. Seneviratne of Attanagalla Defendants.

NOTICE is hereby given that on Friday, November 29, 1935, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 665.78, with interest on Rs. 600 at 18 per cent. per annum from November 6, 1931, to the date of decree (January 15, 1932), and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, viz. :—

(1) At 11 a.m.—An undivided ¼ share of the land called Walpitaliyadda, situated at Bopetta in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by Depawella, on the east by the liminary ridge of the field belonging to Isabella Nona and others, on the south and west by land belonging to Isabella Nona and others; containing in extent about 2 beras of paddy sowing. Registered F 79/143.

(2) Commencing at 12 noon.—An undivided 1/5 share of the land called Katuwakele *alias* Weralugahalanda, situated at Urapola in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; and bounded on the north by the live fence of the lands belonging to Don Hendrick, Registrar, on the east by high road, on the south by the limit of a portion of this land belonging to Savariel Appuhamy, and on the west by the ditch of Kumbukgahalawatta; containing in extent about 2 acres and 2 roods. Registered F 84/104.

(3) At 12.15 p.m.—An undivided ½ share of the land called Katuwakele *alias* Weralugahalanda, situated at Urapola aforesaid; and bounded on the north by the limit of the land belonging to Daniel Appuhamy, on the east by high road, on the south by the limit of a portion of this land belonging to Hendrick, and on the west by the ditch of Kumbukgahalawatta; containing in extent about 3 roods. Registered F 93/156.

(4) At 12.30 p.m.—An undivided ½ share of the land called Kumbukgahalawatta, situated at Urapola aforesaid; and bounded on the north by the limit of a portion of this land belonging to Dona Bastiana Hamine and others, on the east by the ditch of Katuwakele *alias* Weralugahalawatta, on the south by Gansabawatta belonging to the Crown and the lands belonging to others, and on the west by the ditch of the land belonging to Batadole Walawwa; containing in extent about 3 acres. Registered F 93/175.

(5) At 12.45 p.m.—An undivided ¼ share of the land called Talgahawatta *alias* Siyambalagahalawatta, situated at Urapola aforesaid; and bounded on the north, south, and west by the land of Don Hendrick and on the east by cart road; containing in extent about 1 acre. Registered F 93/176.

(6) At 1 p.m.—An undivided ¼ share of the land called Pillewawatta *alias* Delgahawatta, situated at Urapola aforesaid; and bounded on the north by field of Carolis, on the east by Kumbukgahalawatta, on the south by the land of Bandaranayake Mudaliyar, and on the west by the field; containing in extent about 1 acre. Registered F 93/177.

(7) At 1.15 p.m.—An undivided ½ share of the land called Ambagahalawatta *alias* Welamedawatta, situated at Urapola aforesaid; and bounded on the north, east, and south by field and on the west by the ditch; containing in extent about 1 acre. Registered F 93/178.

(8) At 1.30 p.m.—An undivided 17/32 share of the field called Dorakadakumbura, situated at Urapola aforesaid; and bounded on the east by inniyara of Galahitikumbura, on the south by the ditch of Millagahalawatta, on the west by a portion of this field, and on the north by Wailla (ela); containing in extent about 6 bushels of paddy sowing. Registered F 93/179.

(9) At 1.45 p.m.—An undivided 13/16 share of the land called Kumbukgahalawatta, situated at Urapola aforesaid; and bounded on the north by the limit of Talgahawatta, on the east by the ditch, on the south by the land of Wanigasundara Appuhamillage Don Sardiell, and on the west by the land of Heeralupathirannehelage Jacolis and others; containing in extent about 1 acre and 2 roods. Registered F 93/180.

(10) At 2 p.m.—An undivided 1/5 share of the field called Weraligahakumbura, situated at Urapola aforesaid; and bounded on the north by Welipitiwatta, on the east by Delgahalawatta, on the south by land formerly belonging

to the Crown now of Bandaranayake, Maha Mudaliyar, and on the west by Delgahakumbura; containing in extent about 1½ bushels of paddy sowing. Registered F 11/45.

(11) At 2.15 p.m.—An undivided 1/10 share of the field called Welikumbura, situated at Urapola aforesaid; and bounded on the north by the land purchased from the Government by Bandaranayake, Maha Mudaliyar, on the east by a portion of this land belonging to Samuel Appuhamy, on the south by Isanaratchige Idama, and on the west by Delgahakumbura; containing in extent about 1 bushel of paddy sowing. Registered F 11/46.

Fiscal's Office,
Colombo, October 30, 1935.

J. R. TOUSSAINT,
Deputy Fiscal.

In the Court of Requests of Colombo.

(1) Millet Cornelia Van Ranzow, (2) Basil Herman Van Ranzow, both of Mount Lavinia Plaintiffs.

No. 93,057. 26 Vs.

(1) Hazel Amybelle Raymond, (2) Arien Arthur Raymond, both of Raymond House, Kanatta road, Colombo Defendants.

NOTICE is hereby given that on Tuesday, November 26, 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. 75.75 being costs incurred and Rs. 4 being prospective costs, viz. :—

An allotment of land marked lot A and the buildings thereon bearing assessment Nos. 17 and Ward No. 371 presently bearing assessment No. 69 (1-2), situated at Kanatta in Colombo, within the Municipality and District of Colombo, Western Province; bounded on the north by the premises belonging to the estate of Mr. Bastian Fernando, on the east by lot C, on the south by the road reservation, and on the west by Kanatta road; containing in extent 22 72/100 perches as per plan No. 1,385B dated September 13, 1923, made by A. R. Savundranayagun, Licensed Surveyor.

Fiscal's Office,
Colombo, October 30, 1935.

J. R. TOUSSAINT,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Ana Kuna Pana Kuppan Chettiyar of Trincomalee street, Kandy Plaintiff.

No. 45,555. Vs.

(1) Kamachchiammal of Attaragalla in Udagampaha korale of Pata Dumbara and (2) Kolandavel Pillai's son, Palanisamy of 13, Trincomalee street, Kandy, now of 2nd Division, Maligakanda road, Maradana Defendants.

NOTICE is hereby given that on Tuesday, November 26, 1935, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 2,273 dated April 11, 1930, and attested by Mr. E. H. Wijenaikie of Kandy, 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 28, 1935, for the recovery of the sum of Rs. 1,984.90, with interest on Rs. 1,380 at 15 per centum per annum from August 1, 1934, till September 19, 1934, and thereafter on the aggregate amount at the rate of 9 per cent. per annum from October 18, 1934, till payment in full and poundage (less Rs. 250), viz. :—

(1) One undivided fourth part of share of and in all that allotment of land called Palleanatthewatta, containing in extent 17 acres and 35 perches more or less, situate at Attaragalla in Udagampaha korale of Pata Dumbara division of the District of Kandy in the Central Province; and bounded on the north by Rajawella estate, on the south by the property of Erwadi Rawuther and others, on the east by Rajawella estate, and on the west by the property of Maradamuttu Kangany, with the buildings and plantations and everything thereon.

(2) One undivided fourth part or share of and in all that allotment of land called Udakanattewatta, containing in extent about 4 acres, situate at Attaragalla aforesaid; and

bounded on the east by Rengasamy's garden, on the south by Suna Pana Lana's garden, on the west by Allis Appu's property, and on the north by the high road, with the buildings, plantations, and everything thereon.

(3) All those three undivided fourth parts or shares of and in all that allotment of land called Malpanethotum, said to contain in extent 7 acres more or less, situate at Attaragalla aforesaid; and bounded on the east by Punchie's and Kira's property, on the south by road, on the west by Sellayee's garden and land belonging to natives, and on the north by land belonging to natives, with the buildings, plantations, and everything thereon; and registered in E 228/23, 176/63, and 216/208.

Fiscal's Office,
Kandy, October 29, 1935.

H. C. WIJESINHA,
Deputy Fiscal.

In the Court of Requests of Colombo.

A. E. M. Ibrahim of 28, Old Moor street, Colombo. . Plaintiff.

No. 88,812.

(1) K. S. Sahul Hamid and (2) V. M. Mohideen Adumai, both of 2, Vekanda, Slave Island, Colombo, presently of Deiyannawela, Kandy Defendants.

NOTICE is hereby given that on Monday, November 25, 1935, at 2 o'clock in the afternoon will be sold by public auction at the premises the right title, and interest of the said defendants for the recovery of the sum of Rs. 300, together with legal interest thereon from May 26, 1933, till payment in full and costs of suit, Rs. 30.25 being incurred and Rs. 8.50 being prospective costs, and poundage in the following property, viz. :—

An undivided 3/4 shares of the land called Udamilala-anga, containing in extent about 15 lahas in paddy sowing extent or 2 roods and 38 perches, situate at Deiyannawela in Gangawata korale of Yatinuwara division in the District of Kandy, Central Province; and bounded on the north by railway reserve, east by the lands belonging to Kandy Nata Dewale, south by Meda-ela, west by lands belonging to Kandy Nata Dewale, together with the houses thereon Nos. 6 to 10, 10A, 11A-11A, 11a, a to 11c. a.

Fiscal's Office,
Kandy, October 29, 1935.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

A. R. A. Ramapathen of Kandy Plaintiff.

No. 46,108. Vs.

(1) Kulathunga Madalige Somawathie of Tibbotumulla, Matale, (2) James Philip Augustus Wisinghe Jayawardena of the Chief Secretary's Office, Colombo Defendants.

NOTICE is hereby given that on November 28, 1935, commencing at 1 o'clock in the afternoon, will be sold by public auction at the spot the right title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 3,920, with interest thereon at the rate of 9 per cent. per annum from March 28, 1935, till payment in full, and the costs of action on or before July 28, 1935, viz. :—

1. All that allotment of land called Boreluwehena now garden, with the buildings, plantations, and everything thereon, situated at Tibbotumulla in Medasiyapattu of Matale South in the District of Matale, Central Province; and bounded on the north by fence of the garden of Renter, east by the ella and dewata, south by the dewata and the fence of the garden of Alegan, and on the west by the fence of the garden of Nedan; containing in extent about 10 nellies kurakkan sowing. Registered in B 51/136.

2. Undivided 3/4 shares of and in the allotment of land called Pallewatte Dingiralegewatta, situated at Tibbotumulla aforesaid; and bounded on the north and west by dewata, east by Maha-ela, and on the south by ditch of Medume Aratchilegewatta; containing in extent 10 nellies in kurakkan sowing, together with like shares of everything thereon, which said premises adjoin each other and now form one property, registered in B 51/137, and all the right, title, interest, and claim whatsoever of the defendants in, to, upon, and out of the said several premises mortgaged by the defendants upon bond No. 4,161 dated May 22, 1928, and attested by Mr. S. V. Wijeyetilleke, Notary Public of Matale.

Deputy Fiscal's Office,
Matale, October 28, 1935.

C. FERNANDO,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Allis Dias Jayasingha of Ambalanwatta, Galle . . Plaintiff.
No. 31,954. Vs.

(1) Degiri Joronis de Zoysa of Galkissa, (2) Mahadura Jacoris de Silva Jayasekera of Dadalla . . . Defendants.

NOTICE is hereby given that on Saturday, November 23, 1935, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

(1) All those trees and buildings standing thereon of the land called divided $\frac{1}{2}$ part of Josigewatta alias Calderawatta, situate at Dadalla, within the Four Gravets of Galle; and bounded on the north by Porowakara Kankanamagewatta, east by road to Colombo, south by the other portion of the same land, and west by seashore; containing in extent 4 acres 2 roods and 10 perches, subject to mortgage bond No. 1,822 dated January 25, 1928, attested by Mr. R. A. H. de Vos, Notary Public, sued on in case No. 30,824, D. C., Galle.

(2) All that $\frac{1}{10}$ part of soil and trees of Velleaddera-watta, situate at Dadalla aforesaid; and bounded on the north by high road, south by seashore, east by pauper cemetery, west by Josegewatta; containing in extent about 5 acres.

Writ amount Rs. 1,214.25, with legal interest thereon at 9 per cent. per annum from July 28, 1933, till payment in full, less Rs. 750 recovered.

Fiscal's Office,
Galle, October 29, 1935.

K. KANAGASUNDRAM,
Deputy Fiscal.

In the District Court of Tangalla.

P. G. Peter Gunawardena of Ambalantota and another . . . Plaintiffs.
No. 1,817. Vs.

(1) A. Baronchina Amarasinghe of Colombo and others . . . Defendants.

NOTICE is hereby given that on Saturday, November 23, 1935, commencing at 9 o'clock in the morning, 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 Rs. 7,914.03 less a sum of Rs. 844.60 recovered, viz. :—

(1) Thirty-three perches against the 1a defendant for the recovery of Rs. 2,567.82*; 2 roods and 12 perches against 25a to 25d defendants for the recovery of Rs. 75.12; 1 acre 2 roods and 23 perches against 25a to 25k defendants for the recovery of Rs. 213.81; 2 acres and 1 rood against 37 and 38a to 38g defendants for the recovery of Rs. 401.68; 1 rood and 13 perches against 55a to 55e defendants for the recovery of Rs. 348.40; 1 acre 1 rood and 2 perches against 61 defendant for the recovery of Rs. 233.90; 29 perches against 62a defendant for the recovery of Rs. 23.71; 1 rood and 4 perches against 63 defendant for the recovery of Rs. 203.04; 1 rood and 9 perches against 64 defendant for the recovery of Rs. 52.30; 1 rood and 31 perches against 66a to 66f defendants for the recovery of Rs. 58.28; 1 rood and 3 perches against 67a defendant for the recovery of Rs. 35.89; 28 perches against 68a defendant for the recovery of Rs. 26.39; 1 rood and 21 perches against 75a to 75c defendants for the recovery of Rs. 49.99; 2 roods and 19 perches against 76 defendant for the recovery of Rs. 115.29 of the land lot A of Dombagahaodedakunupettekebella, depicted in the plan of partition No. 3,532 dated April 28, 1933, prepared by Mr. E. R. F. Koch, Licensed Surveyor and Commissioner, in case No. 1,817 of the District Court of Tangalla; containing in extent 15 acres, situated at Wanduruppa in Magam pattu of the Hambantota District; and bounded on the north by settled lot 3A, on the east by dewata, Goowewa and Godawa-ela, on the south by Godawa-ela, and on the west by lot J.

(Against the 15 and 16 Defendants for the recovery of Rs. 170.95.)

(2) An undivided 57/306 of lot B of Dombagahaodedakunupettekebella, depicted in the aforesaid plan; containing in extent 2 acres and 10 perches, situated at Wanduruppa aforesaid; bounded on the north by Karagahakoruwa, Bakmeegahawatta, and Ratgamayagewatta (Delgahawatta), on the east by lot C and road, on the south by lot E and lot 31 (Crown plan), and on the west by Walawe-ganga.

(Against the 41aa, 41ab, and 41ac Defendants for the recovery of Rs. 141.10.)

(3) The entire lot C of Dombagahaodedakunupettekebella, depicted in the aforesaid plan; containing in extent 1 perch, situated at Wanduruppa aforesaid; and bounded on the north by Rajjamayagewatta (Delgahawatta), on the east by road, on the south by lot B, and on the west by lot B.

(Against 1a Defendant for the recovery of Rs. 2,567.82.)*

(4) The entire lot F of Dombagahaodedakunupettekebella, depicted in the aforesaid plan; containing in extent 6 acres and 15 perches, situated at Wanduruppa aforesaid; bounded on the north by Madduma Mahatmayawewaparanaopisarapadinchiwasitiyawatta, minor road and lot 3A (settled lot), on the east by lot G, on the south by lot E and Godawa-ela, and on the west by dewata and lot D.

(Against 7 Defendant for the recovery of Rs. 228.53.)

(5) The entire lot G of Dombagahaodedakunupettekebella, depicted in the aforesaid plan; containing in extent 37 perches, situated at Wanduruppa aforesaid; and bounded on the north by lot 3A (settled lot), on the east by lot H, on the south by Godawa-ela, and on the west by lot F.

(Against the 4 Defendant for the recovery of Rs. 144.25.)

(6) The entire lot H of Dombagahaodedakunupettekebella, depicted in the aforesaid plan; containing in extent 3 roods and 27 perches, situated at Wanduruppa aforesaid; and bounded on the north by lot 3A (settled lot), on the east by lot 1, on the south by Godawa-ela, and on the west by lot G.

Deputy Fiscal's Office, M. RAJENDRA,
Hambantota, October 25, 1935. Additional Deputy Fiscal.

Eastern Province.

In the District Court of Trincomalee.

Veerakathiar Kathiravelupillai of Division No. 12, Trincomalee . . . Plaintiff.
No. 1,632. Vs.

(1) Chinniah Vannipam, (2) Chinniah Vannipam Theivanayagam, by her attorney C. V. Viswalingham of Division No. 9, Trincomalee, and (3) Anpillai, widow of Thampirajah Vannipam of Division No. 9, Trincomalee . . . Defendants.

NOTICE is hereby given that on Saturday, November 23, 1935, at the hours mentioned below, will be sold by public auction at the premises the following properties mortgaged with the plaintiff by bond No. 831 dated September 1, 1928, and attested by Mr. M. Somanathapillai of Trincomalee, Notary Public, and declared specially bound and executable under the decree entered in the above case and ordered to be sold by a writ dated October 1, 1935, for the recovery of the sum of Rs. 1,420, with interest on Rs. 1,000 at the rate of 12 per cent. per annum from March 1, 1932, till June 18, 1932, and thereafter at 9 per cent. and costs of suit Rs. 229.77½, Fiscal's fees and charges and poundage, viz. :—

1. At 10 o'clock in the forenoon.—A piece of coconut land and paddy land appertaining to it, situated at Chempianaar in Division No. 12, Trincomalee town, Eastern Province; bounded on the north-east by Karachchi, south-east by land belonging to the late M. Muttucumarapillai, south-west by field of C. V. Arumugam, and on the north-west by field and garden of K. Thamotherampillai; extent 10 acres 1 rood and 38 $\frac{84}{100}$ perches. Registered A 11/141. An undivided $\frac{1}{2}$ of this land.

2. At 4 o'clock in the afternoon.—All that field called Pallavayaltharai, situated at Periakulam in Nilaveli in Kaddukulam pattu, Trincomalee District aforesaid; bounded on the east by Crown land, west by Pandaratharai, north by land belonging to the heirs of the late M. Murugesu, and on the south by field belonging to the heirs of the late Saddanather; extent 3 avanams paddy sowing. Registered No. C 6/61. An undivided $\frac{1}{2}$ of this land.

Deputy Fiscal's Office, K. RATNASINGHAM,
Trincomalee, October 26, 1935. Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

Mrs. M. M. A. P. Van Denberg of Ratnapura, Administratrix of the intestate estate of James Van Denberg of Ratnapura Plaintiff.
No. 5,932.

Seraphin de Silva Abeywickrema of Ratnapura. Defendant.

NOTICE is hereby given that on Tuesday, November 26, 1935, commencing at 2 o'clock 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 the sum of Rs. 1,329.25, with interest on Rs. 725 at 12 per cent. per annum from March 28, 1934, till July 2, 1934, and thereafter on the aggregate at 9 per cent. per annum till payment in full, less Rs. 15 paid by the defendant, viz. :—

1. An undivided $\frac{1}{3}$ share of the land called Ukkuhamigewatte Kattiya, together with the plantations standing thereon, and situate at Ratnapura in Udapattu of Kuruwiti korale in the District of Ratnapura; bounded on the north by hena, east by the land belonging to Pattiyage Balahamy and others, south by kumbura, west by Ukkuhamigewatte Kattiya; and containing in extent 2 roods and 26 perches, and registered A 51/279.

2. All that land called and known as Mirisdolehena, situate at Weralupe in Udapattu aforesaid; bounded on the north by the land said to belong to Tennewatte people, east and south by high road, and on the west by tea estate; and containing in extent about an acre, and registered in A 142/161.

Fiscal's Office,
Ratnapura, October 24, 1935.

E. MUNASINHA,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

26 Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Simeon Walter Gralje of 7, Hudson's road, Colpetty, Colombo, deceased.

Theresa Melrose Gralje of 7, Hudson's road, Colpetty, in Colombo Petitioner.
And

(1) L. A. Gralje of Galle, (2) Pearly Amy Issaadeen of 7, Hudson's road, Colpetty, (3) Ambrose Carl Gralje of 7, Hudson's road, Colpetty Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September 4, 1935, in the presence of Mr. A. Ariaratnam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 22, 1935, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as daughter 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 November 7, 1935, show sufficient cause to the satisfaction of the court to the contrary.

G. C. THAMBYAH,
District Judge.
September 4, 1935.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Abdul Rahaman Mohamed Salih of 24, No. 7,355. Flower road, in Colombo, deceased.

Zubaida Umma Salih of 24, Flower road, in Colombo Petitioner.

And

(1) Sithy Zahira Salih, (2) Mohamed Rowff Salih, (3) Mohamed Macky Salih, (4) Mohamed Zacky Salih, (5) Sithy Raffika Salih, all of 24, Flower road, in Colombo, minors, appearing by their guardian *ad litem* (6) D. M. Haniffa of Layard's Broadway in Colombo Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 15, 1935,

in the presence of Mr. M. U. M. Saleem, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 3, 1935, having been read :

It is ordered (a) that the respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st to 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 November 14, 1935, show sufficient cause to the satisfaction of the court to the contrary.

October 15, 1935.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

29 Order Absolute.

Testamentary In the Matter of the Last Will and Testament of Cornelia Henrietta Obeyesekere of The Maligawa, Racecourse avenue, Colombo, Ceylon, widow, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., Acting District Judge of Colombo, on October 17, 1935, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Mr. James Peter Obeyesekere of Colombo; and the affidavit of the said petitioner dated October 7, 1935, an affidavit as to the due execution of the will, original will, and certificate of death of the above-named deceased having been read : It is ordered that the will of the said deceased dated July 14, 1935, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the sole executor named in the said will, and that he is entitled to have probate of the said will issued to him on his paying usual duty on probate and taking oath of office.

October 17, 1935.

C. NAGALINGAM,
Acting District Judge.

In the District Court of Colombo.

29 Order Nisi.

Testamentary In the Matter of the Last Will and Testament and Codicil of Joseph Beaumont Butler, late of the Grove Stoke Bishop, in the City and County of Bristol, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 15, 1935, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Mr. George Cyril Slater of Colombo; and the affidavit of the said petitioner dated October 11, 1935, of the completion of probate of the will and codicil of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated September 26, 1935, having been read : It is ordered that the will of the said deceased dated October 10, 1932, and a codicil thereto dated October 10, 1932, of which an exemplification of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the executors named in the said will, and that he is entitled to have letters of administration with a copy of the said 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 15, 1935.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

31 Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament, Jurisdiction. of Charles Buchanan Dick-Cleland, late No. 7,375 N. T. of Dream Tor South Ascot Sunninghill in the County of Berks, formerly Queen's Court Hotel, Earls Court Square, in the County of Middlesex, England (Underwriter), deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 23, 1935, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Alexander Nicolson of Colombo; and (1) the affidavit of the said petitioner dated October

11, 1935, (2) the power of attorney dated June 29, 1935, and (3) the order of the Supreme Court dated September 26, 1935, having been read: It is ordered that the will of the said Charles Buchanan Dick-Cleland, deceased, dated September 21, 1927, a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Alexander Nicolson is the attorney in Ceylon of the executors named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before November 7, 1935, show sufficient cause to the satisfaction of this court to the contrary.

October 23, 1935.

C. NAGALINGAM,
Acting District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of William Scott (Merchant and Manufacturer, Dundee), late of Dryburgh House, Lochee, Angus, and Northlands, Blairgowrie, Perthshire, Scotland, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 23, 1935, in the presence of Messrs. F. J. & G. de Saaram, Proctors, on the part of the petitioner, Percy Gordon Wicks of Colombo; and (1) the affidavit of the said petitioner dated October 15, 1935, (2) the power of attorney dated December 21, 1934, and relative deed of substitution dated March 27, 1935, and (3) the order of the Supreme Court dated September 26, 1935, having been read: It is ordered that the will of the said William Scott, deceased, dated September 13, 1929, a certified copy of which under the seal of the Sheriff Court of Forfarshire in Scotland has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Percy Gordon Wicks is the substituted attorney in Ceylon of the executors named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before November 14, 1935, show sufficient cause to the satisfaction of this court to the contrary.

October 23, 1935.

C. NAGALINGAM,
District Judge.

In the District Court of Avissawella.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the matter of the last will and testament of Thomas Moyes at one time of Stinsford estate, Ruanwella, and late of Veralu-pitiya Group, Puwakpitiya, Avissawella, in the Island of Ceylon, deceased.

THIS matter coming on for disposal before S. S. J. Goonesekere, Esq., District Judge of Avissawella, on October 22, 1935, in the presence of Vernon Chamberbatch van Geyzel Kelaart, Proctor, on the part of the petitioner, Edward Cumin Scott of Wankella estate, Madulkelle, and (1) the affidavit of the said petitioner dated October 10, 1935, and (2) the affidavit of Eben George Smyth Edwards of Houpe estate, Kumbawatta, dated October 2, 1935, one of the attesting witnesses of the will, having been read: It is ordered that the will of the said Thomas Moyes, deceased, dated July 13, 1924, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Edward Cumin Scott is one of the executors named in the said will and that he is entitled to have probate thereof issued to him accordingly, with power reserved to Violet Mary Moyes, the other executor therein named, to come in at any time and obtain a similar grant, unless any person or persons interested shall, on or before November 19, 1935, show sufficient cause to the satisfaction of this court to the contrary.

October 22, 1935.

S. S. J. GOONESEKERE,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Don Francis Tewarapperuma of 4th Division, Tammita, Negombo, deceased.

Liyanage Mary Caroline Silva nee Tewarapperuma of 4th Division, Tammita Petitioner.

(1) Mary Josephine Tewarapperuma, (2) Francis Joseph Tewarapperuma, (3) Ernest Peter Tewarapperuma, (4) Anisita Lema Tewarapperuma, (5) Janet Francis Tewarapperuma, (6) John Emmanuel Tewarapperuma, (7) Theresina Magner Tewarapperuma, all of 4th Division, Tammita, Negombo, (8) Rev. Father T. Don Joseph, O.M.I., Parish Priest of Karukupana Church Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge of Negombo, on October 14, 1935, in the presence of Mr. F. W. Gooneratne, Proctor, on the part of the petitioner; and the petitioner's petition and affidavit dated August 12, 1935, having been read:

It is ordered that the petitioner be and she is hereby declared entitled to have letters of administration to the above estate issued to her, as the wife of the above-named deceased, unless the respondents above named or any other person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before November 14, 1935.

It is further ordered that the 8th respondent be appointed guardian *ad litem* over the 2nd to 7th respondents, who are minors, for the purpose of this case, unless the respondents above named or any other persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before November 14, 1935.

October 14, 1935.

D. H. BALFOUR,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Hattotaliyanage Thegis Guna-wardena of Negombo, deceased.

Hewavitharage Albert Perera of Negombo .. Petitioner.

(1) Pope Aratchige Jane Nona of Kegalla, (2) Mrs. Margaret Perera of Negombo Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge of Negombo, on October 16, 1935, in the presence of Mr. D. W. Samaratunga, Proctor, on the part of the petitioner; and the petitioner's petition and affidavit dated October 16, 1935, and September 27, 1935, respectively, having been read: It is ordered that the petitioner be and he is hereby declared entitled to have letters of administration to the above estate issued to him, unless the respondents above named or any other person or persons interested shall show sufficient cause to the satisfaction of this court to the contrary on or before November 4, 1935.

October 16, 1935.

D. H. BALFOUR,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Don Haramanis Abeyagoonesekera Karunaratne Dissanayake of Udahawalawwe in Karandagolla in Uda Hewahetta, deceased.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on September 19, 1935, in the presence of Messrs. Coomaraswamy & Vijayaratnam, on the part of the petitioner, Edgar Robert Abeyagoonesekera; and the affidavit of the petitioner dated August 6, 1935, having been read:

It is ordered that the petitioner be and he is declared entitled, as a son of the deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Dona Rebecca Abeyagoonesekera,

(2) Dona Lilian Clara Abeyagoonsekera, both of Udahawalawwe in Karandagolla, (3) Don James Walter Abeyagoonsekera of Singapore, (4) Victor Reginald Abeyagoonsekera of Colombo, (5) George Alfred Abeyagoonsekera of Singapore, (6) Esther Grace Abeyagoonsekera of Udahawalawwe in Karandagolla, (7) Beatrice Florence Abeyagoonsekera, (8) Quintes Carle Abeyagoonsekera, (9) Luther Stanley Abeyagoonsekera, all of Udahawalawwe in Karandagolla aforesaid, (10) Alfred Wanigasinghe of Kandy, (11) Rexwell Christopher Wanigasinghe, (12) Lallyn Alfred Wanigasinghe, (13) Herbert Clarence Wanigasinghe, (14) Charlotte Olivia Wanigasinghe, (15) George Fredrick Wanigasinghe, (16) Selina Grace Wanigasinghe, and (17) Patience Albertina Wanigasinghe; the 11th, 12th, 13th, 14th, 15th, 16th, and 17th, respondents by their guardian *ad litem* the 10th respondent—or any other person or persons interested shall, on or before October 14, 1935, show sufficient cause to the satisfaction of this court to the contrary.

Kandy, September 19, 1935. R. F. DIAS,
District Judge.

The date for showing cause is extended to November 14, 1935.

October 14, 1935. R. F. DIAS,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Rajapaksegedera Naida, deceased, of No. 5,326. Attaragalla.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge on October 3, 1935, in the presence of Messrs. Beven & Beven, on the part of the petitioner, R. B. Jayasinghe; and the affidavit of the said petitioner dated July 27, 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 the estate of the deceased issued to him, unless the respondents (1) Attaragalle Kodituwakkugedera Kiree, (2) R. Premadasa, (3) R. Jinadasa, (4) R. J. Ariyadasa (5) J. G. Rajapakse, (6) R. Sumanawathie, (7) R. Karunadasa, (8) R. Sugathadasa, (9) R. Yasawathie, (10) R. Seelawathie, (11) Direx Rajapakse *alias* Piyara Somasiri Rajapakse, (12) Bertie Rajapakse *alias* Suriyawansa Rajapakse, (13) R. W. Baby, the 1st to 10th of Attaragalla, and the 11th to 13th of Wattagama, the 7th to 10th by their guardian *ad litem* the 1st respondent and the 11th and 12th by their guardian *ad litem* the 13th respondent—or any other person or persons interested shall, on or before November 4, 1935, show sufficient cause to the satisfaction of this court to the contrary.

October 3, 1935. R. F. DIAS,
District Judge.

In the District Court of Nuwara Eliya holden at Hatton.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Muna Pena Runa Perianna Pillai No. 183. of Perumapalayam, Trichnopoly, South India, deceased.

Muna Peena Reena Kanapathy Pillai of Albion estate, Agrapatana Petitioner.

And

(1) Kamatchi Ammal, (2) Sellammal, wife of Coomarasamy Pillai, both of Perumapalayam, Trichnopoly, South India, (3) Meenatchi Ammal, wife of Rengasamy Pillai of Mariland estate, Madulkele, (4) Ramalingam of Albion estate, Agrapatana, and (5) Suppammal, minor, appearing by her guardian *ad litem* the 4th respondent Respondents.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., Additional District Judge of Hatton, on May 10, 1935, in the presence of Messrs. Chelvatamby & Eliatamby, Proctors on the part of the petitioner; and the affidavit of the above-named petitioner dated June 26, 1934, having been read:

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minor the 5th respondent above named to represent her for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as the 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 June 4, 1935, show sufficient cause to the satisfaction of the court to the contrary. 59.

May 10, 1935.

R. F. DIAS,
District Judge.

Time to show cause against the above *Order Nisi* is extended till June 18, 1935.

June 4, 1935.

R. M. G. MONYPENNY,
District Judge.

Time to show cause against the above *Order Nisi* is extended till July 16, 1935.

June 18, 1935.

R. M. G. MONYPENNY,
District Judge.

Time to show cause against the above *Order Nisi* is extended till August 13, 1935.

July 16, 1935.

R. M. G. MONYPENNY
District Judge.

Time to show cause against the above *Order Nisi* is extended till September 10, 1935.

August 13, 1935.

C. S. RAJARATNAM,
District Judge.

Time to show cause against the above *Order Nisi* is extended till October 8, 1935.

September 10, 1935.

C. S. RAJARATNAM,
District Judge.

Time to show cause against the above *Order Nisi* is extended till November 5, 1935.

October 8, 1935.

H. A. DE SILVA,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the No. 3,895. late Uduma Lebbe Marikar Mohamradu Subair of Dickwella, deceased.

Ahamadu Lebbe Marikar Uduma Lebbe Marikar of Dickwella Petitioner.

(1) Omeru Sabhu Amina Umma of Dickwella, (2) Mohamradu Marikar Beebi Umma of ditto (who is now expecting a child) Respondents.

THIS matter coming on for disposal before Cyril Ernest de Pinto, Esq., District Judge of Matara, on September 18, 1935, in the presence of Mr. E. P. Wijetunge, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 17, 1935, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as father of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before November 20, 1935, show sufficient cause to the satisfaction of this court to the contrary.

September 18, 1935.

C. E. DE PINTO,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Ambalavanar Suppappillai of Vannar- No. 105. ponnai West, deceased.

Suppappillai Ramiah of ditto Petitioner.

(1) Thangamuthu, widow of Suppappillai of ditto, (2) Suppappillai Rasiah of ditto, (3) Marugesu Nama-sivayam, and (4) wife, Selathucky of ditto Respondents.

This matter of the petition of the 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 May 16, 1935, in the presence of Mr. T. N. Subbiah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated May 15, 1935, having been read: It is declared that the petitioner is one of the heirs of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before July 10, 1935, show sufficient cause to the satisfaction of this court to the contrary.

May 30, 1935.

C. COOMARASWAMY,
District Judge.

Extended for August 29, 1935.

Extended for November 4, 1935.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Visaladchy, wife of Karthikesu Ponniah No. 133.

Karthikesu Ponniah of Alaveddy Petitioner.
Vs.

(1) Ponniah Thiravakkarsu and (2) Thilliampalam Ponniah, both of Alaveddy Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on August 19, 1935, in the presence of Mr. M. S. Subramaniam, Proctor for the petitioner; and an affidavit of the petitioner dated June 27, 1935, having been read:

It is ordered that letters of administration to the estate of the above-named deceased be issued to the petitioner accordingly, as he is the husband of the deceased intestate, unless the respondents or any other person shall, on or before September 13, 1935, show sufficient cause to the satisfaction of the court to the contrary.

August 22, 1935.

Time to show cause extended for October 25, 1935.

September 13, 1935.

Time to show cause extended for December 12, 1935.

October 25, 1935.

C. COOMARASWAMY,
District Judge.

S. RODRIGO,
District Judge.

S. RODRIGO,
District Judge.

In the District Court of Chilaw.

Order Nisi.

No. 2,156. In the Matter of the Last Will and Testament of the late Jayakodi Aratchige Podinona Hamine, deceased.

Bulathsinhala Arachige Don Jalis Appuhamy of Paluwelgala Petitioner.

THIS matter coming on for disposal before M. Chinnaiyah, Esq., District Judge of Chilaw, on October 16, 1935, in the

presence of Messrs. Peries & Fernando, Proctors, on the part of the petitioner above named; and the affidavits of (1) the said petitioner dated October 1, 1935, and (2) of the subscribing witnesses dated October 1, 1935, having been read:

It is ordered that the last will and testament of Jayakodi Aratchige Podinona Hamine, deceased, of which the original has now been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the sole executor named in the said last will, and that he is entitled to have probate issued to him accordingly, unless any person or persons interested shall, on or before November 11, 1935, show sufficient cause to the satisfaction of this court to the contrary.

October 16, 1935.

M. CHINNAIYAH,
District Judge.

In the District Court of Ratnapura.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Lekamalage Pinhamy, deceased, of Ellearawa. No. 1,033.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge, Ratnapura, on October 21, 1935, in the presence of Mr. C. H. de Zilwa, Secretary, District Court, Ratnapura, the petitioner in person; and the affidavit of the said petitioner dated October 21, 1935, having been read:

It is further declared that the said petitioner is the Secretary of this court, and that he is entitled to have letters of administration issued to him accordingly, unless the respondent, Lekamalage Dustinahamy of Ellearawa, or any other person or persons interested shall, on or before November 26, 1935, show sufficient cause to the satisfaction of this court to the contrary.

October 21, 1935.

L. H. DE ALWIS,
District Judge.

DRAFT ORDINANCES.

(Continued from page 933.)

MINUTE.

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

973/9 (SB)

No. 16 of 1931.

An Ordinance to amend the Ceylon State Mortgage Bank Ordinance, 1931.

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 Ceylon State Mortgage Bank Amendment Ordinance, No. of 1935.

Amendment of section 4 of Ordinance No. 16 of 1931.

2 (1) Section 4 of the Ceylon State Mortgage Bank Ordinance, 1931, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution for the words "agricultural purposes", of the words "agricultural and other prescribed purposes".

(2) The amendment made by sub-section (1) shall be deemed to have had effect from the date of commencement of the Ceylon State Mortgage Bank Amendment Ordinance, No. 1 of 1935, that is to say, the fifteenth day of April, 1935.

Substitution of a new section for section 83 of the principal Ordinance.

3 (1) Section 83 of the principal Ordinance is hereby repealed and the following new section is substituted therefor:—

Action by the Governor.

83. Upon such report the Governor may—

- (a) authorize a further overdraft upon the Capital Account and direct the Financial Secretary to sign and issue the necessary guarantee, or
- (b) authorize the Financial Secretary to lend the Bank out of the general revenue of the Island any sum that may be necessary upon such terms as may be determined by the Financial Secretary as to the mode and time of repayment of the sum so lent and the interest payable thereon, or

- (c) take such other action as to him may appear advisable.
- (2) The new section substituted by sub-section (1) shall be deemed to have had effect from the fifteenth day of April, 1935.

Objects and Reasons.

Section 52 of the Ceylon State Mortgage Bank Ordinance, 1931, as amended by the State Mortgage Bank Amendment Ordinance, No. 1 of 1935, enables the Bank to grant loans for agricultural purposes and for other purposes prescribed by the Governor. No reference to those other purposes is made in section 4 which provides that a Bank shall be established to grant loans for agricultural purposes only. The object of the amendment proposed in Clause 2 of the Bill is to insert in section 4 specific reference to additional purposes which may be prescribed by the Governor, so as to avoid any possible conflict between the provisions of section 4 and the provisions of section 52 of the principal Ordinance.

2. Under sections 82 and 83 of the State Mortgage Bank Ordinance, 1931, when the Bank anticipates a shortage of capital, it has to report the possibility to the Governor and obtain authority for an overdraft on the local bank in which its capital funds are deposited. The repayment of such overdrafts is guaranteed by the Government. It has been found, however, that loans for short periods can be granted out of the general revenue of the Island at a lower rate of interest than that usually demanded by the banks, and as the State Mortgage Bank and the revenue both benefit by this arrangement, it has been decided that express provision should be made to authorize the grant of such loans. The proposal in Clause 3 of the Bill is to substitute a new section 83 which re-enacts the existing section with additional provisions relating to the grant of loans from general revenue.

3. Both amendments are to have retrospective effect dating from 15th April, 1935.

General Treasury,
Colombo, October 31, 1935.

C. H. COLLINS,
Acting Financial Secretary.

MINUTE.

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

An Ordinance to make provision for a general election of Councillors for the Municipality of Colombo in place of those Councillors whose term of office was extended under the powers conferred by the Colombo Municipal Council (Extension of Office) Ordinance, No. 14 of 1934.

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 Colombo Municipal Council (Special General Election) Ordinance, No. of 1935.

Short title.

2 Notwithstanding anything contained in the Municipal Councils Ordinance, 1910, (hereinafter referred to as "the principal Ordinance"), and notwithstanding any act done or notice published in pursuance or supposed pursuance of the powers conferred or the duties imposed by the principal Ordinance—

General election of Councillors in place of Councillors whose term of office expires on 31st December, 1935.

- (a) there shall be a general election to elect Councillors in place of those Councillors of the Municipal Council of Colombo whose term of office is due to expire on the 31st day of December, 1935, being the day appointed by the Governor under section 2 of the Colombo Municipal Council (Extension of Office) Ordinance, No. 14 of 1934, by proclamation published in Government Gazette No. 8,146 of the 20th September, 1935 ;
- (b) such general election shall, save as is hereinafter provided, be held in accordance with the provisions of the principal Ordinance as though the 31st day of December, 1935, were for the purposes of section 39 of the principal Ordinance the day on which the term of office of the Councillors of the Colombo Municipality expires under that Ordinance ;

- (c) such general election shall be deemed to be a triennial general election for the purposes of the application of rule 7 of the rules for the conduct of elections contained in Schedule B of the principal Ordinance ;
- (d) for the purpose of such general election and in the application of the provisions of the principal Ordinance and of the rules contained in Schedule B of that Ordinance in connexion with such general election, the only persons qualified to be elected or to vote, as the case may be, shall be the persons whose names appear in the lists of persons duly qualified to be elected and of persons duly qualified to vote for each division of the Colombo Municipality as certified by the Chairman of the Colombo Municipal Council on the 28th day of October, 1935 ;
- (e) the Councillors duly elected at such general election shall for all purposes be deemed to be Councillors elected at a triennial general election held under the provisions of the principal Ordinance and shall in all respects be subject to the provisions of that Ordinance.

Objects and Reasons.

The Municipal Councils Ordinance, 1910, provides that a general election of Councillors shall be held once in three years. Such a triennial general election fell due in Colombo at the end of December, 1934, but the term of office of the Councillors then in office was extended by the Colombo Municipal Council (Extension of Office) Ordinance, No. 14 of 1934, and is due to expire on 31st December, 1935.

2. The Municipal Councils Ordinance, 1910, requires new lists of persons qualified to be elected and of persons qualified to vote to be prepared once in three years for the purpose of the triennial general election, and such lists were duly prepared in the year 1934 in respect of the triennial general election which should ordinarily have been held at the end of that year. These new lists have to be revised every year in the interval between one triennial general election and another and in accordance with this requirement of the law the new lists prepared in 1934 were duly revised in 1935.

3. It has been decided that a general election of Councillors for the Municipality of Colombo should be held at the end of the current year and that the term of office of the present Councillors should not be further extended. It has accordingly become necessary to introduce this Bill, which authorises a special general election to be held at the end of the current year and provides that the new lists of 1934, as revised and certified in 1935, shall be the lists applicable for use at such special general election.

CHAS. BATUWANTUDAWA,
Minister for Local Administration.

Ministry of Local Administration,
Colombo, November 1, 1935.