



THE

# CEYLON GOVERNMENT GAZETTE

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## PART II.—LEGAL.

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

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## DRAFT ORDINANCES.

## MINUTE.

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

- No. 16 of 1877.                    **An Ordinance to amend the Prisons Ordinance, 1877.**
- 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 Prisons Amendment Ordinance, No.    of 1935.
- Substitution of a new section for section 4 of Ordinance No. 16 of 1877.                    **2** Section 4 of the Prisons Ordinance, 1877, (hereinafter referred to as “ the principal Ordinance ”) is hereby repealed and the following new section is substituted therefor :—
- Interpretation                    **4** In this Ordinance, unless the context otherwise requires—
- “ assault ”, “ criminal force ”, “ hurt ”, and “ grievous hurt ”, respectively, have the same meaning as in the Ceylon Penal Code ;
- “ civil prisoner ” means—
- (a) a judgment-debtor committed to prison under the Civil Procedure Code, 1889 ; or
- (b) a person committed to prison under section 280 of the Criminal Procedure Code, 1898, in default of payment of a fine imposed under that section of that Code ; or
- (c) a person ordered to be detained in prison under section 383 of the Criminal Procedure Code, 1898 ; or
- (d) a person committed to prison under section 411 (4) of the Criminal Procedure Code ; or
- (e) a person committed to prison for contempt of court, not being a person sentenced—
- (i) to rigorous imprisonment for contempt of court ;
- (ii) to simple or rigorous imprisonment as for a contempt of court under section 440 (I) of the Criminal Procedure Code, 1898 ; or
- (f) a person committed to prison by order of a civil court under any provision of written law which does not authorise a sentence of rigorous imprisonment to be imposed ;
- “ criminal prisoner ” means any prisoner other than a civil prisoner ;
- “ close confinement ” means confinement which deprives a prisoner of all means of communication with other prisoners ;
- “ court ” includes a village tribunal, and a village committee when it is acting judicially ;
- “ Executive Committee ” means the Executive Committee of Home Affairs ;
- “ Inspector-General ” means the Inspector-General of Prisons ;
- “ prison ” includes any prison hospital and any grounds or buildings occupied or used for the purposes of the prison ;
- “ prison officer ” means an officer of the prison staff ;
- “ punishment cell ” means an unfurnished cell used for the purpose of carrying out any punishment ;
- “ Visitor ” means—
- (a) a member of the Board of Prison Visitors or of a Local Visiting Committee, acting individually in any matter in which he is authorised by this Ordinance to act individually, or
- (b) an Additional Prison Visitor.
- Amendment of section 5 of the principal Ordinance.                    **3** Section 5 of the principal Ordinance is hereby amended as follows :—
- (1) by the substitution for the words “ any court, Justice of the Peace, or Coroner or Deputy Coroner ”, of the words “ any court ” ; and
- (2) in the proviso to that section, by the omission of the words “ with the advice of the Executive Council ”.

4 Section 8 of the principal Ordinance is hereby amended as follows :—

- (1) by the substitution for the words "Coroner, Deputy Coroner, or Justice of the Peace", of the words "President of a village tribunal or Chairman of a village committee"; and
- (2) by the substitution for the words "Coroner, Deputy Coroner, or Justice" wherever they occur therein, of the words "President or Chairman".

Amendment of section 8 of the principal Ordinance.

5 The following new section shall be inserted immediately after section 12, and shall have effect as section 12A, of the principal Ordinance :—

12A (1) Every prison officer shall, for the purposes of this Ordinance, be deemed to be always on duty.

(2) Every prisoner while being taken to or from any prison or while working outside prison walls or remaining for any other authorised purpose under the custody and control of any prison officer beyond the limits of any prison, shall be deemed to be in prison and to be subject to the discipline prescribed by this Ordinance and the rules made thereunder.

Insertion of new section 12A in the principal Ordinance.

Officers to be deemed always to be on duty and prisoners always under discipline.

6 Section 17 of the principal Ordinance is hereby amended by the substitution for the words "Governor, acting with the advice of the Executive Council", of the words "the Executive Committee, after consulting the Executive Committee of Health".

Amendment of section 17 of the principal Ordinance.

7 Section 23 of the principal Ordinance is hereby amended by the substitution for the words "nearest Coroner or Deputy Coroner of the district", of the words "Police Magistrate having jurisdiction over the area in which the prison is situated".

Amendment of section 23 of the principal Ordinance.

8 Section 32 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Substitution of a new section for section 32 of the principal Ordinance.

32 (1) It shall be lawful for the Governor to appoint a Board of Prison Visitors for the purpose of—

- (a) advising the Inspector-General in matters relating to the general administration of prisons in the Island other than matters relating to the appointment, discipline and control of the prison staff, and
- (b) investigating and reporting on any matter concerning prisons referred to it either by the Inspector-General or the Executive Committee.

Appointment of Board of Prison Visitors, Local Visiting Committees and additional Prison Visitors.

(2) The Board shall consist of the Inspector-General who shall be its Chairman and of not less than six other members, four of whom shall be persons who do not hold any public office under the Crown.

(3) It shall be lawful for the Governor to appoint in respect of each prison in the Island a Local Visiting Committee for the purpose of—

- (a) visiting the prison periodically and reporting to the Inspector-General any matter concerning the prison which, in their opinion, requires his attention;
- (b) investigating and reporting at the request either of the Executive Committee or the Inspector-General on any matter concerning the prison other than matters relating to the control and discipline of the prison staff; and
- (c) exercising any other power or performing any other duty conferred or imposed by any written law upon a Local Visiting Committee.

(4) Each Local Visiting Committee shall consist of a chairman and three other members and shall meet once at least in every half year within the prison.

(5) At least one member of every Local Visiting Committee shall, unless prevented by illness or other sufficient cause, visit the prison for which that Committee is appointed once at least in each week, and the members of each Local Visiting Committee shall determine among themselves the arrangements to be made for ensuring that such visits are regularly and duly made.

(6) It shall be lawful for the Governor to appoint, as an Additional Prison Visitor to any prison or prisons, any fit and proper person who is not a member of the Board of Prison Visitors or of the Local Visiting Committee, and

every such person shall, with reference to the prison or prisons in respect of which he is appointed, be entitled to exercise the rights, and be liable, when called upon by the Superintendent of the prison, to perform the duties of a member of the Local Visiting Committee.

(7) Any person appointed as a Visitor may be removed from office by the Governor at any time.

Insertion of new sections 32A, 32B and 32C in the principal Ordinance.

9 The following new sections shall be added immediately after section 32 of the principal Ordinance and shall have effect respectively as sections 32A, 32B and 32C of that Ordinance :—

Term of office of Visitors.

32A Every visitor shall, unless earlier removed from office by the Governor, hold office for a period of three years from the date of his appointment as a Visitor.

Visitors' right of entry into prisons.

32B (1) Every Visitor shall be entitled to enter a prison at any time and to make any inquiry or investigation therein relating to the treatment of prisoners: Provided that a member of a Local Visiting Committee or an Additional Prison Visitor shall not enter or hold any inspection, inquiry, or investigation, in any prison other than that for which he has been appointed.

(2) Nothing in this Ordinance shall be deemed to abridge or affect the power of any judge of the Supreme Court to visit any prison at any time and to hold therein any inspection, investigation or inquiry which he may consider necessary.

Penalty for obstructing or refusing admittance to authorised officers or Visitors.

32C (1) No jailor or subordinate prison officer shall refuse admittance or offer any hindrance or obstruction to any Visitor, or to any member of the State Council, or to any District Judge, Police Magistrate or Commissioner of a Court of Requests having jurisdiction in the district wherein the prison is situated, or to any person authorised by any rule made under section 76.

(2) A jailor or subordinate prison officer who acts in contravention of this section shall be guilty of an offence and shall be liable to be tried and punished therefor under the provisions of section 69.

Substitution of new section for section 33 of the principal Ordinance.

10 Section 33 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Visitors to hear complaints and punish or report under section 67.

33 (1) Every Visitor appointed under this Ordinance shall hear all complaints which may be made to him by any prisoner respecting any deficiency in the quantity or quality of the food or respecting any ill-treatment that he may have received in the prison.

(2) Where any complaint appears to be frivolous or malicious, the Visitor hearing it may order the confinement of the prisoner making such complaint in a punishment cell for not more than forty-eight hours, and may direct that during the period of such confinement the prisoner be placed on the most restricted diet prescribed by rules under this Ordinance, and the jailor shall comply with every such order or direction.

(3) Where any complaint is substantiated to the satisfaction of the Visitor—

(a) if in his opinion the complaint is not of a serious character, he shall make a report thereon to the Inspector-General, and

(b) if he considers that the complaint discloses the commission of an offence sufficiently serious to require the intervention of a court of justice, he shall immediately report the matter to the Attorney-General and send a copy of his report to the Inspector-General.

Amendment of sections 59, 60 and 69 of the principal Ordinance.

11 Sections 59, 60 and 69 of the principal Ordinance are hereby amended by the substitution in each of those sections for the words "imprisonment, with or without hard labour", of the words "imprisonment of either description".

Insertion of new section 62 in the principal Ordinance.

12 The following new section shall be inserted immediately after section 61 of the principal Ordinance and shall have effect as section 62 of that Ordinance :—

Punishment for escape.

62 If a ny prisoner in any manner whatsoever whether within or without any prison aids or abets any other prisoner in escaping or in attempting to escape from lawful custody, that prisoner and the prisoner escaping or attempting to escape from such custody shall severally be guilty of an offence triable by a tribunal constituted under section 67 and punishable with imprisonment of either description for a period not exceeding five years in addition to the original sentence which each of the prisoners is serving at the time.

13 Section 63 of the principal Ordinance is hereby repealed.

Repeal of section 63 of the principal Ordinance.

14 Section 64 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Substitution of new section for section 64 of the principal Ordinance.

64 A prisoner shall be guilty of an offence against prison discipline if he—

List of prison offences.

- (1) mutinies or incites another prisoner to mutiny ;
- (2) assaults or uses criminal force on, or causes hurt or grievous hurt to, a prison officer or another prisoner, or incites a fellow prisoner to commit any such offence ;
- (3) fails or refuses to obey any order of the Superintendent or of any other prison officer or commits a breach of any prison regulation ;
- (4) escapes or conspires to escape from lawful custody ;
- (5) swears, curses, or uses any abusive, insulting, threatening or other improper language or gesture ;
- (6) is indecent in language, conduct, act or gesture ;
- (7) is impertinent, insubordinate or insolent in demeanour to any prison officer or to any Visitor ;
- (8) creates a disturbance or behaves in a disorderly manner ;
- (9) refuses to work, or wilfully mismanages work, or fails to perform his allotted task, or is idle, careless or negligent at work ;
- (10) wilfully evades labour by self-disablement or by refusing to take food or by feigning madness or illness or other incapacity for work ;
- (11) wilfully damages or disfigures any part of the prison, any prison property or any prison clothing or equipment ;
- (12) is in possession of, or keeps in a cell or any other place any article not permitted by the rules of the prison ;
- (13) leaves a cell or other place of work or location without permission ;
- (14) gives to, or receives from, or exchanges with, any other prisoner any article whatever without the permission of the Superintendent ;
- (15) trafficks or has any business dealings with any prison officer or with any other person ;
- (16) without the authority of a prison officer, communicates whether by writing, speech or gesture with any person who is not connected with the administration of the prison ;
- (17) gambles, or possesses any playing cards dice or other instrument or device for gambling ;
- (18) prefers a false charge against a prison officer or another prisoner or incites any other prisoner to do so ;
- (19) makes groundless complaints or incites others to do so ;
- (20) removes food from the place where meals are consumed, or conceals food ;
- (21) commits any nuisance ;
- (22) bathes or washes at unauthorised places or times ;
- (23) writes or receives any unauthorised letter or communication ;
- (24) omits or refuses when called upon to assist a prison officer in quelling a mutiny or disturbance or in capturing any escaped or escaping prisoner, or leaves his seat, working place or other location during a mutiny or disturbance without an order from a prison officer ;
- (25) omits to give a warning or an alarm when it is known that a prisoner is escaping or attempting to escape ;
- (26) omits to give immediate information to the prison authorities when he is aware of a design to commit an offence against the rules ;
- (27) files, cuts or tampers with iron bars, locks or doors ;
- (28) commits a breach of any rule or lawful order ;
- (29) offends in any other way against the good order and discipline of the prison ;
- (30) aids and abets another prisoner in committing or attempting to commit any of the foregoing offences against prison discipline ; or
- (31) attempts to commit any of the foregoing offences other than those specified in paragraphs (3), (5), (7), (8), (9), (12), (19), (24), (25) and (26).

Amendment of section 65 of the principal Ordinance.

15 Section 65 of the principal Ordinance is hereby amended as follows :—

- (1) by the substitution for the words "The Superintendent or in his absence a visitor", of the words "Save as provided in section 67, the Superintendent or in his absence a Visitor";
- (2) by the repeal of paragraph (3) thereof;
- (3) by the substitution in paragraph (4) thereof, for the words "When the offender is not sentenced to hard labour", of the words "Where the offender is not serving a sentence of rigorous imprisonment";
- (4) by the re-numbering of paragraphs (1), (2), (4) and (5) thereof as paragraphs (5), (6), (7) and (8) respectively;
- (5) by the insertion of the following new paragraphs (1), (2), (3) and (4) therein immediately before the re-numbered paragraph (5) :—

"(1) By warning or reprimand;

(2) By the forfeiture of any number of remission marks not exceeding 360 for each offence;

(3) By reduction to a lower class or detention in any class for a period in respect of each offence not exceeding one month if that class is the prescribed penal stage, or ninety days in any other case;

(4) By postponement or forfeiture of any one or more privileges;"

(6) by the addition of the following proviso thereto :—

"Provided that—

(1) in all cases where the complaint is made by or on behalf of the Superintendent or the Inspector-General, and in other cases in which the interests of justice may so require, the offences shall be tried and punished only by a Visitor, and

(2) the Inspector-General shall have power—

(a) to call for and revise any proceedings taken under this section by the Superintendent and to confirm, modify or reverse his findings;

(b) to remit or vary the punishment awarded by the Superintendent; or

(c) to make such order thereon as justice may require, other than an order increasing the punishment awarded by the Superintendent."

Substitution of a new section for section 67 of the principal Ordinance.

Constitution and powers of tribunal for punishment of prisoners.

16 Section 67 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

67 (1) (a) If any prisoner is charged with mutiny or incitement to mutiny, or with causing hurt or grievous hurt or with escaping or attempting to escape from lawful custody, or with an attempt to cause hurt to a prison officer by means of any instrument for shooting, stabbing or cutting, or any instrument which, when used as a weapon of offence, is likely to cause death; or

(b) if any prisoner is charged with any offence against prison discipline which, in the opinion of the Superintendent or a Visitor acting under section 65, is not adequately punishable by him or is not adequately punishable under that section by reason of the prisoner's record of previous convictions of offences against prison discipline, the Superintendent shall in the former case, and the Superintendent or Visitor may in the latter, cause the offender to be tried by a tribunal consisting of the District Judge of the district in which the prison is situated and two Visitors who shall be members of the Local Visiting Committee, unless for any reason no member of that Committee is able to serve on that tribunal.

(2) (a) Every inquiry into a prison offence under this section shall be held in the prison on such date not later than seven days after the receipt of information of the offence from the Superintendent, as the District Judge may appoint.

(b) Every Visitor summoned for the purpose of acting in a judicial capacity under the provisions of this section shall attend at the prison on the date and at the time specified unless prevented by illness or other sufficient cause : Provided that in the event of either or both of the Visitors summoned failing so to attend, the District Judge and the Visitor who is present or the District Judge alone, as the case may be, may perform all the functions and exercise all the powers of the tribunal.

(3) The tribunal shall have power to inquire into the offence upon oath or affirmation and by a majority verdict to punish the offender—

- (a) with confinement in a punishment cell for any time not exceeding one month ; or
- (b) with any one of the several punishments a Superintendent is authorised to impose under section 65 ; or
- (c) with imprisonment of either description for a term not exceeding five years in the case of the offence of escaping or attempting to escape from lawful custody or the abetment of any such offence, and not exceeding six months in any other case ;
- (d) with corporal punishment not exceeding 24 lashes with a whip or 24 strokes with a rattan in the following cases :—
  - (i) mutiny or incitement to mutiny,
  - (ii) causing hurt or grievous hurt to a prison officer, or attempting to cause hurt to any such officer by means of an instrument for shooting, stabbing, or cutting or any instrument which, when used as a weapon of offence, is likely to cause death ; or
- (e) with a combination of any two of the above-mentioned punishments.

(4) Nothing in this section shall authorise the infliction of corporal punishment on any female prisoner or on any civil prisoner or on any person remanded by a court pending inquiry or trial.

(5) In any case where the whole or any part of a sentence of corporal punishment cannot for any reason be carried into execution, the Superintendent shall report the fact to the District Judge who, with the concurrence of the other members of the tribunal which inquired into the offence, may order that in lieu of corporal punishment or in lieu of so much of the corporal punishment as was not carried out, the offender be punished with imprisonment of either description for any term which the tribunal is competent to impose, any imprisonment so imposed being in addition to any other punishment already imposed on the offender for that offence : Provided that if for any reason the report of the Superintendent under this sub-section cannot be considered by the tribunal which originally inquired into the offence, it shall be competent for another tribunal duly constituted under this section to consider such report and to make order thereon as hereinbefore provided.

(6) A term of imprisonment imposed under this section shall not run concurrently with, but shall be in addition to, any term of imprisonment or of preventive detention which the offender may be undergoing at the time of the inquiry.

(7) Any term of imprisonment imposed under any other written law on an offender at any time while he is serving a term of imprisonment imposed under this section, shall commence on the expiry of the term of imprisonment imposed under this section.

17 The following sections shall be inserted immediately after section 67 of the principal Ordinance and shall have effect respectively as sections 67A, 67B, 67C and 67D of that Ordinance :—

67A Any prisoner undergoing a sentence of imprisonment of either description or of preventive detention, or any prisoner sentenced to hard labour for an offence against prison discipline, who—

- (a) wilfully refuses to work or perform hard labour, or
- (b) wilfully disables himself so as to be incapable of work or hard labour, or
- (c) evades work or hard labour by malingering, or refusing to take food or otherwise,

shall, on conviction either under section 65 or 67 of this Ordinance or under any other written law, be liable, in

Insertion of new sections 67A, 67B, 67C and 67D in the principal Ordinance.

Evasion of labour by malingering, &c., liable to result in extension of term of imprisonment.

addition to any other punishment which may be awarded, to imprisonment of either description for a further period equal to the period during which he so evaded work or hard labour.

Additional penalties for prisoners guilty of escape or of assaulting prison officers.

67B Every prisoner found guilty by a court of law, or by the authority or tribunal specified in section 65 or section 67, either of assaulting or using criminal force on or causing hurt or grievous hurt to a prison officer or of an escape or an attempt to escape, shall, if the Inspector-General by order in writing so directs, in addition to any other punishment—

- (1) forfeit all or any of the remission marks previously earned by him ;
- (2) be classed and treated in all other respects as a prisoner commencing a new sentence ;
- (3) wear, for such period as may be specified in the order, such distinctive clothing as may be prescribed by rules made under section 76.

No appeal from convictions under section 65 or section 67.

67C There shall be no appeal from a conviction or sentence under section 65 or section 67.

Ordinary criminal courts to retain jurisdiction.

67D Nothing contained in sections 65, 67A, 67B and 67C shall be deemed to deprive any competent court in the Island of its jurisdiction to hear and determine any charge in respect of an offence punishable under the Ceylon Penal Code or any other written law : Provided, however, that no person shall be punished both under the aforesaid sections and by a court for the same offence.

No. 2 of 1883.

Substitution of new sections for sections 70, 71, 72, 73, 74 and 75 of the principal Ordinance.

18 Sections 70, 71, 72, 73, 74, and 75 of the principal Ordinance are hereby repealed and the following sections are respectively substituted therefor :—

Prohibition of mechanical restraint as punishment.

70 No prisoner shall be put under mechanical restraint as a punishment.

Means of restraint for purposes of extra-mural security.

71 (1) A prisoner may, when confined in an insecure place or whenever he is outside prison walls, be put in handcuffs solely as a measure of precaution against violence, disturbance, mutinous conduct, escape, or rescue and, where the number of such prisoners being males exceeds two, they may for the same reason, be secured by a gang chain and wrist-cuffs.

(2) A male prisoner, when confined in an insecure place or whenever he is outside prison walls, may, with the approval of a medical officer, be put in body-belt with side-cuffs to prevent violence, disturbance, mutinous conduct, escape or rescue, but only on the orders of a prison officer not below the rank of Jailor.

Means of restraint for purposes of intra-mural discipline.

72 When, in order to prevent any prisoner from injuring himself or others, or damaging property or creating a disturbance, or using violence, or in any case of insubordination or mutiny, it is necessary, in the interests of discipline, to place him under mechanical restraint, a prison officer not below the rank of Jailor (or in the case of a prisoner mentally deranged, the medical officer) may order him to be placed under mechanical restraint. The use of restraints under this section shall forthwith be reported to the Superintendent, who shall inquire into the matter, give such orders as appear to be necessary and report the circumstances to the Inspector-General for final decision.

Duration of restraint.

73 No prisoner shall be kept under mechanical restraint for a longer period than is necessary, and in no case for more than 24 consecutive hours unless an order approving such restraint and specifying the cause and duration thereof is made by the Inspector-General. Such order shall be preserved by the Superintendent as his authority for the employment of restraint.

Register of Restraints.

74 Particulars of every case in which any mechanical restraint is used shall be forthwith recorded by the Superintendent in a " Register of Restraints " which shall be kept in every prison in such form as may be prescribed by rules under section 76.

Means of restraint to be approved.

75 No handcuffs, body-belts or other mechanical means of restraint shall be used except of such patterns and in such manner and under such conditions as may be approved by the Governor.



**19** Section 76 of the principal Ordinance is hereby amended as follows :—

Amendment of section 76 of the principal Ordinance.

- (1) by the substitution for the words, " the Governor, acting with the advice of the Executive Council ", of the words " Executive Committee " ;
- (2) in paragraph (11) thereof, by the substitution for the word " convicts " wherever it occurs therein, of the word " prisoners " ;
- (3) in paragraph (14) thereof, by the substitution for the words " visitors of prisons " of the words " the Board of Prison Visitors, Local Visiting Committees and Additional Prison Visitors " ;
- (4) by the repeal of paragraph (15) thereof, and the substitution of the following new paragraph for that paragraph :—

" (15) For prescribing for the purposes of section 75 the approved patterns of hand cuffs, body-belts, and other mechanical means of restraint and the manner in which and the conditions under which they may be used ; and

- (5) by the repeal of the proviso thereto, and the insertion of the following new proviso :—

" Provided that no rule made under this Ordinance shall have effect until it is approved by the State Council and ratified by the Governor and notification of such approval and ratification is published in the Gazette."

**20** Section 77 of the principal Ordinance is hereby repealed.

Repeal of section 77 of the principal Ordinance.

**21** Sections 78, 81, and 84 of the principal Ordinance are hereby amended by the omission of the words " Coroner, Deputy Coroner, or Justice of the Peace ", and of the words " Coroner, Deputy Coroner, or Justice ", wherever they occur therein.

Amendment of sections 78, 81 and 84 of the principal Ordinance.

**22** Section 79 of the principal Ordinance is hereby amended as follows :—

Amendment of section 79 of the principal Ordinance.

- (1) by the omission of the words " Coroner, Deputy Coroner, or Justice of the Peace " ;
- (2) by the substitution for all the words from " it shall be lawful " to " under his hand ", of the following :—  
" it shall be lawful for such court in its discretion, if it considers the presence of such prisoner necessary for the ends of justice, by an order in writing " ; and
- (3) by the omission of the words " Coroner, Deputy Coroner, or Justice ".

**23** Section 80 of the principal Ordinance is hereby amended as follows :—

Amendment of section 80 of the principal Ordinance.

- (1) by the substitution for the words " Coroner or Deputy Coroner ", of the words " Police Magistrate or Inquirer ", and
- (2) by the substitution for the word " juror ", of the word " assessor ".

**24** Section 83 of the principal Ordinance is hereby amended as follows :—

Amendment of section 83 of the principal Ordinance.

- (1) by the substitution for the words " civil prisoners " of the words " judgment-debtors " ; and
- (2) by the substitution for the words " the 68th section of "The Fiscals Ordinance, 1867 " ", of the words " section 315 of the Civil Procedure Code, 1889 ".

No. 2 of 1889.

**25** Section 85 of the principal Ordinance is hereby amended by the substitution for the words " civil prisoners " wherever they occur therein, of the words " judgment-debtors ".

Amendment of section 85 of the principal Ordinance.

Repeal of section 86 of the principal Ordinance.

26 Section 86 of the principal Ordinance is hereby repealed.

Savings for existing rules.

27 All rules made under the principal Ordinance subsequent to the date of the commencement of the Prisons (Amendment) Ordinance, No. 17 of 1916, shall, if otherwise in conformity with the provisions of the principal Ordinance, have the same force and effect in law as though the Prisons (Amendment) Ordinance aforesaid had not been passed.

Reprinting of the principal Ordinance.

28 The principal Ordinance may be reprinted from time to time by order of the Governor with all amendments, additions, alterations, or modifications which may have been or may be made thereto by any written law; and any copy of that Ordinance so reprinted shall be deemed for all purposes to be a correct copy of the principal Ordinance as amended, added to, altered, or modified at the date of such reprinting.

#### *Objects and Reasons.*

The object of this Bill is to amend the Prisons Ordinance, 1877, so as to enable prisons in Ceylon to be administered in accordance with modern principles and practice. The recommendations contained in the report of the Prisons Inquiry Commission (Sessional Paper I. of 1932) were considered by the Executive Committee of Home Affairs, and the decisions of the Committee were set out in its report which was published as Sessional Paper II. of 1933. Those decisions have since been approved by the State Council and ratified by the Governor and form the basis of the principal amendments proposed in this Bill.

2. Clause 8 substitutes a new section for section 32 of the principal Ordinance, and Clause 9 introduces three additional sections, which make provision for the appointment of a Board of Prison Visitors, Local Visiting Committees and Additional Prison Visitors. The Board of Prison Visitors will function as an advisory body in the general administration of all prisons throughout the Island. Local Visiting Committees and Additional Prison Visitors will similarly assist in the administration of individual prisons or groups of prisons.

3. Clause 14 substitutes for section 64 a new section which enumerates the acts or omissions which are declared to be prison offences, and Clause 16 substitutes for section 67 a new section which makes provision for the investigation and punishment of such offences by special tribunals, each consisting of a District Judge and two Visitors. Clause 15 amends section 65 and provides disciplinary measures for the punishment of minor prison offences. Under these new provisions, corporal punishment can be imposed only by a special tribunal and only in respect of the offences of mutiny or incitement to mutiny and assault upon or violence to prison officers; and no such punishment is to be inflicted unless a medical officer certifies that the offender is fit to undergo corporal punishment.

4. The new sections contained in Clause 18 are to be substituted for sections 70 to 75 of the principal Ordinance and their purpose is to prohibit the use of mechanical restraints as a form of punishment and to restrict the use of handcuffs, body-belts, gang-chains and wrist-cuffs to cases where the prisoner's conduct or the possibility of his escape render the use of such appliances necessary.

5. The opportunity has been taken to include a number of minor amendments which are calculated to simplify the interpretation and administration of the Ordinance and to adapt it to the requirements of the new Constitution. Clause 2 inserts in the principal Ordinance a new interpretation Clause which includes a comprehensive definition of the expression "civil prisoner".

6. The Executive Committee of Home Affairs is authorised to make rules for the purposes of the Ordinance; but no rule will be operative unless it has been approved by the State Council and ratified by the Governor.

D. B. JAYATILAKA,  
Minister for Home Affairs.

Ministry of Home Affairs,  
Colombo, November 12, 1935.

**NOTICES OF INSOLVENCY.**

In the District Court of Colombo.

No. 4,849. In the matter of the insolvency of Deveni-vidanage Bertie Fernando of 42, Muhandiram's Road, Colpetty, 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,  
November 6, 1935. for Secretary.

In the District Court of Colombo.

No. 4,865. In the matter of the insolvency of Ernest Victor de Silva of Buthgomuwa, Kotikawatta, 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,  
November 6, 1935. for Secretary.

In the District Court of Colombo.

No. 4,869. In the matter of the insolvency of A. Tambirasa of 210, Hulftsdorp street, now of 37, Wilson street, Colombo.

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

By order of court, S. W. DE SILVA,  
November 6, 1935. for Secretary.

In the District Court of Colombo.

No. 4,874. In the matter of the insolvency of J. T. W. Goonewardene of Wattala.

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,  
November 6, 1935. for Secretary.

In the District Court of Colombo.

No. 4,883. In the matter of the insolvency of F. S. Salvador of De Alwis place, Kotahena, 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,  
November 6, 1935. for Secretary.

In the District Court of Colombo.

No. 4,917. In the matter of the insolvency of Cader Mohideen Mohamed Hassen of 56, Dematagoda road, Colombo.

WHEREAS the above-named Cader Mohideen Mohamed Hassen has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by P. T. M. Sally of Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Cader Mohideen Mohamed Hassen insolvent accordingly; and that two public sittings of the court, to wit, on December 10, 1935, and on January 21, 1936, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, GERALD E. DE ALWIS,  
November 5, 1935. Secretary.

In the District Court of Kandy.

No. 2,021. In the matter of the insolvency of M. Z. A. Cader of Kandy.

NOTICE is hereby given that the certificate meeting has been adjourned for December 20, 1935.

By order of court, R. MALALGODA,  
November 12, 1935. Secretary.

In the District Court of Kandy.

No. 2,024. In the matter of the insolvency of A. L. Adam Lebbe of Lagamuwa, Kadugannawa.

NOTICE is hereby given that the certificate meeting in the above case has been adjourned for December 20, 1935.

By order of court, R. MALALGODA,  
November 12, 1935. Secretary.

In the District Court of Kandy.

No. 2,075. In the matter of the insolvency of Esmailjee Karimbhoy of Castle Hill street, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 6, 1935, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. MALALGODA,  
November 8, 1935. Secretary.

In the District Court of Kandy.

No. 2,090. In the matter of the insolvency of Clement William Van Twest of Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 6, 1935, to appoint an assignee.

By order of court, R. MALALGODA,  
November 8, 1935. Secretary.

In the District Court of Chilaw.

No. 45/I. In the matter of the insolvency of Madibamuni Charles Silva of Mahawewa.

NOTICE is hereby given that the examination of the above-named insolvent will take place at the sitting of this court on January 7, 1936.

By order of court, S. P. STOUTER,  
November 7, 1935. Secretary.

In the District Court of Badulla.

Insolvency In the matter of the insolvency of Puchi No. 24. Banda Bothalawa of Ettampitiya.

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 22, 1935, to receive assignee's report.

By order of court, D. C. DISSANAYAKE,  
October 25, 1935. for Secretary.

In the District Court of Badulla.

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

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, for the appointment of an assignee.

By order of court, A. K. ALVAPILLAI,  
Secretary.

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

In the District Court of Colombo.

A. W. Thaha, carrying on business as S. L. M. Thaha of Colombo ..... Plaintiff.

No. 384. Vs.

S. Sandrasegaram of The Sun Life Assurance Co., Fort, Colombo, and 12, Elibank road, Havelock Town, Colombo ..... Defendants.

NOTICE is hereby given that on Saturday, December 7, 1935, at 1 o'clock in the afternoon will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 336.25 together with interest on Rs. 335 at 12 per cent. per annum from July 10, 1935, to date of

decree (September 20, 1935), and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, viz. :—

All that lot marked No. 6 out of lot Nos. 2 and 7, Madan-gahawatta together with the buildings thereon, situated at Kalubowila in the Kalle pattu of Salpiti korale, in the District of Colombo, Western Province, and bounded on the north by the property of Emily Samarawickrema marked lot No. 2, east by the property of Andris Fernando, S. A. Samarawickrema and others, south by the property of C. C. Gauder, and on the west by road reservation 20 feet wide; containing in extent 22 <sup>89</sup>/<sub>100</sub> perches.

Fiscal's Office,  
Colombo, November 13, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

E. K. Packeer Mohideen of 5 and 9, Fifth Cross street,  
Pettah, Colombo ..... Plaintiff.  
No. 532/s. Vs.

M. M. Mohamed Cassim of 79, Second Cross street,  
Pettah, Colombo ..... Defendant.

NOTICE is hereby given that on Thursday, December 12, 1935, will be sold by public auction at the respective premises the following property for the recovery of the sum of Rs. 5,906/66 together with further interest on Rs. 4,000 and Rs. 1,000 at 12 per cent. per annum from September 20, 1935, till date of decree, (October 1, 1935), and thereafter on the aggregate amount of the principal and interest at 9 per cent. per annum till payment in full and costs of suit, viz. :—

The right, title, and interest of the defendant in and to the following properties, to wit :—

At 1 p.m.

Undivided 2/8 parts or shares of and in the following properties, to wit :—

1. All that house and ground bearing assessment No. 9 (presently assessment No. 86), situated at Malay street in Slave Island, within the Municipality and District of Colombo, Western Province; and comprising the following allotment of land, to wit :—

1. All that part of a garden or piece of ground with the buildings standing thereon situated and lying at Slave Island now called Malay street in Slave Island aforesaid; bounded on the north and east by the property of Salmon Rodrigo, on the south by the property of Philippoo Arachy, and on the west by the high road; containing in extent  $3 \frac{72}{100}$  perches according to the survey and description thereof No. 486, dated September 22, 1852, made by J. J. Taylor, Surveyor, and

2. A part of a garden situated at Slave Island now called Malay street aforesaid; bounded on the north and east by part of the garden claimed by Mamage Salmon Rodrigo, on the south by the property of Kankanige Don Johannes Appuhamy, and on the west by the property of Mamage Lucia Rodrigo, wife of Don Bastian de Sozza; containing in extent  $60 \frac{100}{100}$  of a square perch according to the survey dated March 14, 1870, made by J. H. Rodrigo, Surveyor, both together forming one property. Registered A 220/253.

2. At 1.15 p.m.—All that allotment of land with the buildings thereon bearing assessment No. 10 (presently bearing assessment Nos. 82 and 84), situated at Malay street, in Slave Island aforesaid; bounded on the north by premises bearing assessment No. 9 of K. M. Meeran Saiho, on the east by premises bearing assessment No. 22 (Kew road) of Sinna Tamby Haulder, on the south by premises bearing assessment No. 11 of A. R. H. Mohamadu Sally Hadjar, and on the west by Malay street; containing in extent  $4 \frac{84}{100}$  perches according to the figure of survey bearing No. 1,250, dated October 26 and 29, 1912, made by H. G. Dias, Registered Licensed Surveyor and Leveller but according to a previous description is bounded as follows: north by the property of Salmon Rodrigo, on the east by the property of Sergeant Assen, on the south by the property of Tulip Akbar, and on the west by the high road, Malay street; containing in extent  $5 \frac{36}{100}$  perches. Registered A 207/200.

3. At 1.30 p.m.—All those three adjoining portions of the land bearing assessment No. 17 (presently No. 36) with the buildings thereon, situated at Java lane, Slave Island aforesaid, forming one property and described as follows :— (1) A garden with the buildings constructed thereon, situated at Slave Island now called Java lane; bounded on the north by the street, on the east by the property of Sinne Atchy Cando, wife of Wapitchy Constable, on the

south by the garden of the late Meera Pulle Wappoo, and on the west by the property of Tamby Marikar Sinna Tamby; containing in extent  $1 \frac{5}{100}$  perches. (2) All that  $\frac{1}{2}$  from the  $\frac{1}{2}$  part of a garden with the buildings constructed thereon situated at Java lane aforesaid; bounded on the north by the street, on the east by the  $\frac{1}{2}$  from the  $\frac{1}{2}$  belonging to Tamby Marikar Sinna Marikar, on the south by the garden of the late Meera Pulle Wappoo, and on the west by the  $\frac{1}{2}$  part belonging to Sempreera Lebbe Marikar; containing in extent  $1 \frac{5}{100}$  perches and (3) that  $\frac{1}{2}$  part from  $\frac{1}{2}$  part of a garden with the buildings constructed thereon, situated at Java lane aforesaid; bounded on the north by the street, on the east by the  $\frac{1}{2}$  from  $\frac{1}{2}$  part belonging to Amina Lebbe Marikar, on the south by the garden of the late Meera Pulle Wappoo, and on the west by the  $\frac{1}{2}$  from  $\frac{1}{2}$  part belonging to Tamby Marikar Colonda Marikar; containing in extent  $1 \frac{5}{100}$  perches. Registered A 220/254.

4. At 2 p.m.—All that  $1 \frac{1}{12}$  part of piece of ground with the buildings constructed thereon, situated at Slave Island and now called Java lane in Slave Island aforesaid bearing No. 18 (presently No. 38); bounded on the north by the street, on the east by the  $1 \frac{1}{12}$  part belonging to Ayscha Natchia, widow of Aydroos Lebbe Cornister, on the south by the garden of Meera Pulle Wappoo, and on the west by the  $1 \frac{1}{12}$  part belonging to Meera Saibo Abubackker Lebbe; and containing in extent  $99 \frac{100}{100}$  of a square perch according to the survey and description dated January 3, 1889, made by H. F. de Zylva, Surveyor. Registered A 220/255.

5. At 2.30 p.m.—All that garden with the buildings standing thereon bearing assessment No. 38 (presently Nos. 41, 43, 45, 47, 49, 51, 53, 55, 52, 50, 48, 46, 44 and 42), Glennie street in Slave Island aforesaid; bounded on the north by Glennie street, on the south and east by land claimed by Mr. M. Perera, and on the south and west by a new road; containing or reputed to contain in extent 1 rood and 38 perches more or less, excluding however therefrom 2 portions taken over by the Crown and which said garden excluding the said 2 portions taken over by the Crown is now bounded on the north by Glennie street, on the east by the property said to belong to Maiselis Perera, on the south by land said to belong to the Municipality, and on the west by Ingham street; and containing in extent 1 rood  $1 \frac{65}{100}$  perches according to the survey and description thereof No. 2, dated April 11, 1890, made by Charles Schwallie, Surveyor. Registered A 207/201.

6. At 3 p.m.—All that undivided  $\frac{1}{2}$  part of the house and ground formerly bearing assessment Nos. 29 and 30 now bearing assessment Nos. 9 and 9A (presently Nos. 24, 26), situated and lying at Rifle street in Slave Island aforesaid; bounded on the east by the road to the Cinnamon Gardens, on the west by the property of Mr. Melhuisen, on the north by the properties of Mathes, and on the south by the property of Mathes and Meera Ossen Tamby and others; containing or reputed to contain in extent  $9 \frac{48}{100}$  square perches according to the survey and description thereof dated October 22, 1878, made by C. J. Vandesmaght, Surveyor; and (2) also an undivided  $\frac{1}{2}$  part of the same houses and ground described as aforesaid. Registered A 220/256.

7. At 3.15 p.m.—All that lot marked A with the buildings thereon depicted in plan dated July 18, 1910, made by H. G. Dias, Licensed Surveyor from and out of the premises bearing assessment No. 19, situated at Wekanda road in Slave Island aforesaid; and which said lot marked A is bounded on the north by premises bearing assessment No. 20 of S. Sadar, on the east by Wekanda road, on the south by lot marked B allotted to the added defendant, and on the west formerly by the lake now by the land reclaimed and described in T. P. No. 257,784; containing in extent  $17 \frac{25}{100}$  square perches. Registered A 192/40.

Fiscal's Office,  
Colombo, November 13, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

Pulukkutti Aratchige Don Anthony of Dalugama in  
the Adicari pattu of Siyane korale ..... Plaintiff.  
No. 2,760. Vs.

Meera Lebbe Marikar Mohamed Ibrahim of 200/1,  
Dematagoda road, Colombo, presently of The For-  
warding and Landing Agency, c/o M. B. M. Makeen,  
Customs premises, Colombo, legal representative of  
the estate of the late Cader Thamby Abdul Rahim  
of Dematagoda, Colombo ..... Defendant.

NOTICE is hereby given that on Friday, December 13, 1935, at 3 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 1,327, dated September 8,

1933, attested by D. F. J. 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 October 19, 1935, for the recovery of the sum of Rs. 1,084.12 together with interest on Rs. 900 at 15 per cent. per annum from January 29, 1935, to date of decree (July 10, 1935), and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of this action, to be:—

All that divided part of the portion of the garden called Maligakandewatta bearing assessment No. 90, situated at Maligakanda, presently bearing assessment Nos. 42, 44, and 46, Reservoir lang, within the Municipality and District of Colombo, Western Province; which said divided part is bounded on the north by the portion of the same land purchased by Colanda Marikar now of Madar Lebbe, on the east by the portion of the same land of Haniffa Umma Selatchy Umma, on the south presently by the lane and formerly of the land of Mr. Locke, and on the west by the land of Awula Marikar now belonging to a Chettiar; and containing in extent 16 square perches as per plan dated March 31, 1900, made by D. A. Dissanayake, Registered Land Surveyor, which said premises are otherwise described as follows:—

All that western part of a portion of garden called Maligakandewatta with the buildings and plantations standing thereon bearing assessment No. 90, presently bearing assessment Nos. 42, 44, and 46, situated at Maligakanda aforesaid; and bounded on the north by the portion of the same garden formerly of Colanda Marikar now belonging to Madar Lebbe, on the east by a part of the same portion sold to one Ana Gose Mohideen, on the south by a lane leading to the high road which terminates at the foot of the reservoir, and on the west by the land formerly of Awula Marikar now belonging to a Chettiar; and containing in extent 8.23 perches as per figure of survey thereof No. 949, dated July 6, 1905, made by Juwan de Silva, Licensed Surveyor.

Which said premises which are registered in A 193/183 are held and possessed by the said Cader Thamby Abdul Rahim under deed No. 800, dated July 30, 1918, and deed No. 1,439, dated July 29, 1929, both attested by T. S. Jaya-inche, Notary Public.

Fiscal's Office,  
Colombo, November 13, 1935.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Negombo.

Dr. Abraham de Silva Gunasekera of Makewita. . . . Plaintiff.  
No. 8,547. Vs.

(1) Pallawala Kapurubandara Appuhamillage Don Marku Appuhamy, (2) Pallawala Kapurupastha Appuhamillage Dona Victoria Hamine, (3) Siyambalapitiyage Joseph de Silva, all of Makewita. Defendants.

NOTICE is hereby given that on Tuesday, December 10, 1935, commencing at 5 o'clock in the afternoon, will be sold by public auction at the respective premises, the following properties ordered to be sold, viz:—

1. The portion of the land called Kabatagahawatta, situated at Makewita in Ragam pattu of Kankuru korale, in the District of Colombo, Western Province, which said portion is bounded on the north by the high road, east by the boundary of a portion of this land belonging to Domingo Rodrigo Kankanamalage Daniel Rodrigo, south by the ditch of the field, and on the west by the Dewata road or by the boundary of the land of Siyambalapitiyage Don Hendrick Appu, containing in extent within these boundaries about  $\frac{1}{2}$  an acre, together with the buildings and plantations standing thereon and registered under B 187/175. A half share of which is subject to the life interest of Domingo Rodrigo Kankanamalage Prancina Rodrigo Hamine.

2. An undivided  $\frac{1}{2}$  share of the field called Munamalgahakumbura, situate at Megodabolanda in Ragam pattu aforesaid, which said field is bounded on the north by the liminary dam of the field belonging to the heirs of the late Isan Appuhamy and others, east by the liminary dam of the field of Juwanisappu, south by the water-course, and on the west by the liminary dam of the field of Thelenis Perera and others, containing in extent within these boundaries about 2 bushels of paddy sowing ground and all the appurtenances thereto and registered under B 89/168. A half share of which is subject to the life interest of Domingo Rodrigo Kankanamalage Prancina Rodrigo Hamine.

Amount to be levied Rs. 755.15 with interest on Rs. 600 at 9 per cent. per annum from January 2, 1932, till payment.

Deputy Fiscal's Office,  
Negombo, November 11, 1935.

A. W. ROSA,  
Deputy Fiscal.

### Central Province.

In the District Court of Nuwara Eliya.

Rawanna Mana Vana Ramanathan Chettiar of Sea street, Colombo . . . . . Plaintiff.  
No. 1,561. Vs.

Magodagedera Punchirala of Udagama in Kotmale . . . . . Defendant.

NOTICE is hereby given that on Friday, December 13, 1935, commencing at 2.30 P.M., will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 2,419, being the aggregate amount of the principal and interest due in respect of mortgage bond No. 276 dated May 13, 1927, and attested by Mr. V. Ponnusamy, Notary Public, together with interest on Rs. 2,000 at 18 per cent. per annum from May 13, 1933, till date of decree at 9 per cent. per annum till payment in full and costs of this action and mortgage, less a sum of Rs. 780, subsequently paid by the defendant:—

1. All that land called Lindawatta or Lindamulawatta, in extent 3 acres 3 roods and 39 perches, situated at Rawanagoda in Dimbulla, Udagama korale, Kotmale division of the Nuwara Eliya District, Central Province; and bounded on the north by Appurala's land, east by nuga tree standing on the stone of Deyagedera Punchirala's land, thimbiriya bush, and the stone range of Galanagawakotuwa, south by stone range of Menikrala's land, and west by the stone fence of Punchirala's and Rate-mahatmaya's lands.

2. All that divided southern half of an allotment of land called Hatlahawatta, situated at Metagama in Dimbulla aforesaid, containing (southern half) in extent about 6 measures kurakkan sowing; and bounded on the north by new ditch belonging to this land, east by the Hatlahakumbura, south by Ratnekgederawattegawatta, and west by Aditunepara.

3. All those undivided northern  $\frac{3}{4}$  parts of the soil and the plantation of the land called Girakulapatana, situated at Udagama in Dimbulla aforesaid, containing in extent about 20 nelies kurakkan sowing; and bounded on the north by Sellapugedera Nekatralagewatta, east by Gangederahanagapatura, south by Kandekumbure Appuwage-wattegalwetiya, and west by Dumalagastalawagederawatta.

Deputy Fiscal's Office,  
November 6, 1935.

C. J. OORLOFF,  
Additional Deputy Fiscal.

### Southern Province.

In the District Court of Galle.

M. K. M. M. Ramanathan Chettiar of India, by his attorney P. L. Adicappa Chettiar of Kaluwella in Galle . . . . . Plaintiff.  
No. 31,730. Vs.

Bodaragamage Upasena Goonesekera, administrator de son tort of the estate of the late B. A. Goonesekera of Matara . . . . . Defendant.

NOTICE is hereby given that on Saturday, December 14, 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. 1,015.72, together with legal interest thereon from June 23, 1933, till payment in full, viz:—

1. All that the soil and trees of the defined lot of the land called Jambughawatta alias Pokunewatta, together with all the buildings standing thereon, situated at Kade-weediya within the Urban District Council limits of Matara, Matara District, Southern Province; and bounded on the north by new high road from Galle to Matara, east by Rattampulletottam, south by Puhulannewatta alias Omaru Lebbe Mattichchangewatta, and on the west by Jambughawatta; and containing in extent 1 rood and 12 perches.

2. All that the soil and trees of the defined lot B of the land called Jambughawatta, situated at Kadeweediya aforesaid; and bounded on the north by high road from Galle to Matara, east by Jambughawatta belonging to the estate of Meiakanda Shroff, south by Tennakoon Walawwewatta, and on the west by lot A of the same land; and containing in extent 12.6 perches, together with all the buildings standing thereon.

Deputy Fiscal's Office, Matara, November 7, 1935.

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

In the District Court of Matara.

(1) Galappattige Martin Singho, (2) Sellahennedige Angohamy, both of Pamburana ..... Plaintiffs.  
No. 6,277. Vs.

(2) Mohamadu Lebbe Marikkar Sali Natchiya of Kade-weediya, (3) Ibrahim Lebbe Marikkar Alavi Umma of Watagederamulla, and (11) Ahamadu Haniffa Seinambu Natchiya of Kadeweediya ..... Defendants.

NOTICE is hereby given that on Tuesday, December 10, 1935, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd, 3rd and 11th defendants in the following property for the recovery of a sum of Rs. 380.45, viz. :—

1. *Property of the 2nd defendant.*—All that lot C of the fields called Nalakana, Ampe, and Depelawagura, situated at Kitalagama in Gangaboda pattu of Matara District, Southern Province; and bounded on the north by Kahanahena, east by Baddiwela, south by lot E of the same land, and on the west by Mahakandawala Bandariya; and containing in extent 1 acre 2 roods and 11 perches. *Subject to indenture of lease No. 3,442, dated November 1, 1915, in favour of the 2nd plaintiff and the 1st defendant.*

2. *Property of the 3rd defendant.*—All that lot D of the fields called Nalakana, Ampe, and Depelawagura, situated Kitalagama aforesaid; and bounded on the north by lot E of the same land, east by Tembilyagoda, south by lot B of the same land, and on the west by Urapolawattegedeniya; and containing in extent 1 acre 2 roods and 11 perches. *Subject to a lease in favour of the 1st plaintiff for 10 years.*

3. *Property of the 11th defendant.*—All that lot E of the fields called Nalakana, Ampe, and Depelawagura, situated at Kitalagama aforesaid; and bounded on the north by lot C of the same land, east by Baddiwela and Tembilyagoda, south by lot D of the same land, and on the west by Kudakandawala and Wedagoda; and containing in extent 7 acres 3 roods and 15 perches. *All that undivided 6/10 parts of the lot is subject to a lease in favour of the 2nd plaintiff and the 1st defendant on deed of lease No. 3,442, dated November 1, 1915.*

Deputy Fiscal's Office, H. V. F. ABAYAKOON,  
Matara, November 7, 1935. Additional Deputy Fiscal.

In the District Court of Tangalla.

Kurundu Patabendige Samel Appu de Kotuwegoda,  
Matara ..... Plaintiff.  
No. 3,833. Vs.

(1) Wickrama Kalutotage Juwan Appu de Silva of Medaketiya in Tangalla, (2) Wickrama Kalutotage Mesinona of Medaketiya in Tangalla, (3) Dickwelle Vidanege David of Tangalla ..... Defendant.

NOTICE is hereby given that on Saturday, December 7, 1935, commencing at 10 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 mortgaged property for the recovery of Rs. 2,136.55 with further legal interest on Rs. 1,900.83 from September 11, 1935, till payment in full and poundage, viz. :—

At Tangalla.

(1) All that soil and plantations of the two contiguous lands bearing Nos. 130 and 131, situated at Tangalla in West Giruwa pattu of the Hambantota District; and bounded on the north by Harumanispeongewatta, east by lot 132, south by the road, and west by lot 129; containing in extent 20 perches.

(2) All that field called Danketiya, situated at Tangalla aforesaid; and bounded on the north-east by Paddawela Ihalakumbura, south-east by Danketiyegoda, south-west by Pinliyaddakumbura, and north-west by ela; containing in extent 3 acres 3 roods and 39.88 perches.

Deputy Fiscal's Office, A. L. M. NOOR MOHAMED,  
Tangalla, November 9, 1935. Additional Deputy Fiscal.

In the District Court of Tangalla.

Jothis Appu Samarawira presently of Ambalan-tota ..... Plaintiff.  
No. 3,765. Vs.

Syed Ibrahim Ibnu Syed Hamid Mowlana presently of Hambantota ..... Defendant.

NOTICE is hereby given that on Saturday, December 7, 1935, at the time and place specified below, will be sold by public auction the right, title, and interest of the said

defendant in the following mortgaged property for the recovery of Rs. 821.40 with further legal interest on Rs. 806.70 from September 10, 1935, till payment in full, and costs, viz. :—

At Lucasgoda in Tissa at 11 a.m.

(1) All that undivided extent of 9 acres from or out of the allotment of land called Thawabedda delineated in T. P. No. 254,028, situated at Thawa in Magam pattu of the Hambantota District, bounded by the north by lot 10900 in P. P. 1,378, east by lot 10900 in P. P. 1,378, south by T. P. 251,384, and west by reservation for a road; containing in extent 4 acres 1 rood and 7 perches.

At Debarawewa in Tissa commencing at 2 p.m.

(2) All that allotment of land called Golatiyagodana delineated in T. P. No. 206,998, situated at Thawa; bounded on the north by reservation for a road, east by T. P. 206,999, south by reservation for a road, and west by T. P. 206,992; containing in extent 1 acre and 8 perches.

(3) All that allotment of land called Golatiyagodana delineated in T. P. No. 206,966, situated at Thawa; bounded on the north by reservation for a road and lot 16246 in P. P. No. 6,202, east by lot 16240 in P. P. No. 6,202, south by T. P. 207,218, and west by lot 16238 in P. P. 6,202; containing in extent 1 acre.

Valuation: (1) Rs. 1,350, (2) Rs. 100, (3) Rs. 100.

K. KANAGASUNDRAM,  
Additional Deputy Fiscal.

Deputy Fiscal's Office,  
Hambantota, November 7, 1935.

### Northern Province.

In the District Court of Jaffna.

Arumugam Ponniah of Valvettiturai by his attorney Sinnathamby Thambapillai of Valveddi ..... Plaintiff.  
No. 1,536.

Ponnampalam Thirukittambalan and others of Valvettiturai ..... Defendants.

NOTICE is hereby given that on Saturday, December 7, 1935, at 3.30 in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said 1st, 2nd, and 3rd defendants in the following property for the recovery of Rs. 2,477.22, with interest thereon at 9 per cent. per annum from December 31, 1932, till payment in full, less Rs. 215 poundage and charges, viz. :—

One schooner called "Ananthapoorany" anchored at Karativu harbour with its accessories.

Fiscal's Office, S. TURAIYAPPAH,  
Jaffna, November 12, 1935. Deputy Fiscal.

In the District Court of Jaffna.

The Jaffna Urban District Council by its Chairman, Rajaratnam Nalliah of Jaffna ..... Plaintiff.  
No. 2,816. Vs.

Joseph Mariampillai of Rasavinthoddam road, Jaffna ..... Defendant.

NOTICE is hereby given that on Saturday, December 7, 1935, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 477.69, with legal interest thereon at 9 per cent. per annum from August 23, 1932, and costs reserved, poundage, and charges, viz. :—

1. A piece of land situated at Karaiyoor in Chundicuti parish, Jaffna division of the Jaffna District, Northern Province, called Kondaiandyvayal, containing in extent 8 lachams p. c. with hut; and bounded on the east by Alizan Rajasingham and Thevareerkulam, north by Alizan Rajasingham, west by Railway line, and south by Bastiampillai Kavuriapillai.

2. A piece of land situated at ditto called Kondaiandy thoddam, in extent 7 lachams varagu culture with stone built house, cultivated and spontaneous plantations; and bounded on the east by road, north by William Mather, west by Mrs. Alvares, and south by Alizan Rajasingham. *The lands are said to be under mortgage.*

Also seized under writ No. 1,361/A. C. R., Jaffna.

Fiscal's Office, S. TURAIYAPPAH,  
Jaffna, November 11, 1935. Deputy Fiscal.

## Eastern Province.

In the District Court of Batticaloa.

Ahamadulevvepody Udayar V. V. Adamlevve of Sammanturai as administrator of the estate of the late Mubaideenbawapody Mulamadutambipody ..... Plaintiff.  
No. 7,586. Vs. 16/11/35

Mubaideenbawapody Adamlevve alias Sinnapillai-pody of Sammanturai ..... Defendant.

NOTICE is hereby given that on Saturday, December 7, 1935, at the times hereinafter mentioned, will be sold by public auction at the respective spot the right, title, and interest of the said defendant in the following properties for the recovery of the damages at Rs. 100 per annum from January 1, 1928, till defendant is ejected, poundage, and other charges, viz. :—

(1) At 10 o'clock in the forenoon.—The paddy land situated at Neinthilaputhuchenai Kandam, in Nadukadu in Sammanturai pattu, Batticaloa District, Eastern Province; and bounded on the north by Vaikal, south by Vaikal and the land of N. Kasi, east by the land of A. A. Mahumoothulevve and others and Kaddadiveli Seeniyinkandam, and west by the land of M. Ahamadulevvepody, in extent 13 acres with inlets, outlets, and rights.

(2) At 4 o'clock in the afternoon.—The paddy land called Pallapattu, situated at Sadayantalavai Thenkilalkandam in the aforesaid pattu; and bounded on the north by Vaikal, south by Crown land, east by road, and west by the paddy land dowried to U. Seimu and others, in extent 1 1/2 acres with inlets, outlets, and rights.

Fiscal's Office, K. S. CHANDRASEGARAMPILLAI,  
Batticaloa, November 6, 1935. Deputy Fiscal.

## Province of Sabaragamuwa.

In the Court of Requests of Kegalla.

Saranetti Patirannehelage John Singho of Raddalgoda ..... Plaintiff.  
No. 7,638. Vs. 3/3/35

A. W. Pinhamy Baas of Siyambalapitiya... Defendant.

NOTICE is hereby given that on Friday, December 6, 1935, commencing from the first land, at 3 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 properties, viz. :—

1. All that field called Rukadappiyewatta of 1 pela paddy sowing in extent, situated at Kappagoda in Egodapota pattu of Galboda Kofale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the north by field, east by limit of land belonging to Balahamy, south by field, and west by field.

2. All that land called Pitakotuwehena of 1 pela paddy sowing in extent, situated at Siyambalapitiya in Egodapota pattu aforesaid; and bounded on the north by field, east by limit of Kurewatta and field, south by ditch, and west by village limit of Dodantale; and

3. All that land called Udahawatta of 1 acre and 2 roods in extent, situated at Siyambalapitiya aforesaid; and bounded on the north by ditch and live fence, east by Gansabhawa road, south by wire fence, and west by high road.

To levy Rs. 197-70, with further interest on Rs. 200 at the rate of 10 per cent. per annum from June 6, 1933, till September 4, 1934, and thereafter with legal interest on the aggregate amount till payment in full, Fiscal's charges, and poundage.

Deputy Fiscal's Office, J. A. F. SIRIWARDENE,  
Kegalla, November 12, 1935. Additional Deputy Fiscal.

I, Charles Harrison-Jones, Esq., Fiscal for the Southern Province, do hereby appoint Mr. Richard Ernest Gurusinghe, to be my Marshal for the Balapitiya District with effect from November 11, 1935, under the provisions of the Fiscal's Ordinance, 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office, C. HARRISON-JONES,  
Galle, November 11, 1935. Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

36. Order Nisi.  
Testamentary In the Matter of the Intestate Estate of No. 6,602. B. Bastian Silva of Daniel's road, deceased.

Haththimuni Alfred Silva of Daniel's road, Mutwal in Colombo ..... Petitioner.

And  
(1) Henry Silva alias B. A. de Silva, (2) Bridget Gracelyn de Silva, (3) Bernardine de Silva, both appearing as legal guardian ad litem, (4) Haththimuni Agnes de Silva, all of Daniel's road in Mutwal ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on September 21, 1935, in the presence of Mr. S. M. C. de Soysa, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 16, 1935, having been read :

It is ordered that the 4th respondent be and she is hereby appointed guardian ad litem of the minors, the 2nd and 3rd respondents above named, to represent them for all the purposes of this action.

It is ordered that the petitioner be and he is hereby declared entitled, as son-in-law of the original petitioner's deceased brother, to have letters of administration de bonis non to his estate, issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 31, 1935, show sufficient cause to the satisfaction of the court to the contrary.

G. CROSSETTE THAMBYAH,  
September 21, 1935. District Judge.

This Order Nisi is extended for showing cause to November 21, 1935.

C. NAGALINGAM,  
October 31, 1935. District Judge.

In the District Court of Colombo.

30. Order Nisi.  
Testamentary In the Matter of the Last Will and Testament of Joha Henry Franciscus of No. 7,321. Dickman's road, Bambalapitiya, Colombo, deceased.

(1) Charles Trevor Lorage of 40rd lane, Wellawatta, Colombo, (2) Vincent de Silva of 4th St. Mary's road, Mutwal, Colombo ..... Petitioners.

Cyril Eustace Franciscus of Kirillapone ..... Respondent.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on October 16, 1935, in the presence of Mr. M. R. Akbar, Proctor, on the part of the petitioners above named; and the affidavits (1) of the said petitioners dated August 6, 1935, and (2) of the attesting notary, and one of the attesting witnesses dated September 4, 1935, having been read :

It is ordered that the last will of John Henry Franciscus, deceased of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioners are the executors named in the said will and that they are entitled to have probate thereof issued to them accordingly; unless the respondent above named or any other person or persons interested shall, on or before November 21, 1935, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,  
October 16, 1935. Acting District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament of Kuruppu Appuhamillage Bartin No. 7,366. Nona of Danwilane in the Meda pattu of Siyane korale, deceased.

Wickrematchi Vithane Ralalage Peter Singho of Danwilane aforesaid ..... Petitioner.

THIS matter coming on for final determination before C. Nagalingam, Esq., Acting District Judge of Colombo, on October 18, 1935, in the presence of Mr. A. C. Abeywardene, Proctor, on the part of the petitioner above

named; and (1) the affidavit of the said petitioner dated August 20, 1935, (2) the affidavit of the attesting notary and of the witnesses dated June 7, 1935, having been read :  
 It is ordered that the last will of the said deceased, No. 20,929 dated December 22, 1934, 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 above-named petitioner is the executor named in the said will and that he is entitled to have probate thereof issued to him accordingly.

October 18, 1935. C. NAGALINGAM,  
 District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Menerigamage James Perera of Kalutara, No. 7,361. deceased.

Condagamage Emalia Grew of Havelock road, Wellawatta ..... Petitioner.

Vs.

(1) Menerigamage Meggy Perera of Kalutara, (2) ditto Mercy Beatrice Perera of Mt. Lavinia, (3) ditto Eugin Perera, (4) ditto Herath Milla Perera, both of Wellawatta ..... Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., Acting District Judge of Colombo, on October 15, 1935, in the presence of Mr. Ben Samarasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner having been read :

It is ordered (1) that the 2nd respondent above-named be and she is hereby appointed guardian *ad litem* over the 3rd and 4th respondents above named, minors, to represent them for all the purposes of this action and (2) that the petitioner above named be and she is hereby declared entitled, as widow of the above named deceased, to have letters of administration issued to her in respect of the deceased's estate, unless the respondents above named or any other person or persons interested shall show sufficient cause to the contrary on or before November 21, 1935.

October 15, 1935. C. NAGALINGAM,  
 Acting District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Abdulla Yacob of Main street, in No. 7,365. Colombo, deceased.

Mohamedally Dawood of Main street, in Colombo ..... Petitioner.

And

(1) Fatma Abdul Gani, (2) Rula Abdulla, (3) Ibrahim Abdulla, (4) Abba Abdulla, (5) Noor Mohamed Abdulla, all of Kutiyan in Kathiayar District, North India, appearing by their guardian *ad litem* (6) Yusuf Noor Mohamed of Main street, 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. K. T. Chittampalam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 9, 1935, power of attorney in favour of the petitioner, and the order of the Supreme Court dated August 2, 1935, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as attorney of the widow 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 November 28, 1935, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the 6th respondent be and he is hereby appointed guardian *ad litem* of the minors the 2nd to 5th respondents to represent them for all the purposes of this action.

October 15, 1935. C. NAGALINGAM,  
 District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Nilgalpedige Podiya of Putupagala in the No. 7,382. (Gangaboda) pattu of Siyane korale, deceased.

Hingalapedige Podiya of Putupagala ..... Petitioner.

And

Hingalapedige Salonchia ..... Respondent.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on November 4, 1935, in the presence of Mr. S. Kanagaratnam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 1, 1935, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before December 12, 1935, show sufficient cause to the satisfaction of the court to the contrary.

November 4, 1935. C. NAGALINGAM,  
 District Judge.

In the District Court of Colombo.

Order Nisi in Intestacy.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Henry Osmond Barnard of 28, Westmoreland road, Bromley, in the County of Kent, England, deceased.

David Ernest Martensz of Messrs. F. J. & C. de Saram, Colombo ..... Petitioner.

(1) Ellen Annee Zelic Barnard, (2) Henry George Osmond Barnard, both of 28, Westmoreland road, Bromley, Kent, England; and (3) Gerald Ernest de Alwis, Secretary of the District Court of Colombo, Colombo ..... Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on November 5, 1935, in the presence of James Frederick van Langenberg, Proctor, on the part of the petitioner, David Ernest Martensz of Colombo; and (1) the affidavit of the said petitioner dated October 30, 1935, (2) power of attorney dated November 27, 1934, (3) order of the Supreme Court dated October 2, 1935, and (4) minute of consent dated November 27, 1934 from Emma Eugenie Charlotte Barnard, having been read : It is ordered that the said David Ernest Martensz is the attorney in Ceylon of the said Emma Eugenie Charlotte Barnard and Charlotte Antoinette Lily Barnard the administratrices and two of the heirs and next of kin of the said Henry Osmond Barnard, deceased, and that as such letters of administration issued to him accordingly, unless the above-named respondents or any other person interested shall, on or before November 21, 1935, show sufficient cause to the satisfaction of this court to the contrary : It is further ordered that the said 3rd respondent be and he is hereby appointed guardian *ad litem* over the 1st and 2nd minor respondents above named for the purpose of this action.

November 5, 1935. C. NAGALINGAM,  
 District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Jayasinghe Muhandiram Don Brampy No. 2,980. Dissanayake of Nambuluwa in Udugaha pattu of Siyana korale, deceased.

Jayasinghe Muhandiram Don John Edwin Dissanayake of Nambuluwa in Udugaha pattu of Siyane korale ..... Petitioner.

Vs.

(1) Jayasinghe Muhandiram Don Louis Edmund Dissanayake of Nambuluwa, (2) Karunanayake Mudiyan-selage Leelawathie Kumari Hamy of Leelawasa, Kegalla, (3) Karunanayake, Mudiyan-selage Somawathie Kumari Hamy of Ihala Walawwa of Ambuwangala in Kegalla District, (4) Tikiri Banda Karunanayake of Ihala Walawwa of Ambuwangala in Kegalla District ..... Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge of Negombo, on October 18, 1935, in the presence of Mr. P. P. Jayawardana, Proctor, on the



part of the petitioner and the petitioner's petition and affidavit dated October 17 and October 12, 1935, respectively having been read :

It is ordered that the petitioner be and she is hereby declared entitled as eldest son and heir of the above-named deceased, 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 5, 1935.

It is further ordered that the fourth respondent be and he is hereby appointed guardian *ad nem* over the 3rd respondent who is a minor for the purpose of this case, 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 5, 1935.

D. H. BALFOUR, District Judge.  
October 18, 1935.

The date for showing cause against this Order *Nisi* is extended to November 19, 1935.

D. H. BALFOUR, District Judge.  
November 5, 1935.

In the District Court of Kalutara.  
*Order Nisi declaring Will proved, &c.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Cornelius Cecil Jayasooriya, deceased of No. 2,634. Desastra Kalutara.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on March 13, 1935, in the presence of Messrs. De Abrew & Fernando, Proctors, on the part of the petitioner, Adiriana Roslin Jayasooriya *nee* De Fonseka Warnasuriya Samarasekara of Desastra Kalutara ; and the affidavit of the said petitioner dated March 4, 1935, having been read :

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to his estate issued to her, unless the respondents, viz., (1) Muriel Felicia Belle de Silva *nee* Jayasooriya, (2) Violet Edirin Edirin *nee* Jayasooriya, (3) Pearl Ellalin Jayasooriya, all of Desastra Kalutara, or any other person or persons interested shall, on or before May 16, 1935, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA, District Judge.  
March 13, 1935.

The date for showing cause is extended to June 27, 1935.

N. M. BHARUCHA, District Judge.

The date for showing cause is extended to July 27, 1935.

N. M. BHARUCHA, District Judge.

The date for showing cause is extended to September 13, 1935.

N. E. ERNST, District Judge.

The date for showing cause is extended to October 18, 1935.

N. E. ERNST, District Judge.

The date for showing cause is extended to November 22, 1935.

N. E. ERNST, District Judge.

In the District Court of Kandy.  
*Order Nisi declaring Will proved, &c.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Deliwala Ambegodagedara Kuda Duraya, No. 5,320. Vidane, deceased, of Deliwala in Medapalata of Udunuwara.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on August 2, 1935, in the presence of Mr. F. J. P. Mudannayake, on the part of the petitioner, Atalahegedara Kiri Bando; and the affidavit of the said petitioner dated August 2, 1935, having been read :

It is ordered that the petitioner be and she is hereby declared as widow of the above-named deceased to have letters of administration to the estate of the deceased, issued to her, unless the respondents—(1) Deliwala Ambegodagedara Komalawathie, (2) ditto Charlis Nuwarapaksa, (3)

ditto Jambesepala, (4) ditto Sieladhara Thero, (5) ditto Premadasa, (6) ditto Sugathapala—or any other person or persons interested shall, on or before August 30, 1935, show sufficient cause to the satisfaction of this court to the contrary.

R. F. DIAS, District Judge.  
August 2, 1935.

The date for showing cause is extended to November 18, 1935.

R. F. DIAS, District Judge.  
October 17, 1935.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate of Peramune Jurisdiction. Pattiramage Warnelis Appuhamy of Galange in Kandupalata of Yatinuwara, No. 5,340. deceased.

THIS matter coming for disposal before R. F. Dias, Esq., District Judge of Kandy, on September 30, 1935, in the presence of Mr. F. P. Senaratne, Proctor, on the part of the petitioner, Harankah Pattiramage Jambesepala; and the affidavit of the said petitioner dated September 27, 1935, having been read :

It is ordered that the petitioner be and she is hereby declared entitled as widow of the deceased above named to have letters of administration to the estate of the deceased issued to her, unless the respondents, viz. :—(1) Peramune Pattiramage Albin Singho, (2) Peramune Pattiramage Martin Singho, (3) Peramune Pattiramage Edmund Singho, (4) Peramune Pattiramage Alice Nona, (5) Peramune Pattiramage Maggie Nona, (6) Peramune Pattiramage Podi Mahathaya, (7) Peramune Pattiramage Missi Nona, and (8) Peramune Pattiramage Luvi Nona—shall, on or before October 28, 1935, show sufficient cause to the satisfaction of this court to the contrary.

R. F. DIAS, District Judge.  
September 30, 1935.

The date for showing cause is extended to December 9, 1935.

R. F. DIAS, District Judge.  
October 28, 1935.

In the District Court of Kandy.  
*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. George Kellart Arthur Ludwick, deceased, No. 5,342. of Pussellawa.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on October 7, 1935, in the presence of Messrs. Bevan & Bevan, Proctors, on the part of the petitioner, Kelanige Weerasinghe Don Dabocho Nona of Pussellawa ; and the affidavit of the said petitioner dated September 30, 1935, having been read :

It is ordered that the petitioner be and she is hereby declared entitled as widow of the deceased to have letters of administration to his estate issued to her, unless the respondents (1) Henry Joseph Ludwick, (2) Eugene John Ludwick, (3) Evelyn Ludwick, (4) Maud Ludwick, (5) Alice Ludwick, and (6) Liliyan Ludwick, all of Pussellawa or any other person or persons interested shall, on or before November 21, 1935, show sufficient cause to the satisfaction of this court to the contrary.

R. F. DIAS, District Judge.  
October 7, 1935.

In the District Court of Galle.  
*Order Nisi.*

Testamentary In the Matter of the estate of the late Jurisdiction. Paragahatota Patirage Don William No. 7,646. Gunasekara, deceased, of Dedduwa.

Wil-arachchige Dona Alice Nona Gunatillaka of Dedduwa ..... Petitioner.

Vs. (1) Paragahatota Patirage Don Sidiwardena Gunasekara, (2) ditto Banduwardena Gunasekara, (3) ditto Nandiwardena Gunasekara, (4) ditto Don Abraham Gunasekara of Induruwa, guardian *ad litem* over the 1st, 2nd, and the 3rd respondents ..... Respondents.

THIS matter coming on for disposal before C. E. de Vos, Esq., District Judge of Galle, on March 21, 1935, in the presence of Mr. N. de Alwis, Proctor, on the part

of the petitioner, Wil-arachchige Dona Alice Nona Gunatillake Dedduwa; and the affidavit of the said petitioner dated March 20, 1935, having been read:

It is ordered that the 5th respondent be appointed guardian *ad litem* over the 1st and the 3rd minor respondents, unless the said respondents, viz., (1) Paragahatota Patirage Don Siriwardena Gunasekara, (2) ditto Banduwardena Gunasekara, (3) ditto Nandiwardena Gunasekara, (4) ditto Don Abraham Gunasekara of Induruwa, or any other person interested shall, on or before May 9, 1935, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioner, as widow of the deceased above named and that she is entitled to have letters of administration issued to her accordingly, unless the said respondents or any other person or persons interested shall, on or before May 9, 1935, show sufficient cause to the satisfaction of this court to the contrary.

March 21, 1935. T. WEERARATNE, District Judge.  
Since extended to November 21, 1935.

C. E. DE VOS, Acting District Judge.

In the District Court of Matara.  
Order Nisi.

Testamentary In the Matter of the Last Will and Testament No. 3,896. of Asana Marikkar Mohammed Ali and his wife, Ossen Saibu Kumister Rahiath Umma of Jasmine Lodge, Matara.

Abubekr Mohammed Buhari of Jasmine Lodge, Matara. Petitioner.

Ossen Saibu Kumister Rahiath Umma of Jasmine Lodge, Matara. Respondent.

THIS matter coming on for disposal before Cyril Ernst de Pinto, Esq., District Judge of Matara, on September 18, 1935; and the affidavit (1) of the petitioner above named dated September 18, 1934, and (2) of the attesting notary and the subscribing witnesses dated June 18, 1934, having been read:

It is ordered that the last will and testament No. 3,831 dated March 5, 1927 of Assana Marikkar Mohammed Ali and his wife, Ossen Saibu Kumister Rahiath Umma of Jasmine Lodge, Matara, of which the original has been produced, and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him to administer the estate of the said Assana Marikkar Mohammed Ali, deceased, unless the respondent above named 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 Intestate Estate of the late B. C. Rajaratnam of Uduppiddy, sometime of Polgahawela, deceased.

Florence Sellachy, widow of B. C. Rajaratnam of Uduppiddy. Petitioner.

(1) V. W. Sinnappa of wife (2) Sinnappilai, both of ditto. Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, B. C. Rajaratnam, coming on for disposal before S. Rodrigo, Esq., Additional District Judge, on September 11, 1935, in the presence of Mr. C. Thanabalasingham, Proctor, on the part of the petitioner;

and the affidavit of the petitioner dated September 20, 1934, having been read: It is ordered that the petitioner is the lawful widow of the said intestate, be and she is hereby declared entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondents or any other person shall, on or before October 25, 1935, show sufficient cause to the satisfaction of this court to the contrary.

September 27, 1935. S. RODRIGO, Additional District Judge.  
Extended to November 22, 1935.

In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late V. S. Muttiah of Elalai, deceased. No. 178.

Priporanam, widow of V. S. Muttiah of Elalai. Petitioner.

(1) Muttiah Thevarajah, (2) Muttiah Thurairajah, (3) Saraswathi daughter of Muttiah, (4) Muttiah Tharumarajah, (5) Nagasari, daughter of Muttiah, (6) Sinnathamby Sannagaram, all of Elalai; the above-named 1st to 5th respondents are minors, appearing by their guardian *ad litem* the 6th respondent. Respondents.

THIS matter of petition of the above-named petitioner, praying that she be declared entitled to letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on November 1, 1935, in the presence of Mr. T. Kumaraswamy, Proctor, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named petitioner be declared entitled to letters of administration to the estate of the above-named deceased, and that letters be issued to her accordingly, unless that above-named respondents or any other person shall, on or before November 21, 1935, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

November 5, 1935. C. COOMARASWAMY, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Saravanamuthu Kumaraswamy of Alaveddy, deceased. No. 8,460.

Nesamalar Kumaraswamy, widow of Saravanamuthu Kumaraswamy of Alaveddy. Petitioner.

(1) Kumaraswamy Subramaniam, (2) Kumaraswamy Gnanasubramaniam, (3) Kumaraswamy Rajaledchumy, (4) Kumaraswamy Annaledchumy, (5) Kumaraswamy Arasaretnam, (6) Subramaniam Kumariah, (7) Karthigesu Kandiah, (minors), all of Alaveddy. Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before Simon Rodrigo, Esq., District Judge, on September 9, 1935, in the presence of Mr. V. K. Gnanasundram, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 13, 1933, having been read: It is declared that the petitioner is the widow of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondent or any other person shall, on or before November 21, 1935, show sufficient cause to the satisfaction of this court to the contrary.

September 30, 1935. S. RODRIGO, District Judge.

In the District Court of Jaffna.

31 Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Sinnammah, wife of Veluppillai Aru-  
No. 8,471. nasalam of Vaddukkoddai East, who  
died at Pahang in F. M. S., deceased.

Vairamuttu Kathiraiandar of Vaddukkoddai  
East ..... Petitioner.

(1) Arunasalam Pandarappullai (minor) and (2) Naga-  
muttu Kumareser of Vaddukkoddai East; the 1st  
respondent appearing by his guardian *ad litem*  
the 2nd respondent, (3) Veluppillai Arunasalam of  
Vaddukkoddai East ..... Respondents.

THIS matter of the petition of the petitioner, praying  
that letters of administration be granted to him in respect  
of the estate of the above-named deceased, coming on for  
disposal before Simon Rodrigo, Esq., District Judge,  
Jaffna, on April 5, 1934, in the presence of Mr. A. Mudr.  
Veluppillai, Proctor, for petitioner; and the affidavit of  
the petitioner dated March 22, 1934, having been read :

It is ordered that letters of administration be issued to  
the petitioner in respect of the estate of the above-named  
deceased, unless the respondents or any others shall on or  
before May 16, 1934, show sufficient cause to the satis-  
faction of this court to the contrary.

April 16, 1934.

C. COOMARASWAMY,  
District Judge.

Time extended to show cause to November 19, 1935.

C. COOMARASWAMY,  
District Judge.

In the District Court of Chilaw.

Order Nisi.

37 Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. the late Sena Lena Mohamado Neina  
No. 2,155. Marikkar of Pullichakulam, deceased.

Neina Mohamado Lebbi Kader Beebi of Pulicha-  
kulam ..... Petitioner.

(1) Segu Ibrahim Neina Marikkar, (2) Ummul Hairu,  
both of Pullichakulam (3) Sena Lena Segu Alavu-  
deen Marikkar of Pullichakulam ..... Respondents.

THIS matter coming on for disposal before M. Chin-  
nayah, Esq., District Judge of Chilaw, on September 13,  
1935, in the presence of Messrs. Corea & Silva, Proctors, on  
the part of the petitioner above named; and the affidavit  
of the said petitioner dated September 13, 1935, having  
been read :

(a) It is ordered that the 3rd respondent be and he is  
hereby appointed guardian *ad litem* of the minors, the 1st  
and 2nd respondents above named to represent them for  
all the purposes of this action, and (b) that the petitioner  
be and she is hereby declared entitled, as widow of the  
above-named deceased, to have letters of administration  
to his estate issued to her, unless the respondents above  
named or any other person or persons interested shall, on  
or before October 8, 1935, show sufficient cause to the  
satisfaction of this court to the contrary.

September 13, 1935.

M. CHINNAYAH,  
District Judge.

Time for showing cause has been extended to October 30, 1935.

October 9, 1935.

M. CHINNAYAH,  
District Judge.

Time for showing cause has been extended to November 19, 1935.

October 31, 1935.

M. CHINNAYAH,  
District Judge.