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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 :—

An Ordinance to provide for the recognition and re-sealing in Ceylon of Probates and Letters of Administration granted in any other part of His Majesty's dominions.

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

Short title and date of operation.

1 This Ordinance may be cited as the British Courts Probates (Re-sealing) Ordinance, No. of 1936, and shall come into operation on such date as the Governor shall appoint by Proclamation in the Gazette.

Competent courts.

2 Where a person has died outside Ceylon leaving an estate in Ceylon, any District Court having jurisdiction over the place where—

- (a) the Ceylon estate or any part of the Ceylon estate of the deceased person is situate, or
- (b) the executor or administrator, or the attorney of the executor or administrator, of that part of the estate of the deceased person which is being administered outside Ceylon is resident,

shall be a competent court for the purposes of this Ordinance.

Re-sealing in Ceylon of probates and letters of administration granted outside Ceylon.

3 Where a court of probate in any part of His Majesty's dominions or a British court in a foreign country has, either before or after the date on which this Ordinance comes into operation, granted probate or letters of administration in respect of the estate of a deceased person, the probate or letters so granted may, on being produced to, and a copy thereof deposited with a competent court, be sealed with the seal of that court, and thereupon shall be of like force and effect, and have the same operation in Ceylon as if granted by that court.

Conditions to be fulfilled before sealing.

4 The court shall, before sealing a probate or letters of administration under this Ordinance be satisfied—

- (a) that testamentary duty has been paid in respect of so much, if any, of the estate as is liable to testamentary duty in Ceylon ; and
- (b) in the case of letters of administration, that security has been given in a sum sufficient in amount to cover the property, if any, in Ceylon to which the letters of administration relate ;

and may require such evidence, if any, as it thinks fit as to the domicile of the deceased person.

Security for payment of debts.

5 The court may also, if it thinks fit, on the application of any creditor, require, before sealing, that adequate security be given for the payment of debts due from the estate to creditors residing in Ceylon.

Duplicate or copy of probate or letters of administration.

6 For the purposes of this Ordinance, a duplicate of any probate or letters of administration sealed with the seal of the court granting the same, or a copy thereof certified as correct by or under the authority of the court granting the same, shall have the same effect as the original.

Certain duties and liabilities of an executor or administrator under the Civil Procedure Code, 1889, not affected.

7 The sealing of a probate or letters of administration under section 3 shall not affect the liability of an executor or administrator—

- (a) to file, within a time appointed by the court, an inventory of the deceased person's property and effects situated in Ceylon, with a valuation of the same as required by section 538 of the Civil Procedure Code, 1889 ;
- (b) to file, on or before the expiration of twelve months from the date of such sealing, a true account, as regards the deceased's property and effects situated in Ceylon, of his executorship or administration, as the case may be, verified on oath or affirmation, with all receipts and vouchers attached, as required by section 553 of the said Code ;
- (c) to be compelled to make a judicial settlement of his account as executor or administrator, with respect to the deceased's property situated in Ceylon, under the provisions of Chapter LV of the said Code.

8 For the purposes of all estates to which this Ordinance applies—

- (a) all reference in the Civil Procedure Code, 1889, to any court as being the court from which grant of probate or letters of administration issued shall be construed as references to the court by which the probate or letters of administration have been sealed under this Ordinance, and all references to the grant of probate or letters of administration or to an order absolute declaring a person entitled to such grant shall be construed as referring to the sealing of probate or letters of administration under this Ordinance; and
- (b) all references in the Stamp Ordinance, 1909, to the grant of probate or letters of administration shall be deemed to include a reference to the sealing of probate or letters of administration under this Ordinance, and all references to probate or letters of administration shall be deemed to include a reference to any probate or letters of administration or to any duplicate or certified copy thereof sealed under this Ordinance.

Construction of certain references in Civil Procedure Code and Stamp Ordinance relating to probate and letters of administration.

No. 22 of 1909.

9 (1) It shall be competent for the Judges of the Supreme Court, or any three of them, of whom the Chief Justice shall be one, to frame Rules of Court for regulating the procedure and practice, including fees and costs, of and incidental to an application for sealing a probate or letters of administration under this Ordinance.

Rules of Court.

(2) The matters for which rules may be framed under sub-section (1) shall be deemed to be added to the list of matters for which rules may be framed, constituted and established under section 53 of the Courts Ordinance, 1889; and the provisions of that section of that Ordinance shall apply accordingly to any Rules of Court framed for the purposes of this Ordinance.

10 In this Ordinance, unless the context otherwise requires—

Interpretation.

“British court in a foreign country” means any British court having jurisdiction out of His Majesty’s dominions in pursuance of an Order of His Majesty in Council, whether made under any Act of the Imperial Parliament or otherwise;

“competent court” means a District Court designated as a competent court under section 2;

“court of probate” means any court or authority by whatever name designated, having jurisdiction in matters of probate;

“His Majesty’s dominions” includes any British protectorate or protected state and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty;

“probate” and “letters of administration” include confirmation in Scotland, and any instrument having in any part of His Majesty’s dominions the same effect which under English law is given to probate and letters of administration respectively;

“testamentary duty” includes any duty payable on the value of the estate and effects for which probate or letters of administration is or are granted.

11 The British and Colonial Probate Ordinance, No. 7 of 1921, and the British and Colonial Probate Amendment Ordinance, No. 32 of 1935, are hereby repealed.

Repeals.

Objects and Reasons.

1. The object of this Bill is to repeal the British and Colonial Probate Ordinance, No. 7 of 1921, and to substitute in its place an Ordinance which has been drafted on the lines of a model furnished by the Secretary of State.

2. There are two points on which the existing law has been altered. In the first place, under Ordinance No. 7 of 1921, a “competent court” is defined as a court on which the Supreme Court has conferred sole testamentary jurisdiction on an application made under section 70 of the Courts Ordinance, 1889. Representations have been made to the effect that this preliminary application to the Supreme Court may well be dispensed with in order to avoid unnecessary expense. It has been pointed out that a probate or letters of administration granted by a Ceylon court can be re-sealed in England on an application made direct to any court entitled to exercise testamentary jurisdiction, whereas a probate or letters of administration granted in England cannot be re-sealed in Ceylon until the Supreme Court has authorized a District Court to entertain the application for re-sealing.

Clause 2 of the Bill accordingly defines a "competent court" to be a District Court having jurisdiction over the place where the Ceylon estate of the deceased or any part of that estate is situate, or where the executor or administrator of the deceased or the attorney of such executor or administrator resides. The person who desires to have a probate or letters of administration re-sealed in Ceylon will thus be entitled to make his application direct to the most convenient District Court. Secondly, the recognition in Ceylon of probates or letters of administration issued by British courts outside Ceylon has been based on a system of reciprocity. The Secretary of State points out that this is an undesirable if not unnecessary feature of the existing law, as the authority of a British possession, to enact legislation for the recognition and re-sealing in that possession of probates and letters of administration granted in the United Kingdom and in other parts of the British Empire is derived by the extension to that possession of the provisions of the Colonial Probates Act, 1892, under which probates and letters of administration granted by a British possession are re-sealed in the United Kingdom. It has accordingly been found to be unnecessary to produce the provisions of section 3 of the British and Colonial Probate Ordinance, No. 7 of 1921.

3. Power has been taken in clause 9 to enable the Judges of the Supreme Court to make rules to regulate the procedure and practice relating to applications for re-sealing probates or letters of administration. These rules will not have legislative effect until they have been laid before the State Council in accordance with the requirements of section 53 of the Courts Ordinance, 1889.

J. C. HOWARD,
Legal Secretary.

Legal Secretary's Office,
Colombo, October 21, 1936.

MINUTE.

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

An Ordinance to make provision for the enforcement in Ceylon of judgments given in countries which accord reciprocal treatment to judgments given in Ceylon, for facilitating the enforcement in other countries of judgments given in Ceylon and for other purposes in connection with the matters aforesaid.

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

Short title
and date of
operation.

1 This Ordinance may be cited as the Reciprocal Enforcement of Judgments Ordinance, No. of 1936, and shall come into operation on such date as the Governor shall appoint by Proclamation in the Gazette.

PART I.

Registration of Foreign Judgments.

Power to
extend Part I.
to foreign
countries giving
reciprocal
treatment.

2 (1) The Governor, if he is satisfied that, in the event of the benefits conferred by this Part being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in that foreign country of judgments given in the superior courts of Ceylon, may by Proclamation published in the Gazette direct—

- (a) that this Part shall extend to that foreign country ; and
- (b) that such courts of that foreign country as are specified in the Proclamation shall be deemed to be superior courts of that country for the purposes of this Part.

(2) Any judgment of a superior court of a foreign country to which this Part extends, other than a judgment of such a court given on appeal from a court which is not a superior court, shall be a judgment to which this Part applies if—

- (a) it is final and conclusive as between the parties thereto ; and
- (b) there is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty ; and
- (c) it is given after the coming into operation of the Proclamation directing that this Part shall extend to that foreign country.

(3) For the purposes of this section, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it or that it may still be subject to appeal, in the courts of the country of the original court.

(4) The Governor may by a subsequent Proclamation vary or revoke any Proclamation previously made under this section.

3 (1) A person, being a judgment creditor under a judgment to which this Part applies, may apply to the registering court at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the registering court and on any such application the court shall, subject to proof of the prescribed matters and to the other provisions of this Ordinance, order the judgment to be registered :

Application for, and effect of, registration of foreign judgment.

Provided that a judgment shall not be registered if at the date of the application—

- (a) it has been wholly satisfied ; or
- (b) it could not be enforced by execution in the country of the original court.

(2) Subject to the provisions of this Ordinance with respect to the setting aside of registration—

- (a) a registered judgment shall, for the purposes of execution, be of the same force and effect ; and
- (b) proceedings may be taken on a registered judgment ; and
- (c) the sum for which a judgment is registered shall carry interest ; and
- (d) the registering court shall have the same control over the execution of a registered judgment ;

as if the judgment had been a judgment originally given in the registering court and entered on the date of registration :

Provided that execution shall not issue on the judgment so long as, under this Part and the Rules of Court made thereunder, it is competent for any party to make an application to have the registration of the judgment set aside, or, where an application is made, until after the application has been finally determined.

(3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of Ceylon the judgment shall be registered as if it were a judgment for such sum in the currency of Ceylon as, on the basis of the rate of exchange prevailing at the date of the judgment of the original court, is equivalent to the sum so payable.

(4) If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall not be registered in respect of the whole sum payable under the judgment of the original court, but only in respect of the balance remaining payable at that date.

(5) If, on an application for the registration of a judgment, it appears to the registering court that the judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

(6) In addition to the sum of money payable under the judgment of the original court, including any interest which by the law of the country of the original court becomes due under the judgment up to the time of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original court.

4 (1) The power to make rules of court under section 53 of the Courts Ordinance, 1889, shall, subject to the provisions of this section, include power to make rules for the following purposes :—

Rules of court.
1 of 1889.

- (a) for making provision with respect to the giving of security for costs by persons applying for the registration of judgments ;
- (b) for prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters ;

- (c) for providing for the service on the judgment debtor of notice of the registration of a judgment ;
- (d) for making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside and with respect to the extension of the period so fixed ;
- (e) for prescribing the method by which any question arising under this Ordinance whether a foreign judgment can be enforced by execution in the country of the original court or what interest is payable under a foreign judgment under the law of the original court, is to be determined ;
- (f) for prescribing any matter which under this Part is to be prescribed.

(2) Rules made for the purposes of this Part shall be expressed to have, and shall have, effect subject to any such provisions contained in Proclamations made under section 2 as are declared by the said Proclamations to be necessary for giving effect to agreements made between His Majesty and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of this Part.

Cases in which registered judgments must, or may, be set aside.

5 (1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

(a) shall be set aside if the registering court is satisfied—

- (i) that the judgment is not a judgment to which this Part applies or was registered in contravention of the foregoing provisions of this Ordinance ; or
- (ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case ; or
- (iii) that the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear ; or
- (iv) that the judgment was obtained by fraud ; or
- (v) that the enforcement of the judgment would be contrary to public policy in the country of the registering court ; or
- (vi) that the rights under the judgment are not vested in the person by whom the application for registration was made ;

(b) may be set aside if the registering court is satisfied that the matter in dispute in the proceedings in the original court had previously to the date of the judgment in the original court been the subject of a final and conclusive judgment by a court having jurisdiction in the matter.

(2) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of sub-section (3), be deemed to have had jurisdiction—

(a) in the case of a judgment given in an action in personam—

- (i) if the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting, or obtaining the release of, property seized, or threatened with seizure, in the proceedings or of contesting the jurisdiction of that court ; or
- (ii) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court ; or
- (iii) if the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the country of that court ; or

- (iv) if the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted resident in, or being a body corporate had its principal place of business in, the country of that court ; or
- (v) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that court were in respect of a transaction effected through or at that office or place ;

(b) in the case of a judgment given in an action of which the subject matter was immovable property or in an action *in rem* of which the subject matter was movable property, if the property in question was at the time of the proceedings in the original court situate in the country of that court ;

(c) in the case of a judgment given in an action other than any such action as is mentioned in paragraph (a) or paragraph (b) of this sub-section, if the jurisdiction of the original court is recognised by the law of the registering court.

(3) Notwithstanding anything in sub-section (2) of this section, the courts of the country of the original court shall not be deemed to have had jurisdiction—

(a) if the subject matter of the proceedings was immovable property outside the country of the original court ; or

(b) except in the cases mentioned in sub-paragraphs (i), (ii), and (iii) of paragraph (a) and in paragraph (c) of sub-section (2), if the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the country of that court ; or

(c) if the judgment debtor, being a defendant in the original proceedings, was a person who under the rules of public international law was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court.

6 (1) If, on an application to set aside the registration of a judgment, the applicant satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment, the court, if it thinks fit, may, on such terms as it may think just, either set aside the registration or adjourn the application to set aside the registration until after the expiration of such period as appears to the court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by the competent tribunal.

Powers of registering court on application to set aside registration.

(2) Where the registration of a judgment is set aside under the last foregoing sub-section, or solely for the reason that the judgment was not at the date of the application for registration enforceable by execution in the country of the original court, the setting aside of the registration shall not prejudice a further application to register the judgment when the appeal has been disposed of or if and when the judgment becomes enforceable by execution in that country, as the case may be.

(3) Where the registration of a judgment is set aside solely for the reason that the judgment, notwithstanding that it had at the date of the application for registration been partly satisfied, was registered for the whole sum payable thereunder, the registering court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

7 No proceedings for the recovery of a sum payable under a foreign judgment, being a judgment to which this Part applies, other than proceedings by way of registration of the judgment, shall be entertained by any court in Ceylon.

Foreign judgments which can be registered not to be enforceable otherwise.

8 (1) This Part shall apply to His Majesty's dominions outside Ceylon and to judgments obtained in the courts of the said dominions as it applies to foreign countries and judgments obtained in the courts of foreign countries ; and, on and after the date on which this Ordinance is brought into operation by Proclamation under section 1, the Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, shall cease to have effect except in relation to those parts of the said dominions to which it extends on that date.

Application of Part I to H. M's dominions outside Ceylon.

(2) If a Proclamation is made under section 2 extending this Part to any part of His Majesty's dominions to which the Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, extends as aforesaid, the said Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, shall cease to have effect in relation to that part of His Majesty's dominions.

(3) References in this section to His Majesty's dominions shall be construed as including references to any territories which are under His Majesty's protection and to any territories in respect of which a mandate under the League of Nations has been accepted by His Majesty.

PART II.

Miscellaneous and General.

General effect
of certain
foreign
judgments.

9 (1) Subject to the provisions of this section, a judgment to which Part I applies or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognised in any court in Ceylon as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counterclaim in any such proceedings.

(2) This section shall not apply in the case of any judgment—

(a) where the judgment has been registered and the registration thereof has been set aside on some ground other than—

(i) that a sum of money was not payable under the judgment; or

(ii) that the judgment has been wholly or partly satisfied; or

(iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court; or

(b) where the judgment has not been registered, it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a) of this sub-section.

(3) Nothing in this section shall be taken to prevent any court in Ceylon recognising any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognised before the date on which this Ordinance is brought into operation by Proclamation under section 1.

Power to
make foreign
judgments
unenforceable
in Ceylon if no
reciprocity.

10 (1) If it appears to the Governor that the treatment in respect of recognition and enforcement accorded by the courts of any foreign country to judgments given in the superior courts of Ceylon is substantially less favourable than that accorded by the courts of Ceylon to judgments of the superior courts of that country, the Governor may by Proclamation published in the Gazette apply this section to that country.

(2) Except in so far as the Governor may by Proclamation under this section otherwise direct, no proceedings shall be entertained in any court in Ceylon for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.

(3) The Governor may by subsequent Proclamation vary or revoke any Proclamation made under this section.

Issue of
certificates of
judgments
obtained in
Ceylon.

11 Where a judgment under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, has been entered in a superior court in Ceylon against any person and the judgment creditor is desirous of enforcing the judgment in a foreign country to which Part I applies, the court shall, on an application made by the judgment creditor and on payment of the prescribed fee, issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed:

Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

12 (1) In this Ordinance, unless the context otherwise requires— Interpretation.

- “ appeal ” includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution ;
- “ country of the original court ” means the country in which the original court is situated ;
- “ judgment ” means a judgment or order given or made by a court in any civil proceedings, or a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party ;
- “ judgment creditor ” means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise ;
- “ judgment debtor ” means the person against whom the judgment was given and includes any person against whom the judgment is enforceable under the law of the original court ;
- “ original court ” in relation to any judgment means the court by which the judgment was given ;
- “ prescribed ” means prescribed by rules of court made under section 53 of the Courts Ordinance, 1889 ;
- “ registration ” means registration under Part I, and the expressions “ register ” and “ registered ” shall be construed accordingly ;
- “ registering court ” in relation to any judgment means the District Court of Colombo ;
- “ superior court ” when used with reference to a court in Ceylon means the Supreme Court or a District Court.

(2) For the purposes of this Ordinance, the expression “ action in personam ” shall not be deemed to include any matrimonial cause or any proceedings in connexion with any of the following matters, that is to say, matrimonial matters, administration of the estates of deceased persons, insolvency, winding-up of companies, lunacy, guardianship of a minor or curatorship of the estate of a minor.

Objects and Reasons.

The object of this Bill is to make provision for the enforcement in Ceylon of judgments given in foreign countries which accord reciprocal treatment to judgments of Ceylon courts.

2. Part II of the Administration of Justice Act, 1920, of the Imperial Parliament made provision for the enforcement in the United Kingdom of judgments given by courts in other parts of His Majesty's dominions. The Act further provided for the issue of an Order in Council declaring that the provisions of Part II of the Act shall apply to any British possession if His Majesty was satisfied that reciprocal provision had been made by the legislature of that possession for the recognition and enforcement of judgments given by courts in the United Kingdom. Accordingly, after the Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, was enacted in Ceylon, an Order in Council (No. 125 of 1922) was made extending Part II of the Administration of Justice Act, 1920, to the Island.

3. In 1933, the Imperial Parliament passed the Foreign Judgments (Reciprocal Enforcement) Act, which made provision for the recognition in the United Kingdom of judgments given in foreign countries which accord reciprocal treatment to judgments of the courts of the United Kingdom. Section 7 of that Act empowers His Majesty by Order in Council to direct that Part I of the Act shall apply to His Majesty's dominions outside the United Kingdom and to judgments obtained in the courts of those dominions in like manner as it applies to foreign countries and judgments obtained in the courts of foreign countries. That section further provides that on the issue of such an order in Council the Administration of Justice Act, 1920, shall cease to have effect, subject to the provisions of the Act, in any part of His Majesty's dominions to which the Order in Council relates. By the Reciprocal Enforcement of Judgments (General Application to His Majesty's Dominions) Order in Council, 1933, Part I of the Foreign Judgments (Reciprocal Enforcement) Act, 1933, was applied to all His Majesty's dominions outside the United Kingdom, including Ceylon.

4. The Reciprocal Enforcement of Judgment Ordinance, No. 41 of 1921, provides for the enforcement in Ceylon of judgments given by British courts. The principal object of the Bill is to provide for the enforcement of judgments given by foreign courts. As it is desirable that the law relating to the enforcement of British judgments should be the same as that relating to the enforcement of foreign judgments, Clause 8 of the Bill provides for the extension of the new law to judgments given by British courts, and prescribes the circumstances in which Ordinance No. 41 of 1921 will cease to be operative in Ceylon.

5. The other Clauses of the Bill are modelled on the relevant provisions of the Foreign Judgments (Reciprocal Enforcement) Act, 1933. The District Court of Colombo will, however, continue, as under the existing law, to be the only court vested with jurisdiction for the purpose of registering and enforcing British and foreign judgments.

Hulftsdorp,
Colombo, October 22, 1936.

J. C. HOWARD,
Legal Secretary.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the Central Province will be holden at the Court-house at Kandy on Tuesday, December 1, 1936, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Kandy, October 30, 1936.

T. A. HOBSON,
Fiscal.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Kurunegala will be holden at the Audience Hall at Kandy on Tuesday, December 1, 1936, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Kurunegala, November 3, 1936.

W. J. L. ROGERSON,
Fiscal.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Anuradhapura will be holden at the Court-house at Kandy on Tuesday, December 1, 1936, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Anuradhapura, October 29, 1936.

W. S. JOSEPH,
for Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Kandy by Muna Muna Murugaiah, Head Kangany of Bowlana Group, Galaha, against the proprietors thereof under the Ordinance No. 13 of 1889 for the recovery of his wages amounting to Rupees One thousand Five hundred and Ninety-eight.

October 26, 1936.

TUAN J. SALDIN,
Chief Clerk.

IT is hereby notified that from and after November 12, 1936, a sitting of the District Court of Jaffna will be held at Point Pedro in the Police Court building on every Thursday, Friday, and Saturday, for the disposal of all cases that come from the area of the territorial jurisdiction of the Police Court of Point Pedro.

District Court,
Jaffna, November 2, 1936.

C. COOMARASWAMY,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,938. In the matter of the insolvency of Mohamed Cassim Ahamed Mohideen Saibo and Mohamed Cassim Cader Mohideen Saibo, both of 321, Main street, Pettah, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court on December 8, 1936, for the grant of certificates of conformity to the insolvents.

By order of court, GERALD E. DE ALWIS,
November 3, 1936. Secretary.

In the District Court of Colombo.

No. 5,031. In the matter of the insolvency of Mataramba Kanattagegamage Jackson de Silva of 36, Hunupitiya road, in Colombo.

WHEREAS the above-named M. K. J. de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by B. C. Fernando of Galkissa, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. K. J. de Silva insolvent accordingly; and that two public sittings of the court, to wit, on December 8, 1936, and on January 19, 1937, 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,
October 31, 1936. Secretary.

In the District Court of Kandy.

No. 2,097. In the matter of the insolvency of Puhunam Kristombuge Sam de Silva of Gampola.

NOTICE is hereby given that a special meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 4, 1936, for the production of a document which was not produced during the examination of the insolvent.

By order of court, R. MALALGODA,
October 31, 1936. Secretary.

In the District Court of Nuwara Eliya.

No. 25. In the matter of the insolvency of Muthiah Kangany, son of Arumugam of Delmar estate, Halgranoya.

NOTICE is hereby given that the first sitting of this court for the proving of claims and appointment of assignee has been adjourned till November 27, 1936.

By order of court, E. DE S. GUNAWARDENE,
October 30, 1936. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 29. In the matter of the insolvency of Ana Lana Ana Runa Alagupillai of Hatton.

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 17, 1936, for proving of debts.

By order of court, E. DE S. GUNAWARDENE,
November 3, 1936. Secretary.

In the District Court of Jaffna.

Insolvency Jurisdiction. No. 161. In the matter of the insolvency of Naganather Saravanamuttu, Naganather Saravanamuttu Sinnathurai, and Naganather Saravanamuttu Rasalingam, all of Kokkuvil East, who are carrying on business of cigar manufacture in partnership, insolvents.

WHEREAS Naganather Saravanamuttu, Naganather Saravanamuttu Sinnathurai, and Naganather Saravanamuttu Rasalingam of Kokkuvil have filed a declaration of insolvency, and a petition for the sequestration of their estate has also been filed by Appakuddy Kandiah of Kokkuvil East, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Naganather Saravanamuttu, Naganather Saravanamuttu Sinnathurai, and Naganather Saravanamuttu Rasalingam insolvents accordingly; and that two public sittings of the court, to wit, on November 13, 1936, and December 14, 1936, will take place for the said insolvents to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth within the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C. CANAPATHIPILLAI,
Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) Nawanna Moona Nawanna Muthiah Chettiar of Sea street, Colombo Plaintiff.

No. 4,291. Vs.

(1) B. V. Richard de Silva, (2) Edmund de Silva, (3) Edward de Silva, (7) Mrs. A. C. Sumanasinghe, all of executors *de son-trot* of the estate of K. D. Misinona, deceased, of Katukurunda, (8) B. V. de Silva of Katukurunda Defendants.

NOTICE is hereby given that on Tuesday, December 1, 1936, at 2 P.M. and 4 P.M., will be sold by public auction at the respective premises the right title, and interest of the said 1st, 2nd, 3rd, 7th, and 8th defendants in the following property for the recovery of Rs. 1,562.61 viz., Rs. 995 being principal, Rs. 122.50 being interest due up to October 26, 1936, and Rs. 445.11 being incurred and prospective cost, less a sum of Rs. 1,102.48 recovered, viz. :-

Undivided $\frac{1}{2}$ share of the soil and of the trees and of the building bearing assessment No. 274 standing thereon of the land called Kahatagahawatta *alias* Mawatabodawatta, situated at Katukurunda in Kalutara totamune in Kalutara badde in the District of Kalutara, Western Province; and bounded on the north by Madangahawatta, east by Nembiyagodakurunduawatta belonging to B. C. de Silva, south by Kirigewatta belonging to Muslim people and others, and west by Colombo-Galle high road; and containing in extent 1 acre and 27 perches.

2. At 4 p.m.—Undivided $\frac{1}{2}$ share of the soil and of the trees and $\frac{1}{2}$ share of five buildings standing thereon of the land called Wattalayawatta Group, situated at Nehinna in Iddagoda pattuwa, Pasdun korale west, in the District of Kalutara, Western Province; and bounded on the north by the field, east by Gedarellewatta (belonging to Rosa Company), south by Hatangalayawatta, and west by high road; and containing in extent 30 acres.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, November 2, 1936. Deputy Fiscal.

47. In the District Court of Kalutara.
Mudaliyar G. C. Samaranyake of Panadure, presently of District Court, Matara Plaintiff.
No. 19,312. Vs. 39.

(1) Lokukankanage Sopaya Peiris administratrix of the estate of the late Patabendige Anis Coorey, deceased, in testamentary case No. 2,469, D. C., Kalutara, (2) Patabendige Somawathie Coorey *alias* Mrs. Wilson de Silva, both of Alutgama in Kalutara District Defendants.

NOTICE is hereby given that on Saturday, December 5, 1936, at 2 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged by the defendants with plaintiff by mortgage bond No. 480 dated April 5, 1929, and attested by J. E. L. Weerasinghe, Notary Public, and declared bound and executable for the decree entered in the said case for the recovery of Rs. 4,017.50, with interest on Rs. 3,500 at 15 per cent. per annum from June 4, 1935, till date of recovery (October 10, 1935) and thereafter on the aggregate amount with legal interest at 9 per cent. per annum till payment in full and costs Rs. 217.20, viz. :-

(1) All that the soil, trees, plantations, and the cadjan thatched house standing thereon of the land called Honpola-pittaniyawattakattiya, situated at Alutgama in Alutgam-badda of the Kalutara totamune in the Kalutara District of the Western Province; bounded on the north by Karandagahawatta *alias* Karandagahapittaniya, on the east by Mudiyansegawatta, on the south by Moonamalgahawatta *alias* Ambagahawatta, and on the west by Honpolayawattakattiya, and containing in extent 2 roods and 3 perches as per figure of survey No. 49 dated July 31, 1928, made by Mr. Stanley S. Roelofz, Special Licensed Surveyor.

At 4 p.m. at the Premises.

(2) All that defined portion marked lot No. 2 of the land called Delkadaland, situated at Indigawaduwa in Iddagoda pattu of Pasdun korale in Kalutara District; bounded on the north by lot L 737 in P. P. 2,253 and a path, east by a path and lot 788 in P. P. 6,853, south by lot 788 in P. P. 6,863 and land claimed by natives, and on the west by a road and lot No. 1 of this same land; containing in extent 3 acres and 2 roods as per figure of survey No. 4,334 dated February 16, 1922, made by Mr. H. O. Scharenguivel, Licensed Surveyor.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, November 3, 1936. Deputy Fiscal.

62. In the District Court of Colombo.

(1) A. Baur, (2) F. Feller, (3) Albert Leeber, all carrying on business under the name, firm, and style of Messrs. A. Baur & Co., Fort, Colombo Plaintiffs.

No. 49,612. Vs.

G. Samarasinghe of Medagama Bandara-gama Defendant.

NOTICE is hereby given that on Thursday, November 26, 1936, 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 property for the recovery of Rs. 375.60, with interest at 9 per cent. per annum on the sum of Rs. 369.30 from July 5, 1932, till payment in full and costs of suit, viz. :-

(1) An undivided $\frac{1}{2}$ share of the land called Dawatagahawattakattiya, situated at Medagama in Adikari pattu of Raigam korale in the District of Kalutara; bounded on the north by Polwatta and the land called Kanatta, east by the field, south by the portion of this Dawatagahawatta purchased by Samarasinghe Achchige Podisingho and Matara Achchige Simon Perera, and on the west by the land belonging to Wilegoda Wickramage Prolis Silva, Peace Officer, and others; containing in extent 2 acres.

(2) An undivided $\frac{1}{2}$ share of Moonamalgahawatta *alias* Meddewatta *alias* Wilegodawatta, situated at Medagama aforesaid; bounded on the north by Kaluwattagewatta and Alutwatta, east by Kariwasanvithangewatta, south by Kariwasanvitanagewatta, and on the west by Meddewattakattiya; containing in extent about 4 acres.

(3) An undivided $\frac{1}{2}$ share of a piece of Meddewattakattiya, situated at Medagama aforesaid; bounded on the north by the remaining share of this land sold upon deed No. 26,269, east by Medawatta, south by the ditch separating a portion of this land, and on the west by wela; containing in extent 1 acre.

(4) An undivided $\frac{1}{4}$ share of Kamarangahawatta, situated at Medagama aforesaid; bounded on the north by Beligahwatta, east by Kariyasan Vithanagewatta, south by Kaluwawattagewatta, and on the west by wela; containing in extent about 1 acre.

(5) An undivided $\frac{1}{4}$ share of Thalapetiyannekumbura, situated at Medagama aforesaid; bounded on the north by Godawelakumbura, east by a portion of Rambukkanpela, south by Kaduruweti Kumbura, and on the west by Beligahawatta; containing in extent 3 bushels and 3 pecks paddy sowing.

(6) An undivided $\frac{1}{2}$ share of the two contiguous portions of Kurundugahawelakumbura, situated at Alutganwela in Adikari pattu aforesaid; bounded on the north by a portion of this field belonging to Vilegodawickramage Bastian Silva, east by Medawattaowitakattiya, south by Dekittawilakumbura, and on the west by Dekittawilakumbura Aswedumekattiya; containing in extent 19 kurunies of paddy sowing.

(7) An undivided $\frac{1}{4}$ share of Kurundugahawelakumburariandahenakattiya, situated at Alutganwela aforesaid; bounded on the north by Kurundugahawelakumburaotukattiya, east by owita, south by a portion belonging to Ranasinghe Alisandure, and on the west by Aswedumekumbura; containing in extent 2 bushels of paddy sowing.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, November 2, 1936. Deputy Fiscal.

Central Province.

In the District Court of Kandy.

G. P. A. de Silva of Poya, Kataluwa, in Ahan-gama Plaintiff.
No. 42,355. Vs.

S. P. N. A. N. Sockalingam Chettiar of 556, Trin-comalee street, Matale Defendant.

NOTICE is hereby given that on Saturday, November 28, 1936, at 1 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 857.19, and expenses incurred to advertise the sale, &c., viz. :—

An undivided $\frac{1}{2}$ share of the land called Pihillakanda estate of the extent of 63 acres 3 roods and 22 $\frac{3}{4}$ perches, situated at Ukuwela in Medasiya pattu of Matale South in the District of Matale, Central Province; and bounded on the north by Kerindiwelgollehena, the included extent round the house and Crown reservation, east by land claimed by villagers and Mr. Barber's estate, south by Mr. Barber's estate and Ukuwela estate, and on the west by railway boundary, together with the buildings thereon.

The above property will be sold subject to whatever rights the administrator of the estate of S. P. N. A. N. Annamalai Chettiar of Matale, deceased, has to it.

N.B.—This share of the property has also been seized under D. C., Kandy, No. 43,274, and D. C. Kandy, Testamentary case No. 5,151.

Deputy Fiscal's Office, A. M. A. AZEEZ,
Matale, November 2, 1936. Additional Deputy Fiscal.

Southern Province.

In the District Court of Tangalla.

John Gerald Suriya Arachchi Mohotty of Bebarenda in Matara Plaintiff.
No. 3,668. Vs.

Don Bastian Patiratne of Yodakandiya in Tissa Defendant.

NOTICE is hereby given that on Saturday, November 28, 1936, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 1,883.80, with legal interest on Rs. 1,856.90 from October 26, 1936, till payment in full :—

At Yodakandiya in Tissa.—All that soil and fruit trees, together with all the buildings standing thereon, of the land called Yodakandiya goda depicted in T. P. 199,512, situated

at Yodakandiya in Tissa in Magam pattu of the Hambantota District in Southern Province; bounded on the north by a road, on the east by reservation along the road and land in T. P. 187,953, on the south by land in T. P. 187,953 and T. P. 178,134, and on the west by land in T. P. 199,511; containing in extent 3 roods and 6 perches.

Valuation : Rs. 2,000.

Deputy Fiscal's Office, K. KANAGASUNDRAM,
Hambantota, October 31, 1936. Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

(1) Velauther Sittampalam and wife (2) Sinnatangam of Vaddukottai East Plaintiffs.

No. 7,839. Vs.

(1) Saravanamuttu Sivasinghampoo and wife (2) Maniccam, both of Chankanai Defendants.

NOTICE is hereby given that on Saturday, November 28, 1936, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of Rs. 451.25, with further interest on Rs. 300 at 10 per cent. per annum from April 2, 1935, till payment in full and costs Rs. 97.52, less Rs. 90, and poundage and charges, viz. :—

A piece of land situated at Chankanai in Chankanai parish, Valikamam West division of the Jaffna District, Northern Province, called Nainanthoddam, Thachchantharai, and Malaichyanthoddam, in extent 8 $\frac{1}{4}$ lachams varagu culture, with house and other buildings, well, cultivated and spontaneous plants; and bounded on the east by the heirs of Subramaniam Sellamuttu, north and west by road, and south by Pomu, wife of Ramalingam. Of this the share of the said well and way and water-course belonging to the other lands is however excluded.

This land is said to be under mortgage.

Fiscal's Office, M. SELVADURAI,
Jaffna, November 3, 1936. for Fiscal.

In the District Court of Jaffna.

Suppar Nagappan Subramaniam of Point Pedro Plaintiff.
No. 8,175. Vs.

Vairamuttu Rajal of Jaffna town Defendant.

NOTICE is hereby given that on Monday, November 30, 1936, at 10 o'clock in the forenoon, will be sold by public auction at Lion Hotel, Chapel street, Jaffna, the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,350, with interest thereon at 9 per cent. per annum from May 27, 1936, till payment in full and costs Rs. 13.20, and poundage and charges, viz. :—

1. A boutique consisting of 16 rafters, 37 corrugated sheets, and 3 doors.

2. Business known by the name of Lion Hotel, situated at Chapel street, Jaffna, with its licence No. A 2,585, Hotel Licence No. A 2,706 and the right of Bar licence; consisting of movable articles such as liquor, hotel articles, furniture, glassware, crockery, cutlery, flower pots, &c.

Fiscal's Office, M. SELVADURAI,
Jaffna, October 31, 1936. for Fiscal.

Eastern Province.

In the District Court of Batticaloa.

In the matter of the estate of the late Meeralevvepody Vanniah Muhamadu Meerasaibolevvepody Marakayar of Sainthamaruthu, deceased..

No. 23,273 Testy:

NOTICE is hereby given that on the date and the hours of the day herein below mentioned, will be sold by public auction at the respective spots the right, title, and interest of the said heirs of the deceased in the following properties for the recovery of the sum of Rs. 102.50 from M. M. Y. Isatheen, with interest thereon at 4 per cent. per annum

from February 5, 1931, and Rs. 64.53 from M. Y. P. M. Kathisaumma, with interest thereon at 4 per cent. per annum from February 5, 1934, poundage and other charges, viz. :—

(1) On Saturday, November 28, 1936, at 3 o'clock in the afternoon.—A just half share of the land called Parapu bearing lot No. 963 in plan No. 56,618, situated at Nindoor in Nindoor pattu, Batticaloa District, Eastern Province; and presently bounded on the north by Hoparu, south by land in plan No. 56,618, east by Pariadanppodai, west by Hoparu; in extent 4 acres, with all the plantations.

(2) At 5 o'clock in the afternoon.—The land called Runkuvapol in paddy land at Senkatpadai Randewi in Nindoor pattu aforesaid; and bounded on the north by Senkatpadai, south by outlet channel, east presently by Maruthankadau, and land of Maravan, west by Sikandarellevisam; in extent 6 acres and 36 perches. The entire land with inlets, outlets, and all rights.

K. S. CHANDRASEGARAMPILLAI,
Fiscal's Office, Deputy Fiscal.
Batticaloa, October 30, 1936.

In the District Court of Trincomalee.

K. Saravanamuttu of Kuddampuli Plaintiff.
No. 1,995.

Velupillai Vairamuttu of Kallimedu Defendant.

NOTICE is hereby given that on Saturday, November 28, 1936, at 10 o'clock in the forenoon, will be sold by public auction at the spot the following property mortgaged with the plaintiff by bond No. 11,725 dated January 17, 1929, attested by Mr. S. Nadarasapillai of Trincomalee, Notary Public, and declared specially bound and executable under the decree entered in the above case and ordered to be sold by order of court dated April 6, 1936, for the recovery of the sum of Rs. 1,375, with further interest thereon at 9 per cent. per annum from December 17, 1935, till payment in full and costs Rs. 176.18 and Fiscal's fees and charges and poundage, viz. :—

A piece of land called Kallimeduthodam being lot No. 1283 with a two-roomed tiled house, ola thatched house, well and all other rights relating thereto, situated at Kallimedu in Tanglempattu, Trincomalee District, Eastern Province; bounded on the east by Thillaiyadivayal, on the south by field called Thillaiyadikudah, on the west by the land belonging to the heirs of Katpagam, widow of Murugapper, and on the north by road; containing in extent 1 rood and 20 perches.

Deputy Fiscal's Office, B. VRASPILLAI,
Trincomalee, October 30, 1936. Additional Deputy Fiscal.

North-Western Province.

In the District Court of Chilaw.

Don Jacob Abeyaratne of Mawla and others Plaintiffs.
No. 8,738.

Don Valentine Abeyaratne of Kandana Defendant.

NOTICE is hereby given that on Wednesday, December 9, 1936, at 10.30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 426.56 and poundage, viz. :—

All that portion of land bearing lot No. 35 in plan No. 3,134A dated January 22, 1932, made by Mr. J. A. C. Corea, Licensed Surveyor, of the land called Galwewawatta alias Galwewa-agare, situate in the villages of Kachchakaduwa and Karukkuwatawana in Yagam pattu and Munnesaram pattu of Pitigala korale north in the District of Chilaw, North-Western Province; which said lot 35 is bounded on the north by lot 34 belonging to Don Christopher Abeyaratne, east by lot 36 belonging to Don Jacob Abeyaratne, south by land belonging to Mr. Jacob de Mel, and west by lot B of the land called Galwewa-agare estate; containing in extent 7 acres 3 roods and 21 perches, exclusive of the reservation for a road running through the said land.

Deputy Fiscal's Office, L. F. ROSA,
Chilaw, October 30, 1936. Additional Deputy Fiscal.

North-Central Province.

In the District Court of Anuradhapura.

In the matter of the last will and testament of Abeyakoon Wasala Mudiyansele Tikiri Banda Ratwatte, deceased.
No. 431.

Somawathie Palipane Kumarihamy of Kalawewa Administratrix.

NOTICE is hereby given that on the dates and times stated below, will be sold by public auction at the villages mentioned below the right, title, and interest of the said Abeyakoon Wasala Mudiyansele Tikiri Banda Ratwatte in the following property, viz. :—

On December 4 and 5, 1936, commencing at 10 a.m.

1. All that land called Wekandapaulaidama in T. P. 321,985, situated at Kalawewa in Yoda-ela Pulana of Kalagam korale north in Kalagampalata of Anuradhapura District, North-Central Province; and bounded on the north by road, east by jungle, south by land lot 298903, and west by land bearing T. P. 250,543; in extent 1 acre 1 rood and 30 perches, with the buildings thereon.

2. An undivided one-half share of all that land called Welipotaihalawela, situated at Kalawewa aforesaid; and bounded on the north by the land of P. B. Amane, east by tank bund, south by land of S. B. Ratwatte, and west by an ela; in extent 2 acres 2 roods and 22 perches.

3. An undivided 8 parts or share of Walawewewatta, situated at Kalawewa aforesaid; and bounded on the north by land of S. B. Ratwatte, east by reservation along tank bund, south by land of T. B. Ratwatte, and west by cart road; in extent 5 acres, with the buildings thereon.

4. All that land called Barawagalwela, situated at Kalawewa aforesaid; and bounded on the north by fence of Ukkulampallam, east by fence of garden belonging to Ratwatte, south by channel, and west by the land of Molagoda; in extent 1 acre and 2 roods.

5. All that land called Godalikkwatta, situated at Kalawewa aforesaid; and bounded on the north by Demala-akkare, east by an ela, south by a portion of Godalikkwatta, and west by the field of Ratwatte; in extent 1 acre and 2 roods.

12. An undivided 1/4 part or share of all that land called Palugahahena, situated at Kalawewa aforesaid; and bounded on the north by road, east by the land of Abeyaratne, on the south by an ela, and west by Maha-accara; containing in extent 9 acres.

On December 7 and 8, commencing at 10 a.m.

6. An undivided 1/5th part or share of Kongahakumbura, situated at Bakmigahaulpotha in Kiralawa korale; and bounded on the north by jungle, east by Badarakumbura, south by jungle, and west by the field of Udayare Vederala; in extent 1 pela paddy sowing.

7. An undivided 1/5th part or share of all that land called Godellekumbura, situated at Bakmigahaulpotha in Kiralawa korale; and bounded on the north and south by jungle, east by Badarakumbura, and west by the field of Udayare Vederala; in extent 1 pela paddy sowing.

8. An undivided 1/5 part or share of all that land called Migalahakumbura, situated at Bakmigahaulpotha aforesaid; and bounded on the north and south by jungle, east by the field of Menikrala Vel-vidata, and west by the field of Wali Ettana; containing in extent 3 pelas paddy sowing.

9. An undivided 1/4 part or share of all that field called Welkotuwantulgahakumbura, situated at Pahalakitulhitiyawa in Kiralawa korale aforesaid; and bounded on the north by the fence of a field, east by the field of Punchi Ettani, south by jungle, and west by the field of Puchirala; containing in extent 15 lahas paddy sowing.

10. All that land called Migahakumbura, situated at Bakmigahaulpotha in Kiralawa korale aforesaid; and bounded on the north by a fence of a field, east by the field of Girangi Ettani, south by jungle, and west by the field of Ratwatte Ratemahatmaya; in extent 3 pelas paddy sowing.

11. All that land called Mahaweladambagahakumbura, situated at Bakmigahaulpotha aforesaid; and bounded on the north by Dambagaha-asweddungodapitiya, south by the field of Keerala, east by a fence of a field, and west by the field of Kudarala; containing in extent 2 pelas and 5 lahas paddy sowing.

On December 9, 1936, commencing at 10 a.m.

13. All that land called Peellalangakumbura, with the coconut trees standing thereon, in extent 5 lahas paddy sowing; and bounded on the north by Nabadagaha-ela, south by channel, east by the field of All Pitche Packee Pitche, situated at Balaluwewa in Kalagam palata aforesaid.

14. All that land called Werunkulamaweladambagahakumbura, situated at Negama in Negampaha korale aforesaid; and bounded on the north by the field of Seerat Umma, south by the field of Meera Vidane, east by welle, and on the west by the field of Packeerge Meera Saibo; containing in extent 5 lahas paddy sowing.

Fiscal's Office,
Anuradhapura, October 29, 1936.

W. S. JOSEPH,
for Fiscal.

Province of Uva.

In the District Court of Badulla.

Hewadewage Maggie Mathew, executrix of the estate of
C. J. Mathew of Bandarawela Plaintiff.

No. 5,978.

Sana Mana Suna Sinniah Sultan Karakapulle of
Eteb estate, Passara Defendant.

NOTICE is hereby given that on Saturday, December 5, 1936, 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 mortgaged property for the recovery of the sum of Rs. 2,085, being the aggregate amount of the principal and interest due in respect of mortgage bond No. 6,275 dated January 6, 1931, and attested by K. P. D. E. Kodagoda, Notary Public, with further interest on Rs. 1,500 at 12 per cent. per annum from March 6, 1934, till November 1, 1935, and thereafter on the aggregate amount with interest at the rate of 9 per cent. per annum till payment in full and costs of this action, viz. :—

All that defined western portion out of the defined western portion lying below the high road of the garden called Gederakumbura Pallewatta, situated at Udawela in Rambukpota in Rihpola korale in Yatikinda division in Badulla District of the Province of Uva; bounded on the north by the remaining portion of this land, and south by high road, east by remaining portion of this land, and west by the wall of the upstairs building belonging to Bibi Pathumma Mohamad Natchia; and containing in extent 34 ft. along the high road and 24 ft. from the south to north, together with the new upstairs building standing thereon.

Fiscal's Office,
Badulla, October 30, 1936.

T. J. MENDIS,
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Colombo.

(1) Jeanie Ghita Wilson and (2) Edmund Wilson (wife
and husband), both of Tamund, Havelock road,
Colombo Plaintiffs.

No. 42,956.

Aelian Owen Morgan Ondaatje of Kegalla Defendant.

NOTICE is hereby given that on December 2, 1936, commencing at 2 o'clock in the afternoon will be sold by public auction at the respective premises the following property mortgaged by bond No. 636 dated October 27, 1927, and attested by F. W. de Vos of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above-named action and ordered to be sold by the order of court dated June 24, 1936, for the recovery of the sum of Rs. 15,715.21, with further interest on Rs. 15,000 at 12 per cent. per annum from February 21, 1931, till date of decree and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit (within one month from date hereof), less the sums of Rs. 1,703.90 and Rs. 3,925, viz. :—

1. All that land called and known as Berakarayagehena, together with the house and plantations thereon, situated at Pithuma in Mawatu pattu of Paranakuru korale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the east by Bogahamulawatta, the land claimed by D. C. Appuhamy and land belonging to the estate of the late Samarasingha Ratemahatmeya, on the south by dewala lands, on the west by Kapugehenakadurumeda, Golanda and lands belonging to the estate of the late Samarasingha Ratemahatmeya, and on the north by land belonging to the estate of the late Samarasingha Ratemahatmeya; and containing in extent 5 pelas of paddy sowing, and registered in A 32/97.

2. All that allotment of land called Ranhotiyagewatta of 2 roods and 20 perches in extent, situated at Pithuma aforesaid, and depicted as lot "A" in figure of survey dated May, 1912, made by K. B. Nugapitiya, Licensed

Surveyor; and bounded on the east by the Circular road, on the south by the land depicted as lot "B" in the said figure of survey made by the said K. B. Nugapitiya, on the west by the property of Aelian Ondaatje, and on the north by the fence of Buddenigewatta, and registered in A 88/241 (the said lot "A" is a divided portion of the land registered in A 63/54).

3. A portion of Kotuluwatta of $\frac{1}{2}$ a seer of paddy sowing in extent, situated at Pithuma aforesaid; and bounded on the east by ketakela tree and ant hill of Ketagamayalagewatta belonging to D. C. Appuhamy, Notary, south by round (Circular road), west by halmilla tree and remaining part of Kotuluwatta, and on the north by Dewalawatta, and registered in A 46/30.

4. A portion of Dewalawatta of 2 lahas of paddy sowing in extent, situated at Pithuma aforesaid; and bounded on the east by Ketagamayalagehena of D. C. Appuhamy and endaru fence of Dingirihamy's garden, south by Kotuluwatta, west by the remaining portion of Dewalawatta and Kotuluwatta, and on the north by Negatigehena, and registered in 46/31.

All the above allotments of land 1, 2, 3, and 4 are situated also within the local limits of the town of Kegalla and from their situation can be included within one set of boundaries and are so depicted in figure of survey No. 1,452 dated March 13, 1918, made by E. F. Ebert, Licensed Surveyor, as of 6 acres and 13 perches; and bounded on the east by land claimed by the late Mr. Samarasingha Ratemahatmeya, land claimed by D. C. Appuhamy, Circular road, remaining portion of Ranbotiwattalathias Bogahamulawatta and land claimed by D. C. Appuhamy, south by Circular road, west by dewala lands Kapugehena and land claimed by the heirs of the late Mr. Samarasingha Ratemahatmeya, and on the north by land claimed by the heirs of the late Mr. Samarasingha Ratemahatmeya, and registered in A 88/251.

5. All that land called Ranhotiyagewatta of 2 roods and 20 perches and appearing as lots B and B1 in the figure of survey dated July, 1912, made by K. B. Nugapitiya, Licensed Surveyor; and bounded on the east by Buddenigewatta and Yatawaladeniya, south by Kopikotuwa, west by land belonging to Aelian Ondaatje, and north by the remaining portion of Ranhotigewatta allotted to the said Aelian Ondaatje in partition case No. 3,433 of the District Court of Kegalla exclusive of the Circular road and situated at Pithuma and in the town of Kegalla, and registered in A 88/345.

6. An undivided 47/60th shares less 2 acres from and out of all that land called Kendagollehena depicted as lots A, B, C, E, F, G, and H in plan No. 1,577 dated January, 1924, and made by Karl H. Jansz, Licensed Surveyor; containing in extent 11 acres 3 roods and 25 perches, and situated at Pithuma and in the town of Kegalla aforesaid; and bounded on the north by the village limit, east by Nekatigehena, south by Circular road and Londeniyakumbura, and on the west by the bank of Radagollahelakumbura and claimed by Messrs. Herat and Wickramasingha, and registered in A 149/84 and A 172/242. The said Kendagollehena is part of the land depicted in title plan No. 67,012.

Deputy Fiscal's Office,
Kegalla, October 31, 1936.

J. A. F. SIRIWARDENE,
Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Oduma Lebbe Zahida No. 1,665. Umma, 101, 1st Division, Maradana, Colombo, deceased.

Mohamed Shaheed Mohamed Sally of 49, 1st Division, Maradana, in Colombo Petitioner.

And

(1) Mohamed Shaheed Mohamed Mullaffer of 49, 1st Division, Maradana, Colombo, for himself and as guardian *ad litem* of the 2nd, 3rd, 4th, and 5th respondents, (2) Mohamed Shaheed Ummul Fukura, (3) Mohamed Shaheed Ayisethul Kayer, (4) Mohamed Shaheed Mohamed Hamza, (5) Mohamed Shaheed Mohamed Pharey, all of 49, 1st Division, Maradana, Colombo Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 30, 1936, in the presence of Mr. N. M. Zaheed, Proctor, on

the part of the petitioner above named; and the affidavit of the said petitioner dated October 19, 1936, having been read:

It is ordered (a) that the 1st respondent be and he is hereby appointed guardian *ad litem* of the minors, the 2nd, 3rd, 4th, and 5th respondents above named, to represent them for all the purposes of this action, and (b) that the last will of Oduma Lebbe Zahida Umma, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner, as son of the above-named deceased, is entitled to have letters of administration *de bonis non* with copy of the said will annexed, to the estate of the above-named deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 12, 1936, show sufficient cause to the satisfaction of this court to the contrary.

October 30, 1936.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Sampathawaduge Samuel David Silva of Idama in Moratuwa, deceased.

Hettiakandage Josline Maria Silva *nee* Fernando of Idama in Moratuwa Petitioner.

And

(1) Mildred Dollie Josline Silva, (2) Marilyn Gertrude Josline Silva, (3) Percy Jason David Silva, (4) Doreen Nesta Josline Silva, and (5) Maureen Daphne Josline Silva, all of Idama. The 2nd to 5th minors appearing by their guardian *ad litem* (6) Mihindukulasooriya John Nicholas Fernando of Idama in Moratuwa Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 27, 1936, in the presence of Messrs. Perera & Fernando, Proctors, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated August 21, 1936, and (2) of the attesting notary dated August 23, 1936, having been read:

It is ordered (a) that the 6th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 2nd to 5th respondents above named, to represent them for all the purposes of this action, and (b) that the last will of Sampathawaduge Samuel David Silva, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued, to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 12, 1936, show sufficient cause to the satisfaction of this court to the contrary.

October 27, 1936.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Paranapatabendige Arsekulasuriya Rajakaruna Charles Henry Fernando Seneviratne of Moratuwa, deceased.

Illekuttige Mary Magdalene Fernando of Moratuwella in Moratuwa Petitioner.

And

(1) Josephine Charlotte Fernando, (2) Agnes Mary Magdalene Fernando, (3) Justina Anne Gertrude Fernando, (4) Mary Grace Elizabeth Fernando, (5) Margarete Theresa Fernando, (6) Lawrence Charles Fernando, (7) Stanislaus Valerian Fernando, (8) Cyril Steven Fernando, (9) Philip Neri Emmanuel Fernando, and (10) Bernadette Marcelina Fernando, all minors appearing by (11) Illekuttige Juwan Fernando of Balangoda, guardian *ad litem* .. Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 29, 1936, in the presence of Messrs. Perera & Fernando,

Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated August 25, 1936, and (2) of the attesting witnesses dated August 25, 1936, having been read:

It is ordered (a) that the 10th respondent be and she is hereby appointed guardian *ad litem* of the minors, the 1st to 10th respondents above named, to represent them for all the purposes of this action, and (b) that the last will of Paranapatabendige Arsekulasuriya Rajakaruna Charles Henry Fernando Seneviratne, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 19, 1936, show sufficient cause to the satisfaction of this court to the contrary.

October 29, 1936.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Stanislaus David of 11th lane, Kotahena street, Kotahena, Colombo, deceased.

Margaret David of Kotahena, Colombo Petitioner.

And

(1) Cyril David, (2) Cecil David, (3) Godfreda David, (4) Antony David, (5) Benedicta David, (6) Imelda David, all minors of Kotahena, appearing by their guardian *ad litem* (7) Rose Muttucumararu of Chettychena, Buttalam Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 26, 1936, in the presence of Mr. J. M. Caderanampulle, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 18, 1936, having been read:

It is ordered (a) that the 7th respondent be and she is hereby appointed guardian *ad litem* of the minor, the 1st to 6th 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 will of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before November 26, 1936, show sufficient cause to the satisfaction of the court to the contrary.

October 26, 1936.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Andewatte Liyanage Don No. 7801. Simeon Silva of Idama in Moratuwa, deceased.

Mutuantri Patabendige Martin Gonzal Coôray of Idama in Moratuwa Petitioner.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 29, 1936, in the presence of Messrs. Perera & Fernando, Proctors, on the part of the petitioner above named; and the affidavits (1) of the petitioner dated August 22, 1936, (2) of the attesting notary dated September 27, 1936 and (3) of the attesting witnesses dated August 21, 1936, having been read:

It is ordered that the last will of Andewatte Liyanage Don Simeon Silva, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved: and it is further declared that the petitioner is the executor named in the said will and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before November 12, 1936, show sufficient cause to the satisfaction of this court to the contrary.

October 29, 1936.

G. C. THAMBYAH,
District Judge.

In the District Court of Kalutara.

Order Nisi debarring Will proved, &c.

Testamentary In the Matter of the Estate of the late Jurisdiction. Madanakonda-arachirallage Don Peduru No. 2,711

- (1) Madanakonda-arachirallage Don Marshall Arsakularatne, (2) Madanakonda-arachirallage Don Joseph Arsakularatne, (3) Madanakonda-arachirallage Ciddia alias Baby Arsakularatna, (4) Madanakondarachirallage Don Jussey Arsakularatne, (5) Madanakonda-archirallage Don Thomas Arsakularatne Respondents.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Kalutara, on June 1, 1936, in the presence of Mr. K. E. Dalpatadu, Proctor, on the part of the petitioner Don Manuel Andradi Mudiyanse-lage Philippa Andradi of Kalamulla; and the affidavit of the said petitioner dated January 31, 1936, having been read:

It is ordered that the petitioner be and she is hereby declared entitled to have letters of administration to the estate of the deceased, above named, as his widow, unless the respondents or any other person or persons interested shall, on or before July 3, 1936, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 5th respondent be and he is hereby appointed guardian ad litem over the 1st to 4th respondents, who are minors for all purposes of this action, unless the respondents shall, on or before July 3, 1936, show sufficient cause to the satisfaction of this court to the contrary.

M. A. SAMARAKOON, District Judge.

June 1, 1936.

This Order Nisi is extended and reissued for November 27, 1936.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Warnasuriya Patabendige Podihamy, No. 5,430 deceased, of Panwiltenna in Gampola.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on August 21, 1936, in the presence of Messrs. Silva & Karunaratne on the part of the petitioner Weligamage John de Silva Warnasuriya; and the affidavit of the said petitioner dated August 19, 1936, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a son of the deceased, to have letters of administration to the estate of the deceased issued to him, unless any other person or persons interested shall, on or before October 5, 1936, show sufficient cause to the satisfaction of this court to the contrary.

August 21, 1936.

R. F. DIAS, District Judge.

Date for showing cause is extended for November 12, 1936.

October 5, 1936.

R. F. DIAS, District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Mohamed Manbooba Umma of Hume road, Galle. No. 7,730

Between

Mohamed Ismail Mohamed Shariff of Hume road, Galle Petitioner.

And

- (1) Packir Saibo Mohamed, (2) S. H. Ummu Habeeba, both of Hume road, Galle Respondents.

THIS matter coming on for disposal before G. Furse Roberts, Esq., District Judge, Galle, on September 7, 1936, in the presence of Mr. M. A. Azeez, Proctor, on the part of the above-named petitioner; and the affidavit of the said petitioner dated August 5, 1936, having been read:

It is declared that the said petitioner is entitled to have letters of administration issued to him accordingly, unless the said respondents or any person or persons interested shall, on or before October 27, 1936, show sufficient cause to the satisfaction of this court to the contrary.

G. FURSE ROBERTS, District Judge.

September 19, 1936.

Extended for November 10, 1936.

G. FURSE ROBERTS, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Abbey Nallamma, wife of S. T. Solomons of Point Pedro, deceased. No. 254.

Samuel Thambiratnam of Point Pedro Petitioner.

Vs.

- (1) Eliza Samuel (minor) of Uduvil, (2) Selby Abeyaratne Solomons Point Pedro. The 1st respondent is a minor appearing by his guardian ad litem the 2nd respondent Respondents.

THIS matter of the petition of the above-named petitioner, praying that letters of administration to the estate of the above-named deceased be issued to the petitioner, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on September 29, 1936, in the presence of Mr. C. C. Somasegaram, Proctor, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner, as the lawful husband of the said deceased, unless the above-named respondents appear before this court on November 10, 1936, and show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY, District Judge.

October 10, 1936.

In the District Court of Kurunegala.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Padukke Vidanelage Don Alfred Dassanayaka, Sanitary Inspector of Ragama, deceased. No. 4,258.

Ukkanamma Dassanayaka of Tammita Walaurwa, presently of Wehera in the Kurunegala town. Petitioner.

Vs.

- (1) Patmawathi Doreen Dassanayaka, (2) Lincoln Dassanayaka, (3) Eileen Udulawathi Dassanayaka, (4) Lloyd Nanda Dassanayaka, (5) Rodney Cyril Dassanayaka, (6) Tikiri Banda Tammita, all of Wehera aforesaid Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Kurunegala, on September 25, 1936, in the presence of Messrs. Tambiraja and Kandiah, Proctors, for the petitioner above named; and the affidavit of the said petitioner dated August 26, 1936, having been read:

It is ordered that the 6th respondent be and he is hereby appointed guardian ad litem over the 1st to 5th minor respondents for the purpose of these proceedings, unless the respondents shall, on or before November 11, 1936, show sufficient cause to the satisfaction of this court to the contrary.

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to the estate issued to her, unless the respondents or any other person or persons interested shall, on or before November 11, 1936, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH, District Judge.

September 25, 1936.