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(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. 15 of 1898.

An Ordinance to amend the Criminal Procedure Code, 1898.

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 Criminal Procedure Code (Amendment) Ordinance, No. of 1936, and shall come into operation on such date as the Governor shall appoint by Proclamation in the Gazette.

Amendment of section 126A of Ordinance No. 15 of 1898.

2 Section 126A of the Criminal Procedure Code, 1898. (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (2) thereof, as follows :—

- (1) by the substitution for the words "may from time to time authorize" of the words "may, from time to time, by warrant addressed to the Fiscal of a province and to the superintendent of any prison in that province, authorize"; and
- (2) by the addition at the end of that sub-section of the following :—

"The provisions of section 289A shall apply to every such warrant."

Amendment of section 148 (1) of the principal Ordinance.

3 Section 148 of the principal Ordinance is hereby amended in sub-section (1) thereof, as follows :—

- (1) by the substitution for paragraph (a) of that sub-section of the following new paragraph :—

"(a) On a complaint being made orally or in writing to a Magistrate of such court that an offence has been committed which such court has jurisdiction either to inquire into or try :

Provided that such a complaint if in writing shall be drawn and countersigned by a pleader and signed by the complainant ; or " ; and

- (2) in paragraph (b) thereof, by the substitution for the words "a Local Board servant" of the words "a servant of a Local Board or District Council".

Repeal of section 149 of the principal Ordinance and substitution of new section therefor.

4 Section 149 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Medical examination of complainant and accused in cases of rape, &c.

149. In cases where the offence complained of is one of rape, carnal intercourse with a young girl, unnatural offence, or hurt of a serious nature or hurt whether serious or not alleged to have been caused by an instrument for stabbing or cutting, the Magistrate shall cause the person who is alleged to have been the subject of such rape, carnal intercourse, unnatural offence, or hurt, and the person accused of such rape, carnal intercourse, or unnatural offence to be forthwith examined by a competent medical practitioner if he has not already been so examined.

Repeal of sections 150 and 151 of the principal Ordinance and substitution of new sections therefor.

5 Sections 150 and 151 of the principal Ordinance are hereby repealed and the following sections are substituted therefor :—

Procedure in certain cases where accused is unknown.

150. (1) Where the offence alleged in any proceedings instituted under section 148 (1) (a) or section 148 (1) (b) is an indictable one the Magistrate may, although no person by name is accused of having committed such offence, examine on oath the complainant or informant and any other person who may appear to the Magistrate to be able to speak to the facts of the case. Such examination may if the Magistrate thinks fit be held in private.

(2) Every examination held by the Magistrate under sub-section (1) shall be reduced into writing and after being read over and if need be interpreted to the person examined shall be signed by him and also by the Magistrate and dated.

(3) If, after such examination, there is in the opinion of the Magistrate sufficient ground for proceeding against any person, he shall issue process against such person in the manner provided by section 151.

151. (1) Where proceedings have been instituted under head (a) or head (b) or head (c) of section 148 (1) and the Magistrate is of opinion that there is sufficient ground for proceeding against some person who is not in custody—

Issue of process.

- (a) if the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall, subject to the provisions of section 62, issue a summons for the attendance of such person ;
- (b) if the case appears to be one in which according to that column a warrant should issue in the first instance, he shall issue a warrant for causing such person to be brought or to appear before the court at a certain time :

Provided that—

- (i) the Magistrate may in any case, if he thinks fit, issue a summons in the first instance instead of a warrant ;
- (ii) in any case under head (a) or head (b) of section 148 (1), the Magistrate shall, before issuing a warrant, and may, before issuing a summons, examine on oath the complainant or some material witness or witnesses ; and
- (iii) in any case under head (c) of section 148 (1), the Magistrate shall, before issuing process, record a brief statement of the facts which constitute his means of knowledge or of the grounds of his suspicion, as the case may be.

(2) Where proceedings have been instituted under head (d) of section 148 (1), the Magistrate shall forthwith examine on oath the person who has brought the accused before the court and any other person who may be present in court able to speak to the facts of the case.

(3) Where proceedings have been instituted under head (e) or head (f) of section 148 (1), the Magistrate shall issue a summons for the attendance of the person named in the warrant or complaint, or a warrant for causing such person to be brought or to appear before the court at a certain time, according as the fourth column of the second schedule provides that the case is one in which a summons or a warrant should issue in the first instance.

6 The two following sections shall be inserted immediately after section 151 of the principal Ordinance and shall have effect as sections 151A and 151B, respectively, of that Ordinance :—

Insertion of new sections immediately after section 151 of the principal Ordinance.

151A. Every summons or warrant issued under section 151 shall contain a statement of the particulars of the offence charged and in the case of a summons shall require the accused to appear with his witnesses (if any) at a time and place therein specified to answer the charge therein set forth.

Contents of summons or warrant.

151B. Every examination held by the Magistrate under section 151 shall be recorded in the manner provided in section 150 (2).

Examination under section 151 to be recorded.

Such examination may if the Magistrate thinks fit be held in private.

7 Section 153 of the principal Ordinance is hereby amended as follows :—

Amendment of section 153 of the principal Ordinance.

- (1) by the substitution for the words “ the examination provided by section 149 (1) ”, of the words “ an examination ” ; and
- (2) by the addition at the end of that section of the following :—

“ Such examination shall be recorded in the manner provided in section 150 (2). ”

8 Sections 155 to 165 of the Criminal Procedure Code, 1898, are hereby repealed and the following sections are substituted therefor :—

Repeal of section 155 to section 165 of the principal Ordinance and substitution of new sections therefor.

155. When the accused appears or is brought before the Police Court the Magistrate shall hold a preliminary inquiry according to the provisions hereinafter contained.

Preliminary inquiry.

Accused to be informed of charge.

156. A Magistrate conducting a preliminary inquiry shall at the commencement of such inquiry read over to the accused the charge or charges in respect of which the inquiry is being held, but upon such reading over the accused shall not be required to make any reply thereto; if any such reply is made it shall not be recorded by the Magistrate.

Depositions.

157. (1) The Magistrate shall then take, in the presence of the accused and in the manner hereinafter provided, the statements on oath of those who know the facts and circumstances of the case, and put them in writing (called the depositions).

(2) The accused may put questions to each witness produced against him and the answer of the witness thereto shall be part of his deposition.

(3) If the accused is not represented by an advocate or proctor the Magistrate shall, at the close of the examination of each witness for the prosecution, ask the accused whether he wishes to put any questions to that witness.

Variance between charge and evidence.

158. (1) Any variance between facts stated in the charge read over to the accused under section 156 and the evidence adduced in support thereof as to the time or place at which the offence or act is alleged to have been committed shall not be deemed material if it be proved, in the case of the time, that the charge was in fact laid within the time limited by law for laying the same and, in the case of the place, that the jurisdiction of the Court is not ousted thereby.

(2) Any variance in any other respect between the facts stated in the charge and the evidence adduced in support thereof shall not be material:

Provided that the accused shall not be convicted of any offence other than that with which he has been charged unless such other offence is one of which he may be lawfully convicted under the provisions of this Code upon the trial of the offence with which he is charged.

(3) Where any variance as is mentioned in this section appears to the Magistrate to be such that the accused has been thereby deceived or misled, the Magistrate may upon such terms as he shall think fit adjourn the inquiry to some future day.

(4) Upon any such variance appearing the Magistrate may make such amendment of the charge as he deems fit and may permit any witness to be recalled and further questioned upon any matters relevant to the variance or amended charge.

Charges to be read to accused after close of prosecution case.

159. After the examination of the witnesses called on behalf of the prosecution and provided that the Magistrate does not consider that the case should be dealt with in accordance with the provisions of section 162, the Magistrate shall read the charge to the accused and explain the nature thereof in ordinary language and inform him that he has the right to call witnesses and, if he so desires, to give evidence on his own behalf.

Provisions as to taking statement of accused

160. (1) The Magistrate shall then address to the accused the following words or words to the like effect:—

“Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and given in evidence at your trial.”

(2) Before the accused makes any statement in answer to the charge, the Magistrate shall state to him and give him clearly to understand that he has nothing to hope from any promise of favour and nothing to fear from any threat which may be held out to him to induce him to make any admission or confession of his guilt, but that whatsoever he then says will be given in evidence at his trial, notwithstanding the promise or threat.

(3) Any statement the accused makes in answer to the charge shall be recorded in the manner provided by section 302.

Evidence for the defence.

161. (1) Immediately after complying with the requirements of section 160 relating to the statement of the accused, and whether the accused has or has not made a statement, the Magistrate shall ask the accused whether he desires to give evidence on his own behalf and whether he desires to call witnesses.

(2) If the accused in answer to the question states that he wishes to give evidence but not to call witnesses, the Magistrate shall proceed to take forthwith the evidence of the accused, and after the conclusion of the evidence of the accused, his advocate or proctor (if the accused is represented) shall be heard on his behalf, if he so desires.

(3) If the accused in answer to the question states that he desires to give evidence on his own behalf and to call witnesses, or to call witnesses only, the Magistrate shall proceed to take either forthwith, or, if a speech is to be made by an advocate or proctor on behalf of the accused, after the conclusion of the speech, the evidence of the accused, if he desires to give evidence himself, and of any witness called by him who knows anything relating to the facts and circumstances of the case or anything tending to prove the innocence of the accused.

(4) If the accused states that he has witnesses to call, but that they are not present in court, and the Magistrate is satisfied that the absence of such witnesses is not due to any fault or neglect of the accused, and that there is a likelihood that they could, if present, give material evidence on behalf of the accused, the Magistrate may adjourn the inquiry and issue process or take other steps to compel the attendance of such witnesses.

(5) Evidence given by the accused or any such witness as aforesaid shall be taken down in writing and the provisions of section 157 shall apply in the case of witnesses for the defence as they apply in the case of witnesses for the prosecution, except that the Magistrate shall not bind over to attend the trial any witness who is a witness merely to the character of the accused.

162. (1) If the Magistrate considers that the evidence against the accused is not sufficient to put him on his trial, the Magistrate shall forthwith order him to be discharged as to the particular charge under inquiry; but such discharge shall not be a bar to any subsequent charge in respect of the same facts:

Discharge.

Provided that nothing contained in this section shall prevent the Magistrate from either forthwith or after such adjournment of the inquiry as may seem expedient in the interests of justice, proceeding to investigate any other charge upon which the accused may have been summoned or otherwise brought before it, or which, in the course of the charge so dismissed as aforesaid, it may appear that the accused has committed.

(2) Nothing in this section shall be deemed to prevent the Magistrate from discharging the accused at any stage of the case if for reasons (to be recorded by him) he considers the complaint to be groundless.

163. (1) If the Magistrate considers the evidence sufficient to put the accused on his trial, the Magistrate shall commit him for trial.

Commitment for trial.

(2) If the offence disclosed by the evidence is, according to the second schedule, triable by the Supreme Court only, he shall commit the accused for trial before the Supreme Court, but if the offence is according to that schedule triable by a District Court as well as by the Supreme Court, he shall, in his discretion, commit the accused for trial before the Supreme Court or the District Court.

164. Where there is a conflict of evidence, the Magistrate shall consider the evidence to be sufficient to put the accused on his trial if the evidence against him is such as, if uncontradicted, would raise a probable presumption of his guilt, notwithstanding that it is contradicted in material points by evidence in favour of the accused, unless the Magistrate, for reasons recorded on the proceedings, shall see fit to deviate from this rule.

Where evidence contradictory.

165. (1) The Magistrate shall at the time of committing the accused for trial require the accused to state orally there and then the names of persons (if any) whom he wishes to be required to give evidence at his trial, distinguishing between those whom he proposes to call to speak to facts and those who are merely to speak to character.

Accused's witnesses.

(2) The Magistrate shall prepare a list of such of the witnesses named by the accused under sub-section (1) as have not already given evidence before him and shall direct the Fiscal to issue a notice on each such witness requiring him to appear before the court of trial on the date specified in the notice:

Provided, however, that the Magistrate may exclude from such list the name of any witness if he is of opinion that there are no reasonable grounds for believing that the evidence of such witness is material.

(3) Where any witness on whom a notice under subsection (2) has been served fails to appear in the court of trial as directed by such notice, that notice shall, for the purposes of the application of sections 62 and 63, be deemed to be a summons which the court of trial is empowered to issue and the provisions of those sections shall apply accordingly.

(4) Service of any notice under this section shall be effected in the manner provided for the service of summons in sections 45 and 46 :

Provided that if service cannot be effected in such manner by the exercise of due diligence, the notice shall be affixed to some conspicuous part of the house or homestead in which the witness ordinarily resides, and in such case the notice shall be deemed to have been duly served.

Insertion of new sections immediately after section 165 of the principal Ordinance.

9 The six following new sections shall be inserted immediately after section 165 of the principal Ordinance and shall have effect as sections 165A, 165B, 165C, 165D, 165E and 165F respectively of that Ordinance :—

Material witnesses to be bound over to appear.

165A. (1) When the Magistrate commits the accused for trial he shall require every material witness for the prosecution or defence who has appeared before him and given evidence and who has not already been bound over to execute a bond with or without sureties for his appearance to give evidence at the trial and, if required, at any further examination concerning the charge against the accused which may be held by the direction of the Attorney-General ; and for the like purpose it shall be lawful for any Magistrate who examines any witness on commission under the provisions hereinafter contained to require such witness so examined to execute a bond with or without sureties as such Magistrate may determine.

(2) The Magistrate may at any stage of the inquiry require any witness to execute such bond as in the last sub-section mentioned for appearance at any further stage of the proceedings either in that court or in the higher court, in case the accused be committed for trial. It shall not be necessary to specify such higher court in the bond, but the obligor shall be bound on receiving reasonable notice to attend at the trial in whatever court the accused may be tried.

(3) If a witness refuses or neglects to execute such bond the Magistrate may commit him to prison until such bond is duly executed or until the trial, when he shall be sent in custody to the court of trial.

(4) The Magistrate shall endorse on the warrant of committal the names of all persons who have been bound over under this section or who having refused to be bound over have been committed to prison.

(5) Every person who executes such bond shall give to the Magistrate an address at which all notices respecting the further proceedings in the case may be left for him, and any notice left at such address for him shall (until the contrary be proved) be deemed to have been received by him.

Accused to elect panel of jurors.

165B. On committing the accused for trial before any higher court the Magistrate shall ask the accused to elect from which of the respective panels of jurors the jury shall be taken for the trial in the event of the trial being held before the Supreme Court, and the Magistrate shall record such election if made. The accused so electing shall, if the trial is held before the Supreme Court be bound by and may be tried according to his election, subject however in all cases to the provisions of section 224.

Magistrate to certify record.

165C. The Magistrate shall if the accused is committed for trial record whether the accused is on bail or in custody and certify under his hand the record of the inquiry.

Accused entitled to copy of evidence.

165D. When the accused has been committed for trial he shall, if he demands it at a reasonable time before the trial, be furnished by the officer in charge of the record with a copy of the record or of any part thereof on payment of six cents for a hundred words.

165E. (1) When the Magistrate commits the accused for trial he shall, subject to the provisions of this Code regarding the taking of bail, by warrant addressed to the Fiscal of a province and to the Superintendent of any prison in that province, commit the accused to the custody of the said Fiscal until and during the trial, and shall forthwith transmit the record of the inquiry together with all documents produced in evidence to the court of trial, and shall also forward to the Attorney-General a copy of the record of the inquiry certified under his hand. All productions other than documentary evidence shall be forwarded to the Fiscal to be produced by him at the trial.

Record to be forwarded to court of trial, productions to Fiscal, and certified copy of record to Attorney-General.

(2) The provisions of section 289A shall apply to every warrant issued under this section.

165E. (1) If after the receipt by him of the certified copy of the record of an inquiry, the Attorney-General is of opinion that the case is one which should be tried upon indictment before the Supreme Court or a District Court, an indictment shall be drawn up and when signed in accordance with the provisions of section 186 (1) shall be forwarded to the court of trial selected by the Attorney-General to be filed in that court. The fact that the indictment has been so signed, forwarded, and filed shall be equivalent to a statement that all conditions required by law to constitute the offence charged and to give such court jurisdiction have been fulfilled in the particular case.

Presentation and service of indictments.

(2) Where the Attorney-General in any case forwards an indictment to a court other than the court to which the accused has been committed by the Magistrate, the Registrar or the Secretary, as the case may be, of the court to which the record was forwarded by the Magistrate under section 165E, shall, at the request of the Attorney-General, transmit such record to the court selected by the Attorney-General under sub-section (1) for the trial of the accused.

(3) When the Attorney-General forwards an indictment to the court of trial he shall at the same time forward to the Fiscal of the province in which is situate the court of the committing Magistrate a copy or copies of the indictment for service on the accused or each of the accused who will be tried upon that indictment. The Fiscal shall forthwith and at least three days before the day specified for trial serve or cause to be served on the accused the copy or copies of the indictment so forwarded to him by the Attorney-General and shall make return of such service to the court of trial and to the Attorney-General.

(4) The Fiscal shall together with the indictment, or as soon as possible after the service thereof, serve or cause to be served on each accused a notice specifying the date fixed for the trial of that accused before the Supreme Court or the District Court, as the case may be.

(5) Service on an accused of any indictment or notice of trial under this section shall be effected in the manner prescribed for the service of summons in sections 45 and 46 and the provisions of section 49 shall apply accordingly for the purpose of proving such service :

Provided that if service cannot be effected in such manner by the exercise of due diligence, the indictment or notice shall be affixed to some conspicuous part of the house or homestead in which the accused ordinarily resides, and in such case the indictment or notice shall be deemed to have been duly served.

10 Section 167 of the principal Ordinance is hereby amended by the repeal of sub-sections (7) and (8) thereof.

Amendment of section 167 of the principal Ordinance.

11 The following new section shall be inserted immediately after section 183 of the principal Ordinance and shall have effect as section 183A of that Ordinance :—

Insertion of new section 183A in the principal Ordinance.

183A. When a person is charged with an offence and it is proved that he attempted to commit that offence and that in such attempt he did an act towards the commission of that offence he may be convicted of an attempt to commit that offence although he was not charged with such attempt :

Conviction of an attempt to commit an offence, though attempt is not separately charged.

Provided that nothing in this section shall be deemed to authorize the conviction of any person for an attempt to commit an offence unless an attempt to commit that offence is made punishable by any written law for the time being in force in this Island.

Amendment of section 187 (1) of the principal Ordinance.

12 Section 187 of the principal Ordinance is hereby amended, in sub-section (1) of that section, by the substitution for all the words from "by section 149 (4)" to the end of the section of the following :—

"by section 151 (2), if he is of opinion that there is sufficient ground for proceeding against the accused".

Amendment of section 189 of the principal Ordinance.

13 Section 189 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (1) of that section, by the substitution, for all the words from "read over" to "further evidence", of the words "take in manner hereinafter provided all such evidence"; and

(2) in sub-section (2) of that section, by the omission of the words "any person whose evidence has been recorded under section 150 and".

Amendment of section 192 of the principal Ordinance.

14 Section 192 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (1) by the substitution for all the words from "shall forward the record" to the end of that sub-section, of the words—

"shall commit the accused for trial to the Supreme Court or to the District Court, as to him may seem fit, and shall follow the procedure prescribed in Chapter XVI in regard to the steps to be taken after the commitment of an accused for trial."; and

(2) by the repeal of sub-section (2) of that section and by the substitution of the following new sub-section therefor :—

"(2) The Attorney-General may in such a case exercise any of the powers vested in him by this Code in a case where a Magistrate has committed an accused for trial and forwarded to the Attorney-General a certified copy of the record of an inquiry held under Chapter XVI."

Amendment of section 199 of the principal Ordinance.

15 Section 199 of the principal Ordinance is hereby amended by the substitution for the expression "Local Board", wherever that expression occurs in that section, of the words "Local Board or District Council".

Amendment of section 203 (1) of the principal Ordinance.

16 Section 203 of the principal Ordinance is hereby amended, in sub-section (1) thereof, by the substitution for the figures "158" of the figures and letter "165F".

Amendment of section 218 (1) of the principal Ordinance.

17 Section 218 of the principal Ordinance is hereby amended, in sub-section (1) thereof, by the substitution for the figures "158" of the figures and letter "165F".

Amendment of section 252 of the principal Ordinance.

18 Section 252 of the principal Ordinance is hereby amended as follows :—

(1) by the re-numbering of the section as sub-section (1) thereof; and

(2) by the addition of the following new sub-section immediately after re-numbered sub-section (1) :—

"(2) Every person detained in custody under this section shall be so detained by warrant addressed to the Fiscal of a province and to the superintendent of any prison in that province, and the provisions of section 289A shall apply to every such warrant."

Amendment of section 253 (1) of the principal Ordinance.

19 Section 253 of the principal Ordinance is hereby amended, in sub-section (1) of that section, as follows :—

(1) by substitution of the following for paragraph (a) of that sub-section :—

"(a) If the accused pleads guilty to or is convicted of the offence with which he is charged he shall then be asked whether he admits the previous conviction.";

(2) by the repeal of paragraph (b) of that sub-section; and

(3) in paragraph (c) of that sub-section—

(a) by the re-lettering thereof as paragraph (b); and
(b) by the substitution for the words "If he answers that he has been so previously convicted" of the words "If he admits the previous conviction".

- 20 Section 256 of the principal Ordinance is hereby amended, in paragraph (f) of that section, by the substitution for the word "Improvement." of the words "Improvement or of District Councils constituted under the Local Government Ordinance, No. 11 of 1920."
- Amendment of section 256 of the principal Ordinance.
- 21 Section 257 of the principal Ordinance is hereby amended in paragraph (i) of sub-section (1) thereof—
- (1) by the substitution for the words "one thousand rupees" of the words "one thousand and five hundred rupees"; and
- (2) by the substitution for the words "one hundred rupees" of the words "one hundred and fifty rupees".
- Amendment of section 257 (1) of the principal Ordinance.
- 22 Section 289 of the principal Ordinance is hereby amended by the addition at the end thereof of the following new sub-section :—
- Amendment of section 289 of the principal Ordinance.
- "(6) Every person remanded or committed to custody under this section shall be so remanded or committed by warrant addressed to the Fiscal of a province and to the superintendent of any prison in that province, and the provisions of section 289A shall apply to every such warrant."
- 23 The following section is hereby inserted immediately after section 289 of the principal Ordinance and shall have effect as section 289A of that Ordinance :—
- Insertion of new section 289A in the principal Ordinance.
- 289A. (1) Every warrant of detention, commitment or remand issued under section 126A, section 165, section 252, or section 289 shall be in the prescribed form and shall be delivered to the Fiscal who shall upon receipt thereof take charge of the person named therein and deliver him into the custody of the superintendent of the prison named therein, together with a copy of the warrant certified under the hand of the Fiscal, and the said warrant shall be full authority to the Fiscal for so doing and for detaining the said person for the purpose.
- (2) The said superintendent shall, upon delivery to him as aforesaid of the person named in the warrant detain him and keep him safely in custody on behalf of the Fiscal for such time as may be specified by the warrant, and shall otherwise comply with the terms of the warrant and with any order lawfully issued to him by any court with respect to such person.
- (3) The copy of the warrant so certified as aforesaid shall be full authority to the said superintendent for the detention and custody of such person.
- Procedure on issue of warrants of commitment, &c. under sections 126A, 165, 252, and 289.
- 24 Section 295 of the principal Ordinance is hereby repealed.
- Repeal of section 295 of the principal Ordinance.
- 25 Section 302 of the principal Ordinance is hereby amended as follows :—
- Amendment of section 302 of the principal Ordinance.
- (1) in sub-section (1)—
- (a) by the omission of the words "or is examined by";
- (b) by the omission of the words "or examination, including every question put to him and every answer given by him,";
- (c) by the substitution for the words "his answers" of the words "his statement";
- (2) in sub-section (2), by the omission of the words "or examination"; and
- (3) in sub-section (3), by the omission of the words "or examination".
- 26 The following new sections shall be inserted immediately after section 305 of the principal Ordinance and shall have effect respectively as sections 305A and 305B of that Ordinance :—
- Insertion of new sections 305A and 305B in the principal Ordinance.
- 305A. Where any person convicted of an offence punishable with death, appears to the court to be under the age of sixteen years, the court shall pronounce on that person in lieu of the sentence of death the sentence provided by section 53 of the Ceylon Penal Code.
- Punishment of detention in lieu of death for persons under sixteen years of age.

Procedure where a woman convicted of a capital offence alleges pregnancy.

305B. (1) Where a woman convicted of an offence punishable with death alleges that she is pregnant, or where the court before whom a woman is so convicted thinks it expedient that the question whether or not the woman is pregnant should be determined, such question shall, before sentence is passed on her, be determined—

- (a) if the woman is convicted after trial at Bar by three Judges without a jury, by those Judges; or
- (b) if the woman is convicted after trial by jury, by the jury who returned the verdict of guilty, and the members of such jury need not be resworn.

(2) In cases falling under paragraph (b) of sub-section (1)—

- (a) If after the conviction of the woman and before the jury return a verdict on the question whether the woman is or is not pregnant, any juror is from any sufficient cause prevented from attending throughout the inquiry, or if any juror absents himself and it is not practicable to enforce his attendance, or if it appears that any juror is unable to understand the language in which the evidence is given or when such evidence is interpreted the language in which it is interpreted, the court may either order a new juror to be added or discharge the jury and order a new jury to be chosen.
- (b) If the jury are not able, either unanimously or by a majority of not less than five to two, to agree upon the question to be determined or if in the opinion of the court the interests of justice so require, the court may discharge the jury and order a new jury to be chosen.
- (c) Where the court orders a new jury to be chosen under paragraph (a) or paragraph (b) of this sub-section, such jury shall be constituted in like manner as the jury chosen for a trial. Every such jury, and every new juror added under paragraph (a) of this sub-section, shall be sworn in such manner as the court may direct.

(3) The question whether the woman is pregnant or not shall be determined by the Judges or by the jury, as the case may be, on such evidence as may be laid before them either on the part of the woman or on the part of the prosecution, and the Judges or the jury, as the case may be, shall find that the woman is not pregnant unless it is proved affirmatively to their satisfaction that she is pregnant.

(4) If the finding is that the woman is pregnant, the court shall pronounce on her in lieu of the sentence of death a sentence of imprisonment as provided by section 54 of the Ceylon Penal Code.

Punishment of imprisonment in lieu of death for pregnant women.

Amendment of section 309 of the principal Ordinance.

27 Section 309 of the principal Ordinance is hereby amended as follows:—

- (1) in paragraph (a) thereof, by the substitution for all the words from “the Fiscal of the province” to the end of that paragraph, of the following:—

“the Fiscal. Every such warrant shall be addressed to the Fiscal of the province in which the place where the sentence is to be carried out is situated, and to the superintendent of any prison at such place, and the provisions of section 311A shall apply to every such warrant.”;

- (2) by the repeal of paragraph (e) thereof; and
- (3) in paragraph (f) (1) thereof, by the substitution for the words “the superintendent” of the words “the superintendent or a jailor”.

Amendment of section 310 of the principal Ordinance.

28 Section 310 of the principal Ordinance is hereby amended as follows:—

- (1) in paragraph (a) thereof, by the substitution for the words “when the sentence was passed and shall deliver the same to the Fiscal or his deputy.”, of the words “when the sentence was passed”; and

(2) by the substitution for paragraph (b) thereof of the following new paragraph:—

“(b) Every such warrant shall be in the prescribed form and shall be addressed to the Fiscal of a province and to the superintendent of any prison in that province, and the provisions of section 311A shall apply to every such warrant.”

29 Section 310A of the principal Ordinance is hereby amended by the substitution for all the words from "under the section" to "The Ceylon Penal Code, 1883," of the words "under section 53 of the Ceylon Penal Code".

Amendment of section 310A of the principal Ordinance.

30 Section 311 of the principal Ordinance is hereby amended as follows :—

Amendment of section 311 of the principal Ordinance.

(1) in paragraph (a) thereof, by the substitution for all the words from "when the sentence was passed" to the end of that paragraph, of the words "when the sentence was passed."; and

(2) by the substitution for paragraph (b) thereof of the following new paragraph :—

(b) Every such warrant shall be in the prescribed form and shall be addressed to the Fiscal of a province and to the superintendent of any prison in that province, and the provisions of section 311A shall apply to every such warrant."

31 The following section is hereby inserted immediately after section 311 of the principal Ordinance and shall have effect as section 311A of that Ordinance :—

Insertion of new section 311A in the principal Ordinance.

311A. (1) Every such warrant as is referred to in section 309, section 310, or section 311 shall be delivered to the Fiscal who shall upon receipt thereof take charge of the person named therein, and deliver him into the custody of the superintendent of the prison named therein, together with a copy of the warrant certified under the hand of the Fiscal, and the said warrant shall be full authority to the Fiscal for so doing, and for detaining the said person for the purpose, and for carrying into execution any sentence specified in the warrant.

Procedure on issue of warrants under sections 309, 310 and 311.

(2) The said superintendent shall, upon delivery to him as aforesaid of the person named in the warrant, detain him and keep him safely in custody on behalf of the Fiscal until the sentence has been carried into execution, and shall otherwise comply with the terms of the warrant and with any order lawfully issued to him by any court with respect to such person.

(3) The copy of the warrant certified as aforesaid shall be full authority to the superintendent for such detention and custody and for carrying the sentence into execution.

(4) Nothing in this section shall affect the provisions of this Code relating to the execution of sentences of whipping.

32 Section 338 of the principal Ordinance is hereby amended by the substitution for the Explanation at the end of that section of the following :—

Amendment of section 338 of the principal Ordinance.

"*Explanation.*—An order made under section 163 committing an accused for trial or an order made under section 162 discharging an accused is not a judgment or final order."

33 Section 340 of the principal Ordinance is hereby amended by the repeal of sub-section (3) thereof, and the substitution of the following new sub-section therefor :—

Amendment of section 340 of the principal Ordinance.

"(3) Every such petition shall bear a stamp of five rupees :

Provided that no such stamp shall be necessary—

(a) if the appeal is preferred by the Attorney-General under section 338 (2), or

(b) in the case of an appeal against a judgment or final order pronounced by a Police Court in any proceedings instituted on a written report made under section 148 (1) (b), if the appeal is preferred by the person who made such report :

Provided further that the court from which an appeal is preferred may if it see fit allow the payment of the stamp fee to stand over until judgment on the appeal shall have been given.

34 Sections 387 and 388 of the principal Ordinance are hereby repealed and the following sections are substituted therefor :—

Repeal of sections 387 and 388 of the principal Ordinance and substitution of new sections therefor.

387. (1) It shall be lawful for the Attorney-General after the receipt by him of the certified copy of the record of an inquiry forwarded under section 165E, if he is of opinion that such action is necessary for the proper consideration of the case by him, to call for the original record of the inquiry (together with any documents produced

Power of Attorney-General to call for original record and productions.

in evidence) from the court to which such record has been forwarded, and for any productions other than documentary evidence, from the Fiscal.

(2) It shall be the duty of the Registrar of the Supreme Court or the Secretary of the District Court, as the case may be, and of the Fiscal to forward to the Attorney-General any record or production called for under sub-section (1).

Power of Attorney-General to quash commitment and issue instructions to Magistrate.

388. If, after the receipt by him of the certified copy of the record of an inquiry forwarded under section 165E, the Attorney-General is of opinion that there is not sufficient evidence to warrant a commitment for trial, or if for any reason he is of opinion that the accused should be discharged from the matter of the complaint, information or charge, and if the accused is in custody from further detention, he may by order in writing quash the commitment made by the Magistrate and may direct the Registrar of the Supreme Court or the Secretary of the District Court, according as the accused has been committed for trial before the Supreme Court or a District Court, to return the record of the inquiry to the Police Court. The Attorney-General shall in every such case issue to the Magistrate such directions as to the disposal of the complaint, information or charge against the accused as to him may seem expedient, and it shall be the duty of the Magistrate to comply with the directions so issued.

Amendment of section 389 (1) of the principal Ordinance.

35 Sections 389 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution for all the words from "shall return to the Police Court" to the end of that sub-section, of the words "shall direct that the record of the inquiry be returned to the Police Court, and thereupon the Registrar of the Supreme Court or the Secretary of the District Court, as the case may be, shall so return the record and the Magistrate shall comply with the order of the Attorney-General".

Insertion of a new section 389A in the principal Ordinance.

36 The following section shall be inserted immediately after section 389 of the principal Ordinance and shall have effect as section 389A of that Ordinance:—

Power of Attorney-General to require further witnesses to be examined by Magistrate or to call further evidence at the trial.

389A. (1) If at any time after the receipt by him of the certified copy of the record of any inquiry and before the trial of the case, the Attorney-General is of opinion that there is in that case any material or necessary witness for the prosecution who has not been bound over to give evidence at the trial, the Attorney-General—

(a) may require the Police Court which committed the accused for trial to summon and examine any such witness and bind him over to appear and give evidence at the trial;

(b) may call any such witness at the trial, notwithstanding that such witness did not give evidence before the court which committed the accused:

Provided that in such case he shall give to the accused and to the Registrar of the Supreme Court or the Secretary of the District Court, according as the accused has been committed for trial before the Supreme Court or the District Court, notice of his intention to call such witness at the trial, together with a copy of the evidence which such witness is expected to give.

(2) For the purpose of exercising the power conferred by paragraph (a) of sub-section (1), the Attorney-General may direct that the record of the inquiry be returned to the Police Court and thereupon the Registrar of the Supreme Court or the Secretary of the District Court, as the case may be, shall so return the record.

Amendment of section 390 of the principal Ordinance.

37 Section 390 of the principal Ordinance is hereby amended as follows:—

(1) in sub-section (1) thereof—

(a) by the insertion immediately after the words "A Police Magistrate" of the words "or District Judge";

(b) by the substitution for the words "any case" of the words "any criminal case"; and

(2) in sub-section (2) thereof, by the substitution for the words "transmitted to him" of the words "transmitted to him by a Police Magistrate".

38 Section 391 of the principal Ordinance is hereby amended as follows :—

Amendment of section 391 of the principal Ordinance.

- (1) by the substitution for the figures "157" of the figures "162"; and
- (2) by the omission of the words "forward to it an indictment and".

39 Section 397 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution for the words "the charge." of the words "the charge and to continue so to appear on every date to which the trial may be postponed or adjourned."

Amendment of section 397 (2) of the principal Ordinance.

40 The following new section shall be inserted immediately after section 440A of the principal Ordinance and shall have effect as section 440B, of that Ordinance :—

Insertion of new section 440B in the principal Ordinance.

440B. In every case where the committal or the remand of any person to custody pending inquiry or trial is authorized by any written law, the court may, if that person is a woman, in lieu of committing or remanding her to the custody of the Fiscal, direct that, for the period for which such committal or remand may otherwise have been ordered under that law, she remain in the custody of a probation officer or in a Home for women or other similar institution approved for the purpose by the Governor by notification published in the Gazette.

Custody of women pending inquiry or trial.

41 The second schedule to the principal Ordinance is hereby amended—

Amendment of the second schedule to the principal Ordinance.

- (1) in the item relating to section 113B of the Penal Code, by the insertion in the eighth column of that schedule of the words "District Court, if the offence which is the object of the conspiracy is triable by the District Court or Police Court.";
- (2) in the item relating to section 114 of the Penal Code, by the substitution for all the words from "Death" to "property" in the seventh column of that schedule of the following :—

"In the case of persons under the age of sixteen years, detention during the Governor's pleasure, and forfeiture of property. In the case of pregnant women, imprisonment for life, and forfeiture of property. In all other cases, death or imprisonment for twenty years and forfeiture of property.";
- (3) in each of the items relating to section 141, 159, 160, 203, 204, 212, 260, 263, 309, 323, 334, 335, 345, 404, 405, 407, 437, and 487 of the Penal Code, by the addition, in the eighth column of that schedule, of the words "Police Court" immediately after the words "District Court", wherever those words occur in those items;
- (4) in the item relating to section 169F of the Penal Code, by the substitution for the words "Imprisonment of either description for a term not exceeding six months" in the seventh column of that schedule of the word "Same";
- (5) in each of the items relating to sections 191, 296, and 299 of the Penal Code, by the substitution for the word "Death" in the seventh column of that schedule of the following :—

"In the case of persons under the age of sixteen years, detention during the Governor's pleasure. In the case of pregnant women, imprisonment for life. In all other cases, death.";
- (6) in the item relating to section 208 of the Penal Code, by the addition, immediately after the words "District Court" where those words occur for the first time in the eighth column of that schedule, of the words "Police Court";
- (7) in each of the items relating to sections 298, 318, 324, 357, 358, 362A, 362C, 362D, 365, 384, 395, 460, 461, 463, 464, and 466 and 466A, by the addition, in the eighth column of that schedule, of the words "District Court";
- (8) in the item relating to section 365A of the Penal Code, by the addition, in the eighth column of that schedule, of the words "District Court, Police Court";

- (9) in each of the items relating to sections 367, 368, 369, 370, 380, 382, 389, 391, 394, 396, 397, and 403 of the Penal Code by the substitution for the words "one hundred" in the seventh column of that schedule of the words "two hundred";
- (10) in the item relating to section 371 of the Penal Code, by the addition in the eighth column of that schedule of the words "District Court, except where preparation was made to cause death.";
- (11) in the item relating to section 386 of the Penal Code, by the substitution for the words "Police Court", in the eighth column of that schedule, of the words "Police Court, where the value of the property in respect of which the offence is committed does not exceed two hundred rupees.";
- (12) in the item relating to section 390 of the Penal Code, by the addition immediately after the words "District Court" in the eighth column of that schedule, of the words "Police Court, where the value of the property in respect of which the offence is committed does not exceed two hundred rupees.";
- (13) in the item relating to section 413 of the Penal Code, by the substitution for the word "fifty", in the eighth column of that schedule, of the words "two hundred";
- (14) in the item relating to section 455 of the Penal Code, by the addition in the eighth column of that schedule, of the words "District Court, except where the forgery is in respect of a record of a court of justice.";
- (15) by the omission of the item relating to section 458 of the Penal Code; and
- (16) in the item relating to section 462 of the Penal Code, by the addition in the eighth column of that schedule of the words "District Court" against each part of that item.

Insertion of new Forms 5A, 7A, 7B and 9A in the third schedule to the principal Ordinance.

42 The Forms 5A, 7A, 7B, and 9A in the Schedule hereto are hereby inserted in the third schedule to the principal Ordinance and shall have effect as Forms 5A, 7A, 7B, and 9A respectively thereof.

Amendment of Form 6 in the third schedule to the principal Ordinance.

43 Form 6 in the third schedule to the principal Ordinance is hereby amended as follows:—

- (1) in the heading to that Form, by the substitution for the word "Imprisonment," of the words "Imprisonment passed by a District Judge.";
- (2) by the substitution for the words "with this precept" of the words "with a copy of this warrant certified under your hand"; and
- (3) by the substitution, for the words "into execution, and for your so doing this shall be your sufficient warrant.", of the words "into execution."

Substitution of new form for Form 8 in the third schedule to the principal Ordinance.

44 Form 8 in the third schedule to the principal Ordinance is hereby repealed and the new Form 8 in the Schedule hereto is substituted therefor.

Amendment of Form 9 in the third schedule to the principal Ordinance.

45 Form 9 in the third schedule to the principal Ordinance is hereby amended as follows:—

- (1) by the substitution for the words "with this precept" of the words "with a copy of this warrant certified under your hand"; and
- (2) by the substitution, for the words "into execution, and for your so doing this shall be your sufficient warrant.", of the words "into execution."

Reprinting of the principal Ordinance.

46 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 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 so amended, added to, altered, or modified, at the date of such reprinting, provided that it purports to have been printed by the Government Printer by order of the Governor.

SCHEDULE.

FORM 5A.

(s. 310).

5A.—Warrant of Commitment on a Sentence of
Imprisonment or Fine passed by the
Supreme Court.

Case No. ———.

In the Supreme Court.

To the Fiscal of the ——— Province, and to the Superintendent
of the prison at ———.

Whereas on the ——— day of ———, 19—, ¹ ———
the ² ——— Prisoner in Case No. ——— was duly convicted
before me, ³ ——— for that he did on the ——— day of
———, 19—, at ———, within the jurisdiction of this
Court ⁴ ——— and thereby committed an offence punishable
under section ——— of the Ceylon Penal Code, and was
sentenced to ⁵ ——— imprisonment, and to pay a fine of
Rs. ———, or in default of payment to undergo ———
imprisonment, and whereas the said fine has not been paid :

These are therefore to command you, the said Fiscal to take
the said ¹ ——— and him safely convey to the prison at
——— aforesaid, and there to deliver him to the Superintendent
thereof, together with a copy of this warrant certified under
your hand.

And I do hereby command you, the said Superintendent of
the said prison, to receive the said ¹ ——— into your custody
in the said prison, and there keep him safely until the aforesaid
sentence has been carried into execution.

Given under my hand this ——— day of ———, 19—,
at ———.

(Signed) X. Y.

Judge of the Supreme Court.

¹ Name of prisoner.² First, second,
third, as the case
may be.³ Name and official
designation.⁴ State the offence
or offences
concisely.⁵ State the
punishment fully
and distinctly and
strike out
unnecessary words.

FORM 7A.

(s. 126A).

7A.—Warrant of Detention.

Case No. ———.

In the Police Court of ———.

To the Fiscal of the ——— Province, and to the Superintendent
of the prison at ———.

Whereas on the ——— day of ———, 19—, ¹ ———
was forwarded to the Police Court of ——— in terms of
section 126A of the Criminal Procedure Code, 1898, and it has
become necessary to detain the said ² ——— pending further
investigation.

These are therefore to command you, the said Fiscal, to take
the said ² ——— and him safely convey to the prison at ———
aforesaid, and there to deliver him into the custody of the
Superintendent thereof, together with a copy of this warrant
certified under your hand.

And I hereby command you, the said Superintendent of the
said prison, to receive the said ² ——— into your custody
in the said prison, and there safely keep him until the ³ ———
day of ———, 19—, when you are hereby required to convey
and produce him before the undersigned, a Police Magistrate
in and for the division of ——— or before such other Police
Magistrate for the said division as may then be there, to be
further dealt with according to law.

Given under my hand this ——— day of ———, 19—,
at ——— in the division of ——— aforesaid.

(Signed) X. Y.
Police Magistrate.

FORM 7B.

(s. 252).

7B.—Warrant of Detention after Discharge of Jury.

Case No. ———.

In the ——— Court at ———.

To the Fiscal of the ——— Province, and to the Superintendent
of the prison at ———.

Whereas on the ——— day of ———, 19—, ¹ ———
was tried before me at ———, for that he did on the ———
day of ———, 19—, at ———, within the jurisdiction of
this Court ² ——— and thereby committed an offence under
section ——— of the Ceylon Penal Code.

And whereas the jury which was empanelled to try the said
³ ——— on the said offence was discharged under section
——— of the Criminal Procedure Code, 1898, and it is therefore
necessary for the said ³ ——— to be detained in custody
until he can be tried by another jury, he having failed to give
security in the sum of Rs. ——— demanded.⁴

These are therefore to command you, the said Fiscal to take
the said ³ ——— and him safely convey to the prison at ———
aforesaid, and there to deliver him to the Superintendent thereof,
together with a copy of this warrant, certified under your hand.

¹ Name, residence
and designation of
accused.² State the offence
or offences
concisely.³ Name of accused.⁴ Strike out any
words that are
unnecessary.

And I do hereby command you, the said Superintendent of the said prison to receive the said ³_____ into your custody in the said prison and there keep him safely until the _____ day of _____, 19—, when you are hereby required to convey and produce him before the _____ Court at _____ to stand his trial by another jury.

Given under my hand this _____ day of _____, 19—, at _____.

(Signed) X. Y.
Judge of the Supreme Court.

FORM 9A.

(s. 165 (1)).

9A.—Warrant of Commitment for trial.

Case No. _____.

In the Police Court of _____.

To the Fiscal of the _____ Province, and to the Superintendent of the prison at _____.

Whereas ¹_____ stand² before the undersigned _____ Police Magistrate for the division of _____ for the purpose of commitment for trial on the following charge³ ⁴_____.

These are therefore to command you, the said Fiscal, to take the said ⁵_____ and ⁶_____ safely convey to the prison at _____ aforesaid, and there to deliver ⁶_____ into the custody of the Superintendent thereof, together with a copy of this warrant certified under your hand.

And I hereby command you, the said Superintendent of the said prison, to receive the said ³_____ into your custody in the said prison and there safely keep ⁶_____ until and during ⁷_____ trial upon the said charge³ before the court at _____, or until thence delivered by due course of law.

Given under my hand this _____ day of _____, 19—, at _____.

(Signed) X. Y.
Police Magistrate.

FORM 8.

(s. 289).

8.—Warrant of Remand or Committal to Custody on Postponement or Adjournment.

Case No. _____.

In the _____ Court at _____.

To the Fiscal of the _____ Province, and to the Superintendent of the prison at _____.

Whereas on the _____ day of _____, 19—, complaint was made to the _____ Court at _____ that ¹_____ did on the _____ day of _____, 19—, ²_____. (*If the accused is being tried, add:—And whereas the said ³_____ has been brought for trial before me*):

And whereas owing to the absence of a material witness⁴ it has become necessary to postpone (*or to adjourn, as the case may be*) the inquiry into the matter of the said complaint until the _____ day of _____, 19—, at _____ o'clock at _____, and it is necessary that the said ³_____ should in the meantime be remanded in custody (*or committed to custody, as the case may be*)⁵:

These are therefore to command you, the said Fiscal to take the said ³_____ and him safely convey to the prison at _____ aforesaid, and there to deliver him to the Superintendent thereof, together with a copy of this warrant, certified under your hand.

And I do hereby command you, the said Superintendent of the said prison to receive the said ³_____ into your custody in the said prison, and there safely keep him until the _____ day of _____, 19—, when you are hereby required to convey and produce him at the time and place to which the said inquiry is postponed (*or adjourned, as the case may be*) before the undersigned, or before such other Magistrate (*or Judge, as the case may be*) as may then be there, to answer further to the said complaint and to be further dealt with according to law.

Given under my hand this _____ day of _____, 19—, at _____.

(Signed) X. Y.
Police Magistrate.⁶

Objects and Reasons.

The principal object of this Bill is to amend the Criminal Procedure Code, 1898, so as to provide for the direct committal by Magistrates to higher courts of cases which a Magistrate has not the power to dispose of summarily. The opportunity has been taken to effect in the Code numerous other amendments which experience has shown to be necessary or expedient.

2. Clause 8 of the Bill substitutes for sections 155 to 165 of the Code eleven new sections, which together with the sections inserted by Clauses 9, 34 and 36, and the amendment

¹ Name or names of accused, and his, her, or their residence, designation, &c.

² Or, "stands" if only one person is concerned.

³ Or "charges" if more than one.

⁴ Insert the charge or charges, as the case may be.

⁵ Name or names of accused.

⁶ "Him", "her" or "them", as the case may be.

⁷ "His", "her" or "their", as the case may be.

¹ State name, residence, designation, &c. of accused.

² State the offence or offences as in the summons or warrant.

³ Name of accused.

⁴ If otherwise, state the cause of the postponement or adjournment.

⁵ If offence bailable, add "he having failed to give security in the sum of Rs. _____ demanded".

⁶ "or District Judge", or "Judge of the Supreme Court".

effected by Clause 35, set out the new scheme for the committal of cases by Magistrates. When the accused appears before the Magistrate in a non-summary case, the Magistrate will acquaint him of the charge against him, but the accused will not be required to make a statement until after the close of the prosecution case. Then, if the Magistrate thinks there is a *prima facie* case against him, he will be given the opportunity of making a statement and also of giving evidence himself or of calling witnesses. Thereafter the Magistrate will consider all the evidence called by the prosecution, and the evidence (if any) called by the defence, and commit the accused direct to the higher court if he considers the evidence sufficient to put the accused on his trial. The defence witnesses who have given evidence before the Magistrate will be bound over in the same manner as the prosecution witnesses to give evidence at the trial. The accused can also give to the Magistrate at the time of commitment a list of further witnesses who will be noticed to appear at the trial, (unless the Magistrate thinks there are no reasonable grounds for believing that the evidence of any such witness is material). The record of the case will then be forwarded to the trial court and a certified copy sent to the Attorney-General for the preparation of the indictment. When the indictment has been settled, it will be sent by the Attorney-General to the court of trial and a copy will be sent to the Fiscal for service on the accused. As soon as the date of trial has been fixed, the Fiscal will also serve on the accused a notice informing him of the trial date. Indictments and notices of trial will be served in the manner provided in the Code for the service of summons. Power is reserved to the Attorney-General, in every case committed by a Magistrate under the new procedure to order further evidence to be taken, or to direct that the court of trial should be a court other than the one designated by the Magistrate, or to order the discharge of the accused, or to issue other instructions to the Magistrate for the disposal of the case. The new section inserted by Clause 36 also gives the Attorney-General power to call any fresh witness in the trial court who has not given evidence in the Police Court, provided notice is given to the trial court and to the accused, together with a copy of the evidence which such witness is expected to give. The amendments effected by Clauses 14, 16, 17, 32 and 38 are consequential on the introduction of amendments referred to above.

3. The provisions whereby a Magistrate is empowered to question the accused generally on the case after the close of the case for the prosecution are repealed, as it is considered that, though those powers are rarely used, they are capable of being used to the prejudice of the accused. Clauses 24 and 25 effect the necessary amendments.

4. It at present happens frequently that when the accused appears before the Magistrate the evidence of a number of witnesses, recorded before the accused appeared in court, is read over to him from the record. Even though the accused is subsequently given the opportunity of cross-examining these witnesses, it has been thought advisable that all the evidence which is given against an accused should, in the normal case, be given in his presence. Clauses 4 to 7 amend sections 149 to 153 of the Code to secure this result. Clause 3 amends section 148 (1) (a) so as to remove the distinction drawn, at the stage when proceedings are instituted, between summary offences and indictable offences, as, with the repeal of section 149 and the enactment of new provisions relating to the issue of process, the necessity for drawing a distinction between indictable offences and summary offences at the earliest stage of proceedings in a Police Court disappears. Under the new provisions a warrant cannot in the first instance be issued unless evidence has been recorded on oath, except in the case of proceedings originated by a warrant under the hand of the Attorney-General or on a written complaint from a court (section 148 (1) (e) and (f)). Clauses 12 and 13 effect amendments in sections 187 and 189 consequential on those effected by Clauses 4 to 7.

5. Under section 397 (2) of the Code, when a Police Magistrate admits to bail an accused who is to be committed for trial to a higher court, the Magistrate has the power to bind him over only to appear and answer the charge in the higher court. As this provision does not seem sufficient to secure the attendance of the accused at adjournments or postponements of the trial without a further bond being taken in the higher court, Clause 39 amends section 397 (2) to provide that the bond taken by the Magistrate should bind the accused to attend at every adjournment or postponement of the trial.

6. Clause 37 amends section 390 of the Code so as to empower the Attorney-General to call for the proceedings of District Court criminal cases, with the object of facilitating the performance of the Attorney-General's duties in the administration of the criminal law.

7. The object of Clause 26 is to introduce into the Code provisions similar to those which exist in the Sentence of Death (Expectant Mothers) Act, 1931, of the Imperial Parliament by providing a procedure whereby the question whether or not a woman convicted of a capital offence is pregnant, will be determined before sentence of death is passed. If it is found that she is pregnant a sentence of imprisonment for life or other term will be passed instead of the death sentence. The existing provision whereby sentence of death is passed on such a woman and respited only till the birth of the child is repealed by Clause 27 (2). Clause 26 also reproduces in a better context the subject-matter of section 296A of the Penal Code providing for a sentence of detention during the Governor's pleasure in the case of persons under sixteen years of age who are convicted of capital offences. Clauses 29, 41 (2) and 41 (5) make some necessary consequential amendments in section 310A and in the second schedule of the Code.

8. Clause 40 inserts a new section empowering a court, in any case where a woman has to be committed or remanded to custody pending inquiry or trial, to place her in the custody of a probation officer or in a home or institution approved by the Governor instead of committing or remanding her to the custody of the Fiscal.

9. Clauses 2, 18, 22, 23, 27 (1), 28, 30 and 31, and the amendments of the Forms in the third schedule by Clauses 42 to 45 are introduced with the object of clarifying the procedure to be adopted when an accused has to be detained or remanded in custody during a trial or inquiry, or committed to custody either until or during his trial, or in order that the sentence passed on him by a court may be carried out. The procedure laid down in sections 126A, 165, 252, 289, 309, 310 and 311 is not entirely clear and the present amendments aim at providing in each case that a warrant shall be made out addressed to a Fiscal and to the superintendent of a prison; that this warrant shall be delivered to the Fiscal who will thereupon take charge of the accused and deliver him to the superintendent with a certified copy of the warrant; and that the superintendent will then take the accused into his custody and keep him in prison until the date stated in the warrant or until the sentence has been carried out. In order to simplify the matter still further some of the existing forms have been amended and certain other new forms added. The amendment made by Clause 27 (3) permits a jailor to take the place of the superintendent of a prison at an execution.

10. Clause 11 inserts a new section which provides that where a person is charged with an offence, he may, without a separate charge being framed, be convicted of an attempt to commit the offence, if such attempt is itself made punishable by law. A provision to this effect has been in force in India for some years.

11. Clause 20 extends to members of District Councils established under Ordinance No. 11 of 1920 the exemption from liability to service as members of a jury.

12. Clause 21 raises the income qualification of English-speaking jurors by fifty per cent. in accordance with the recommendations of the Committee on Payments to Witnesses &c. (Sessional Paper XIII. of 1927).

13. Clause 10 deletes from section 167 the provision whereby a reference to the previous convictions of an accused is inserted in the indictment. This provision has not been operative since the Prevention of Crimes Ordinance was passed in 1926. A consequential amendment is made by Clause 19.

14. Clause 33 exempts from payments of the usual stamp fee petitions of appeal filed by public officers in the course of the discharge of their public duties.

15. Clause 41 effects a number of amendments in the second schedule. The majority of the amendments are designed to bring within the jurisdiction of a District Court or of a Police Court offences which are not at present within the jurisdiction of those courts. In the case of offences against property the monetary limit on the value of the property involved in Police Court cases is raised from one hundred rupees to two hundred rupees.

J. C. HOWARD,
Legal Secretary.

Colombo, November 5, 1936.

MINUTE.

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

An Ordinance to make provision for the regulation and control of the distribution, transport and supply of food within the Island.

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

- | | |
|--|--|
| <p>1 This Ordinance may be cited as the Food Control Ordinance, No. of 1936.</p> | <p>Short title.</p> |
| <p>2 The Governor may appoint any person, by name or by office, to be or to act as Food Controller for the purposes of this Ordinance.</p> | <p>Appointment of Food Controller.</p> |
| <p>3 (1) The Food Controller may by Order approved by the Executive Committee and published in the Gazette—</p> <p>(a) prohibit or regulate the transport or removal of any food or article of food to or from any place or area in the Island for the purpose of preventing any shortage or unreasonable increase in the production, stocks or supply of such food or article of food in any part of the Island or for the purpose of securing the efficient distribution of such food or article of food within the Island ;</p> <p>(b) prohibit or regulate the transport or removal of cattle to or from any place or area in the Island for the purpose of preventing any unreasonable diminution or increase in the number of cattle available for slaughter or for the supply of food in any part of the Island.</p> <p>(2) Every Order shall come into operation on the date of its publication in the Gazette : Provided that if some other date is prescribed in the Order as the date on which it shall come into operation, then the Order shall come into operation on the date so prescribed after the Order has been published in the Gazette.</p> <p>(3) Every Order shall be brought before the State Council as soon as may be after the publication thereof by a motion that such Order shall be confirmed, and, if confirmed by the State Council, shall be submitted to the Governor for ratification.</p> <p>(4) Any Order which the State Council refuses to confirm or which the Governor refuses to ratify shall be deemed to be rescinded, but without prejudice to the validity of anything previously done or suffered to be done thereunder or to the making of a new Order. The date on which an Order shall be deemed to be so rescinded shall be the date on which the State Council refuses to confirm or the Governor refuses to ratify the Order, as the case may be. Notification of the date on which any Order is deemed to be so rescinded shall be published in the Gazette.</p> <p>(5) An Order shall, when confirmed by the State Council and ratified by the Governor, be as valid and effectual as if it were herein enacted. Notification of such confirmation and ratification shall be published in the Gazette.</p> | <p>Prohibition and regulation of transport or removal of food or cattle.</p> |
| <p>4 (1) The Executive Committee may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.</p> <p>(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters :—</p> <p>(a) the collection of information necessary for the purposes of this Ordinance and for the enforcement of any Order made thereunder ;</p> <p>(b) the returns to be made for the purposes of this Ordinance, the forms of such returns and the manner of the authentication thereof ;</p> <p>(c) the inspection and search of any place or premises used or reasonably suspected to be used for keeping any food or article of food or cattle ;</p> <p>(d) the stoppage, inspection and search of any vehicle used or reasonably suspected to be used for the conveyance or transport of any food or article of food or cattle ;</p> | <p>Regulations.</p> |

- (e) the compulsory purchase, seizure, sequestration and disposal of any food or article of food or cattle ;
- (f) the disposal of any food or article of food or cattle forfeited under this Ordinance ;
- (g) the manner of serving notices required to be issued for the purposes of this Ordinance ;
- (h) any other matters connected with or incidental to any of the matters hereinbefore enumerated.

(3) No regulation made by the Executive Committee under this section shall have effect unless it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(4) Every regulation made by the Executive Committee shall, on the publication of the notification of the approval and ratification of that regulation under sub-section (3), be as valid and effectual as if it were herein enacted.

Offences and penalties.

5 Any person who acts in contravention of any Order made under section 3 or of any regulation made under section 4 shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment ; and the court may order the forfeiture of any food, article of food, or cattle, in respect of which the offence was committed.

Application of Ordinance.

6 (1) The provisions of this Ordinance or of any Order or regulation made thereunder shall have no application to any food or article of food or cattle kept, transported or removed by or on behalf of the Naval, Military or Civil Authorities for the use of His Majesty's Forces or the Civil Administration.

(2) Nothing in this Ordinance shall affect the provisions of the Dried Meat Ordinance, 1908.

Interpretation.

7 In this Ordinance, unless the context otherwise requires—

“ article of food ” means any commodity, substance or thing which has been cooked, prepared, treated, preserved or manufactured as food for man or fodder for cattle ;

“ cattle ” means bulls, cows, sheep, goats, deer, and buffaloes, and includes any other animal ordinarily killed or slaughtered for providing food for man ;

“ Executive Committee ” means the Executive Committee of Labour, Industry and Commerce ;

“ food ” means any commodity used for food or drink by man other than drugs or water, or any substance which ordinarily enters into or is used in the composition or preparation of human food, and includes the flesh of cattle and fodder for cattle ;

“ Order ” means an Order made by the Food Controller under section 3.

Objects and Reasons.

The object of this Bill is to make provision for the regulation and control of the distribution, transport and supply of food within the Island. The administration of the Ordinance will be in charge of a Food Controller who will be authorised, by Order approved by the Executive Committee and published in the Government Gazette, to prohibit or regulate the transport or removal of food or cattle from one area to another for the purpose of securing an even distribution of food and of animals available for slaughter in all parts of the Island and with a view to preventing any shortage or unreasonable increase in the production or supply of food in any particular area. Every Order made by the Food Controller with the approval of the Executive Committee will be submitted to the State Council for confirmation and to the Governor for ratification.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Ministry of Labour, Industry and Commerce,
Colombo, November 4, 1936.

MINUTE.

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

An Ordinance to amend the Ceylon Penal Code.

No. 2 of 1883.

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

1 This Ordinance may be cited as the Ceylon Penal Code Amendment Ordinance, No. of 1936, and shall come into operation on such date as the Governor shall appoint by Proclamation in the Gazette.

Short title, and date of operation.

2 Sections 53 and 54 of the Ceylon Penal Code, (hereinafter referred to as " the principal Ordinance "), are hereby renumbered respectively as sections 55 and 56 thereof.

Renumbering of sections 53 and 54, as sections 55 and 56 of Ordinance No. 2 of 1883.

3 The following new sections shall be inserted immediately after section 52, and shall have effect respectively as sections 53 and 54, of the principal Ordinance :—

Insertion of new sections 53 and 54 in the principal Ordinance.

53. Sentence of death shall not be pronounced on or recorded against any person who, in the opinion of the court, is under the age of sixteen years ; but, in lieu of that punishment, the court shall sentence such person to be detained during the Governor's pleasure.

Punishment of detention in lieu of death for persons under sixteen years of age.

54. Sentence of death shall not be pronounced on or recorded against any woman who is found in accordance with the provisions of section 305B of the Criminal Procedure Code, 1898, to be pregnant at the time of her conviction ; but, in lieu of that punishment, the court shall sentence her to imprisonment of either description for life or for any other term.

Punishment of imprisonment in lieu of death for pregnant women.
No. 15 of 1898.

4 Section 296A of the principal Ordinance is hereby repealed.

Repeal of section 296A of the principal Ordinance.

Objects and Reasons.

In a Bill to amend the Criminal Procedure Code, 1898, which is to be introduced simultaneously with this Bill, it is proposed to insert in that Code a new section adapted from the Sentence of Death (Expectant Mothers) Act, 1931, in order to provide that women, who are found to be pregnant at the time of their conviction of an offence punishable with death, shall be sentenced to imprisonment instead of death. The principal object of the present Bill is to make the corresponding amendment in the Penal Code by inserting in it the new section 54 which is set out in Clause 3.

2. As the parallel provisions relating to persons under sixteen years of age are limited in their effect both by the form and the context of the existing section 296A, the opportunity is also taken to repeal that section (Clause 4) and to re-enact its provisions, in a better context and with extended scope, as the new section 53 which is also set out in Clause 3.

Colombo, November 5, 1936.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

An Ordinance to regulate the publication of reports of judicial proceedings in such manner as to prevent injury to public morals.

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

1 This Ordinance may be cited as the Judicial Proceedings (Regulation of Reports) Ordinance, No. of 1936.

Short title.

2 It shall not be lawful to print or publish, or cause or procure to be printed or published—

(a) in relation to any judicial proceedings any indecent matter or indecent medical, surgical or physiological details being matter or details the publication of which would be calculated to injure public morals ;

Restriction on publication of reports of judicial proceedings.

(b) in relation to any judicial proceedings for divorce *a vinculo matrimonii*, for separation *a mensa et thoro* or for declaration of nullity of marriage, any particulars other than the following, that is to say :—

- (i) the names, addresses and occupations of the parties and witnesses ;
- (ii) a concise statement of the charges, defences and countercharges in support of which evidence has been given ;
- (iii) submissions on any point of law arising in the course of the proceedings, and the decision of the court thereon ;
- (iv) the judgment of the court and observations made by the judge in giving judgment :

Provided that nothing in this paragraph shall be held to permit the publication of anything contrary to the provisions of paragraph (a) of this section.

Offences and penalties.

3 (1) Any person acting in contravention of the provisions of this Ordinance, shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment :

Provided that no person other than a proprietor, editor, printer or publisher, shall be liable to be convicted under this Ordinance.

(2) No prosecution for an offence under this Ordinance shall be commenced except by, or with the written consent of, the Attorney-General.

Exceptions in cases of documents connected with proceedings, law reports, and technical publications.

4 Nothing in this Ordinance shall apply—

- (1) to the printing of any pleading, transcript of evidence or other document for use in connexion with any judicial proceedings or the communication thereof to persons concerned in the proceedings, or to the printing or publishing of any notice or report in pursuance of the directions of the court ; or
- (2) to the printing or publishing of any matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law, or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions.

Interpretation.

5 In this Ordinance, the expression “judicial proceedings” includes any proceedings before any court, tribunal, or person having by law power to hear, receive, and examine evidence on oath.

Objects and Reasons.

The object of this Bill, which is modelled on the Judicial Proceedings (Regulation of Reports) Act, 1926 (16 and 17 Geo. V. ch. 61), is to regulate the publication of reports of judicial proceedings in such manner as to prevent injury to public morals.

2. Paragraph (a) of Clause 2 contains a general prohibition against the publication of any indecent matter or of any indecent medical, surgical or physiological details in relation to any judicial proceedings. Paragraph (b) of the same Clause provides that in matrimonial actions it shall not be lawful to publish any matter other than the names of the parties and their witnesses, a concise statement of the charges, defences and countercharges, submissions on points of law and the judgment of the court ; but even the publication of these permitted details in relation to matrimonial actions will be subject to the general prohibition contained in paragraph (a).

3. Clause 4 exempts from the operation of the law publication of otherwise prohibited details where such publication is made on the orders of the court or in any *bona fide* series of law reports, or for the use of legal practitioners, or for circulation among members of the legal or medical professions.

4. Clause 5 defines the expression “judicial proceedings” and supplies what has been pointed out to be an omission in the English Act. It has been suggested that the definition of the expression “judicial proceedings” in the Perjury Act, 1911, will apply in the interpretation of the Judicial Proceedings (Regulation of Reports) Act, 1926 and that definition has accordingly been incorporated in this Bill.

D. B. JAYATILAKA,
Minister for Home Affairs.

The Ministry of Home Affairs,
Colombo, September 23, 1936.

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 District of Badulla 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,
Badulla, November 10, 1936.

T. J. MENDIS,
for 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 Kegalla 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,
Ratnapura, November 3, 1936.

N. J. LUDDINGTON,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,924. In the matter of the insolvency of H. H. M. Hassen and H. H. M. Gazzali, carrying on business as Gazzali & Company at 122, Skinner's road south, 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 January 26, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
November 4, 1936. Secretary.

In the District Court of Colombo.

No. 5,032. In the matter of the insolvency of Aboobacker Hadjiyar Mohamed Sheriff also known as H. M. Sheriff, presently of 49, Stanley place, in Colombo.

WHEREAS the above-named A. H. M. Sheriff has filed a declaration of insolvency, and a petition for the sequestration of estate has been filed by O. L. M. Ahamed Ally of 92, Galkapanawatta, in Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. H. M. Sheriff 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,
November 6, 1936. Secretary.

In the District Court of Colombo.

No. 5,033. In the matter of the insolvency of John Cyril de Silva Wijeyaratna of 37, Elie House road, Mutwal, Colombo.

WHEREAS the above-named J. C. de S. Wijeyaratna has filed a declaration of insolvency, and a petition for the sequestration of estate has been filed by Justin Perera of Messrs. A. Y. Daniel & Sons, Fort, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said J. C. de S. Wijeyaratna insolvent accordingly; and that two public sittings of the court, to wit, on January 19, 1937, and on February 9, 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,
November 7, 1936. Secretary.

In the District Court of Colombo.

No. 5,034. In the matter of the insolvency of Oswald Stanley Nugara of De Alvis place, Dehiwala, Colombo.

WHEREAS the above-named O. S. Nugara has filed a declaration of insolvency, and a petition for the sequestration of estate has been filed by Rock Ramanaden of Bambalapitiya, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said O. S. Nugara 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,
November 7, 1936. Secretary.

In the District Court of Kandy.

No. 2,115. In the matter of the insolvency of Dombagolle Ana Mahamudu Lebbe of Eladetta in Medapalata, Uduuwara.

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 11, 1936, to appoint an assignee.

By order of court, R. MALALGODA,
November 6, 1936. Secretary.

In the District Court of Hatton.

No. 28. In the matter of the insolvency of Allan Perry de Zilva of Talawakele.

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 8, 1936, for the grant of a certificate of conformity to the insolvent.

By order of court, E. DE S. GUNAWARDENE,
November 10, 1936. Secretary.

NOTICES OF FISCALS' SALES.

61 Western Province.

In the District Court of Colombo.

Dr. John Abraham Perera of Kuruwa Walawwa, Kuruwe street, Colombo Plaintiff.

No. 2,843.

(1) Kasturiratne Tennekoon Appuhamillage Don, Bempi Appu of Megalla in the Meda pattu of Siyane korale, (2) ditto Don Thomas of Bonegala in the Meda pattu aforesaid, (3) ditto Don Carolis of Thihariya in the Meda pattu aforesaid Defendants.

NOTICE is hereby given that on Friday, December 11, 1936, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 1,364 dated September 14, 1929, attested by J. H. Perera, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated June 25, 1936, for the recovery of the sum of Rs. 1,547.50, with interest on Rs. 1,000 at 12 per cent. per annum from February 20, 1935, to date of decree (September 19, 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. :-

1. At 2 p.m.—All that portion marked E of Gorakgahawatta alias Nugagahawatta, situated at Megalla in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; bounded on the north by Iriyagahakumbura of R. Don Brampi, Police Headman, and others, east by lot F allotted to Charles Francis Wijesinghe, south by lot A allotted to R. Brampy Appu, and west by lot D allotted to R. Lokunona Hami; containing in extent 1 acre 2 roods and 37 perches.

2. At 10 a.m.—An undivided $\frac{1}{2}$ of Kahatagahawatta, situated at Thihariya in the Meda pattu of Siyane korale in the District of Colombo, Western Province; bounded on the east by wewniyara and water-course, west by liminary dam and water-course, north by live fence, south by hedge of Nabiriththalanda; containing in extent about 10 acres.

3. At 10.30 a.m.—An undivided $\frac{1}{4}$ of Kolainkumbura, situated at Thihariya aforesaid; bounded on the east by wewniyara, west by liminary dam of the field of Ali Tambi, north and south by Kahatagahawatta; containing in extent about 2 bushels of paddy sowing.

4. At 11.30 a.m.—An undivided $\frac{1}{4}$ of Kahatagahawatta, situated at Bonegala in the Meda pattu of Siyane korale in the District of Colombo, Western Province; bounded on the east by field, west by ditch of the garden of Sanchi Appu, north by live fence of the garden of Sanchi Appu and others, south by Moragahalanda; containing in extent about 5 acres.

5. At 3.30 p.m.—An undivided $\frac{1}{24}$ share of Millagahakumbura, situated at Bopeththa in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; bounded on the west and north by high land belonging to the Crown, east by Iriyagahakumbura, south by Veddawalagekumbura; containing in extent about 15 bushels of paddy sowing.

Prior registration F 62/240, E 226/71, 213/195, 125/89, F 65/34.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, November 11, 1936. Deputy Fiscal.

In the Court of Requests of Colombo.

Paranthirattu Gopalan Nambiar of 14/26, Union place, Colombo Plaintiff.

No. 23,289. Vs.

Ganegoda Don Vincent Seneviratna of 131, Dematagoda road, Colombo Defendant.

NOTICE is hereby given that on Saturday, December 19, 1936, at 1 p.m., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 178, with legal interest thereon from July 8, 1936, till payment in full and costs of suit, Rs. 20.25 and prospective costs, Rs. 12.50, viz. :—

All those premises and the bathing well, together with the trees and plantations thereon bearing assessment No. 103, situated at Dematagoda road, within the Municipality and District of Colombo, Western Province; bounded on the north by a portion of this land, east by property belonging to the temple, south and west by Crown land; containing in extent about 10 perches, and registered in A 223/76 Colombo.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, November 11, 1936. Deputy Fiscal.

In the District Court of Colombo.

Muthu Rana Avanna Veena Seena Thana Avithey Chettiar of Sea street, Colombo, presently of Natarasan Cottai, Ramnad District, South India, by his attorney, Rawanna Mana Veluchamy Pillai of Sea street, Negombo Plaintiff.

No. 2,097. Vs.

(1) Thirumathira Adrick Mendis of Kosgoda and (2) Agampodi Joseph Mendis of Tammitta in Negombo Defendants.

NOTICE is hereby given that on Monday, December 7, 1936, at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd defendant in the following properties, viz. :—

1. The field called Nugagahakumbura, situated at 4th Division, Tammitta, within the gravets and in the District of Negombo, Western Province; and bounded on the north by the field of Amaris and others, east by the land of the heirs of Pasirin Silva, south by the land of Juwanis and others, and on the west by the land of J. Gabriel Fernando and others; but the said land presently bounded on the north by the field of Migel Vidanerala and others, east by the land of the heirs of Pamanis Silva, south by the land of Migel Vidanerala and others, and on the west by the land of Wattalapedige Ana Fernando and others; and containing in extent within these boundaries about 2 acres and 24 perches or 5 parras of paddy sowing ground. Registered No. A 99/218.

2. The land called Kosgahawatta, situated at 4th Division, Tammitta aforesaid; and bounded on the north by a portion of this land of Abilinu Appu, east by a portion

of this land of Amaris Rosairo, south by a portion of this land of A. Dona Anohamy, and on the west by the land of Siman Dabarera; and containing in extent within these boundaries about 12 coconut trees plantable ground, together with the buildings and plantations standing thereon. Registered No. A 64/91.

Amount to be levied Rs. 1,000, with interest on Rs. 1,000 at 15 per cent. per annum from June 21, 1931, till payment in full, less Rs. 1,200.

Deputy Fiscal's Office,
Negombo, November 10, 1936.

A. W. ROSA,
Deputy Fiscal.

72. In the District Court of Colombo.

The Bank of Chettinad, Limited, Colombo Plaintiffs.

No. 51,697. Vs.

(1) Ponnahennedige Alfred Lewis Dias of Panadure, (2) R. M. A. R. A. R. R. M. Arunachalam Chettiar of Sea street, Colombo Defendants.

NOTICE is hereby given that on Saturday, December 12, 1936, at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following property mortgaged by the 1st defendant with plaintiff and declared bound and executable for the decree entered in the said case for the recovery of Rs. 29,212.50, with interest on Rs. 28,500 at 12 per cent. per annum from January 26, 1933, till September 20, 1933; and thereafter at 12 per cent. per annum on the aggregate amount till payment in full and costs, less the sum of Rs. 3,985, viz. :—

1. All that defined western portion marked B, together with the buildings and everything else standing thereon, and appearing in survey plan No. 3,692 dated October 26, 1918, and made by the Ceylon Survey Agency of the five contiguous allotments of land called Madangahawatta and Dombagahawatta now called Alutwatta No. 1, situated at Pattiya South in Panadure totamune in the District of Kalutara, Western Province; which said allotments are severally and more fully described in the schedule B of deed No. 112 dated July 10, 1920, attested by C. S. Perera of Panadure, Notary Public, and registered in B 186/200 and previously in B 58/367, 21/217, 65/383, 27/221, 58/365, 58/366; which said defined western portion is bounded on the north by the properties of the heirs of the late Francisco de Soysa, on the east by the portion marked A of the same land allotted to A. M. C. Dias, on the south by the property of Abraham Perera, by the property of L. Pedrick Perera, and the property of P. Jorlis Dias, and on the west by the property of the heirs of the late M. Hendrick Salgado and the property of P. Jorlis Dias; containing in extent 2 acres and 1.87 perches.

2. All that defined eastern portion marked A, together with the buildings and everything else standing thereon, appearing in the said plan No. 3,692 dated October 26, 1918, of the aforesaid five contiguous allotments of land called Madangahawatta and Dombagahawatta, now called Alutwatta No. 1, situated at Pattiya South in Panadure totamune aforesaid (which said allotments are severally and more fully described in the schedule B of deed No. 114 dated July 10, 1920, and attested by the said C. S. Perera of Panadure, Notary Public, and registered in B 186/213 and previously registered as appearing under the premises firstly described), which said defined eastern portion is bounded on the north by the property of Jeronis Fernando, of Jeremias Salgado, and of Abraham Soysa, on the east by the Colombo-Galle high road, on the south by the property of M. Abraham Perera, and on the west by the defined portion marked B allotted to Mrs. L. M. M. Dias; containing in extent 1 acre.

Both which defined portions form and appear as one property in plan No. 913 dated March 18, 1931, and made by Lucas H. de Mel, Licensed Surveyor; containing in extent 3 acres and 1.87 perches; and are together bounded on the north by the property of the heirs of the late M. Hendrick Salgado and the properties of P. A. L. Dias and Martin Fernando, on the east by the high road leading from Colombo to Galle, on the south by the properties of W. D. Fernando, the heirs of the late P. Johannes Salgado, A. Punchi Nona, Leonora Peiris and P. Jorlis Dias, and on the west by the properties of P. A. L. Dias, and the heirs of the late M. Hendrick Salgado, and now bear with the buildings thereon assessment Nos. 770, 771, 772, and 773, Panadure.

Deputy Fiscal's Office,
Kalutara, November 10, 1936.

H. SAMERESINGHA,
Deputy Fiscal.

Central Province.

In the Court of Requests of Kandy.

Noor Bhai of King street, Kandy Plaintiff.
 No. 18,335. Vs.
 Arthur H. Silva of Castle Hotel, Kandy Defendant.

NOTICE is hereby given that on Saturday, December 19, 1936, at 2 o'clock in the afternoon, will be sold by public auction at the respective promises the right, title, and interest of the said defendant in the following property, viz. :—

1. All that contiguous allotment of high and low land called Katupullewatta and Kumbura, containing as per plan of survey dated December 30, 1930, made by S. A. Soysa, Licensed Surveyor, 1 acre 3 roods and 18 perches, situate at Dehigama in Galapalata of Yatinuwara in the District of Kandy, Central Province, and bounded on the east by Una Mohammedo Lebbe's garden and the field, on the south by Jamaldeen's garden, on the west by Jamaldeen's field, Una Majeed's garden, and N. Jamaldeen's garden, and north by the land called Galapalatahena presently garden owned by Mr. P. H. Howay, together with everything appertaining thereto.

2. All that northern share in extent 3 pelus paddy sowing out of the land called Sangaragehena a garden of one yelamunam paddy sowing in extent, situate at Gurugama in Medapalata of Yatinuwara; which said northern 1/2 share is bounded on the east by the ditch of the hena which formerly belonged to Dullewe Walawwa and presently owned by Uduma Lebbe, south by the limit of the portion owned by Dingiri Etana out of this land, west by the wela, and north by the Mala-ela and which said portion within the said boundaries contains as per plan of survey dated January 31, 1931, 1 acre 2 roods and 37.05 perches in extent; bounded on the north-east by the land said to belong to H. Ukkuwa, east by the ditch of Uduma Lebbe's garden, south-east by Sangaragehena said to belong to A. Rangetana, south-west by the ela of Idiyabokkekumbura, west by the Mala-ela of Sangaragodakumbura and north-west by the Mala-ela said to belong to A. Mohammedo Cassim, together with the plantations and everything appertaining thereto.

3. All that northern portion in extent 1 pela paddy sowing out of the land called Hingulangekumbura of 2 pelus paddy sowing in extent, situate at Dehigama aforesaid; which said northern portion is bounded on the east by Galheenge Batta's field and the liminary ridge of Selema Lebbe Vidane's field, and south by the liminary ridge separating the remaining portion of this field, west by below the liminary ridge of Tennegedera Ukkumala's field, and north by below the bank of Boyegodahena, which said field within the said boundaries contains 1 rood and 26 perches; and is bounded on the east by Polgodapitiyewatta owned by Bandara Menika, south-east by Appuhamy's field, south-west by Imbulangewatta, and north-west by the remaining portion owned by Punchedi Banda, together with everything appertaining thereto.

4. All that middle portion in extent 2 roods and 6 1/2 perches out of the land called Temmalewatta of 2 pelus paddy sowing in extent, situate at Dehigama aforesaid; and bounded on the east by the fence, south by the bank, west by the fence, and north by the ditch; and which said middle portion is bounded on the east by the remaining portion owned by Bandara Menika, south by Temmelakumbura, west by the remaining portion owned by S. Mohammedo Lebbe, and north by A. Hameedo Lebbe's land, together with the plantations and everything appertaining thereto.

5. All that lot No. 4 in extent 1 rood and 7 perches out of the field called Udatemmelalekumbura, situate at Dehigama aforesaid; and which said lot No. 4 is bounded on the north-east by lot No. 5 allotted to Mudiyanse Aratchy, south-east by the Pita-ela; and south-west by lot No. 3 allotted to Medduma Banda Ikirivatte, and north-west by the bank of Angemulle, which said portion of field within the said boundaries contains 1 rood and 14 perches in extent; bounded on the north-east by the remaining portion owned by Bandara Menika, south-east by the ela, south-west by the remaining portion owned by Seena Mohammedo Lebbe, north-west by Temmelewatta, together with everything appertaining thereto.

Amount of writ Rs. 332.25, with interest on Rs. 300 at 9 per cent. per annum from May 31, 1935, till payment in full and poundage.

Fiscal's Office,
 Kandy, November 10, 1936.

H. C. WIJESINHA,
 Deputy Fiscal.

65 In the District Court of Kandy.

Paideen Bhai of 126, Colombo street, Kandy ... Plaintiff.
 No. 42,433. Vs.
 P. B. Nugawela, Diyawadana Nilawala Beragama, Harispattu Defendant.

NOTICE is hereby given that on Monday, December 7, 1936, commencing at 2 P.M., will be sold by public auction at the respective premises the right, title, and interest of the said defendant for the recovery of the sum of Rs. 1,507.09, with legal interest on Rs. 2,060 from May 12, 1932, till payment in full and costs of suit and poundage in the following property (less Rs. 250), viz. :—

1. All that field called Narankumbura Attikkagahayatapela of 1. pela in paddy sowing in extent, situate at Werellagama in Kulugammanasiyapattu, Harispattu, in the District of Kandy, Central Province; and bounded on the east by the imaniyara of Dikliyadde, south by ela, west by the imaniyara of the field belonging to Dingiri Menika, and north by the ella of Gederawatta.

2. All that eastern 3 pelus in and out of all that field called Narankumbura of 5 pelus in paddy sowing extent, situate at Werellagama aforesaid; and the said 3 pelus being bounded on the east by the ela, south by the imaniyara of Attikkagahayatapela, west by the imaniyara of Godapela, and north by Kurunde-ela.

3. All that field called Medaniyadde of 12 labas paddy sowing extent, situate at Werellagama aforesaid; and bounded on the east by ela, south by the imaniyara of Dikliyadde, west by Kurunde-ella, north by the imaniyara of Mulwakkade, 12 labas.

4. All that land called Kurundewatta alias Kurukudewatta of about 1 amunam in paddy sowing extent, situate at Werellagama aforesaid; and bounded on the east by the fence of Vidanelewatta and the ditch of Medakurundehena, west by stone fence of Kiri Appu's garden, south by Welc-ella, and north by the fence of Pilasdepiyegederawatta.

5. The land called Medakurundehena alias Medakurukudehena of 1 amunam paddy sowing extent, situate at Werellagama aforesaid; and bounded on the east by the ela of Narankumbura, south by ella of Godapelekumbura, west by the Kandaheeriya of the field of Ukku Menika and the ditch of Vidanelegewatta, and north by the ela of Elamalpothekumbura.

6. The land called Arambe of 5 pelus paddy sowing extent, situate at Werellagama aforesaid; and bounded on the east by the agala of the Amukotuwa and the road, south by the agala of Pansalewatta, west by the agala and the fence of Ampitiye Punchirale's garden, and north by Pansale-ella.

7. The land called Amukotuwewatta of 15 labas paddy sowing extent, situate at Werellagama aforesaid; and bounded on the north, east, west, and south by the agala.

8. The land called Amukotuwewatta of 15 labas paddy sowing extent, situate at Werellagama aforesaid; and bounded on the east by the fence of Mudunegederawatta, south by the agala, west by Padassaleange-ella, and north by the ela of Narankumbura.

9. The field called Padathalangekumbura of 1 pela in paddy sowing extent, situate at Werellagama aforesaid; and bounded on the east by the imaniyara of Godaliyadde, south by the ella of Ampitiyegederawatta, west by the imaniyara of Gederakumbura, and north by below the ella of Amuhenewatta.

Fiscal's Office, Kandy, November 3, 1936. I. L. M. SHERIFF, Deputy Fiscal.

In the District Court of Kandy.

Arthur Pate of Kandy (dead) Plaintiff.
 The Public Trustee of Ceylon Substituted Plaintiff.
 No. 44,775. Vs.
 C. S. Rajaratnam, Advocate, Kandy Defendant.

NOTICE is hereby given that on Tuesday, December 8, 1936, commencing at 2 P.M., will be sold by public auction at the house No. 13, Pavilion street, Kandy, the right, title, and interest of the said defendant for the recovery of the sum of Rs. 7,325, with legal interest from January 29, 1934, till payment in full and costs Rs. 200.46 and poundage in the following property, viz. :—

16 frames with pictures, 2 teapoyes, 8 small easy chairs, 1 upholstered sofa, 1 brass lamp, 1 brass ash tray, 1 screen, 3 brass bowls.

2nd Room.—2 upholstered chairs, 1 glass almirah, 1 piano, 3 chairs, 10 frames with pictures, 1 brass tray, 1 small table, 1 toilet table, 1 almirah, 1 revolving chair, 1 small teapoy, 1 gramophone.

3rd Room.—1 dining table, 1 ornate glass almirah, 1 sideboard, 3 brass chairs, 3 brass tumblers, 1 set of cups and saucers with jug.

4th Room.—3 medium and small glass almirahs, 1 almirah, 5 chairs, 1 hat stand, 8 frames with pictures, 1 wall clock, 1 telephone stand.

5th Room.—1 almirah, 1 glass almirah, 1 toilet table, 1 lounge, 1 writing table, 3 tables, 1 teapoy, 1 chair, 1 revolving chair, 2 book cases, 1 brass basin.

6. Cooking Room.—1 rack, 1 aluminium basin, 3 brass sarvasetti, 3 cauldrons, 1 table, 1 box, 1 long bench, 1 table, 1 chair.

Fiscal's Office,
Kandy, November 5, 1936.

I. L. M. SHERIFF,
Deputy Fiscal.

In the District Court of Kandy.

P. Sidamampillai of Galboda estate, Madulkelle..Plaintiff.
No. 47407. Vs.

(1) Poolpanawe Loku Banda, (2) Poolpanawe Kalu Banda of Werapitiya in Madulkele Defendants.

NOTICE is hereby given that on Friday, December 4, 1936, commencing at 2 P.M., will be sold by public auction at the respective premises the right, title, and interest of the said defendants for the recovery of the sum of Rs. 368.74, with legal interest from March 12, 1936, till payment in full and poundage, viz. :—

1. All that western half part or share of two pelas in paddy sowing extent out of Medakumbura of about 1 amunam in paddy sowing extent, situate at Werapitiya in Pallispattu of Pata Dumbara in the District of Kandy, Central Province; which said western half part or share is bounded on the east by the remaining portion of this field, south by the limit of Medakumburehena, west by the limit of Wanathehena, and north by the ditch of Matalawekumbura and by the kandura of Tikiri Menika's field, with everything thereon.

2. All that southern portion of 1 amunam and 3 pelas in paddy sowing extent lying above the Galheeriya from and out of all those contiguous lands called Galbokkewatta and hena now garden of 2 amunams in paddy sowing extent, situate at Werapitiya aforesaid; which said southern portion is bounded on the east by kandura, south by the ditch of Mahalekamewatta, west by welan tree, jamanaran tree, and by the ditch of Puhulpanawa, and north by ela, with everything thereon.

3. All that land called Mawilmadehena now garden of about 1 amunam in paddy sowing extent, situate at Werapitiya aforesaid; and bounded on the east by the limit of Illagollehena and ditch, south by ditch, west by ditch of Mawilmadawatta and jak tree, and north by the ditch of Keerale's field, and by the ditch of Edandupolawatta, with everything thereon.

Fiscal's Office,
Kandy, October 26, 1936.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Pana Lana Veyana Palaniappa Chettiyar of 154, Colombo street, Kandy Plaintiff.
No. 47,135. Vs.

Perumal's son, Sellabaram Pullu of Castle Hill street, Kandy, now Ratanalala Chatram, Colombo Defendant.

NOTICE is hereby given that on Thursday, December 10, 1936, at 1 o'clock in the afternoon, will be sold by public auction at the spots the right, title, and interest of the said defendant in the following property for the recovery of Rs. 4,000, with legal interest thereon from March 17, 1936, till payment in full and costs of suit, viz. :—

All those two tiled houses bearing assessment Nos. 1 and 2, together with the ground of about 1 chundu kurakkan sowing in extent, appertaining thereto out of the land called Natapussehena (now garden) of about 1½ acres in extent in the whole, situate at Natapussa in Gongawela (now within the Urban District Council limits of Matale) in Kohonsiya pattu of Matale, South in the District of Matale, Central Province; and which said houses and ground are bounded on the east by wall of the house bearing assessment No. 3, south by the fence of Palliyawatta, west by the wall of the house bearing assessment No. 57, and on the north by the road leading to Railway

Station; containing in extent 10 64/100 perches as per plan dated March 24, 1920, and made by J. R. Holloway of Matale, Licensed Surveyor; and registered in A 4/94, decreed to be sold in satisfaction of the judgment entered in the above case.

A. M. A. AZEEZ,
Deputy Fiscal's Office, Additional Deputy Fiscal.
Matale, November 10, 1936.

Southern Province.

In the District Court of Matale.

In the matter of the estate of the late Maria Catherine de Saran Wijesiriwardene of Matale.

No. 3,295 Testy.

NOTICE is hereby given that on Saturday, December 5, 1936, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said estate in the following property for the recovery of a sum of Rs. 65.25, viz. :—

All that undivided ½ part of the land called Parakkawatta, situated at Denepitiya in Weligam korale of Matale District, Southern Province; and bounded on the north by Putugoroggahawatta, east by Munamalgahawatta, and Gederawatta, south by ela, and on the west by Mestribabunegewatta and Rathneherakumbura; and containing in extent about 24 acres.

Deputy Fiscal's Office,
Matale, November 10, 1936.

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

In the District Court of Tangalla.

Mirisse Galbokke Hewage Babun Appu of Beliatta . . Plaintiff.
No. 3,808. Vs.

W. S. Serasinghe, Notary Public, Hakmana . . Defendant.

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 right, title, and interest of the said defendant in the following property for the recovery of Rs. 24.40, together with further legal interest on Rs. 23.40 from April 8, 1936, till payment and poundage, viz. :—

At Puwakdandawa.—All that land called Telambugahakoratuwa, together with all the buildings standing thereon, situated at Puwakdandawa in West Giruwa pattu of the Hambantota District, Southern Province; and bounded on the north by minor road, east by Jatungehena, south by Galpotta and fence, and west by dewata; containing in extent 2 kurunies of kurakkan.

Deputy Fiscal's Office,
Tangalla, November 5, 1936.

P. D. WEERAMAN,
Additional Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

In the matter of the estate of the late Muhaideenbawa Ahamadulevvepody Hadjar of Eravur, deceased.

No. 296 Testy.

NOTICE is hereby given that on Tuesday, December 8, 1936, at the lots hereinbelow mentioned, will be sold by public auction at the respective spots the right, title, and interest of the said deceased in the following properties for the recovery of the sum of Rs. 3,947.96, with interest thereon at the rate of 4 per cent. per annum from July 2, 1929, till payment in full and a further sum of Rs. 30 as penalty, poundage, and other charges, viz. :—

At 11 o'clock in the forenoon.

(1) The undivided ½ share of a land called Puttanpuri-poomi, situated at Puttanpuri in Eravur pattu, Batticaloa District, Eastern Province; and bounded on the east by Kanchoorankudah and Kalandervattai, west by aru, north by Kannakulamadu and Vadichehal, and south by Anandakollanallai; in extent 450 acres and of the inlets, outlets, and rights.

Commencing at 4.30 in the afternoon.

(2) A land called Vempadiveli, situated at Eravuru, the aforesaid pattu; and bounded on the east by Veddaru, west by Kananvelikaddu and manchadi tree, north by Veddaru, and south by the land of Ramanathar and others; in extent 8 acres, with all rights.

(3) A land called Vempadiveli, situated at the aforesaid place; and bounded on the east and west by the other share of this, north by Vempadiveli, and south by the Vattai Kulakkaddu Pochukaddu; in extent 7 acres and 3 roods, with all rights.

K. S. CHANDRASEGARAMPILLAI,
Deputy Fiscal.

Fiscal's Office,
Batticaloa, November 10, 1936.

Province of Sabaragamuwa.

In the District Court of Colombo.

In the matter of the last will and testament of Agnes Ellawala Mahawalatenne Kumarihamy, wife of S. D. Mahawalatenne, retired Ratemahatmaya of Balangoda.

No. 3,537.

Abraham Obeysekera Jayawardena of Balangoda Executor.

NOTICE is hereby given that on Wednesday, December 9, 1936, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said estate in the following property for the recovery of the sum of Rs. 78.57, with interest thereon at 4 per cent. per annum from April 28, 1935, plus outstanding interest Rs. 68.34 being estate duty due, plus a further sum of Rs. 9 on account stamp duty due, viz. :-

1. An undivided 1/5th share of Kiriellagehena, situate at Godigamuwa in Uda pattu of Kuruwiti korale in the District of Ratnapura; bounded on the north by Helaudawatta, east by Kalu-ganga, south by Pussewatta and Kalu-ganga, west by Gurupelikadawatta and ditch; containing in extent 2 acres.

2. An undivided 1/5th share of Walauwatta, situate at Godigamuwa aforesaid; bounded on the north by Assedduma, Hakurayakumbura, and Radaliyadda, east by agala, south by Pansalwatta, Wewehena, and agala, west by Pitakumbura and Tattayekumbura; containing in extent about 13 acres.

On Wednesday, December 9, at 2 p.m.

3. An undivided 1/5th share of Assedduma, situate at Kahangama in Uda pattu of Kuruwiti korale in the District of Ratnapura; bounded on the north by Nugagahaowite-assedduma, east by Maha-ela, south by Kuruweemulle-owiteinniyara, west by Depawella; and containing in extent about 1 acre 2 roods and 3 perches.

At 3 p.m.

4. An undivided 1/5th share of Hirigolleassedduma, situate at Dodampe in Uda pattu aforesaid; bounded on the north by Liyanakankanamalaye Hirigolleasseddumeinniyara, east by rubber estate and Galgodeasseddumeinniyara, south by Thimbakumbura, west by rubber estate and Hirigolleassedduma; containing in extent 1 acre and 2 roods.

On Thursday, December 10, commencing at 2 p.m.

5. An undivided 1/5th share of Kanukettila, situate at Paranagama in Ellawala in Uda pattu aforesaid; bounded on the north by Pahala Mahakumbureinniyara, village limit of Ellawala, east by Millakandaliyadda and Depawella, south by Halkandaliyaddeinniyara and Pansaleliyaddeinniyara, west by Pansaleliyaddeinniyara and Depawella; containing in extent about 1 acre.

6. An undivided 1/5th share of Godaliyaddekumbura, situate at Paranagama aforesaid; bounded on the north by Ebaliyaddeinniyara, east by Gammeddekumbureinniyara and Bomalugodella, south by Galgodekumbureinniyara, west by Depawella and Millakandaliyaddeinniyara; containing in extent 1 acre.

N. SWAMINATHA AYER,
Additional Deputy Fiscal.

Fiscal's Office,
Ratnapura, November 10, 1936.

In the District Court of Ratnapura.

Nagamattu Sinnappa Pillai of Pelmadulla Plaintiff.
No. 5,921. Vs.

Delgoda Wijetunga Atapattu Mudiyanse Ralahamillaye William Delgoda Bandaru of Elamalpe Defendant.

NOTICE is hereby given that on Monday, December 7, 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 property for the recovery of the sum of Rs. 2,000, with interest thereon at 9 per cent. per annum from March 12, 1934, till payment in full and costs of suit Rs. 88.70 and poundage, viz. :-

An undivided 1/2 share of the land called and known as Elamalpe Nindagama, with all the plantations, paddy fields, and buildings standing thereon, situate at Elamalpe in the Kandawal pattu of Atakalan korale in the District of Ratnapura; bounded on the north by village boundary of Ammuduwa, east by Kiriya-dola, south and west by Niyangama gam maima; and containing in extent about 100 bushels of kurakkan sowing; and registered in F. 41/213.

Fiscal's Office, N. SWAMINATHA AYER,
Ratnapura, November 9, 1936. Additional Deputy Fiscal.

In the District Court of Jaffna.

(1) Muthucumaru Somasuntharam and wife, Muttammah, both of Vannarponnai West, presently of Colombo Plaintiffs.

No. 8,889. Vs.

(1) Somanathar Ramalingam and wife (2) Siamammah, both of Araly North, Jaffna Defendants.

NOTICE is hereby given that on Friday, December 4, 1936, 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 defendants in the following property for the recovery of the sum of Rs. 14,470, with interest on Rs. 12,000 at the rate of 9 per cent. per annum from October 29, 1935, till payment in full and costs of suit being reserved, viz. :-

1. All that piece of land made of three allotments of land comprising of lot A called Higgashenewattepahala-kabella, lot C called Kapatagahahena, Paragahawattehena, Paragahawatta and Minuwahehena, and lot D called Pinanekumbura alias Kandegodahalakebella described in plan No. 452 of August 27 and 28, 1927, made by C. A. Gnanaprakasam, Special Licensed Surveyor, now forming one property and known as Latchumy estate, situate in the village Talawitiya in Uda pattu of Kuruwiti korale in the District of Ratnapura; containing in extent 29 acres 3 roods and 26 perches; and bounded on the east by Namaladeniyamukalana, Alutduragewatteamunupallehena and Horapola-oya, north by Horapola-oya Paragahawatta, Horapola-oya, Ramalyaddakumbura, Horapola-oya, Pahalageotuwana, Godellawatta and Palleotuwana-kumbura, west by Paragahawatta, Horapola-oya, Ramaliyaddakumbura Alutdurageothuwanegodellawatta, Pahalageothuwanagodellawatta, Palleothuwanakumbura and by road, and south by road, Higgashenewatta and Namaladeniyamukalana.

2. All that piece of land comprising lot E in the aforesaid plan No. 452 called Kandegodadeniya alias Kandegodawilekumbura, presently known as Latchumy estate, situate in the village Talawitiya aforesaid, containing in extent 3 acres and 10 perches; and bounded on the east by road, north by road and Pahalakegodawilekumbura, west and south by the property of Ceylon Government Railway.

Fiscal's Office, N. SWAMINATHA AYER,
Ratnapura, November 7, 1936. Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Nona Rahamani of Fussell's Lane, Wellawatta, in Colombo, deceased.

Samsuddeen Ahamadpore Slaiman of Fussell's Lane, Wellawatta Petitioner.

Sambh Jamma of Slave Island, Colombo Respondent.

THIS matter coming on for disposal before G. C. Thambayah, District Judge of Colombo, on September 16, 1936, in the presence of Mr. T. K. H. Deen, Proctor, on the

part of the petitioner above named ; and the affidavits (1) of the said petitioner dated June 25, 1936, and (2) of the attesting witnesses dated February 29, 1936, having been read :

It is ordered that the last will of Nona Rahamani, 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 the respondent 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.

G. C. THAMBYAH,
District Judge.

September 16, 1936.

36 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Saparamadu Mahabalage Don Daniel No. 7,710. Appuhamy of Waragoda, Kelaniya, deceased.

Saparamadu Mahabalage Don Sirisena of Waragoda, Kelaniya in the Adikari part of Sityane korale. .Petitioner.

And

- (1) Abeysinthe Aratchige Baby Nona Perera of Waragoda, Kelaniya, (2) Saparamadu Mahabalage Don Chandrarathne of Mappitigama, Ranala, (3) Saparamadu Mahabalage Don Thanapala, (4) Saparamadu Mahabalage Don Premawathie, (5) ditto Don Sumanapala. (6) ditto Don Piyasena, all of Waragoda, Kelaniya, (7) Martin Jayasinghe of Mappitigama, Ranala ; the 4th, 5th, and 6th respondents are minors appearing by their guardian ad litem their brother-in-law, the 7th respondent above named. . Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 1, 1936, in the presence of Mr. T. Amarasinghe, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated August 10, 1936, having been read :

It is ordered (a) that the 7th respondent be and he is hereby appointed guardian ad litem of the minor, the 4th, 5th, and 6th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 19, 1936, show sufficient cause to the satisfaction of the court to the contrary.

G. C. THAMBYAH,
District Judge.

October 1, 1936.

31 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Ponnampereunage Solomon No. 7,789. Fernando Gunawardene of Wennappuwa in Chilaw District.

Ponnampereunage Francis Regis Fernando of Wennappuwa Petitioner.

Vs.

- (1) Ponnampereunage Robert James Fernando, (2) Ponnampereunage Euprasia Fernando, a minor, by her guardian ad litem (3) J. W. Fernando, all of Wennappuwa. Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 15, 1936, in the presence of Mr. A. W. Corea, Proctor of the firm of Messrs. Corea & Silva, Proctors, on the part of the petitioner above named ; and the affidavit of the said petitioner dated October 5, 1936, having been read :

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian ad litem of the minor, the 2nd respondent above named, to represent her for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as son of the said 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 December 3, 1936, show sufficient cause to the satisfaction of this court to the contrary.

G. C. THAMBYAH,
District Judge.

October 15, 1936.

27 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of Intestate Estate of Jurisdiction. Vidanelage Juliana Regina Rodrigo nee No. 7,793. de Mel of Kotahena, Colombo, deceased.

Senapathige Vincent Joseph Rodrigo of Roselton, Fraser road, Behiwala Petitioner.

- (1) Senapathige Evan Walrond Rodrigo of Kotahena, Colombo, (2) Lindamalage Anura Mendis nee de Silva of Moratuwa, (3) Lindamalage Victor de Silva, (4) Lindamalage Stella Regina de Silva, both of Kotahena, Colombo Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 19, 1936, in presence of Mr. S. R. Ameresekere, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated October 14, 1936, 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 November 26, 1936, show sufficient cause to the satisfaction of the court to the contrary.

October 19, 1936. G. C. THAMBYAH,
District Judge.

32 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Adeline de Fonseka of 79, Greenlands No. 7,799. road, Havelock Town, Colombo, deceased.

Arthur Solomon de Fonseka of 79, Greenlands road, Havelock Town, Colombo Petitioner.

And

- (1) Constance Adeline de Fonseka, (2) Vernon Kingsley de Fonseka, (3) Eugene Reginald de Fonseka, (4) Lionel Charles de Fonseka, (5) Oscar Wilhelm de Fonseka, (minor), and (6) Neville Alfred de Fonseka, (minor); the 5th and 6th respondents are minors appearing by their guardian ad litem the 2nd respondent above named Respondents.

THIS matter coming for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 29, 1936, in presence of Messrs. Gratiaen & de Rooy, Proctors, on the part of the petitioner above named ; and the affidavit of the said petitioner dated October 29, 1936, having been read :

It is ordered (a) that the 2nd respondent be and he is hereby appointed guardian ad litem of the minors, the 5th and 6th respondents above named, to represent them for all the purposes of this action, and (b) 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 November 19, 1936, show sufficient cause to the satisfaction of the court to the contrary.

October 29, 1936. G. C. THAMBYAH,
District Judge.

31 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Don Samuel Alwis Dissanayake, Notary No. 7,800. Public, late of Nugegoda, deceased.

Samuel Arthur Dissanayake of Nugegoda in the Pallapattu of Salpiti korale Petitioner.

And

- (1) Dina Sena Esther Dissanayake of Nugegoda, (2) Cyril Cyrus Dissanayake, presently of Galle, (3) Lena Helen Dissanayake, (4) Neil Wensley Dissanayake, (5) Letitia Mildred Dissanayake, all of Nugegoda aforesaid Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 29, 1936, in the presence of Mr. F. J. Botejue, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated October 29, 1936, having been read :

It is ordered (a) that the 1st respondent be and she is hereby appointed guardian ad litem of the minors, the 3rd, 4th, and 5th respondents above named, to represent them

for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 26, 1936, show sufficient cause to the satisfaction of the court to the contrary.

October 29, 1936.

G. C. THAMBYAH,
District Judge.

32

In the District Court of Colombo.
Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Robert Russell Hancock No. 7,803 N.T. 73, Marine Avenue Hove in the County of Sussex, England, formerly of Nagalle Group, Gammaduwa, in the Central Province of the Island of Ceylon, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 30, 1936, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, George Roland Smart of Colombo; and (1) the affidavit of the said petitioner dated October 28, 1936, (2) the power of attorney dated September 8, 1936, and (3) the order of the Supreme Court dated October 19, 1936, having been read: It is ordered that the will of the said Robert Russell Hancock, deceased, No. 2,032 dated July 17, 1935, and attested by Nigel I. Lee of Kandy in the said Island, Notary Public, a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said George Roland Smart is the attorney in Ceylon of the sole executor named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before November 19, 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 in Intestacy.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Seyed Hussain Shatta (also called and known as Seyed Hussein Ibnul Marhoom Seyed Abubacker Shattah) of Mecca in Arabia, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on October 30, 1936, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Seyed Alawi Shatta care of N. D. H. Abdul Caffoor, Esq., Colombo; and (1) the affidavit of the said petitioner dated October 28, 1936, (2) the power of attorney (in the Arabic language) dated the 23rd day of Rabee El Awal 1355, being about July 13, 1936, and translation thereof in English dated October 13, 1936, and (3) the order of the Supreme Court dated October 26, 1936, having been read: It is declared that the said Seyed Alawi Shatta is the only one of the heirs of the said Seyed Hussain Shatta (also called and known as Seyed Hussein Ibnul Marhoom Seyed Abubacker Shattah), deceased, and is the attorney holding full authorities from the remaining heirs of the said deceased, and that as such he is entitled to have letters of administration issued to him accordingly, unless any person or persons interested shall, on or before November 19, 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 In the Matter of the Last Will and Jurisdiction. Testament of Kirikankanange Lewis Andrew Perera Jayawardene of Dehiwala, deceased.

Manamarakkalage Barbara Cooray of May Green House, Dehiwala Petitioner.

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

2, 1936, in the presence of Mr. J. M. Caderamanpulle, Proctor on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated October 30, 1936, and (2) of the attesting notary also dated October 30, 1936, having been read:

It is ordered that the last will of Kirikankanange Lewis Andrew Perera Jayawardene, 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 any person or persons interested shall, on or before November 26, 1936, show sufficient cause to the satisfaction of this court to the contrary.

November 2, 1936.

G. C. THAMBYAH,
District Judge.

32

In the District Court of Kalutara.
Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Weerasinghe Singhappu Silva, deceased, No. 2,687. of Anguruwatota.

THIS matter coming on for disposal before N. E. Ernst, Esq., District Judge of Kalutara, on November 19, 1935, in the presence of Mr. S. de Silva, Proctor, on the part of the petitioner, Halnetti Eueris Hamy of Anguruwatota; and the affidavit of the said petitioner dated October 31, 1935, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to his estate issued to her, unless (1) Weerasinghe Barlis Silva, (2) ditto Peter Silva, (3) ditto Saralis Silva, (4) ditto Lainbhamy, (5) Nammuni Remond Adrian Silva, (6) Weerasinghe Awneris Hamy, (7) ditto Hendrick Silva, the respondents, or any other person or persons interested shall, on or before December 20, 1935, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 1st respondent be and he is hereby appointed guardian *ad litem* over the 7th minor respondent for all the purposes of this case, unless the respondents shall, on or before December 20, 1935, show sufficient cause to the satisfaction of this court to the contrary.

November 19/21, 1935.

N. E. ERNST,
District Judge.

Time for showing cause extended till November 20, 1936.

October 16, 1936.

M. A. SAMARAKOON,
District Judge.

In the District Court of Kandy.
Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late Jurisdiction. Muhandjmalagedera Habibi Lebbe No. 5,144. Omer Lebbe, deceased, of Balantota Group, Nawalapitiya.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on October 19, 1936, in the presence of Mr. M. W. Taylor on the part of the petitioner, Mohandjmalagedera Omer Lebbe Mohamedo Lebbe on the part of the respondents; and the affidavit of the said petitioner dated September 9, 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 the respondents—(1) Beehee of Balantota Group, Nawalapitiya, (2) O. L. A. Latiff of Mt. Lavinia in Colombo, (3) O. L. A. Cader and (4) Howwa Umma of Balantota Group, Nawalapitiya, (5) O. L. Izadeen, (6) O. L. A. Burhanudeen, (7) O. L. M. Latiff, (8) Sidhy Umma, (9) Hadjar Umma, (10) Kathija Umma, all of Balantota Group, Nawalapitiya, (11) O. L. A. Cader of Balantota Group, Nawalapitiya; the 5th, 6th, 7th, 8th, and 10th respondents by their duly appointed guardian *ad litem* the 11th respondent—or any other person interested shall, on or before December 7, 1936, show sufficient cause to the satisfaction of this court to the contrary.

October 19, 1936.

R. F. DIAS,
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. Walagedera Carolis, deceased, of No. 5,439. Pattiayagama in Hewahissa korale of Lower Hewaheta.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on September 14, 1936, in the presence of Mr. Alfred Fernando, Proctor, on the part of the petitioner, Jinadasa Edirisinghe Walagedera; and the affidavit of the said petitioner dated September 12, 1936, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a brother of the deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Pattiayagama Ambagahakotuwe Warusamana Dewayalegedera Somindu, (2) Walagedera Sujata, (3) Walagedera Sirimatee, (4) Walagedera Sumana, and (5) Walagedera Seetha; the 4th and 5th respondents by their guardian ad litem the 2nd respondent—or any other person or persons interested shall, on or before October 26, 1936, show sufficient cause to the satisfaction of this court to the contrary.

R. F. DIAS, District Judge.

September 14, 1936.

Date for showing cause is extended for November 23, 1936.

R. F. Dias, 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. Alexander Pirie Jamieson, deceased, of No. 5,449. Lunugala, Rangala.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on October 20, 1936, in the presence of Messrs. Wijayatilake & Wijayatilake, on the part of the petitioner, John Innes Jamieson; and the affidavit of the said petitioner dated September 29, 1936, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a brother of the deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Helen Duncan Jamieson, (2) Elizabeth Mathews, (3) Helen Margaret Jamieson, all of Lunugala, Rangala, (4) Robert Arthur Jamieson of Uva estate, Madulsima—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.

R. F. DIAS, District Judge.

October 20, 1936.

In the District Court of Matara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Kapugama Geeganage No. 3,943. Singho Appu of Kapugama, deceased.

Nupehewage Assohamy of Kapugama, Petitioner.

vs.

- (1) Nupehewage Kathirinahamy of Kirinda, (2) Kapugama Geeganage Don Bastian of Kapugama, (3) ditto Kathirinahamy of Piladuwa, (4) ditto Karonchihamy of Tudawa, (5) ditto Selohamy of Godapitiya, (6) ditto Charlis Appu of Kapugama, (7) ditto Jemis Appu of ditto, (8) ditto Jane Nona of ditto, (9) ditto Lisi Nona of ditto, (10) Kapugama Pannasara Terunnase by his guardian the 6th respondent, (11) Kapugama Geeganage Don Bastian of Kapugama Respondents.

THIS matter coming on for disposal before Cyril Ernest de Pinto, Esq., District Judge of Matara, on September 10, 1936, in the presence of Mr. C. E. Wickramasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 7, 1936, having been read:

It is ordered that the last will No. 104 of Kapugama Geeganage Singho Appu of Kapugama, deceased, dated August 5, 1936, of which the original has been produced

and is now deposited in this court, be and same is further declared proved; and it is further declared that the petitioner above named is the executrix named in the said will and that she is entitled to have probate of the same issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 17, 1936, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 6th respondent above named be and he is hereby appointed guardian ad litem over the 10th minor respondent above named, unless the respondents above named or any other person or persons interested shall, on or before November 17, 1936, show sufficient cause to the satisfaction of this court to the contrary.

September 10, 1936.

C. E. DE PINTO, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Kanapathippillai Kathirkamu No. 315. of Mathagal, deceased.

Visuvanathar Suppramaniam of Mathagal Petitioner.

Vs.

Visuvanathar Ambayyanar of Mathagal Respondent.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on July 7, 1936, in the presence of Mr. S. Jayatambi, Proctor, on the part of the petitioner, and the affidavit and petition of the petitioner dated July 6 and 7, 1936, having been read:

It is ordered that letters of administration in respect of the estate of the above-named deceased, Kanapathippillai Kathirkamu, be granted to the petitioner, unless the above-named respondent or any other person shall, on or before August 27, 1936, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

July 10, 1936.

C. COOMARASWAMY, District Judge.

Order Nisi extended for October 16, 1936.

August 27, 1936.

C. COOMARASWAMY, District Judge.

Order Nisi extended for November 19, 1936.

October 16, 1936.

C. COOMARASWAMY, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Pooranam, wife of Karthigesu Nama- No. 351. veyam of Vannarponnai West, deceased.

Karthigesu Namasivayam of Vannarponnai West, Petitioner.

Vs.

- (1) Parasathy, daughter of Namasivayam, (2) Namasivayam Kanageeivan, (3) Namasivayam Sothilingam, (4) Nagamuttu, widow of Naganathy, all of Vannarponnai West 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 granted to him, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on October 17, 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 widower of the said deceased, unless the above-named respondents appear before this court on November 17, 1936, and show sufficient cause to the satisfaction of this court to the contrary.

October 22, 1936.

C. COOMARASWAMY, District Judge.

In the District Court of Trincomalee.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late T. Muttugamaru of Selvastan in No. 240, D.C. Division No. 2, Trincomalee.

Elaiyathamby Chellarajah of Division No. 5, Trincomalee Petitioner.
Vs.

(1) Rasamma, wife of Chellarajah of Division No. 5, Trincomalee, (2) Retnam, wife of Munugappah of 421/32, Darley road, Maradana (3) Chettiararu Subramaniam, a minor, by his guardian *ad litem* the 4th respondent (4) Ramanather Murugappah of 421/32, Darley road, Maradana Respondents.

THIS matter coming on for disposal before A. R. Supramaniam, Esq., District Judge of Trincomalee, on October 29, 1936, in the presence of Mr. S. M. Manikka Rajah, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 28, 1936, having been read: It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minor, the 3rd respondent above named, to represent him for all purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as son-in-law of the above named deceased, and at the request and consent of the 1st, 2nd, and 3rd respondents 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 21, 1936, show sufficient cause to the satisfaction of this court to the contrary.

October 29, 1936.

A. R. SUPRAMANIAM,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Warnakulasuriya John Fernando of Talwila, deceased.

Ambagahage Maria Margaritha Fernando of Talwila Petitioner.

(1) Warnakulasuriya Eugina Marasedes Alexandra Fernando, (2) Warnakulasuriya Mary Justina Emaliana Fernando, both of Talwila Respondents.

THIS matter coming on for disposal before J. N. Vethavanam, Esq., District Judge of Chilaw, on September 30, 1936, in the presence of Mr. Albert F. Peries, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated April 11, 1936, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as wife of the deceased above named, to have letters of administration to the estate of the said deceased issued to her accordingly, unless sufficient cause is shown to the satisfaction of this court to the contrary on or before October 20, 1936.

September 30, 1936.

J. N. VETHAVANAM,
District Judge.

The date for showing cause against the above Order Nisi is extended to November 27, 1936.

November 2, 1936.

J. A. COREA,
Acting District Judge.