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PART II.—LEGAL.

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

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DRAFT ORDINANCES.

MINUTE.

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

L.D.—O 38/36

No. 1 of 1889.

An Ordinance further to amend the Courts Ordinance, 1889.

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

Short title and commencement.

1 This Ordinance may be cited as the Courts (Amendment) Ordinance, No. of 1937, and shall come into operation on such date as the Governor shall appoint by Proclamation in the Gazette.

Repeal of section 9 of Ordinance No. 1 of 1889, and substitution of new section therefor.

2 Section 9 of the Courts Ordinance, 1889, (hereinafter referred to as "the principal Ordinance"), is hereby repealed and the following section is substituted therefor :—

Appointment of Judges.

9. The Chief Justice and Puisne Justices shall from time to time be nominated and appointed to their offices by Letters Patent to be issued under the Public Seal of the Island by the Governor in pursuance of instructions from His Majesty through one of His Principal Secretaries of State, and shall hold such offices during His Majesty's pleasure.

Repeal of section 14 of the principal Ordinance and substitution of new section therefor.

3 Section 14 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Judges not to hold other offices of profit.

14. No Chief Justice or Puisne Justice shall accept or perform any other office or place of profit or emolument not authorised by law without the consent of the Governor : Provided that this section shall not apply to any person appointed by the Governor under section 10 to act as Chief Justice or Puisne Justice.

Amendment of section 16 of the principal Ordinance.

4 Section 16 of the principal Ordinance is hereby amended as follows :—

- (a) by the substitution for the words "All the subordinate officers", of the words "The Private Secretary to the Chief Justice and all the other subordinate officers";
- (b) by the substitution for the word "Judges" of the words "Puisne Justices", and by the substitution for the word "Judge" where that word occurs for the first time, of the words "Puisne Justice"; and
- (c) by the substitution for the words "but no person so holding the office of either clerk or private secretary to any Judge", of the words "but no person so holding the office of Private Secretary to the Chief Justice or the office of either clerk or private secretary to any Puisne Justice".

Amendment of section 41 of the principal Ordinance.

5 Section 41 of the principal Ordinance is hereby amended by the substitution for the words "District Courts and all appeals", of the words "District Courts shall be heard, and all powers given to the Supreme Court in respect of such appeals shall be exercised by two at least of the Judges of the Supreme Court. All appeals".

Amendment of section 70 of the principal Ordinance.

6 Section 70 of the principal Ordinance is hereby amended as follows :—

- (1) at the end of the first paragraph of that section, by the substitution for the words "exercise the same." of the words "exercise the same: Provided that no such order of the Supreme Court shall be necessary to confer jurisdiction upon a District Court for the purposes of the British Courts Probates (Re-sealing) Ordinance, No. 3 of 1937, or to enable a District Court to have and exercise jurisdiction as a 'competent court' under that Ordinance.";
- (2) in the proviso to that section, by the substitution for the words "Provided that", of the words "Provided, further, that".

Amendment of section 71 of the principal Ordinance.

7 Section 71 of the principal Ordinance is hereby amended as follows :—

- (1) in the third paragraph of that section, by the substitution for the words "minors and wards", wherever those words occur in that paragraph, of the words "minors, wards and lunatics";

- (2) in the fourth paragraph of that section—
- (a) by the substitution for the word “minor”, of the words “minor or lunatic”, and
- (b) by the substitution for the words “minor’s property in Ceylon”, of the words “property in Ceylon of such minor or lunatic”;
- (3) by the addition of the following paragraph at the end of that section :—

“ Where the Supreme Court has made order under this section directing and appointing a District Court to have and exercise jurisdiction in respect of the appointment of a person to take charge of the property of a lunatic who is not resident in Ceylon, such District Court may, on special application made in that behalf and after such inquiry as the Court may deem necessary, appoint a fit and proper person to take charge of the property in Ceylon of such lunatic. The person so appointed shall be deemed to be the manager of the estate in Ceylon of such lunatic appointed under Chapter XXXIX. of the Civil Procedure Code, 1889, and the provisions of that Chapter of that Code shall apply accordingly as though the lunatic had been adjudged by the District Court to be of unsound mind and incapable of managing his affairs.”

8 The following section shall be inserted in the principal Ordinance immediately after section 84A thereof and shall have effect as section 84B of that Ordinance :—

Insertion of new section 84B in the principal Ordinance.

84B. Every officer (whether holding office permanently or temporarily) mentioned in Schedule V shall be an Unofficial Police Magistrate for every district of the Island and shall have and exercise all the powers and authority of a Justice of the Peace appointed to be an Unofficial Police Magistrate under section 84A.

Persons entitled to functions as Unofficial Police Magistrates by virtue of office.

9 Schedule IV of the principal Ordinance is hereby repealed and the following Schedule is substituted therefor :—

Repeal of Schedule IV of the principal Ordinance and substitution of new Schedule therefor.

SCHEDULE IV.

Justices of the Peace for the Island.

The Judges of the Supreme Court.
 The Members of the State Council.
 The Government Agents of the different Provinces.
 The Attorney-General.
 The Solicitor-General.
 All Crown Counsel.
 The Inspector-General of Police.
 The Deputy Inspector-General of Police (Provinces).
 The Deputy Inspector-General of Police (Criminal Investigation Department).
 All Superintendents of Police and Assistant Superintendents of Police other than Probationary Assistant Superintendents of Police.
 The Clerk of the State Council.
 The Registrar and Deputy Registrars of the Supreme Court.

Justices of the Peace for portions of the Island.

The District Judges The Commissioners of the Courts of Requests The Police Magistrates	}	For the different districts and divisions over which the courts of which they are respectively Judges, Commissioners, or Magistrates have jurisdiction.
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The Assistant Government Agents for their respective revenue districts.

10 The following Schedule shall be inserted in the principal Ordinance immediately after Schedule IV thereof and shall have effect as Schedule V of that Ordinance :—

Addition of new Schedule V to the principal Ordinance.

SCHEDULE V.

Officers who are Unofficial Police Magistrates for every district of the Island.

The Inspector-General of Police.
 The Deputy Inspector-General of Police (Provinces).
 The Deputy Inspector-General of Police (Criminal Investigation Department).
 The Superintendents of Police and Assistant Superintendents of Police other than Probationary Assistant Superintendents of Police.

Objects and Reasons.

The object of this Bill is to amend the Courts Ordinance, 1889, so as—

- (1) to give effect to suggestions made by the Secretary of State for the amendment of sections 9 and 14 of the Ordinance in regard to the appointment and functions of the Chief Justice and the other Judges of the Supreme Court (Clauses 2 and 3);
- (2) to make the Private Secretary to the Chief Justice an officer holding a permanent Government appointment and to remove his post from the category of appointments personal to the Judges of the Supreme Court (Clause 4);
- (3) to provide that appeals from the judgments of District Courts in criminal cases should be heard by at least two Judges of the Supreme Court, and not before a single Judge of that Court (Clause 5);
- (4) to dispense with the necessity for obtaining an order of the Supreme Court conferring sole testamentary jurisdiction on a District Court in cases where probates and letters of administration granted by British courts outside Ceylon are produced for re-sealing before a District Court under the British Courts Probates (Re-sealing) Ordinance, 1937 (Clause 6);
- (5) to empower the Supreme Court to make order conferring jurisdiction on a District Court to appoint a manager for the estate in Ceylon of a lunatic who is resident outside Ceylon (Clause 7);
- (6) to substitute for Schedule IV a revised Schedule of *ex officio* Justices of the Peace (Clause 9); and
- (7) to insert a new Schedule of persons entitled by virtue of office to function as Unofficial Police Magistrates (Clauses 8 and 10).

2. Section 9 of the principal Ordinance provides that the Chief Justice and Puisne Justices shall be appointed by Letters Patent issued in pursuance of warrants under the sign manual of His Majesty. The Secretary of State for the Colonies points out that the procedure of appointing judges in pursuance of warrants under the sign manual is inconvenient in several respects and suggests that the law should be amended so as to enable such appointments to be made by Letters Patent issued by the Governor in pursuance of instructions from His Majesty through one of His Principal Secretaries of State.

Clause 2 accordingly repeals section 9 and substitutes a new section which will give effect to the amendment desired by the Secretary of State.

3. Section 14 of the principal Ordinance provides that the acceptance by the Chief Justice or any Puisne Justice of any other office, place of profit or emolument within the Island shall be *ipso facto* an avoidance of his office of Chief Justice or Puisne Justice, as the case may be. This provision is considered to be both unnecessary and undesirable—unnecessary, because acceptance by a Judge of an office which is inconsistent with his judicial position would, in any event, be misconduct; and undesirable, first, because it might prevent the legitimate appointment of a Judge to perform duties outside those of his office for which he is to receive fees in addition to his ordinary salary; and secondly, because it might happen that a Judge was, through an oversight, appointed to such an office notwithstanding the existence of the section in its present form.

Clause 3 of the Bill accordingly repeals section 14 and substitutes a new section, modelled on a draft furnished by the Secretary of State, which prohibits a Judge of the Supreme Court from accepting or performing any other office or place of profit or emolument without the sanction of the Governor. The prohibition will not apply to persons appointed *to act* as Judges of the Supreme Court.

4. Every Judge of the Supreme Court has a Private Secretary but the duties which fall upon the Chief Justice exclusively and not upon the other Judges give a larger and quite different character to the duties required of his Private Secretary. It has accordingly been decided on the recommendation of the Chief Justice that his Private Secretary should be an officer holding a permanent post under Government so that each Chief Justice may have the benefit of the assistance of a Private Secretary who has acquired the

necessary experience and knowledge of routine duties by continuity of service in that office. Clause 4 of the Bill amends section 16 of the principal Ordinance so as to convert the post of Private Secretary to the Chief Justice from a personal and temporary to an official and permanent appointment.

5. Section 41 of the principal Ordinance provides that appeals against the judgments of District Courts in criminal cases may be heard before a single Judge of the Supreme Court though the same section requires appeals from judgments delivered by District Judges in civil cases to be heard by at least two Judges of the Supreme Court.

Clause 5 of the Bill amends section 41 and provides that appeals in criminal cases should, like appeals in civil cases, be heard before at least two Judges of the Supreme Court.

6. Clause 6 of the Bill effects in section 70 of the principal Ordinance an amendment consequential on the enactment of the British Courts Probates (Re-sealing) Ordinance, 1937, under which application can be made direct to a 'competent' District Court for the re-sealing of a probate granted by a British Court outside Ceylon. Under the British and Colonial Probates Ordinance, No. 7 of 1921, which has been repealed by the Ordinance of 1937, an application had to be made to the Supreme Court to confer sole testamentary jurisdiction on a District Court before the latter Court could re-seal in Ceylon a probate granted by a British Court outside Ceylon.

7. The Supreme Court in an order dated October 29, 1935 (*in re Ghouse Mohamad*) ruled that section 71 of the Courts Ordinance, 1889, did not empower that Court to authorise a District Court to exercise lunacy jurisdiction in respect of the estate of a lunatic resident outside Ceylon and suggested that the law should be amended so as to enable a District Court to be vested with special jurisdiction in such cases.

Clause 7 of the Bill accordingly amends section 71 of the principal Ordinance so as to enable the Supreme Court to make in respect of the property of a lunatic resident outside Ceylon an order similar to that which it is empowered to make under the existing law in the case of a minor resident outside Ceylon. It has been found necessary, however, to provide that, in the event of a person being appointed by a District Court to take charge of the property of a lunatic, such person will be deemed to be the manager of the estate of the lunatic for the purposes of the application of the provisions of Chapter XXXIX. of the Civil Procedure Code, in regard to the powers and duties of a manager and the right of the Court to supervise and control his administration of that estate. As the order of the Supreme Court can be made only upon proof to the satisfaction of that Court of the lunacy of the person resident abroad, the District Court will be concerned only with the appointment and supervision of the manager of the estate of the lunatic and will not be called upon, as in the case of a lunatic resident in Ceylon, to adjudge the owner of the estate to be a person of unsound mind and incapable of managing his affairs, before it proceeds to appoint a manager for that estate.

8. Clause 8 inserts in the principal Ordinance a new section which provides that the Inspector-General of Police, his Deputies, and the Superintendents and Assistant Superintendents of Police shall, by virtue of their respective offices, be Unofficial Police Magistrates for the whole Island. This amendment will also obviate the necessity for gazetting each Superintendent and Assistant Superintendent as an Unofficial Police Magistrate whenever he is transferred from one district of the Island to another.

9. Clause 9 repeals the list of *ex officio* Justices of the Peace and substitutes in its place a new list suitably revised to meet the changes effected by the introduction of the new Constitution and resulting from the separation of the duties of the Legal Secretary from those of the Attorney-General. The opportunity has been taken to add to the list the two Deputies of the Inspector-General of Police, and the Registrar and Deputy Registrars of the Supreme Court.

10. Clause 10 adds to the principal Ordinance a new Schedule V which contains a list of those officers who will, under new section 84B, be entitled by virtue of office to function as Unofficial Police Magistrates for the whole Island.

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 Matara will be holden at the Court-house at Matara on Monday, June 14, 1937, 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.

Deputy Fiscal's Office,
Matara, May 21, 1937.

G. L. D. DAVIDSON,
Deputy Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

"The Village Communities Ordinance, No. 9 of 1924."

With reference to the notice dated February 15, 1937, and published in the *Government Gazette* dated February 26, 1937, it is hereby notified under section 98 of the Village Communities Ordinance, No. 9 of 1924, that the rented building at Uduwatana belonging to Mr. B. A. M. Dingiri-mahatmaya will cease, from July 20, 1937, to be used as a temporary Village Tribunal Court-house by the Village Tribunals of Nawadun korale and Uda and Meda pattus of Kukul korale, and that Village Tribunal sessions from that date will be held at the permanent Village Tribunal Court-house at Kotamulla.

The Kachcheri,
Ratnapura, May 21, 1937.

R. S. V. POULIER,
Government Agent.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,371. In the matter of the insolvency of Dawson Herman Salgado of 246, Maradana.

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 June 29, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
May 21, 1937. Secretary.

In the District Court of Colombo.

No. 5,004. In the matter of the insolvency of Sarangu Hewage Samuel de Silva, of 23, Canal row, in Colombo, insolvent.

NOTICE is hereby given that a special sitting of this court will be held on June 8, 1937, for the proof of the claim of Messrs. Cargill Limited, of Colombo, for the sum of Rs. 169.22.

By order of court, GERALD E. DE ALWIS,
May 18, 1937. Secretary.

In the District Court of Colombo.

No. 5,014. In the matter of the insolvency of R. M. Thalavai Pillai of Pettah, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on June 8, 1937, to approve conditions of sale for the sale of insolvent's assets.

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

In the District Court of Colombo.

No. 5,046. In the matter of the insolvency of Arthur Orville Wallet Ludckens of 16th lane, Bambalapitiya.

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 June 29, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
May 21, 1937. Secretary.

In the District Court of Colombo.

No. 5,065. In the matter of the insolvency of Joseph James Roche Laity Ramanaden of 473, Ferry road, Wattala.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on June 29, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
May 21, 1937. Secretary.

In the District Court of Avissawella.

No. 6. In the matter of the insolvency of G. Lambert Perera of Halpandeni Kanda estate, in Digala, Dehiowita.

NOTICE is hereby given that a certificate of conformity as of the second class has been granted to the above-named insolvent.

By order of court, D. C. P. GUNASEKERA,
May 20, 1937. Secretary.

In the District Court of Kandy.

No. 2,134. In the matter of the insolvency of William Joseph of Castle Hill street, Kandy.

WHEREAS William Joseph has filed a declaration of insolvency, and also a petition for the sequestration of his estate under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said William Joseph insolvent accordingly; and that two public sittings of the court, to wit, on June 4, 1937, and on June 25, 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, R. MATALEGODA,
May 19, 1937. Secretary.

NOTICES OF FISCALS' SALES.

Southern Province.

In the District Court of Galle.

Kana Runa Vinathethan Chettiar of Havelock place, Galle, attorney of R. M. S. L. Letchumanan Pillai of Havelock place, Galle, Plaintiff.

No. 34,711. Vs.

K. T. Thomas de Silva of Hatapola, presently at Ambalangoda, Defendant.

NOTICE is hereby given that on Saturday, June 26, 1937, at 2 o'clock in the afternoon will be sold by public auction at the spot the right, title, and interest of the said defendant (subject to security bond No. 51 dated July 17, 1928, attested by Mr. T. W. Roberts, District Judge, Galle, for Rs. 3,000) in the following property, viz. :-

All that defined lot No. 7A of the land called Wellabodawatta *alias* Paluwatta, situated at Poramba in Wellaboda pattu of Galle District; and bounded on the north by lot A 6 of the same land, east by road, south by Acharigewatta *alias* portion of this land, and west by lot B 3 of this land; and containing in extent 37 5/10 perches, together with all the buildings and plantations standing thereon.

Writ amount Rs. 1,424.66, being principal and interest up to March 2, 1936, and thereafter legal interest.

Fiscal's Office,
Galle, May 20, 1937.

T. D. S. DHARMASENA,
Deputy Fiscal.

In the District Court of Matara.

The Mutual Loan Agency, Limited, Plaintiffs.

No. 10,811. Vs.

(1) Johannes Abraham Singappulli of Mahahcella, Beliatta, and another, Defendants.

NOTICE is hereby given that on Tuesday, June 29, 1937, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title,

and interest of the said defendants in the following mortgaged property, for the recovery of a sum of Rs. 955.87 with legal interest from June 21, 1935, till payment in full, viz. :—

1. All that undivided $\frac{1}{2}$ share or part of the contiguous lands called Berawanekumbura and Dodangawila Udumullekelle sava and except 12 kurunies extent of paddy sowing of the undivided portion called Berawanekumbura, situated at Hikgoda in the Korale of Matara District, Southern Province; and bounded on the north by Etambagahaudumulla and Berawanekatuwa, east by Dolabokkewatta and kumbura, south by Kanuketiwila, and on the west by Walakpegudawatta and Galabadahena; and containing in extent 3 amunams of paddy sowing.

2. All that undivided $\frac{1}{4}$ part of the field called Indigadeniya, situated at Hikgoda aforesaid; and bounded on the north by Kapatenuma, east by Yapagewila, south by Tenkolugodawila, and on the west by Mahadeniyewila; and containing in extent 1 amunam of paddy sowing.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, May 20, 1937. Additional Deputy Fiscal.

In the District Court of Tangalla.

Kaluhennedige Simon Silva of Beliatta Plaintiff.
No. 4,091. Vs.

(1) Munasinge Pemahamy of Puwakdandawa, legal representative over the estate of the deceased, Wijesekera Kankaname Don Samel, and (2) Wijesekera Kankaname Anohamy of Puwakdandawa. Defendants.

NOTICE is hereby given that on Saturday, June 19, 1937, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of Rs. 1,344, together with further interest on Rs. 750 from April 12, 1937, till payment in full and poundage, viz. :—

At Puwakdandawa.

All the soil and fruit trees of the land called Siyambalahawatta alias Walawearachigewatta, in extent about 6 kurunies of kurakkan sowing, situated at Puwakdandawa in West Giruwa pattu of the Hambantota District; and bounded on the north by Dangahahena, east by Pattiye-hena, south by wewa, and west by Rakshayagewatta.

Deputy Fiscal's Office, P. D. WEERAMAN,
Tangalla, May 17, 1937. Additional Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Theivanaipillai, widow of Sellappah of Chulipuram Substituted plaintiff.
No. 2,053. Vs.

Kandappar Velupillai of Tholpuram (dead) ... Defendant.
Theivanaipillai, widow of K. Velupillai, and (2) V. Ethirveerasingham of Tholpuram, executors of the last will and testament in case No. 8,548, D. C. J.

NOTICE is hereby given that on Saturday, June 19, 1937, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said substituted defendants in the following property for the recovery of Rs. 711.48 with interest thereon at 9 per cent. per annum from March 10, 1932, till payment in full, and costs Rs. 127 and poundage and charges, viz. :—

An undivided 40 lachams p. c. with its appurtenances of a piece of land situated at Tholpuram in Chankanaiparish, Valikamam West division of the Jaffna District, Northern Province, called "Murukai", in extent 180 lachams p. c. with palmyras, coconut trees, and 3 wells, one madam and kerny; and bounded on the east by Sellam, widow of Kovindar, and others, north and west by road, and south by lane.

Fiscal's Office, S. TURAIYAPPAH,
Jaffna, May 21, 1937. for Fiscal.

In the Court of Requests of Jaffna.

(1) Kandar Ponnun and wife (2) Sinnachchy, both of Vannarponnai Plaintiffs.
No. 4,354/A. Vs.

(1) Kanapathiar Thampu and wife (2) Achchimuttu, both of Vannarponnai Defendants.

NOTICE is hereby given that on Saturday, June 19, 1937, at 4 o'clock in the afternoon, will be sold by public auction

at the spot the right, title, and interest of the said defendants in the following property for the recovery of Rs. 264.65, and costs Rs. 74.99 and poundage and charges, viz. :—

A piece of land with its appurtenances, situated at Vannarponnai West in Vannarponnai parish, Jaffna division of the Jaffna District, Northern Province, called "Palluvilithoddam", in extent 4 $\frac{1}{2}$ lachams varagu culture with house, well, cultivated and spontaneous plants; and bounded on the east by Kanagakeswary, wife of Samuel Sabapathy, north by Sangarapillai Kanagasabai, west by Gnanakan, wife of Kandiah, and south by road.

This land is said to be under mortgage.

Fiscal's Office,
Jaffna, May 21, 1937.

S. TURAIYAPPAH,
for Fiscal.

North-Western Province.

In the District Court of Kurunegala.

Katupitiye Chandrasekera Wasala Mudiyanserallahamillage Punchi Banda Basnayake Nilame of Ranawana Plaintiff.
No. 15,124. Vs.

Mallawa Mudiyansele Appuhamy Arachchi of Mohottawa, in Mahagalboda Megoda Korale. Defendant.

NOTICE is hereby given that on Saturday, June 19, 1937, commencing from the 1st land 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 defendant in the following property for the recovery of the sum of Rs. 810, with interest at the rate of 18 per cent. per annum from November 1, 1928, to date of decree (October 29, 1930), and thereafter on the aggregate amount at 9 per cent. per annum from date of decree till payment in full and costs and poundage (less Rs. 46), viz. :—

1. All that land called Makulghapitiyehena now garden of about 4 lachas kurakkan sowing in extent, situated at Mohottawa in Mahagalboda Megoda Korale of Weuda-willi hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by bogaha, dangaha, and maragaha on the limit of Helambagahamulahena, east by Wetiyekebellepandura Meegaha and Damunupandura, south by fence of Makulghapitiyewatta, the remaining portion of this land belonging to Bandirala, west by village limit of Ganurulewa and Wewpitiyewetiya, together with the plantations, trees, and buildings thereon, subject to the life interest of Mallawa Mudiyansele Appuhamy of Mohottawa aforesaid.

2. An undivided $\frac{1}{2}$ share of all those contiguous lots marked B and C of 2 acres 1 rood and 36 perches in extent as depicted in the survey plan made on June 9, 1921, by Mr. E. C. Daniels, Surveyor, and filed of record in D. C., Kurunegala, case No. 8,096 from and out of Hitinawatta of 8 lachas kurakkan sowing extent, situated at Ganurulewa in the aforesaid korale; and which said lots B and C are bounded together on the north by garden of Ukkurula, east by lot D in the said plan, south by village limit of Ranawana, west and south-west by lot A in the said plan, north-west by endaru fence of the field, together with the plantations, trees, and everything thereon.

Fiscal's Office,
Kurunegala, May 21, 1937.

R. S. GOONESEKERA,
Deputy Fiscal.

In the District Court of Kurunegala.

Munasinghe Aratchige Egonis Appuhamy of Hanhamunawa in Walgampattu Korale Plaintiff.
No. 18,433. Vs.

Unga Vedalage Ukkawa of Hanhamunawa aforesaid Defendant.

NOTICE is hereby given that on Monday, June 21, 1937, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property mortgaged with the plaintiff by bond No. 46,031 dated August 29, 1927, and attested by A. M. Abeyagunaratne, Notary Public, and declared specially bound and executable under the decree dated October 8, 1936, entered in the above action and ordered to be sold by the order of court dated April 14, 1937, for the recovery of the sum of Rs. 885.25 with interest on Rs. 700 at 9 per cent. per annum from June 20, 1936, till payment in full and poundage, viz. :—

The high and low lands called and known as Kahatagahamulawatta and Bakmeegahamula-asseddumekumbura, in extent 3 acres and 32 perches, situated at Hanhamunawa in

Walgampattu korale of Dewamedhi hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by stone (gala), and kon tree, on the east by chena of Ukkuwa and Pincha and field of Ukkuwa and Pincha, on the south by the field of Ukku Banda, and on the west by the garden belonging to Charles Perera, together with the plantations and everything appertaining thereto.

Fiscal's Office,
Kurunegala, May 21, 1937.

R. S. GOONESEKERA,
Deputy Fiscal.

Province of Uva.

31/ In the District Court of Badulla.

V. Somasundaram of Badulla Plaintiff.
No. 6,269. Vs.

Wedamulle Madinage Samel Silva of Lower street,
Badulla Defendant.

NOTICE is hereby given that on Thursday, June 24, 1937, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of the sum of Rs. 882.47, with interest thereon at 9 per cent. per annum from May 22, 1936, till payment in full, and costs of suit Rs. 103.82, viz.:—

The residue period of the leasehold rights, title, and interest of a that land called Weegiriyewatta, containing in extent 45 feet in length and 32 feet in breadth, situated at Viharagoda in the Town and District of Badulla of the Province of Uva; and bounded on the north by the house belonging to Sinnathamby, east by main road, south by Mr. Awin's house, and west by the land belonging to Ley Nona, together with the houses standing thereon bearing assessment Nos. 811, 812, and 813, created by lease bond No. 14,671 dated September 13, 1927, and attested by Mr. A. T. S. Senewiratna, Notary Public, for a period of ten years commencing from January 27, 1928, and thereafter at the expiration of the above period the leasehold rights, title, and interest of the aforesaid property created by lease bond No. 4,473 dated February 19, 1930, by Mr. G. C. Rambukpota, Notary Public, for a further period of ten years commencing from January 27, 1938.

Fiscal's Office,
Badulla, May 17, 1937.

T. J. MENDIS,
Deputy Fiscal.

Province of Sabaragamuwa.

23/ In the District Court of Colombo.

Mendli Hussain of Colombo Plaintiff.
No. 41,791. Vs.

A. S. Perera of Old Kottanawa road, Colombo .. Defendant.

NOTICE is hereby given that on June 19, 1937, 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, viz.:—

All that allotment of land called and known as Andawalawatta, containing an extent 62 acres, situated at Talapitiya in Parawal korale of Three Korales in the District of Kegon, of the Province of Sabaragamuwa; and bounded on the north by the property of Gamaralage Mudalihamy, on the east by Gansabhawa road, on the south by Nugehena estate, and on the west by Ellapitahena. Registered 38/232.

For the recovery of the sum of Rs. 2,240.93, with further interest on Rs. 2,203.42 at 12 per cent. per annum from November 16, 1930, to date of decree February 23, 1931, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, less a sum of Rs. 175.

Deputy Fiscal's Office,
Kegalla, May 20, 1937.

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

I, Melvill Keverne Trelawny Sandys, Fiscal for the Northern Province, do hereby appoint Mr. Katiresu Nagulingam, Head Clerk, Deputy Fiscal's Office, Mannar, to be Fiscal's Marshal for the Divisions of Mannar, Mantai, Musali, and Perunkalipattu, under the provisions of "The Fiscal's Ordinance, 1867", and authorize him to perform the duties and exercise the authority of Fiscal's Marshal, for which this shall be his warrant.

May 18, 1937.

M. K. T. SANDYS,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

34/ In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Ahamed, Lebbe, Marikar Mohamed
No. 7,840. Mohideen of "Biddington", Kinross
avenue, Wellawatta, deceased.

Asson Tamby Mohamed Mohideen of 5, 18th lane,
Bambalapitiya, in Colombo Petitioner.

And
(1) Mohamed Mohideen Noornaima, (2) ditto Sithi
Zahira Umma, (3) ditto Mohamed Nazim, (4)
ditto Ummu Usainia, (5) ditto Sithi Hamdum
Umma, (6) ditto Sithi Zayha, (7) ditto Mohamed
Nahr, (8) ditto Hobeeth Hamida Umma, all of
Wellawatta, minors, appearing by their guardian
ad litem (9) Shamsie Lebbe Marikar Abdul Azeez of
112 Ansonvale road, Colombo Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on May 26, 1937, in presence of Mr. A. R. M. Razcen, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 25, 1937, having been read:

It is ordered (a) that the 9th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st to 8th 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 brother-in-law of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before June 3, 1937, show sufficient cause to the satisfaction of the court to the contrary.

May 26, 1937.

M. W. H. DE SILVA,
District Judge.

37/ In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Last Will and Testam-
Jurisdiction. ent of Sembukuttiaratchige Romel Silva
No. 7,845. Appuhamy of Andiambalama, deceased.

Henry Paul Silva of Negombo Petitioner.

(1) Hettie Dona Albina Samaranyake of Andiam-
balama, (2) Sembukuttiaratchige Adelina Margaret
Silva, wife of D. A. Halahakone, (3) Sembukutti-
aratchige Edward Aloysius Silva, (4) Sembukutti-
aratchige Alfred Stanley Silva, (5) Sembukutti-
aratchige Herbert Samson Silva, (6) Sembukutti-
aratchige Lambert Reginald Silva, (7) Sembukutti-
aratchige Beatrice Primrose Silva, (8) Sembukutti-
aratchige Dominic Lionel Silva, (9) Sembukutti-
aratchige Florence Muriel Silva, all of Andiam-
balama Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on January 26, 1937, in the presence of Mr. W. M. J. Fernando, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated December 3, 1936, and (2) of the attesting witnesses also dated December 3, 1936, having been read:

It is ordered that the last will of Sembukuttiaratchige Romel Silva Appuhamy, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared and proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 11, 1937, show sufficient cause to the satisfaction of this court to the contrary.

January 26, 1937.

M. W. H. DE SILVA,
District Judge.

The date for showing cause is extended to April 22, 1937.

M. W. H. DE SILVA,
District Judge.

The date for showing cause is extended to June 3, 1937.

M. W. H. DE SILVA,
District Judge.

32 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Cuttidge William de Silva No. 7,950.

Margaret de Silva of Church street, Nugegoda . . . Petitioner.
And

- (1) C. Tudor de Silva of Church street, Nugegoda, (2) C. Walter de Silva of Rangoon, Burma, (3) C. V. Dharmapala, C/o Messrs. Thomas, Cook & Sons, London, (4) C. Lovelet de Silva of Church street, Nugegoda, (5) M. P. de Silva and (6) C. E. de Silva, both of Colombo . . . Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on March 23, 1937, in the presence of Mr. P. D. S. Jayasekera, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated March 23, 1937, and (2) of the attesting witnesses dated March 23, 1937, having been read:

It is ordered that the last will of Cuttidge William de Silva, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner, as widow of the above-named deceased, is entitled to have letters of administration with the copy of the said will annexed issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 10, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. W. H. DE SILVA,
District Judge.
March 24, 1937.

In the District Court of Colombo.
Order Nisi.

31 Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of Mary Louisa Warkuss of Mount Lavinia deceased. No. 7,966.

Anne Rose Warkuss of Mount Lavinia Petitioner.
And

- (1) Ellen Elizabeth Lyford of Mirhana, (2) Susan Sophia Vatwall of Arbutnot road, Borella, Colombo, (3) Louisa Isabel Ephraim of Nugegoda, (4) Millicent Harriet Alice Heyhardt of Bambalapitiya in Colombo Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 20, 1937, in the presence of Mr. A. Clive Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated April 6, 1937, and (2) of one of the attesting witnesses dated March 13, 1937, having been read:

It is ordered that the last will of Mary Louisa Warkuss, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 3, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. W. H. DE SILVA,
District Judge.
April 22, 1937.

30 In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Arthur Edwin Weerasinghe Abhayaratne, Mudaliyar, J.P., U.P.M., of Maha Walauwa, Kirillapone, in the Palle pattu of Sarpiti korale, deceased.

Lilian Adelaide Abhayaratne of Maha Walauwa, Kirillapone, presently Petitioner.

And

- (1) Osmund Edwin Randolph Abhayaratne of Panadure, (2) Walter Patrick Leopold Abhayaratne of Matala, (3) Christopher Augustus Lucian Abhayaratne of Kirillapone, (4) Lilian Patricia Wickremesinghe nee Abhayaratne, wife of (5) Reverend Percy Eldred Wickremesinghe, both of Nugegoda. . . Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on May 4, 1937, in the presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 1, 1937, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before June 17, 1937, show sufficient cause to the satisfaction of the court to the contrary.

M. W. H. DE SILVA,
District Judge.
May 4, 1937.

In the District Court of Kalutara.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late William Attygalle Abeyratna, deceased, of Walana in Panadure. No. 2,760.

Mohandiramge Ida Attygalle nee Rodrigo of Walana in Panadure Petitioner.

- (1) Sathischandra Attygalle Abeyratna, (2) Karunasena Attygalle Abeyratna, (3) Delicia Attygalle Abeyratna, (4) Ernest Fonseka Abeyakoon, all of Walana in Panadure Respondents.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Kalutara, on April 20, 1937, in the presence of Mr. Danister Ferrera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 12, 1937, having been read: It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before June 3, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 4th respondent be and she is hereby appointed guardian *ad litem* over the said 1st to 3rd respondents, who are minors, for all the purposes of this action, unless the respondents shall, on or before June 3, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. A. SAMARAKOON,
District Judge.
April 20, 1937.

In the District Court of Kandy.

23 Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Manikkam Kaveriammal, deceased, of No. 5,492. Nawalapitiya.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on April 26, 1937, in the presence of Messrs. Liesching & Co., on the part of the petitioner, Sangaiya's son Muttalagu, and the affidavit of the said petitioner dated April 26, 1937, having been read:

It is ordered that the petitioner above named and he is hereby declared entitled, as the eldest son of the above-named deceased, to have letters of administration of the estate of the deceased issued to him, unless the respondents—(1) Ponnalagu, (2) Poornam, (3) Aragu Meenal, (4) Sivanammal, (5) Muttammal, (6) Cassiammal, and (7) Nawanna Sana Rawanna Mana Ramaiya Chetty, all of Nawalapitiya (3rd, 4th, 5th, and 6th by their guardian *ad litem* the 7th)—or any other person interested shall, on or before June 14, 1937, show sufficient cause to the satisfaction of the court to the contrary.

R. F. DIAS,
District Judge.
April 26, 1937.

In the District Court of Galle.
Order Nisi.

D. C., Galle, In the Matter of the Estate of the late Testamentary Mrs. Pelene Widana Arachchige Solomon Case No. 7,765. de Silva Samarasingha nee Lokuwaduge Leelawathie de Alwis of Hikkaduwa.

Between Pelene Widana Arachchige Solomon de Silva Samarasinghe of Galle, presently of Colombo Petitioner.

- And
(1) Pelene Widana Arachchige Beatrice Kamalawathie Samarasingha of Hikkaduwa, minor, by her guardian *ad litem* (2) Lokuwaduge Peter Alwis of Hikkaduwa Respondents.

THIS matter coming on for disposal before G. Furse Roberts, Esq., District Judge, Galle, on March 17, 1937, in the presence of Mr. A. J. Pandita-Gunawardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 9, 1937, having been read:

It is further declared that the said 2nd respondent be and he is hereby appointed guardian *ad litem* over the said 1st respondent, unless the said respondents or any person or persons interested shall, on or before May 5, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is entitled to have letters of administration issued to him accordingly, unless the said respondents or any person or persons interested shall, on or before May 5, 1937, show sufficient cause to the satisfaction of this court to the contrary.

March 30, 1937. A. D. JAYASUNDERE, District Judge.

The date for showing cause is extended to June 8, 1937.

May 6, 1937. G. FURSE ROBERTS, District Judge.

In the District Court of Galle. Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Laura Matilda Perera nee Dissanayaka No. 7,767 of Labodduwa, Galle.

Between Andrew William Dissanayaka of Galle Petitioner.

- (1) Jonathan Pollard Dissanayaka, (2) Edmund Benedict Dissanayaka, both of Labodduwa, (3) Florence Adelaide Wickremaratna of Bentota, (4) Henry Erno Wickremaratna of Badulla, (5) Jacinth Wickremaratna, (6) Lucille Wickremaratna, both of Bentota, (7) Rachel Beatrice Ratnayaka of Kalaha, (8) Harry Edward Wickremaratna of Bentota Respondents.

THIS matter coming on for disposal before G. Furse Roberts, Esq., District Judge, Galle, on April 14, 1937, in the presence of Mr. C. H. Wickremnayaka, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 9, 1937, having been read:

It is ordered that the said 8th respondent be and he is hereby appointed guardian *ad litem* over the said 4th and 6th respondents, unless the said respondents or any person or persons interested shall, on or before May 31, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner, as the brother of the deceased, is entitled to have letters of administration issued to him accordingly, unless the said respondents or any person or persons interested shall, on or before May 31, 1937, show sufficient cause to the satisfaction of this court to the contrary.

April 14, 1937. G. FURSE ROBERTS, District Judge.

In the District Court of Galle. Order Nisi.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of the late Kirikankanange David de Silva of Patabendimulla, Ambalangoda, deceased.

Between Kirikankanange Edward Vincent de Silva of Patabendimulla, Ambalangoda Petitioner.

- (1) Semage Ravishamy de Silva, (2) Kirikankanange Charlotte Agnes de Silva, wife of (3) Sarukkalige Seemon Fernando of Panadura, (4) Kirikankanange Leslie Gilbert de Silva of Ambalangoda, (5) Kirikankanange Lena Rosabella de Silva, wife of (6) Albert Abeyauriya, both of Manning Town, Colombo, (7) Kirikankanange Dorothy Irene de Silva, (8) ditto Tennyson Hilariak de Silva of Ambalangoda Respondents.

THIS matter coming on for disposal before G. Furse Roberts, Esq., District Judge, Galle, on April 15, 1937, in the presence of G. W. L. de Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 7, 1937, and of the attesting notary and of one of the attesting witnesses dated March 7, 1937, having been read:

It is ordered that the will of the above-named deceased dated May 14, 1936, and now deposited in this court, be and the same is hereby declared proved, and that the said

3rd respondent be appointed guardian *ad litem* over the said 1st respondent, unless said respondents or a persons interested shall, on or before May 5, 1937, show sufficient cause to the contrary.

It is further declared that the said pe executor named in the said will, and that he have probate of the same issued to him acco the said respondents or any person or per shall, on or before May 31, 1937, show suff the satisfaction of this court to the contrary

G. FURSE ROBERTS, District Judge.

In the District Court of Batticaloa. Order Nisi. Testamentary In the Matter of the Intestate Jurisdiction. late Nagapper Seenitamil No. 452. Kanapathipillai Alaganmah of Nochchimunra Vs.

- (1) Seenitamil Thurai Rajasingam, (2) S Kanagarajah, (3) Seenitamil Sellatar Seenitamil Sivalanar, (5) Seenitamil lingam, (6) Marimuthu Kanapathipillai Nochchimunra

THIS matter coming on for disposal before G. Furse Roberts, Esq., District Judge of Batticaloa 1937, in the presence of Mr. K. Thambiah, part of the petitioner above named; and the petition of the petitioner dated April 6, 1937, respectively, having been read:

It is ordered that the 6th respondent al and he is hereby appointed guardian *ad litem* over the 1st, 2nd, 3rd, 4th, and 5th responde respondents above named or any other pe interested shall, on or before May 11, 1937, cause to the satisfaction of this court to the c

It is further ordered that the petitioner hereby declared entitled, as the widow of the to have letters of administration to his e her, unless the respondents above named person or persons interested shall, on or 1937, show sufficient cause to the satisfacti to the contrary.

April 10, 1937. P. V. N. D.

The Order Nisi is extended to June 1, 1937.

P. V. N. D.

In the District Court of Badulla. Order Nisi.

Testamentary In the Matter of the Intestate Jurisdiction. Kamalam (widow of the late pillar Kandasampilla pillai of Poona-gala Gwela, deceased).

Between Sithambarampillai son of Muttiahpillai, of patti village, Pambaloor Taluq, Th Soor India, by his attorney Poraviap Aravandiya pillai of Adaikampatti presently of Poona-gala Group, Bandaraw And

Sithambarampillai's wife Kamatchi of Ad village aforesaid

THIS matter coming on for disposal Bharucha, Esq., District Judge of Badulla 1937, in the presence of Mr. K. V. Nadas on the part of the petitioner; and his April 23, 1937, having been read:

It is ordered that the petitioner above he is hereby appointed administrator in estate and effects of the late Kamalan Group aforesaid, and that letters of ad issued as an heir and as father of the said the respondent above named or any pe lawfully interested therein shall, on or 1937, show sufficient cause to the satisfacti to the contrary.

May 10, 1937. N. M. I.