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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend the law with respect to the enforcement by courts of summary jurisdiction of the payment of fines imposed by such courts.

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 Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. of 1937, and shall come into operation on a date to be appointed by the Governor by Proclamation in the Gazette.

Means of the offender to be considered in fixing amount of fine.

2 Where any person is convicted of an offence before a court of summary jurisdiction and sentenced to a fine and is not sentenced to imprisonment in addition to the fine, the court shall, in fixing the amount of the fine, take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court.

Obligation on court to allow time for payment of fine.

3 (1) The court shall allow time for the payment of the fine fixed under section 2, unless it is satisfied that the offender is possessed of sufficient means to pay the fine forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, the offender does not express any such desire, or fails to satisfy the court that he has a fixed abode, or unless the court for any other special reason (to be recorded by the court) expressly directs that time should not be allowed.

(2) Where time has been allowed under sub-section (1) for the payment of a fine, the competent court may, on an application made by or on behalf of the offender, allow further time for the payment of the fine.

(3) In deciding what time shall be allowed under sub-section (1) or sub-section (2) a court shall consider any representation made by the offender, but the time allowed under sub-section (1) shall not be less than seven clear days.

(4) A court may, when allowing time or further time for payment of the fine under sub-section (1) or sub-section (2), order payment of the fine by instalments.

No commitment to prison for default of payment of fine without inquiry as to means of defaulter.

4 (1) Where a court of summary jurisdiction sentences an offender to a fine and, under the provisions of section 3, time is allowed for payment of the fine or an order is made for payment of the fine by instalments, the court shall not on that occasion impose on the offender a period of imprisonment in default of payment of the fine :

Provided that this sub-section shall not have effect where the court on that occasion and in the presence of the offender determines that for special reason, whether having regard to the gravity of the offence, to the character of the offender, or to other special circumstances, it is expedient that he should be imprisoned without further inquiry in default of payment.

(2) Where a period of imprisonment is imposed under the power reserved by the proviso to sub-section (1), the court shall record the reasons for its determination.

(3) A warrant of commitment to prison in respect of the non-payment of a fine imposed by a court of summary jurisdiction shall not be issued in the case of an offender who has been allowed time for payment or who has been ordered to pay the fine by instalments unless on an occasion subsequent to his conviction the competent court has made inquiry as to his means in his presence :

Provided that this sub-section shall not have effect—

- (a) where a period of imprisonment in default of payment was imposed on the offender on the occasion of his conviction under the power reserved by the proviso to sub-section (1), or
- (b) in the case of an offender who is in prison.

Transfer of jurisdiction as to fines.

5 (1) Where a court of summary jurisdiction has convicted an offender and sentenced him to a fine, and it appears to the court that the offender is residing within the jurisdiction of any other court of summary jurisdiction and that it is in the circumstances expedient so to do, the convicting court may

make with respect to that fine an order for the purposes of this section, termed a "transfer of fine order", and shall specify in such order the other court of summary jurisdiction :

Provided that no Police Court shall make an order under this section transferring a fine except to some other Police Court and no Village Tribunal shall make such order transferring a fine except to some other Village Tribunal.

(2) As from the date on which a transfer of fine order is made with respect to any fine, all functions in respect to that fine which, if such an order had not been made, would have been exercisable under any written law (including this Ordinance) by the convicting court shall be exercised by the court of summary jurisdiction specified in the order :

Provided that any fine received by virtue of a transfer of fine order by any court other than the convicting court shall be forthwith transmitted to and shall be accounted for by the convicting court.

(3) Where it appears to a court exercising functions by virtue of a transfer of fine order that the offender is residing within the jurisdiction of any other court of summary jurisdiction, the court exercising such functions may, subject to the proviso to sub-section (1), make a further transfer of fine order with respect to that fine and shall cause a copy thereof to be sent to the convicting court.

6 (1) A court of summary jurisdiction may, in any circumstances in which the court has, or if this Ordinance had not been enacted would have had, power to issue a warrant of commitment to prison in respect of the non-payment of a fine, in lieu of issuing such a warrant, order that the offender be detained—

Fines, detention in precincts of court or in Fiscal's cell in lieu of imprisonment.

(a) in the precincts of the court until such hour on the day on which the order is made, not being later than the hour at which the court adjourns for the day, as the court may direct ; or

(b) in a Fiscal's cell until the hour of ten in the morning on the day following that on which such order is made.

(2) When an order is made under paragraph (b) of sub-section (1), the court shall issue to the Fiscal of the province a warrant in the Form in the Schedule and the Fiscal to whom such warrant is issued shall take charge of the person named therein and detain him in accordance with the directions therein, notwithstanding anything in section 81 of the Prisons Ordinance, 1877.

No. 16 of 1877.

7 (1) Where an offender has been sentenced to a fine by a court of summary jurisdiction and has been allowed time for payment or has been ordered to pay the fine by instalments, the competent court may, either on the occasion of his conviction or on a subsequent occasion, order him to be placed under the supervision of a probation officer appointed under Chapter XXVI. of the Criminal Procedure Code, 1898, or of such other person as the court may from time to time appoint.

Fines, supervision.

(2) An order placing a person under supervision in respect of any fine may be discharged by the competent court and shall cease to have effect on the making of a transfer of fine order with respect to that fine (without prejudice however, in either case, to the power of the competent court to make a further order) but subject as aforesaid a person placed under supervision in respect of any fine shall so remain so long as he is under any liability in respect of that fine.

(3) A warrant of commitment to prison in respect of the non-payment of a fine imposed by a court of summary jurisdiction shall not be issued in the case of an offender who is under supervision unless before issuing the warrant the court has taken such steps as may be reasonably practicable to obtain from the person appointed for the supervision of the offender an oral or written report as to his conduct and means, and has considered any report so obtained, in addition, in a case where inquiry is required to be made by section 4 (3), to that inquiry.

8 (1) An offender who has not attained the age of twenty-one years shall not be committed to prison in respect of the non-payment of a fine imposed by a court of summary jurisdiction and for the payment of which he has been allowed time or which he has been ordered to pay by instalments, unless he has been placed under supervision in respect of that fine :

Fines, supervision of defaulters under twenty-one obligatory.

Provided that this sub-section shall not have effect where the court having power to issue a warrant of commitment is satisfied (for reasons to be recorded by the court) that it is undesirable or impracticable to place him under supervision.

(2) For the purposes of this section a person shall be deemed not to have attained the age of twenty-one years if he appears to the court not to have attained that age.

Notice of fines to persons liable.

9 Where a court of summary jurisdiction sentences an offender to pay a fine and either—

- (a) the court allows time for payment or directs payment of the fine by instalments, or
- (b) the offender is not present on the occasion of the conviction

the court shall as soon as may be thereafter cause to be delivered to the offender or sent by post addressed to him at his last known or usual place of abode, a notice in writing stating the amount of the fine, the date on or before which payment thereof is required, and the person or persons to whom, and the place or places and times at which, payment may be made, and, if payment by instalments is directed, particulars of the instalments.

Provisions applicable to inquiry into means of an offender.

10 (1) For the purpose of enabling the inquiry required by section 4 (3), the competent court may at any time issue a summons to the offender to appear before the court, and if he does not appear in obedience to the summons, may issue a warrant for his arrest, or, where the competent court is a Police Court, may, without issuing a summons in the first instance, issue a warrant for his arrest.

Every such warrant shall specify the sum or sums of money in respect of the payment of which the offender is in default.

(2) Where a warrant is issued under this section, and the sum or sums of money specified in the warrant are paid to the officer holding the warrant by the offender or any person on his behalf, such officer—

- (a) shall not arrest the offender, or, if he has already arrested him, shall release him, and
- (b) shall forward to the court the money received from or on behalf of the offender, together with a return to the warrant stating the fact of the payment and of the arrest and release, if any.

(3) The following provisions shall apply to every inquiry required by sub-section (3) of section 4 to be made into the means of an offender :—

- (a) The court may summons and examine any person whose evidence the court may consider relevant.
- (b) The offender may give evidence and may call witnesses.
- (c) A statement in writing to the effect that wages of any amount have been paid to the offender during any period, purporting to be signed by or on behalf of his employer shall be *prima facie* evidence of the facts stated therein.

(4) Subject to the provisions of sub-section (2), every summons or warrant issued under this section—

- (a) by a Police Court, shall be deemed to be a summons or warrant, as the case may be, which that court is empowered to issue under the provisions of the Criminal Procedure Code, 1898 ;
- (b) by a Village Tribunal, shall be deemed to be a summons or warrant, as the case may be, which that Tribunal is empowered to issue under the provisions of the Village Communities Ordinance, No. 9 of 1924, and the rules made thereunder.

Interpretation.

11 In this Ordinance unless the context otherwise requires—

- (a) “ court of summary jurisdiction ” means a Police Court or the court of a Municipal Magistrate, and includes a Village Tribunal and a Village Committee exercising judicial powers under the provisions of the Village Communities Ordinance, No. 9 of 1924 ;
- (b) “ competent court ” means, in relation to any fine, the court by which that fine was imposed, or, where by virtue of a transfer of fine order functions in relation to that fine are exercisable by another court, that other court ;
- (c) “ Fiscal’s cell ” means a cell established under section 440c of the Criminal Procedure Code, 1898 ;
- (d) “ Police Court ” includes the court of a Municipal Magistrate ;
- (e) “ Village Tribunal ” includes a Village Committee exercising judicial powers under the provisions of the Village Communities Ordinance, No. 9 of 1924 ;
- (f) references to commitment to prison or to imprisonment shall not be deemed to include any reference to detention within the precincts of a court or in a Fiscal’s cell under section 6.

12 The provisions of this Ordinance shall have effect notwithstanding anything in the Criminal Procedure Code, 1898, the Village Communities Ordinance, No. 9 of 1924, or any other written law to the contrary; but such provisions of the said Code and of the said Ordinance and of such law as are not inconsistent with the provisions of this Ordinance shall continue to apply as heretofore to proceedings before a court of summary jurisdiction.

Effect of Ordinance on Criminal Procedure Code, Village Communities Ordinance, No. 9 of 1924, &c.

SCHEDULE.

FORM.

Warrant of Commitment to detention in a Fiscal's cell for default in payment of a Fine.

In the Police Court (or Village Tribunal or Village Committee) of _____.

Case No. ———

To the Fiscal of the _____ Province.

Whereas _____¹ was on the _____ day of _____, 19—, convicted before the Police Court (or Village Tribunal or Village Committee) of _____ for that he did on the _____ day of _____, 19—, at _____, within the said division (or sub-division) of _____, _____² and was sentenced to pay a fine of _____ rupees :

¹ Name of offender.

² Particulars of offence.

And whereas the said _____¹ has made default in payment of the fine aforesaid :

And whereas the said Court (or Tribunal or Committee) has this day made order that the said _____¹ be detained in a Fiscal's cell in accordance with the provisions of paragraph (b) of section 6 (1) of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. _____ of 1937 :

These are therefore to authorise and command you to take the said _____¹ into your custody and him safely to convey to a Fiscal's cell established under the provisions of the Criminal Procedure Code, 1898, and in such cell him safely to keep until the hour of ten in the forenoon of the _____ day of _____, 19—.

Given under my hand this _____ day of _____, 19—, at _____ in the division (or sub-division) aforesaid.

Signed _____,

Police Magistrate (or President or Chairman).

Objects and Reasons.

1. The object of this Bill is to amend the law with respect to the enforcement of fines imposed by courts of summary jurisdiction with a view to reducing as far as possible the number of cases in which persons are committed to prison for default in payment of such fines. The Bill gives effect to most of the recommendations made in the Report of the Departmental Committee on the Administration of Prisons which was published as Sessional Paper XXVI. of 1936. This Committee took as the basis of its recommendations the Money Payments (Justices Procedure) Act, 1935, and certain provisions of the Criminal Justice Administration Act, 1914, of the Imperial Parliament, and the present Bill is modelled largely on the lines of those Acts.

2. The Bill affects the procedure to be adopted only in a court of summary jurisdiction, which term is defined to mean a Police Court, Municipal Court, a Village Tribunal, or a Village Committee exercising judicial powers (Clause 11). When any one of the courts mentioned convicts an offender and sentences him to pay a fine, and no sentence of imprisonment is passed in addition to the fine, the court is required, in fixing the amount of the fine, to take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court (Clause 2).

3. Clause 3 makes the granting of time of not less than seven days to pay the fine obligatory, except in the cases set out in sub-clause (2). It also empowers the court to grant further extensions of time or to accept payment of a fine by instalments. Where time is granted, no sentence of imprisonment in default of payment of the fine can be imposed at the same time as the fine, unless the court gives its mind to the question and is of opinion that, having regard to the gravity of the offence or the character of the offender or other special reasons (to be recorded by the court), it is expedient to pass at once a sentence of imprisonment in default (Clause 4 (1) and (2)). Under Clause 4 (3) no person who has been fined and allowed time for payment can in future be committed to prison for any default made in the payment of the fine without a special inquiry as to his means, held in his presence. This provision will not, of course, apply in a case where a default term has already been imposed for the special reasons referred

to in Clause 4 (1). Where a court under the existing law has the power to impose a term of imprisonment in default of payment of a fine, Clause 6 provides that in lieu of imprisoning the offender the court may sentence him to be detained in the precincts of the court until the court adjourns for the day or in a Fiscal's cell until 10 o'clock in the morning on the day following. Under the Criminal Procedure Code Amendment Bill which is introduced along with this Bill no court in the Island will be empowered to sentence an offender to imprisonment for a period shorter than seven days, and Fiscal's cells, which will be established by the Governor under the powers conferred on him by that Bill, are intended for the confinement of offenders whose cases are not so grave as to call for a sentence of imprisonment in default of payment of a fine.

4. Clause 5 is designed to assist those offenders who live at such a distance from the court before which they are convicted that attendance at court, *e.g.*, for the purpose of paying instalments of a fine, would cause hardship. In such a case the court will be able to make a "transfer of fine order" under this Clause transferring the fine to the court within whose jurisdiction the offender resides. The court to which the fine is transferred will thereafter exercise in respect of that fine all the functions of the convicting court.

5. Clause 7 empowers a court to place an offender who has been given time to pay a fine under the supervision of a Probation officer or other suitable person until the fine is paid. Clause 8 prohibits the commitment to prison of any offender under the age of twenty-one unless the system of supervision has been tried in his case, but it makes an exception in any particular case in which the court is satisfied (for reasons to be recorded by the court) that supervision would be undesirable or impracticable.

6. Clause 9 contains another provision which it is believed will be of assistance to offenders who have been sentenced to pay a fine. In every case in which the offender is fined in his absence or in which time is allowed for payment, the court is required to deliver or send to the offender a notice in writing stating particulars as to the amount of the fine and the time and place at which payment is required.

Hulftsdorp,
Colombo, September 16, 1937.

J. C. HOWARD,
Legal Secretary.

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 1937, and shall come into operation on a date to be appointed by the Governor by Proclamation in the Gazette.

Insertion of new sections 15A and 15B in Ordinance No. 15 of 1898.

2 The Criminal Procedure Code, 1898, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the insertion, immediately after section 15 thereof, of the two following new sections which shall have effect as sections 15A and 15B, respectively, of the principal Ordinance:—

No sentence of imprisonment for a term of less than seven days.

15A. Notwithstanding anything in this Code, the Ceylon Penal Code, or any other written law to the contrary, no court shall sentence any person to imprisonment, whether in default of payment of a fine or not, for a term which is less than seven days.

Sentences of detention in court or in Fiscal's cell in lieu of imprisonment.

15B. Any court may, in any circumstances in which it is empowered by any written or other law to sentence an offender to imprisonment, whether in default of payment of a fine or not, in lieu of imposing a sentence of imprisonment order that the offender be detained either—

- (a) in the precincts of the court until such hour on the day on which the order is made, not being later than the hour at which the court adjourns for the day, as the court may direct; or
- (b) in a Fiscal's cell established under the provisions of section 440C until the hour of ten in the morning on the day following that on which the order is made

3 Chapter VII of the principal Ordinance is hereby amended as follows :—

Amendment of Chapter VII of the principal Ordinance.

- (1) by the substitution, for the sub-heading "C.—Proceedings in all cases subsequent to order to furnish Security," occurring immediately after section 89, of the following new sub-heading :—

"C.—Provisions applicable to all Orders to furnish Security." ;

- (2) by the insertion immediately after the new sub-heading referred to in paragraph (1), of the two following new sections which shall have effect as sections 89A and 89B, respectively, of the principal Ordinance :—

89A. At the time of making an order requiring security under this chapter, the court shall direct that in default of giving the security the person in respect of whom the order is made shall be imprisoned for such term as the court may think fit, not exceeding two years where the court is the Supreme Court, or one year where the court is a District Court or six months where the court is a Police Court.

Imposition of term of imprisonment in default of security.

89B. (1) At the time of making an order requiring security under this chapter, the court may, if it thinks fit so to do, allow time not exceeding one month for furnishing the security :

Allowance of time to give security.

Provided that a Police Court shall allow time in every such case unless for any special reason (to be recorded by the court) it is of opinion that time should not be allowed.

(2) The provisions of this section shall not apply to an order made in respect of a person who is, at the time the order is made, sentenced to or undergoing a sentence of imprisonment.

- (3) by the substitution for section 90 of the principal Ordinance of the following new section :—

90. The period for which security is required by an order made under this chapter shall commence—

- (a) where time has not been allowed under section 89B, on the date of such order ;
 (b) where time has been allowed under that section, on the date on which the time so allowed expires ;
 (c) where the order is in respect of a person who is, at the time the order is made, sentenced to or undergoing a sentence of imprisonment, on the date on which such sentence expires.

Commencement of period for which security is required.

and,

- (4) by the substitution for section 93 of the principal Ordinance of the following new section :—

93. If any person ordered to give security under this chapter does not give such security on or before the date on which the period for which such security is to be given commences, he shall be committed to prison to undergo the term of imprisonment imposed under section 89A, or, if he is already in prison, be detained in prison until such term expires, or until, before the expiration of such term, he gives the security to the court which made the order requiring it, or to the superintendent or jailor of the prison in which he is detained.

Commitment to prison for default in giving security.

4 Section 312 of the principal Ordinance is hereby amended in sub-section (1) thereof as follows :—

Amendment of section 312 (1) of the principal Ordinance.

- (1) by the insertion immediately after paragraph (b) of the following new paragraph :—

"(bb) Notwithstanding the provisions of paragraph (b), where the fine to which the offender is sentenced does not exceed four rupees, the court shall not impose a term of imprisonment in default of payment of the fine, but may make order as provided in section 15B." ;

- (2) in paragraph (c), by the substitution, for all the words from "for any term not exceeding two months" to the end of the paragraph, of the following :—

"for a term of seven days where the amount of the fine exceeds four rupees but does not exceed seven

rupees and fifty cents, for any term not exceeding fourteen days where the amount of the fine exceeds seven rupees and fifty cents but does not exceed fifteen rupees, for any term not exceeding twenty-one days where the amount of the fine exceeds fifteen rupees but does not exceed twenty-five rupees, for any term not exceeding forty-two days where the amount of the fine exceeds twenty-five rupees but does not exceed fifty rupees, for any term not exceeding three months where the amount of the fine exceeds fifty rupees but does not exceed one hundred rupees, and for any term not exceeding six months in any other case.”.

Insertion of new section 440C in the principal Ordinance.

5 The following new section is hereby inserted immediately after section 440B of the principal Ordinance and shall have effect as section 440C of that Ordinance :—

Establishment of Fiscal's cells.

440C. The Governor may by Proclamation published in the Gazette establish at places to be appointed by him in such Proclamation such number of Fiscal's cells as he may deem necessary for the detention of offenders sentenced to detention under the provisions of section 15B.

Objects and Reasons.

The object of this Bill is to amend the Criminal Procedure Code so as to give effect to certain recommendations made in the Report of the Departmental Committee on the Administration of Prisons (Sessional Paper XXVI of 1936) and to supplement the Payment of Fines (Courts of Summary Jurisdiction) Bill which is introduced together with this Bill.

2. The Committee recommended, for reasons given in paragraph 25 of its Report, that imprisonment for terms of less than seven days, whether such terms were substantive sentences or in default of fines, should be abolished, and that there should be no imprisonment for default in payment of any fine that does not exceed four rupees. As an alternative to these short terms of imprisonment, the Committee recommended detention in the precincts of the court until the court adjourns for the day or detention overnight in Fiscal's cells, which were to be specially established for the purpose. The Committee further suggested a scale of terms of imprisonment in default of payment of fines to be substituted for that in section 312 (1) (e) of the Criminal Procedure Code.

3. These recommendations of the Committee are given effect to in the present Bill by Clauses 2, 4 and 5.

4. Clause 3 effects amendments in Chapter VII of the Criminal Procedure Code which relates to orders for security to keep the peace and to be of good behaviour. Under the law in England, a person who defaults in giving security as ordered by the court can be sentenced to any term of imprisonment *not exceeding* certain periods fixed by law. The courts in Ceylon, however, have no power to fix any term of imprisonment for default in furnishing security, as, under section 93 of the Criminal Procedure Code, the defaulter has by operation of law to serve a term of imprisonment equal to the entire period for which security is required by the court. The provisions of section 96 of that Code whereby a defaulter so imprisoned may be released if the court is of opinion that his release can be effected without hazard to the community affords little relief as the court generally does not act under that section unless its attention is subsequently drawn to the particular case by some person interested in the defaulter.

5. Clause 3 amends Chapter VII of the Criminal Procedure Code so as to remove the defects referred to above.

Under new section 89A (Clause 3 (2)) the court is required to fix a default term of imprisonment when ordering security in each particular case. The limit of the term of imprisonment will be two years in the case of the Supreme Court, one year in the case of a District Court, and six months in the case of a Police Court. Another new section, 89B, empowers the court to allow time, not exceeding one month, for furnishing security, but makes allowance of time compulsory where the court is a Police Court, unless for special reasons (to be recorded by the court) it considers that time should not be allowed. Clause 3 (3) substitutes a new section for section 93 and makes it clear that the term to be served by a defaulter is that imposed by the court under the new section 89A.

Hulftsdorp,
Colombo, September 16, 1937.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

An Ordinance to amend the Village Communities Ordinance, No. 9 of 1924.

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 Village Communities Amendment Ordinance, No. of 1937, and shall come into operation on a date to be appointed by the Governor by Proclamation in the Gazette.

Short title and date of operation.

2 Section 57 of the Village Communities Ordinance, No. 9 of 1924, (hereinafter referred to as "the principal Ordinance") is hereby amended in sub-section (1) thereof, by the substitution, for all the words from "may sentence the offender" to the end of the sub-section, of the following :—

Amendment of section 57 (1) of Ordinance No. 9 of 1924.

"may—

- (a) whatever the amount of the fine, sentence the offender to detention as provided in section 6 of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. of 1937 ;
- (b) where the amount of the fine exceeds four rupees but does not exceed seven rupees and fifty cents, sentence the offender to imprisonment of either description for a term of seven days ;
- (c) where the amount of the fine exceeds seven rupees and fifty cents, sentence the offender to imprisonment of either description for a term not exceeding fourteen days :

Provided that no person shall be sentenced by a Village Tribunal or Committee to imprisonment for a term which is less than seven days."

3 Section 58 of the principal Ordinance is hereby amended by the substitution for all the words from "to imprisonment" to the end of the section, of the following :—

Amendment of section 58 of the principal Ordinance.

"to detention or imprisonment in accordance with the provisions of section 57 (1)."

4 Section 69 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution for all the words from "to simple imprisonment" to the end of the sub-section, of the following :—

Amendment of section 69 (1) of the principal Ordinance.

"to detention or imprisonment in accordance with the provisions of section 57 (1)."

Objects and Reasons.

1. The object of this Bill is to give effect to certain recommendations made in the Report of the Departmental Committee on the Administration of Prisons (Sessional Paper XXVI of 1936) and to supplement the provisions of the Payment of Fines (Courts of Summary Jurisdiction) Bill, which is introduced together with this Bill, with particular reference to the punitive powers of a Village Tribunal or Committee.

2. As a result of the amendments effected by this Bill in the Village Communities Ordinance, No. 9 of 1924, a Village Tribunal or Committee will not in the future be able to pass any sentence of imprisonment in default of payment of a fine which does not exceed four rupees, and will also not be able to pass a sentence of imprisonment for a term of less than seven days. In lieu of a short term of imprisonment, there will, however, be available the punishments of detention in the precincts of the court until the court adjourns for the day, or in a Fiscal's cell (established under the Criminal Procedure Code Amendment Bill), until ten o'clock in the morning of the following day.

Hulftsdorp,
Colombo, September 16, 1937.

J. C. HOWARD,
Legal Secretary.

MINUTE.

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

An Ordinance to amend the Irrigation Ordinance, No. 45 of 1917.

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 Irrigation Amendment Ordinance, No. of 1937, and shall come into operation on a date to be appointed by the Governor by Proclamation in the Gazette.

Amendment of section 35 of Ordinance No. 45 of 1917.

2 Section 35 of the Irrigation Ordinance, No. 45 of 1917, is hereby amended as follows:—

(1) by the substitution for all the words from “may, unless the same be paid” to “unless confirmed by the Government Agent.”, of the following:—

“may, if the same is not paid in accordance with the provisions of sub-section (2), either order the amount of the penalty to be recovered in manner provided by Chapter VIII of this Ordinance, or, subject to the provisions of sub-section (2), sentence the defaulter to simple or rigorous imprisonment for any period not exceeding one month or to detention in a Fiscal’s cell as provided in section 6 (1) (b) of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. of 1937.”;

(2) by the substitution for the words “shall extend” of the words “and of section 6 (2) of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. of 1937, shall extend”;

(3) by re-numbering the section, as so amended, as section 35 (1); and

(4) by the addition immediately after re-numbered section 35 (1) of the following which shall have effect as sub-section (2) of that section:—

“(2) The following provisions shall apply to every case in which any person has been adjudged to pay a penalty as aforesaid:—

(a) Time not being less than seven clear days shall be allowed for payment of the penalty.

(b) Such further time as the Government Agent or authorized officer may think expedient may, in addition to the time allowed under paragraph (a), be allowed for payment of the penalty.

(c) An order for payment of the penalty by such instalments payable at such times as the Government Agent or authorized officer may determine may be made when time or further time is allowed under paragraph (a) or paragraph (b).

(d) The President of the Council, the Government Agent, or authorized officer may, in lieu of imposing a sentence of imprisonment on any person in default of payment of any penalty, impose a sentence of detention in a Fiscal’s cell as provided in section 6 (1) (b) of the Payment of Fines (Courts of Summary Jurisdiction) Ordinance, No. of 1937.

(e) The term of imprisonment imposed on any person in default of payment of any penalty shall be in accordance with the provisions of section 312 (1) (e) of the Criminal Procedure Code:

No. 15 of 1898.

Provided, however, that—

(i) no person shall be sentenced to imprisonment for a term which is less than seven days, or in default of payment of any penalty which does not exceed four rupees;

- (ii) nothing in this paragraph shall be construed to confer on the President of the Council, the Government Agent or authorized officer any power to impose a sentence of imprisonment for a period exceeding one month; and
- (iii) no sentence of imprisonment shall be carried into execution unless it has been confirmed by the Government Agent."

Objects and Reasons.

1. The object of this Bill is to amend the Irrigation Ordinance, No. 45 of 1917, so as to give effect to certain recommendations in the Report of the Departmental Committee on the Administration of Prisons (Sessional Paper XXVI of 1936) concerning the imprisonment of persons who make default in payment of fines.

2. At present, under the provisions of the Irrigation Ordinance, No. 45 of 1917, a Village Council established under that Ordinance, or the Government Agent or authorised officer when performing judicial functions under that Ordinance, is empowered to sentence any person convicted of an offence under the Ordinance or any Irrigation rule, to a fine not exceeding thirty rupees, and in default of payment of such fine to sentence the offender to imprisonment for a period not exceeding one month.

3. The Committee referred to above recommended that no person should be sentenced to imprisonment for a shorter term than seven days and that no default term of imprisonment should be imposed in the case of a fine which does not exceed four rupees. It suggested, instead of short terms of imprisonment, a sentence of detention in a Fiscal's cell until the hour of ten in the morning on the day following.

4. These recommendations of the Committee are given effect to in this Bill, so far as sentences passed under the Irrigation Ordinance are concerned. Further recommendations of the Committee regarding the allowance of time to pay a fine, and the payment of fines by instalments are also given effect to in the amendments made by Clause 2 of the Bill.

Hulftsdorp,
Colombo, September 16, 1937.

J. C. HOWARD,
Legal Secretary.

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 1937, and shall come into operation on a date to be appointed by the Governor by Proclamation in the Gazette.

2 Sections 59 to 66 (both inclusive) of the Ceylon Penal Code are hereby repealed.

Repeal of
sections 59 to
66 of Ordinance
No. 2 of 1883.

Objects and Reasons.

Sections 59 to 66 of the Ceylon Penal Code are identical, except for minor verbal variations, with paragraphs (a) to (h) of section 312 (1) of the Criminal Procedure Code. In the Bill to amend the Criminal Procedure Code, which is introduced together with this Bill, amendments are sought to be made in section 312 (1). Instead of reproducing the same amendments in the relevant sections of the Penal Code, it has been thought advisable to repeal those sections of the Penal Code which are duplicated in the Criminal Procedure Code, particularly as their subject-matter is more appropriate to the Criminal Procedure Code.

This Bill accordingly repeals sections 59 to 66 of the Penal Code.

Hulftsdorp,
Colombo, September 16, 1937.

J. C. HOWARD,
Legal Secretary.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Gampola by 161 labourers of Sydney Hill estate, against the proprietor thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages, amounting to Rs. 974.68.

This 23rd day of September, 1937.

A. M. SULTAN,
Chief Clerk.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,040. In the matter of the insolvency of Vinase-thamby Kathiravelpillai of 638, Rawata-watta, Moratuwa.

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 October 26, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
September 22, 1937. Secretary.

In the District Court of Colombo.

No. 5,053. In the matter of the insolvency of Mututantrige Daniel George Fernando of 514, De Soysa road, Moratuwa.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 2, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
September 23, 1937. Secretary.

In the District Court of Colombo.

No. 5,087. In the matter of the insolvency of Suna Muna Nallaperumal Pillai of 189, Main street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 26, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
September 22, 1937. Secretary.

In the District Court of Colombo.

No. 5,097. In the matter of the insolvency of Edward Clarence Fernando of 47, Albert road, Colpetty.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 2, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
September 22, 1937. Secretary.

In the District Court of Colombo.

No. 5,107. In the matter of the insolvency of Don Freddy Ranaweera of 18, Hill Street lane, 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 November 16, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,
September 22, 1937. Secretary.

In the District Court of Colombo.

No. 5,145. In the matter of the insolvency of Hugh Michael Christopher Misso of 101, De Alwis place, Dehiwala.

WHEREAS the above-named H. M. C. Misso has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by F. Brohier of 2nd Division,

Maradana, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said H. M. C. Misso insolvent accordingly ; and that two public sittings of the court, to wit, on October 26, 1937, and on December 7, 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,
September 22, 1937. Secretary.

In the District Court of Jaffna.

Insolvency In the matter of the insolvency of N. No. 161. Saravanamuttu, N. S. Sinnathurai, and N. S. Rasalingam, carried business under the vilasam of N. S. S.

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 October 29, 1937, for the grant of a certificate of conformity to the said insolvents.

By order of court, J. N. CULANTHAIVALU,
September 28, 1937. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Commissioner of Income Tax Plaintiff.
No. A 1/2,980.

F. W. Richings Defendant.

NOTICE is hereby given that on Friday, October 29, 1937, at 11 A.M., will be sold by public auction at this office the following property for the recovery of the sum of Rs. 440.65, viz. :—

- 100 shares of Rs. 10 each in the Hatbawe Rubber Company, Limited, Agents: Messrs. Whittall & Co., Ltd., Colombo, bearing Nos. 65861 to 65960 inclusive.
- 150 shares of Rs. 10 each bearing Nos. 851/1000 in the Mulhalkelle Tea Co., Ltd., Agents: Messrs. Bois Bros., Ltd., Colombo.
- 200 shares of Rs. 10 each in the Sittagama Rubber Co., Ltd., Agents: Messrs. Gordon Frazer & Co., Ltd., Colombo.
- 280 shares of Rs. 10 each in the Ullswater Rubber Co. of Ceylon, Ltd., Agents: Messrs. Aitken Spence & Co., Ltd.

Fiscal's Office, J. R. TOUSSAINT,
Colombo, September 29, 1937. Deputy Fiscal.

In the District Court of Colombo.

G. T. T. de Silva of Greenpath in Colpetty, Colombo Plaintiff.

No. 5,828/M. Vs.

A. C. M. Abdul Cader of 36, Greenpath, Colpetty, and 35, Ferry street, Hulftsdorp, Colombo Defendant.

NOTICE is hereby given that on Friday, October 29, 1937, at 3 P.M., will be sold by public auction at 36, Greenpath, Colpetty, Colombo, the following movable property for the recovery of the sum of Rs. 1,820, less Rs. 400, plus Rs. 200, viz. :—

- 4 nadun loungers, 4 teakwood low chairs, 1 small chair, 3 teakwood round teapoy, 1 ditto stand, 1 porcelain flower vase, 2 teakwood cushioned settees, 4 ditto cushioned armchairs, 2 ditto cushioned chairs, 1 ebony teapoy, 4 nickel flower vases, 1 clock with glass case, 2 brass flower vases with stands, 2 teakwood corner whatnots, 4 aluminium flower vases, 1 teakwood cushioned couch, 4 teakwood cushioned chairs, 1 ditto teapoy, 1 teakwood armchair, 1 teakwood writing table, 1 ditto glass almirah, 1 ditto box, 1 ditto screen, 1 ditto cushioned settee, 2 ditto corner chairs, 1 oval teapoy, 1 show case (black), 1 gramophone with cabinet, 1 nadun cabinet, 1 wall clock, 1 Galle Gymkhana cup, 1 Abeysundara cup, 1 flower pot stand (silver colour), 1 dish (silver colour), 8 small flower vases (silver colour), 4 nadun chairs, 1 jak almirah, 1 jak toilet table, 2 teakwood loungers, 1 ditto round lounge, 1 ditto almirah fixed with mirror, 1 ditto table, 1 ditto sideboard fixed with mirror, 1 teakwood glass almirah, 1 ditto cabinet

1 jak stand, 1 teakwood dining table, 2 ditto arm chairs, 6 ditto chairs, 1 jak ice box, 1 teakwood whatnot with marble top, 1 ditto table with marble top, 1 ditto almiraux fixed with mirror, 1 ditto writing table, 1 jak almiraux fixed with mirror, 1 iron safe, 10 teakwood flower pots, 6 flower pot stands (marble), 15 pots with flower plants.

Fiscal's Office,
Colombo, September 30, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

Doctor Walter Gerald Wickramasinghe of Kalutara Plaintiff.
No. 7,057. Vs.

(1) Kalupahanage Baba Nona of Bope in the Meda pattu of Hewagama korale, (2) Dewamullage Sophia Perera, wife of (3) Samarage Don Abraham Jayasundera, both of Attygala, (4) Dewamullage Podi Nona Perera, wife of (5) Atukorallage Don Subaneris also called Boodi Appu, both of Wewala in Kumbuke pattu of Raigam korale, (6) Dewamullage Leisa Perera, wife of (7) Don Bartholomeusz Gunaratne Jayatilleke, both of Kumbukulla, (8) Dewamullage Cornelis Perera of Bope aforesaid. Defendants.

NOTICE is hereby given that on Wednesday, November 3, 1937, at 3 p.m., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 2,228 dated February 10, 1934, attested by D. E. Wanigasooriya, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 19, 1937, for the recovery of the sum of Rs. 1,488, with interest on Rs. 1,000, at 16 per cent. per annum from June 15, 1937, up to June 18, 1937, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, interest on the aggregate limited to 2 years from date of decree or till payment in full whichever is shorter and costs of this action, viz. :—

All that divided portion marked lot F in plan No. 172 dated January 25, 1933, made by A. P. A. Perera, Licensed Surveyor, from and out of the land called Rukattanagahawatta bearing assessment Nos. 216/135, 217/134, 218/133A, and 219/133, situated at Nugegoda, within the Urban District Council of Kotte, in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; which said lot F is bounded on the north by Malwattagewatta of Nonnohamy and others, on the east by lot G, on the south by lot K, and on the west by lots E and C; containing in extent 3 roods and 11 perches, and registered in M 345/233.

Fiscal's Office,
Colombo, September 29, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

Juliet Weerasinghe of Silversmith street in Colombo Plaintiff.
No. 50,543. Vs.

(1) Mahabaduge Juwan Damasena Fernando, (2) Hettikandage Maria Empragina Nonis, husband and wife, both of Moratumulla in Moratuwa, (3) W. Robert Fernando of the Match Factory, Korallawella, in Moratuwa, legal representative of the estate of the above-named 1st and 2nd defendants, deceased. Defendants.

NOTICE is hereby given that on Thursday, November 4, 1937, at 3 p.m., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 614 dated May 2, 1930, and attested by G. E. G. Weerasinghe, 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 May 11, 1937, for the recovery of the sum of Rs. 1,067, with interest on Rs. 3,000 at 15 per cent. per annum from January 1, 1933, till December 11, 1936, and thereafter legal interest on the aggregate amount of the decree till payment in full, viz. :—

All that divided portion of land marked letter A called Madangahawatta, with the buildings, trees, and plantations standing thereon, situated at Korallawella in Moratuwa in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; which said portion marked A is bounded on the north by the property of Sam Silva, on the east by lot B of the same land of S. Allis Fernando, on the south by the properties of the heirs of Pedro Fernando and the property of Jeramias Perera, and on the west by the property of Sam Silva; containing in extent 1 rood and 1 85/100 perches according to the survey plan

bearing No. 1,259A dated April 27, 1930, made by H. W. Fernando, Licensed Surveyor and Leveller, which said premises are a divided portion of an allotment of land called Madangahawatta marked lot A, with the buildings, trees, and plantations standing thereon, situated at Korallawella in Moratuwa aforesaid; and bounded on the north by the property of W. Anthony Fernando and K. Anthony Fernando, on the east by a portion of this land marked lot B, on the south by the property of L. Juan Silva, and on the west by the property of M. Haramanis Mendis; containing in extent within these boundaries about 1 rood and 32 8/100 perches according to the survey plan No. 1,313 dated May 20, 1907, and made by H. William Fernando, Licensed Surveyor, but excluding therefrom a strip of land towards the east 96 feet from north to south in length and 36 feet from east to west in breadth, which said premises are held by the 1st and 2nd defendants under and by virtue of deed bearing No. 613 dated May 2, 1930, attested by G. E. G. Weerasinghe of Colombo, Notary Public. Prior registration M 313/132.

Fiscal's Office,
Colombo, September 29, 1937.

J. R. TOUSSAINT,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Vana Pana Lana Vana Valliappa Chettiyar of 3, Ambegamuwa road, Gampola Plaintiff.
No. 43,957. Vs.

Kottawagamage Edward de Silva of Hapugastenne estate in Pasbage korale of Udapalata Defendant.

NOTICE is hereby given that on Wednesday, October 27, 1937, commencing at 12 noon will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 30,484 dated May 16, 1931, and attested by Mr. J. W. Wickramasinghe of Kandy, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 26, 1937, for the recovery of the sum of Rs. 49,000, with interest thereon at 18 per cent. per annum from July 15, 1931, up to July 15, 1933, amounting to Rs. 18,665.50 as prayed for aggregating to Rs. 65,165.50, with further interest on Rs. 47,000 from July 16, 1933, up to November 26, 1935, at the aforesaid rate and thereafter legal interest on the aggregate amount till payment in full and poundage, viz. :—

All that estate now called and known as Hapugastenne comprising the following allotments of land numbered 1 to 27 inclusive which adjoin each other and from their situation as respects each other can be included in one survey :—

(1) The land called Arambagawawatta, situate at Arambegama in Pasbage korale in Uda Bulatgama in the District of Kandy, Central Province of the Island of Ceylon; and bounded on the east by the limit of the garden of Nicholas Fernando, south by the limit of the garden of Andiris Appu, west by the Galweta and the garden of Andiris Appu, and north by the limit of the garden of Thomas Silva; containing in extent 4 kurunies of paddy sowing.

(2) The divided southern 1 amunam of paddy sowing extent (out of the 2 amunams paddy sowing) of Bogahawatta, situate at Pallegama in Pasbage korale aforesaid; and bounded on the east by the ditch of Arappallewatta, south by ela of Kalanchiyadeniya, west by high road and the limit of Agalakotuwa, and north by the remaining portion of this land.

(3) The land called Andagalahena (now garden), situate at Pallegama aforesaid; and bounded on the east by galweta, south by limit of the garden of Thoronis de Silva, west by the railway road, and north by the garden of Thoronis de Silva; containing in extent 2 pelas paddy sowing.

(4) The land called Sellappugewatta, situate at Pallegama aforesaid; bounded on the east by the field of Menika, field of H. D. Silva now Golu Thamby's field, south by Menika's garden now Thoronis Silva's land, west by the land of Dewala temple or the land of Thoronis Silva, and north by the limit of Dewala or the land of Thoronis Silva; containing in extent 1 acre and 15 44/100 perches as per survey No. 704 in favour of Herodias de Silva.

(5) The land called Nagahaliyaddevatta, situate at Pallegama aforesaid; and bounded on the east by Andagalekumbura, south by the land of Hapugastenne, west by footpath, and north by Parangiye-oya; containing in extent 1 amunam paddy sowing.

(6) A portion of 5 pelas paddy sowing extent on the western side of the high road out of the southern half of Dangahahenewatta of about 3 amunams paddy sowing

extent, situate at Pallegama aforesaid; the said portion of 5 pelas in paddy sowing extent being bounded on the east by the high road, south by the land called Hapugastenna, west by land belonging to the Crown, and north by the remaining portion of this land.

(7) The land called Wellakosgahamulahena (now garden), situate at Pallegama aforesaid; bounded on the east by Mahaweli-ganga, south by galwetiya, west by railway road leading from Colombo to Neelagiriya, and north by the ditch and Diyakolaya of the limit of hena of Japahugehena; containing in extent 1 amunam paddy sowing.

(8) All those lands called Hapugastennebogahamulawatta and Diyawalumulewatta, all adjoining each other and forming one property, situate at Pallegama aforesaid; bounded on the north by the Crown land, north-east by the land owned by Agalakotuwegedara Appusingho, south-east by tea estate of Kottawagamage Don Thoronis de Silva and by the road, south by road leading to and from Gampola, and west by the land owned by Galkulunegedara Punchi Singho and by the half share of the land called Hapugastenna owned by the same person; containing in extent 6 acres and 26 perches.

(9) All that land called Andagalehena *alias* Wattedkettiya, situate at Pallegama aforesaid; bounded on the north by a portion of this land of the extent of 1 acre 2 roods and 21 perches owned by Mr. Mahawaduge Mathes Perera, east by Mahaweli-ganga, south by Parangiyameru-oya, and west by railway line; containing in extent 5 acres and 19 perches.

(10) The land called Dambagahamulawatta *alias* Gurulawatta, situate at Gurulala in Pasbage korale aforesaid; bounded on the north-east and south-east by the lands owned by the inhabitants, east by the railway line, and north-west by the high road; containing in extent 36 perches.

(11) All that land called Kahalgallehena now garden, situate at Pallegama aforesaid; bounded on the north and east by the land owned by Harmon Fernando, south-east by the high road, south by Parangiyamaru-oya, and west by Crown land; containing in extent 3 acres and 10 perches.

(12) The land called Pallagamaralagewatta, situated at Pallegama aforesaid; bounded on the north by land owned by Ranhamy, east by the land owned by Thoronis de Silva, south by Ramagekumbura, and west by the land owned by Don Thoronis de Silva; containing in extent 1 acre and 30 perches.

(13) An allotment of land called Gurulalawatta, situate at Pallegama aforesaid; bounded on the north by a portion owned by Haramon Fernando, east and south by high road, and west by the ditch of the land owned by Haramon Fernando; containing in extent east to west by 14 yards and north to south 15 yards.

(14) An undivided 1/5th share of Galamulahena now garden of about 2 amunams paddy sowing in extent, situate at Pallegama aforesaid; bounded on the east by galweta of Arambawatta, south by Galamulawatta, west by Mirukkangalamula-ella, and north by Meridemungallena.

(15) An undivided 1/5th share of Paiwattehena (now garden) of about 3 amunams paddy sowing extent, situate at Pallegama aforesaid; bounded on the east by Yakambemulakotuawetiya, south by the Mala-ela of Paiwattehena, west by Paiwattegalla and Ellenpalla, and north by kahata tree standing on the limit of Galamulahena.

(16) The land called Gallenamulahenawatta of about 1 amunam in paddy sowing extent, situate at Pallegama aforesaid; bounded on the east by Arambegahamulawatta, south by Gallenamulahena, west by Galkande, and north by garden of Andiris Kankanama.

(17) The land called Hapugastennewatta of 3 lahas in paddy sowing extent, situate at Pallegama aforesaid; bounded on the east by Madamekotuwa, south by Mahapara high road, west by the limit of the garden of Gunattana's watta, and north by Hapugastennewatta and Gunattana's garden.

(18) An undivided 1/2 share of the land called Ratnege-watta of about 2 amunams paddy sowing in extent, situate at Pallegama aforesaid; bounded on the east by iura, south by Arappallawatta, west by high road, and north by ela.

(19) An undivided 1/2 share of Daulkarayagewatta of about 1 pela paddy sowing in extent, situate at Pallegama aforesaid; and bounded on the east by Mahaweli-ganga, south by ditch agala, west by Pallegamayagewatta, and north by Pallegamayagekumbura.

(20) An undivided 1/2 share of the land called Kebellagollewatta of about 1 amunam paddy sowing in extent, situate at Pallegama aforesaid; bounded on the east by Pallegamayagewatta, south by ela, west by high road, and north by land of Hapugastenna and the land planted by Bastian.

(21) An undivided exact 1/2 share of Imbulumulatennawatta towards the southern direction of about 2 amunams paddy sowing extent, situate at Pallegama aforesaid; bounded on the east by Warakagahamulakotuwa, south

by gonna tree, and galwetiya of the land Seeralahitina-watta, west by galbenma of Agalkotuwehena, and north by limit of the chena belonging to Dingiri Appu called Imbulumulatenna.

(22) The land called Bogahamulawatta of 2 lahas paddy sowing extent, situate at Pallegama aforesaid; bounded on the east by Kapurala's garden, south by Kapurala's garden, west by Madamamulawatta, and north by the remaining portion of this land.

(23) An allotment of land called Hapugastennekopiawatta of 5 acres 2 roods and 3 perches in extent, situate at Pallegama aforesaid; and bounded on the north-east and east by land belonging to Ganegedara Punchirala Arachchila and Gunaetana, south by high road, south-west and west by land belonging to Ganegedara Punchirala Arachchila and others, and north by Crown land.

(24) The land called Paiwatta of 1 yolamunam (6 pelas) paddy sowing in extent, situate at Pallegama aforesaid; and bounded on the east by Koralayagewatta, south by mala-ela, west by Crown land, and north by Paiwatta belonging to Baba Appuhamy.

(25) An undivided 5th part of share of the land called Paiwatta of about 4 amunams in paddy sowing extent in the whole, situate at Pallegama aforesaid; and bounded on the east by the stone fence of Hapugastenne Arachchila's land, south by Kopiawatta belonging to Appuhamy, and north by Meeneedemugallena, and west by the large stone called Paiwattegala.

(26) The land called Meeruppewatta of about 1 amunam paddy sowing extent in the whole, situate at Pallegama aforesaid; and bounded on the east by high road and ditch, south by the garden belonging to Upasakarala, west by bank of Koralayagewatta, and north by paddy field.

(27) An allotment of land called Kovilheenne and Paiwattepatana, situate at Pallegama aforesaid; and bounded on the north by lot 1402 in P. P. 6,366, west by lots 1402 and 1409 in P. P. 6,366, lands claimed by natives and Mr. Dawbarn, reservation along the stream and a path, south by lot 1400 in P. P. 6,366, and west by lots 1400, 1403, and 1402 in P. P. 6,366; containing in extent 11 acres 3 roods and 25 perches.

(28) All that divided western portion above the road out of the northern half share of the land called Dangaha-heenne-watta of about 4 amunams paddy sowing extent in the whole, situate at Pallegama aforesaid; and which said divided western portion containing in extent about 6 pelas paddy sowing and is bounded on the east by high road, south by the remaining portion of this land, west by Crown land, and north by the hena now containing in extent as per survey plan made by F. N. Kalenberg, Licensed Surveyor, 3 acres and 3 roods.

(29) All that divided southern 1/2 share in and out of all that land called Hapugastennehena now garden of 2 amunams and 2 pelas paddy sowing in extent in the whole, situate at Pallegama aforesaid; and which said divided southern 1/2 share contains in extent 3 pelas paddy sowing and is bounded on the east by high road leading to Nawalapitiya, south by Andiris Kankanama's land, west by the Crown land, and north by the remaining portion of this land and which said divided southern 1/2 share is according to plan dated November 7, 1917, and made by F. N. Kalenberg, Licensed Surveyor, bounded on the east by remaining portion, south by Hapugastenne-watta, west by Hapugastenne-watta, and north by Crown land; and containing in extent according to the said plan 2 acres 1 rood and 32 perches.

(30) All that land called Arambegamagedarawatta Medakotuwe, in extent about 2 pelas paddy sowing, situate at Pallegama aforesaid; and bounded on the north, east, and south by lands belonging to Kottawagamage Thoronis de Silva, and west by Andangoda estate.

(31) An undivided half part or share of and in all that land called Arambegamawatta, in extent about 2 pelas paddy sowing, situate at Pallegama aforesaid; and bounded on the north by Arambe, east by stone fence of the field, south by the garden of Hamiya and Koralegedarawatta, and west by Agalakotuawatta.

(32) All that divided southern portion in extent 1 acre of and in all that land called Illuktennehenena (now garden), in extent 3 acres and 9 perches, situate at Pallegama aforesaid; and which said divided southern portion in extent 1 acre is bounded on the east by the land owned by Andiris Kankany and presently owned by C. C. T. de Silva Appuhamy, south by Bala Appu's land, west by Mudalihamy's land and Hapugastenne, and north by the remaining portion of this land belonging to C. C. T. de Silva Appuhamy, together with all the buildings, plantations, and every other things thereon presently existing on the aforesaid lands numbered above 1 to 32 inclusive and together with all the buildings, stores, and all the plantations which may be erected or effected as the case may be on the said land, premises, or any part thereon.

(33) An undivided half part or share towards the south in and out of all that land called Dimiyankosgahamulahena (now garden) of 2 amunams and 2 pelus paddy sowing extent in the whole, situate at Gurulaella in Pasbage korale aforesaid; and which said entire land is bounded on the east by Mahaweli-ganga, south by diyakola tree and Agalakone Kudugala, west by old road and dawata tree, and north by the land belonging to the railway.

(34) All that land called Hapugastennewatta, situate at Pallegama aforesaid; and bounded on the east by kitul tree and mango tree, south by high road, west by drain, and north by ditch; containing in extent as per figure of survey dated August 11, 1916, and made by F.N. Kalenberg, Licensed Surveyor, 1 rood and $7\frac{1}{2}$ perches, and registered in L 34/124, 151, 34/40, 35/109, 34/186, 187 35/110, and 111 and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,
Kandy, September 11, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy:

Muna Pena Reena Ana Periya Caruppen Chettiyar of
Pussellawa Plaintiff.

No. 46,463. Vs.

(1) Maligawattegedara *alias* Ratnayake Mudiyansele
Siyatu of Dunukewela in Kandukara Ihala korale
of Udalapata, (2) Illukpitiyegedara Rammenika of
Dunukewela, (3) Ratnayake Mudiyansele Dingiri
Menika, (4) ditto Ukku Menika, all of Dunuke-
wela Defendants.

NOTICE is hereby given that on Saturday, October 23, 1937, at 12 noon, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 79 dated May 13, 1925, and attested by G. W. de Silva of Gampola, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 31, 1937; for the recovery of the sum of Rs. 6,600, with interest on Rs. 5,000 at 9 per cent. per annum from May 1, 1925, till August 26, 1935, and thereafter legal interest on the aggregate amount from August 26, 1935, till payment in full and poundage, viz. :—

1. All that land called Kandekumbura *alias* Gadakumbura of 15 lahas paddy sowing in extent, situate at Dunukeulla in Kandukara Ihala korale of Udalapata in the District of Kandy, Central Province; bounded on the east by Kandekumbura Kandetta, south by road and Weilla, west by Heneyekumbura Goda Weilla and Kamatweilla, and north by Paduwekumbura Kandetta Weilla, together with the house and everything thereon.

2. All that field called Kandayakumbura *alias* Kandekumbura of 2 pelus and $2\frac{1}{2}$ lahas paddy sowing in extent, situate at Dunukeulla aforesaid; and bounded on the east by the liminary dam of Medakumbura, south by liminary dam of the portion of field sold to Marasindenye Banda, west by limit of Peragolle Appugekumbura, and north by liminary dam of Paduwagekumbura.

3. All that Darande portion in extent 2 pelus paddy sowing from and out of the field called Kandekumbura of 1 amunam paddy sowing in extent, situate at Dunukeulla aforesaid; and which said Darande portion in extent 2 pelus paddy sowing is bounded on the east by liminary dam of Medakumbura, south by Medagewatta, west by the limit of the remaining portion of the same land, and north by Paduwekumbura.

4. All that field called Paduwekumbura of 2 pelus paddy sowing in extent, situate at Dunukeulla aforesaid; and bounded on the east by Medakumbura Weilla, south by Kandayekumbura Weilla, west by maha iura below the kamata, and north by Mulwakkada Weilla of the remaining portion of this field.

5. All that field called Henayakumbura and the high land of 3 pelus paddy sowing in extent, situate at Dunukeulla aforesaid; and bounded on the east by the ditch of Medagederawatta, south by limit of Palloewitakumbura, west by Ela Weilla, and north by Mulwakkada of Paduwekumbura; containing in extent 1 acre 1 rood and 8 perches.

6. All that field called Udamulwakkadakumbura of 2 pelus paddy sowing in extent, situate at Dunukeulla aforesaid; and bounded on the east by the liminary dam of Paduwekumbura, south by the liminary dam of Henayakumbura, west by iura and water-course, and north by the liminary dam of Mudalihamyekumbura.

7. All that field called Darandekumbura of 2 pelus paddy sowing in extent and appertenant high land of 2

amunams and 2 pelus paddy sowing in extent, situate at Dunukeulla aforesaid; and bounded on the east by the ditch and Hinguruwetiya, south by Hinguruwetiya Themis Appuge Kumburaimaweilla and the limit of Mapiitagama-yagewatta, west by coffee fence of Simon's garden, and north by the stone fence of Siyatuagewatta and imaweilla of Punchirale Vedarallege Mahakumbura.

8. An undivided $\frac{1}{2}$ share of 2 pelus paddy sowing in extent from and out of Medakumbura of 1 amunam paddy sowing in extent, situate at Dunukeulla aforesaid; and which said entire land is bounded on the east by Milalagahakumbura, south by the limit of Kandekumbura, west by the liminary dam of Paduwekumbura, and north by Elaiura.

9. All that field called Asweddumekumbura of 1 pela paddy sowing in extent, situate at Udagama in Atabage in Kandukara Ihala korale aforesaid; and bounded on the east by the ditch, south by imaweilla of Asweddumekumbura belonging to Sirimala Maha Duraya, west by limit of Asweddumekumbura belonging to Angara Kumbura Veda, and north by Madugahawattawetiya and ditch.

10. All that land called Egodahawatta of 1 pela paddy sowing in extent, situate at Dunukeulla aforesaid; and bounded on the east by the bank of Pussellekumbura, south by Mudalihamigewattawetiya, west by the ditch, and north by the ditch.

11. All that land called Karawalagalamulahena of 2 pelus paddy sowing in extent, situate at Dunukeulla aforesaid; and bounded on the east by 3 feet road, south by dry stream, west by naya or stone, and north by dry stream.

12. All that land called Asweddumewatta of 3 pelus paddy sowing extent, situate at Udagama aforesaid; and bounded on the east by 3 feet road, south by the ditch, west by Dematagaha and the ditch, and north by paragaha tree and stone.

13. All that northern half share in extent $7\frac{1}{2}$ lahas paddy sowing from and out of all that land called Owitewatta of 15 lahas paddy sowing extent, situate at Dunukeulla aforesaid; and which said northern half share in extent $7\frac{1}{2}$ lahas paddy sowing is bounded on the east by the ditch of Vedaralagewatta, south by the remaining portion of this land, west by the bank of Pussellekumbura, and north by jak tree and kekuna tree.

14. An undivided $\frac{1}{2}$ share towards the middle from and out of all that land called Gederawatta of 12 lahas paddy sowing in extent, situate at Dunukeulla aforesaid; and which said entire land is bounded on the east by the stone fence of Medagederawatta, south by jak tree of Handuralagewatta and Gorokgaha, west by road and the ditch, and north by water-course.

15. All those undivided $\frac{3}{12}$ parts or shares of all that southern portion in extent about 1 pela paddy sowing from and out of all those contiguous fields called Pussellekumbura of 3 pelus paddy sowing extent and Maligakumbura of 1 pela paddy sowing extent now forming one property, situate at Dunukeulla aforesaid; and which said southern portion in extent 1 pela paddy sowing is bounded on the east by bank, south by bank of Amuhewatta; west by Elaiura, and north by the remaining portion of this land.

16. All those undivided $\frac{3}{12}$ parts or shares of all that land called Asweddumewatta and of the field and plantations standing thereon, situate at Atabage Udagama in Kandukara Ihala korale aforesaid; and which said entire land is bounded on the north-east and north by a road, south-east by the land described in plan No. 110,144, south by burial ground, west by Asweddumekumbura and Asweddumewatta, and north by Asweddumehena; containing in extent 2 acres 3 roods and 10 perches.

17. All those undivided $\frac{3}{12}$ parts or shares of all that land called Wewuliaddekumburewanata and of the trees and plantations standing thereon, situate at Atabage Udagama aforesaid; and which said entire land is bounded on the east by ditch and demata tree, south by the limit of Asweddumekumbura, west by ella, and north by the stone fence of Madugahawatta; containing in extent about 5 lahas paddy sowing extent.

18. All those undivided $\frac{3}{12}$ parts or shares of the land called Madugahawatta and of the trees and plantations standing thereon, situate at Atabage Udagama aforesaid; and which said entire land is bounded on the east by the limit of Paragahamulakotuwa, south by Wewuliaddekumbura, west by Asweddumekumbura, and north by ela; containing in extent about 5 lahas paddy sowing.

19. All those undivided $\frac{3}{12}$ parts or shares of all that southern portion from and out of the land called Kanategederawatta and of the trees and plantations standing thereon, situate at Atabage Udagama aforesaid; and which said southern portion is bounded on the east by the ditch, south by Mala-ela of Emani's land, west by the liminary ridge of Kamategederakumbura, and north by the limit of the remaining portion of this land; containing in extent about 2 pelus paddy sowing.

20. All those undivided 3/12 parts or shares of all that land called Paragahakotuwa and of the trees and plantations standing thereon, situate at Atabage Udagama aforesaid; and which said entire land is bounded on the east by a road, south by Crown land, west by Crown land and the land claimed by Juwan Appu and others, and north by a water-course; containing in extent 1 acre and 2 roods and all the right, title, interest, and claim whatsoever of the defendants in, to, upon, or out of the said several premises mortgaged by the 1st defendant.

Fiscal's Office,
Kandy, September 27, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Uduwerelle Herat Mudiyansele Appuhamy of
Unambuwe in Gangapahala korale, Udapalata. Plaintiff.
No. 47,260. ⁴⁹ Vs.

Dissanayake Mudiyansele Gamagedara Heen Banda
of Iriyagama in Gangapalata of Yatinuwara. Defendant.

NOTICE is hereby given that on Saturday, October 23, 1937, commencing at 2 p.m., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 25,642 dated February 7, 1929, and attested by J. W. Mangantilleke of Kandy, Notary Public, and declared specially bound and executable under the decree entered in the above action, and ordered to be sold by the order of court dated September 16, 1936, for the recovery of the sum of Rs. 1,800, with interest thereon at 9 per cent. per annum from this date till payment in full and poundage, viz. :—

1. An undivided $\frac{1}{2}$ share from and out of all that contiguous allotment of land and of the plantations and everything thereon comprising the lots called Waraka-kosgahamulahena presently tea garden of 2 pelas paddy sowing, adjoining one another together containing 3 pelas paddy sowing in extent, situate at Godagandeniya in Gangapalata in Yatinuwara in the District of Kandy, Central Province; and bounded on the east by the stone fence of Galkotiwewatta and the stone fence of Loolkadagederawatta, south by the ditch of Godagandeniya Arachchi's hena, west by the village limit of Edanduwawe, and north by the limit of Maligawehena.

2. All that southern portion in extent 2 pelas paddy sowing from and out of the field called Henepoladeniyekumbura of 3 pelas paddy sowing in extent, situate at Iriyagama in Gangapalata aforesaid; which said southern 2 pelas paddy sowing extent is bounded on the east by Henepoladeniyewatta and Kurukudewatta, south by the limit of Gederakumbura, west by the bank and north by the limitary ridge separating the remaining portion of this field, together with everything appertaining thereto, and registered in B 107/38 and 67/204, and all the right, title, interest, and claim whatsoever of the defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,
Kandy, September 24, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Nana Rawanna Mana Ana Annamalay Chettiyar,
by his attorney M. Vedivela of Dikoya. Plaintiff.
No. 47,568. ³⁹ Vs.

T. Abdul Hassan of 145, Kahatapitiya, in Gampola,
legal representative of the estate of Gurunne-
halagedara Ahamadu Lobbe Thamy
Lebbe, deceased. Defendant.

NOTICE is hereby given that on Tuesday, October 26, 1937, at 12 noon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 1,099 dated December 25, 1933, and attested by J. A. Aiyadurai of Hatton 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 May 4, 1937, for the recovery of the sum of Rs. 2,963.50, with further interest on Rs. 2,275 at 12 per cent. per annum from May 16, 1936, till November 10, 1936, and thereafter legal interest on the aggregate amount till payment in full and costs taxed at Rs. 214.55 and poundage, viz. :—

All that divided southern portion of about 5 lahas paddy sowing extent in and out of all that land called Arambegederawatta of about 2 pelas paddy sowing extent in the whole, situate at Kahatapitiya in Gangapahala korale of Udapalata, Kandy District, Central Province; and which said divided southern portion is bounded on the east by the fence of the land belonging to Cassie Lobbe Sleima Lobbe,

south by the fence of the lands belonging to Lebbe Kandu and Abdul Rahiman Lebbe, west by high road leading to Kandy, and on the north by the remaining portion of this land, together with all the buildings thereon, and registered in D 123/192 and all the right, title, interest, and claim whatsoever of the said defendant, as legal representative of the estate of Gurunnehalagedara Tamby Lebbe, deceased, in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,
Kandy, September 24, 1937.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Nuwara Eliya.

G. S. V. Piyatilaka & Brothers of Nuwara Eliya. Plaintiffs.
No. 1,730. Vs.

A. Diacono of the Mary Hill Hotel, Nuwara
Eliya. Defendant.

NOTICE is hereby given that on Tuesday, October 26, 1937, commencing at 2 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. 1,459.19, with legal interest thereon from July 26, 1934, till payment in full, Rs. 139.75 being taxed costs and poundage, viz. :—

An undivided 1/7 share of all that house, buildings, and grounds formerly called and known as Jaffer Villa, and now as Mary Hill standing on all those two contiguous allotments of land forming one property and which from their situation as regards each other can be included in one survey, to wit :—

(a) All that allotment of land containing in extent 2 acres, 2 roods and 30 perches, situated in Nuwara Eliya town, within the Four Gravets of Nuwara Eliya, in the District of Nuwara Eliya, Central Province, in the Island of Ceylon; and bounded on the north and north-east by land described in plan No. 153,992, on the east and south-east by Crown land, on the south by a reservation along the high road, on the south-west by a road according to the plan dated July 23, 1903, made by J. H. Senanayaka, Surveyor, and registered in the Kandy District Land Registry Office under title 013/35.

(b) An undivided 1/7 share of all that allotment of land containing in extent 3 acres and 38 perches, bearing lot No. 12849, situated in Nuwara Eliya town, within the Four Gravets of Nuwara Eliya, in the District of Nuwara Eliya aforesaid; bounded on the north by title plan No. 177,352, on the east by the title plan No. 153,992, and lot bearing No. 12,835 in title plan No. 4,757, on the south by lots bearing Nos. 12851 and 12850 in title plan No. 4,757, land claimed by Mrs. C. S. Agar and a path, and on the west by reservation along the road according to the plan No. 201,691 dated November 12, 1902, authenticated by F. H. Grinlinton, Surveyor-General, and registered in the said Land Registry Office under title 014/170.

At 3.30 p.m.

2. An undivided 1/7 share of all those contiguous portions of land marked B and B1, the portion marked B being part of the land appearing in plan attached to deed No. 722 dated January 31, 1911, and attested by H. Creasy, Colombo, Notary Public, and the portion marked B1 being a part of the land depicted in T. P. No. 189,064 attached to deed No. 4,798 dated September 13, 1910, and attested by R. F. de Saram of Colombo, Notary Public, situated in the town of Nuwara Eliya in the District of Nuwara Eliya, Central Province; bounded on the north by the reservation along the road, on the east by a reservation along the road from Badulla to Kandy, on the south by the Board of Improvement drain, and on the west by the road marked C-D in the plan No. 2,396 dated March 23, 1931, and made by H. G. Dias, Licensed Surveyor and Leveller; containing in extent 1 acre and 35 perches according to the said plan No. 2,396, together with the full and free right of way over the road marked (C-D) depicted in the said plan No. 2,396 leading from the road forming the northern boundary to the road leading from Badulla to Kandy.

The same properties have been seized under D. C., Nuwara Eliya, writ No. 1,739 also.

J. W. H. O'REGAN,
Additional Deputy Fiscal.

Deputy Fiscal's Office,
Nuwara Eliya, September 22, 1937.

Southern Province.

In the District Court of Galle.

(1) Sellakapu James de Silva and another of Ambalangoda Plaintiffs.

No. 28,220.

Vs.

(7) Santiapu Andiris Silva of Ambalangoda and others Defendants.

NOTICE is hereby given that on Thursday, October 28, 1937, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the defendants named below in the following property, viz. :—

1. *Against 7th, 33rd, and 31st defendants—Writ amount Rs. 334.45.*—An allotment of land called lot No. 1 of Juwanhewagederawatta, situated at Enderanulla in Wellaboda pattu of Galle District; and bounded on the north by Lindamulawatta, east by footpath, south by lots No. 2 and 5 of the same land, and west by Puwakwatta and Uswatta; and containing in extent 1 rood and 25 perches.

2. An allotment of land called lot No. 18 of the aforesaid land; and bounded on the north by lot No. 24 east by lot No. 17, south by Bigewela, and west by lot No. 19; and containing in extent about 10.5 perches.

3. *Against 8th, 9th, 10th, 58th, 59th, and 60th defendants—Writ amount Rs. 130.41, less Rs. 50 paid by 8th defendant.*—An allotment of land called lot No. 3 of the aforesaid land; and bounded on the north by lot No. 3A, east by lot No. 3B, south by footpath, and west by footpath; and containing in extent 16 perches.

4. *Against 3rd defendant—Writ amount Rs. 53.01.*—An undivided $\frac{1}{2}$ part of the land called lot No. 6 of the aforesaid land; and bounded on the north and west by lot No. 5, east by lot No. 5A, and south by footpath; and containing in extent 0.03 perches.

5. *Against 11th defendant—Writ amount Rs. 5.78.*—An allotment of land called lot No. 3D of the aforesaid land; and bounded on the north by lot 3A, east by lot 4A and 4, south by footpath, and west by lot 3c; and containing in extent 02.5 perches.

6. *Against 12th defendant—Writ amount Rs. 4.86.*—An allotment of land called lot No. 3c of the aforesaid land; and bounded on the north by lot No. 3A, east by lot No. 3b, south by footpath, and west by lot No. 3b; and containing in extent 02.5 perches.

7. *Against 13th defendant—Writ amount Rs. 4.86.*—An allotment of land called lot No. 3b of the aforesaid land; and bounded on the north by lot No. 3A, east by lot No. 3c, south by footpath, and west by lot No. 3; and containing in extent 02.5 perches.

8. *Against 5th defendant—Writ amount Rs. 31.60.*—An allotment of land called lot No. 8 of the aforesaid land; and bounded on the north by lot No. 7, east by Bigewela, south by lot No. 16, and west by path; and containing in extent 15.5 perches.

9. *Against 29th and 41st defendants—Writ amount Rs. 16.77.*—An allotment of land called lot No. 10 of the aforesaid land; and bounded on the north by lot No. 7, east by lot No. 11, south and west by footpath; and containing in extent 04 perches.

10. *Against 30th defendant—Writ amount Rs. 3.69.*—An undivided $\frac{1}{2}$ part of lot No. 11 of the aforesaid land; and bounded on the north by lot No. 7, east by lot No. 13, south by lot No. 24, and west by lot No. 10; and containing in extent .03 perches.

11. *Against 21st and 22nd defendants—Writ amount Rs. 2.43.*—An allotment of land called lot No. 12 of the aforesaid land; and bounded on the north by lot No. 7, east by lot No. 13, south by lot No. 24, and west by lot No. 11; and containing in extent .01 perches.

12. *Against 27th defendant—Writ amount Rs. 6.71.*—An undivided $\frac{1}{2}$ part of the land called lot No. 13 of the aforesaid land; and bounded on the north by lot No. 7, east by lot No. 14, south by lot No. 24, and west by lot No. 12; and containing in extent 1 perch.

13. *Against 52nd to 54th defendants—Writ amount Rs. 5.50.*—An undivided $\frac{3}{5}$ parts of the land called lot No. 14 of the aforesaid land; and bounded on the north by lot No. 7, east by lot No. 15, south by lot No. 24, and west by lot No. 13; and containing in extent 02.5 perches.

14. *Against 20th defendant—Writ amount Rs. 4.05 from 14th and 20th defendants.*—An undivided $\frac{1}{2}$ part of the land called lot No. 16 of the aforesaid land; and bounded on the north by lot No. 8, east by Bigewela, south and west by lot No. 17; and containing in extent 02.5 perches.

15. *Against 15th, 17th, 18th, and 19th defendants—Writ amount Rs. 5.84.*—An allotment of land called lot No. 22 of the aforesaid land; and bounded on the north by lot No. 24, east by lot No. 21, south by Bigewela, and west by lot No. 23; and containing in extent 03 perches.

Writ costs Rs. 27.90.

Fiscal's Office,
Galle, September 27, 1937.T. D. S. DHARMASENA,
Deputy Fiscal.

In the District Court of Galle.

T. K. Hewanamanthy of Unagaswela in Karandeniya Plaintiff.

No. 30,865.

Vs.

(1) Garumuni Robert de Zoysa of Garumuni Walawwa in Balapitiya (dead), (2) Garumuni Arthur de Zoysa of Fair Field Works, Union place, Colombo, appointed as legal representative of the estate of the original defendant Defendant,

NOTICE is hereby given that on Thursday, October 28, 1937, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. All the soil trees, and the rubber plantation standing on the land called Dangahawila Sakkugalawatta, situated at Karandeniya in Wellaboda pattu of Galle District; and bounded on the north by field belonging to Thomas Wijetunga and fields belonging to natives, east by field belonging to Punchihakuru Allis, south by Mumamalgahawatta, and west by field belonging to Punchihakuru Ado and others; and containing in extent about 5 acres.

2. All the soil, trees, and the cinnamon plantation standing on the land called Dangahawila-eia Addarawatta, situated at Karandeniya aforesaid; and bounded on the north by land once owned by Kaluwahakuru Adanis, east by field belonging to Thomas Wijetunga, south by field belonging to Thomis Wijetunga and land once owned by Kaluwahakuru Odanis, and west by land once owned by Kaluwahakuru Odanis; and containing in extent about 1 acre.

Writ amount Rs. 500, with legal interest from November 22, 1932, till payment in full and costs Rs. 132.75, plus Rs. 31.50, less Rs. 50.

Fiscal's Office,
Galle, September 27, 1937.T. D. S. DHARMASENA,
Deputy Fiscal.

In the District Court of Galle.

Dodanduwa Waduge Rosalind Wijetunga, presently of Nakiyadeniya Plaintiff.

No. 34,419.

Vs.

(1) Koththigoda Kankanange Igorns de Silva and two others of Narigama Defendants.

NOTICE is hereby given that on Saturday, October 23, 1937, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the following mortgaged property for the recovery of the sum of Rs. 1,185, with legal interest thereon from October 8, 1935, till payment in full and costs of suit, viz. :—

1. An undivided $\frac{2}{3}$ parts of all the soil and fruit trees of the land called Kottawatta, situated at Narigama in Wellaboda pattu of Galle District, Southern Province; and bounded on the north by Koggalagewatta, east by Muththettuwela, south and west by Divelwatta; and containing in extent about 2 $\frac{1}{2}$ acres.

2. An undivided $\frac{1}{4}$ plus $\frac{2}{3}$ ($\frac{1}{12}$ plus $\frac{1}{4}$ plus $\frac{1}{4}$ of $\frac{2}{3}$ of $\frac{2}{3}$) parts of all the soil and soil share trees, together with an undivided $\frac{2}{3}$ of $\frac{2}{3}$ parts of the planter's share of the third plantation on the western portion of this land and also an undivided $\frac{1}{2}$ plus $\frac{2}{3}$ of $\frac{1}{2}$ of the planter's share of the jak trees planted thereon by Kaluatchi Louis and also an undivided $\frac{2}{3}$ of the planter's share of the plantation made thereon by Koththigoda Kankanange Aberan alias Abera of the land called Mahawatta, situated at Narigama aforesaid; and bounded on the north and south by Mahapela-watta, east by field, and west by Lokugewatta; and containing in extent about 3 acres.

Fiscal's Office,
Galle, September 27, 1937.T. D. S. DHARMASENA,
Deputy Fiscal.

23/ In the District Court of Galle.
Peduruhewa Janis de Silva of Batapola Plaintiff.
No. 35,558. Vs.

A. G. Sirimane, Balapitiya Defendant.

NOTICE is hereby given that on Saturday, October 30, 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. :-

The defendant's leasehold interests of the allotment of land called Uskellunagodakelle, situated at Batukanatte village in Bentota, Walallawiti Korale; and bounded on the north by T. P. 85,244, east by reservation along road and T. P. 87,795, south by T. P. 87,795 and reservation along the road, and west by Uskellunagodakelle said to be Crown and T. P. 85,244; and containing in extent 11 acres 3 roods and 30 perches.

Writ amount Rs. 2,000, with interest at the rate of 18 per cent. per annum from January 12, 1937, till March 4, 1937, and thereafter legal interest on the aggregate amount in full and costs Rs. 73.92.

Fiscal's Office, T. D. S. DHARMASENA,
Galle, September 22, 1937. Deputy Fiscal.

23/ In the District Court of Galle.
A. D. Jayasundera of Galle Plaintiff.
No. 35,634. Vs.

D. D. Gunasekara, M.S.C., Diyatalawa Defendant.

NOTICE is hereby given that on Saturday, October 23, 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 undivided $\frac{1}{2}$ part of the house and premises bearing old No. 9 and new No. 1, situated at Chando street in the East of Galle, within the Municipality and the Four Gravets of Galle in the Galle District of the Southern Province; bounded on the north by Chando street, east by house and premises belonging to Mr. Harmanis de Silva, south by another house, and on the west by the house and premises No. 2, Chando street; and containing in extent 16 square perches and 36 square feet.

Writ amount Rs. 1,127.56 and further interest on Rs. 1,000 at 12 per cent. per annum from February 12, 1937, to April 30, 1937, and thereafter with legal interest on the aggregate.

Fiscal's Office, T. D. S. DHARMASENA,
Galle, September 28, 1937. Deputy Fiscal.

In the District Court of Colombo.

Mrs. A. G. Jane Nona, administratrix of the estate of
A. G. D. de Silva of Galle, deceased Plaintiff.
No. 46,094. Vs.

A. G. David, presently of The Oriental Tea Stores,
Fourth Cross street, Colombo, c/o Poloris de Costa,
Nawala, Rajagiriya Defendant.

NOTICE is hereby given that on Saturday, October 23, 1937, at 2 o'clock in the afternoon, will be sold by public auction the right, title, and interest of the said defendant in the following property, viz. :-

1. All that defined lot No. 6 of the land called Kurundu-watta, situated at Godakanda or Chuvitille, west of the Four Gravets of Galle; and bounded on the north by Udumulle-kumbura, east by land bearing Nos. 20049 and 200051, sold by Crown, south by lot No. 7 of this land, and west by lot No. 5 of this land, and south-west by Mahawelakumbura; containing in extent 5 acres and 17 perches.

2. All that undivided $\frac{1}{2}$ part of the land called Pattini-gewatta, situated at Uluvitike or Godakanda aforesaid; and bounded on the north by Heen-ela, south by field called Linda-addarakumbura, east by Godawatta, and west by Punchilokuappugewatta; containing in extent 8 acres.

3. All that defined lot No. 3 of the land called Kopiwatta, alias Miriswatta, situated at Godakanda and Uluvitike aforesaid; and bounded on the north by lot No. 2 allotted to M. K. Edwin, east by Mahawela, south by lot No. 4 allotted to N. P. N. Hendrick, and west by field belonging to K. Isaan and others or the field of Mr. Wickremanayake; containing in extent 1 acre 3 roods and 32 perches.

4. All that undivided $\frac{2}{5}$ share of the soil and trees and exclusive of the planter's share of the plantation standing thereon of the land called Ketakalagahawatta, alias Adappaduwwewatta, situated at Godakanda, within the Four Gravets of Galle, Galle District aforesaid; and bounded on the north and east by the land belonging to

K. Jssanappu, south by Kurunduwatta-addarakumbura, and on the west by the field belonging to Paskalage Siman; and containing in extent about 5 acres. A 182/87.

5. All that undivided $\frac{1}{8}$ part of the soil and trees of the land called Managewatta, situated at Uluvitike, within the Four Gravets aforesaid; and bounded on the north by Meepawalawatta, east by Godawatta, south by Heen-ela, and on the west by Pottanigewatta; containing in extent about 2 acres, and registered in the Land Registry Office under A 150/75 and 206/58.

On Tuesday, October 26, 1937, at 2 o'clock in the afternoon.

6. The northern half portion of the land called Puja-kandewatta, situated at Katukurunda in Talpe pattu of Galle District, Southern Province; and bounded on the north and east by Wetakeiya, on the south by the other defined portion of the same land, and on the west by Pahalaweligodaeatta; containing in extent about 2 acres, and registered in the Land Registry Office, Galle, under D 336/85 and 347/64.

7. All that defined lot No. 4 of Belikolapewatta, situated at Meepe Lanumodera in Talpe pattu of Galle District aforesaid; and bounded on the north by lot No. 3 of the same land, east by Halgahakumbura, south by lot No. 5 of the same land, and west by the road; containing in extent 35.2 perches, and registered in the Land Registry Office, Galle, under D 278/55.

Writ amount Rs. 11,664.16, together with interest thereon at 9 per cent. per annum from December 11, 1933, till payment in full.

Fiscal's Office, T. D. S. DHARMASENA,
Galle, September 27, 1937. Deputy Fiscal.

In the District Court of Tangalla.

In the matter of the intestate estate of the deceased,
Kodippila Hettiarachchige Don Nikulas Appuhamy of
Ihala Beligalla.

No. T 1,227.

(1) Kodippila Hetti Arachchige Don Cornelis Appu-hamy of Ihala Beligalla Respondent.

NOTICE is hereby given that on Saturday, October 23, 1937, 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 1st respondent in the following property for the recovery of Rs. 200 and postage, viz. :-

At Ihala Beligalla.

(1) Undivided $\frac{1}{2}$ share of the soil and fruit trees and of the 9 cubits tiled house standing thereon of the land called Godakadurugahawatta alias Mahagedara in extent about 4 acres, situated at Ihala Beligalla in West Giruwa pattu of the Hambantota District; and bounded on the north by Atnaga, east by Suriyawatta, south by Gansabapara, and west by Malamukuna alias dewata.

(2) Undivided $\frac{1}{2}$ share of the soil and fruit trees of the land called Mahagedarawatta alias Arachchigewatta and the 13 cubits tiled house standing thereon in extent about 3 acres, situated at Ihala Beligalla aforesaid; and bounded on the north by Ittegala, east by Batugahakoratuwa, south by dewata, and west by Pinkoratuwa.

(3) Undivided $\frac{1}{2}$ share of the soil and fruit trees and of the 7 cubits thatched house standing thereon of the land called Pahalakoratuwa in extent 6 seers of kurakkan, situated at Ihala Beligalla aforesaid; and bounded on the north by Wedagemahawatta alias Tantrigewatta, east by lot No. 2 bearing letter B and lot No. 3 bearing letter C, south by dewata, and west by Ruppewatta and Pinwatta.

(4) Undivided $\frac{1}{2}$ share of the soil and fruit trees of the land called Radagedeniya alias Kajjugahakoratuwa in extent 6 seers of kurakkan, situated at Ihala Beligalla aforesaid; and bounded on the north by Siyambalagedera, east by Maillukwatta, south by Gansaba road alias Pallekumbura, and west by Suriyawatta.

Deputy Fiscal's Office, P. D. WEERAMAN,
Tangalla, September 18, 1937. Additional Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Vallipuram Ponnampalam of Neervely Plaintiff.
No. 10,981. Vs.

(1) Suppiramaniakurukkal Sivakadacharakurukkal of
Kopay North, (2) Arumugam Chettiyar Saravana-
muttu Chettiyar of ditto Defendants.

NOTICE is hereby given that on Saturday, October 23, 1937, at 10 o'clock in the forenoon, will be sold by public

and Nelupodynilai, situated at Eruiyativuvely in Koddiyarpattu, Trincomalee District, Eastern Province, with all rights relating thereto; boundaries of the whole land are on the north by Panya-alavarai and Saththumalalavarai, east by Mathiripodinilai and Venthakaddualavarai, south by Perasadialavarai, and on the west by the field called Poomalaivedduchenai; in extent on the west 109 fathoms, on the south 206 fathoms, on the east 168 fathoms, and on the north 183 fathoms. Of this an undivided five-sixth share.

B. VRASPILLAI,

Deputy Fiscal's Office, Additional Deputy Fiscal.
Trincomalee, September 22, 1937.

Auction at the spot the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 2,020.85, with further interest thereon at 9 per cent. per annum from December 10, 1936, till payment in full, less Rs. 1,810, and ~~and~~ ^{and} charge, viz. :—

A piece of land situated at Kopay in Kopay parish, Valikamam East division of the Jaffna District, Northern Province, called Pandravaththilam, in extent 11½ lachams varagu culture, with palmyras, cultivated and spontaneous plants and the share of the spontaneous plants standing on the boundaries and the share of well lying on the eastern boundary is bounded on the east by Kanthan Velan and Sinnathamby Kathiravelan and shareholders, north by lane and bye-lane, west by bye-lane and Parupathamam, widow of Panchadchara Aiyer, and south by Vairavial, widow of Kathiran, and the property belonging to others.

This land is given as security to practice as Notary Public.

Movable Property.—(1) 4 jakwood almyras, (2) 1 peddakam, (3) 1 coffer box, (4) 1 small wooden box, (5) 1 trunk, (6) 1 wooden bed, (7) 1 lounge, (8) 2 tables, (9) 3 chairs, (10) 1 large bench, (11) 3 small benches, (12) 1 small almirah, (13) 1 wooden bed, (14) 2 palmyra pieces for water lever, (15) 40 old timber, (16) 1 manger.

Fiscal's Office,
Jaffna, September 28, 1937.

S. TURAIYAPPAH,
for Fiscal.

In the Court of Requests of Colombo.

Cargills, Limited, Colombo 30 Plaintiffs.

No. 27,282. Vs.

S. Vraspillai of the Land Registry, Colombo, and of Udahamulla, Nugegoda Defendant.

NOTICE is hereby given that on Saturday, October 23, 1937, at 3 P.M., will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 93.50, together with legal interest thereon from November 12, 1936, till payment in full and costs of suit, incurred Rs. 21.25 and prospective costs, order to bid and fees Rs. 2. Notice under section 219 and attachment Rs. 2, viz. :—

All those lands called Moopuwadi, containing palmyra, coconut, and domba trees, Illuppayaivedi and palmyra garden, Kolimuttainaripennai, situated at Veeyadipannu, Mannar West, Mannar division, Mannar District, Northern Province; containing in extent on the eastern side 360 yards, on the northern side 700 yards, on the western side 275 yards, and on the southern side 725 yards; and bounded on the east by the land of Soeni Meerasaibu Allapitchai and others, on the north by the land of Atchipillai, widow of Philippukuttie, and her co-owners and others and rail road, on the west by the road, and on the south by the land of Mohideen Thambyah Asana Lebbe and others and their appurtenances held and possessed by the defendant under deed No. 6,074 dated July 1, 1922, and attested by S. Anantham, Notary Public of Mannar, September 7, 1936.

Fiscal's Office, A. CELESTIN NALLIAH,
Mannar, September 24, 1937. Additional Deputy Fiscal.

Eastern Province.

In the District Court of Trincomalee.

Velupillai Thampar Vettivetpillai of Division No. 8, Trincomalee Plaintiff.

No. 2,084. Vs.

Abdul Hamid Abdul Munoob of Division No. 3, Trincomalee Defendant.

NOTICE is hereby given that on Saturday, October 23, 1937, at 11 o'clock in the forenoon, will be sold by public auction at the spot the following property mortgaged with the plaintiff by bond No. 277 dated July 11, 1935, and attested by Mr. E. Visviah of Trincomalee, Notary Public, and declared specially bound and executable under the decree entered in the above case and ordered to be sold by order of court dated September 3, 1937, for the recovery of the sum of Rs. 665.50, with interest on Rs. 550 at 18 per cent. per annum from September 15, 1936, till October 16, 1936, and thereafter at 9 per cent. per annum until payment in full and costs Rs. 126.80, Fiscal's fees and charges and poundage, viz. :—

An undivided half share of the three allotments of field forming one block called Nadualavarai Mookkupodynilai

and Nelupodynilai, situated at Eruiyativuvely in Koddiyarpattu, Trincomalee District, Eastern Province, with all rights relating thereto; boundaries of the whole land are on the north by Panya-alavarai and Saththumalalavarai, east by Mathiripodinilai and Venthakaddualavarai, south by Perasadialavarai, and on the west by the field called Poomalaivedduchenai; in extent on the west 109 fathoms, on the south 206 fathoms, on the east 168 fathoms, and on the north 183 fathoms. Of this an undivided five-sixth share.

B. VRASPILLAI,

Deputy Fiscal's Office, Additional Deputy Fiscal.
Trincomalee, September 22, 1937.

North-Western Province.

In the District Court of Colombo.

(1) Sydney George Alexander Julius, presently in England, (2) William Kevitt Smyth Hughes, presently in England, (3) Louisa Regina Boyd, (4) James Dorman, (5) William Fraser, (6) George Cameron, all care of Julius & Creasy, Colombo' Plaintiffs.

No. 1,461-G/6,730. Vs.

Alice Matilda Perera of Margaret Valley, Geliyoa, near Gampola, the person appointed under section 7 of the Ordinance 21 of 1927 to represent the estate of M. H. M. Aratchige James Perera Gunawardena, deceased Defendant.

NOTICE is hereby given that on Saturday, November 6, 1937, at 11 o'clock in the forenoon, will be sold by public auction at the premises all the estate, right, title, interest, property, claim, and demand whatsoever of the said defendant as person appointed under section 7 of Ordinance 21 of 1927 to represent the estate of M. A. J. Perera Gunawardena, deceased, of, in, to, upon, and out of the following premises mortgaged and hypothecated with the plaintiffs by bond No. 885 dated November 3, 1927, and attested by S. G. A. Julius of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated August 24, 1937, for the recovery of the sum of Rs. 23,595.25, ¼ payable to the 1st and 2nd plaintiffs, Rs. 14,747.03, ¼ payable to the 3rd plaintiff, Rs. 41,291.69, ¼ payable to the 4th plaintiff, Rs. 17,696.44 payable to the 5th plaintiff, Rs. 8,848.22 payable to the 6th plaintiff (aggregating in all to Rs. 106,178.64), with interest on the said respective sums at 9 per cent. per annum from the date of decree (April 26, 1937) till payment in full and taxed costs of suit Rs. 1,106.43 and poundage, viz. :—

Schedule.

All that and those estate, plantations, and premises called and known as Dammeda, together with the buildings, bungalows, machinery fixtures, furniture, tools, implements, cattle, and other the dead and live stock crops, produce, and appurtenances whatsoever to the said Dammeda estate belonging or in anywise appertaining and the full benefit and advantage of all insurances effected thereon and all estate, right, title, interest, property, claim, and demand whatsoever of the said defendant of, in, to, upon, or out of the said Dammeda estate comprising the following allotments of land, to wit :—

1. An allotment of land called Dammedewatta Wannagodayawatta, &c., in Pahala Badagamuwa and Narampola villages in Mahagalboda Megoda korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; and bounded as follows :—North by land claimed by natives, reservation along Badagamuwa-ela and lot L 1279 in P. P. 3,561, east by lot M 1279, N 1279, O 1279, and P 1279 in P. P. 3,561, and T. P. 97,838, south by reservation along the road lots 5, 3, 6, 1, 1A, 8, 9, and 21 in P. P. 1,370, reservation along the Badagamuwa-ela and lot V 1279 in P. P. 3,561, west by land claimed by natives and T. Ps. 115,765 and 115,760; containing in extent, exclusive of the road Badagamuwa-ela and stream and reservation on either sides of them passing through the land, a path and lot 2 in P. P. 1,370, 107 acres 2 roods and 33 perches. Registered in A 276/69 in the Kurunegala District Land Registry Office.

2. An allotment of land called Dammedawattahena, Dadakiriya-hena and Kosgahamulahena in Muwankandeniya and Pahala Badagamuwa villages in Mahagalboda Megoda korale aforesaid; and bounded as follows :—North by Crown land, lot 10965 in P. P. 2,373 and bund and land claimed by natives, east by T. P. 97,838, south by lots F 1279 and C 1279 in P. P. 3,561, west by land claimed by

natives; containing in extent 13 acres and 28 perches. Registered in A 333/192 in the Kurunegala District Land Registry Office.

3. An allotment of land called Kosgahamulahena in Pahala Badagamuwa village in Mahagalboda Megoda korale aforesaid; and bounded as follows:—North by lot F 1279 in P. P. 3,561, east by T. P. 97,838, west by lots J 1279 and F 1279 in P. P. 3,561; containing in extent 1 acre. Registered A 333/193 in the Kurunegala District Land Registry Office.

4. An allotment of land called Migahamulahena in Pahala Badagamuwa village, Mahagalboda Megoda korale aforesaid; and bounded as follows:—North and east by T. P. 97,838, south by lot K 1279 in P. P. 3,561, west by lot J 1279 in P. P. 3,561; containing in extent 1 rood and 36 perches. Registered in A 333/194 in the Kurunegala District Land Registry Office.

5. An allotment of land called Asweddume Kumburepitiya, Asweddumekumbura, and Asweddume Kumburepillewa in Muwankandeniya village, Mahagalboda Megoda korale aforesaid; and bounded as follows:—North by lot L 1279 in P. P. 3,561 and Crown land, east by Crown land and land claimed by Mr. H. St. C. Bowle Evans, south by a bund and lot L 1279 in P. P. 3,561, west by lot L 1,279 in P. P. 3,561; containing in extent 4 acres and 27 perches. Registered in A 333/195 in the Kurunegala District Land Registry Office.

6. An allotment of land called Dadagiriyaehena in Muwankandeniya village, Mahagalboda Megoda korale aforesaid; and bounded as follows:—North by lots X 94, W 94, and Z 94 in P. P. 4,416, east by a bund, and south by Dadagiriyaehena claimed by G. P. Perera and T. Ps. 270,667 and 271,510, west by Narampola-ela; containing in extent 3 roods and 12 perches. Registered A 333/196 in the Kurunegala District Land Registry Office.

Fiscal's Office, R. S. GOONESEKERA,
Kurunegala, September 28, 1937. Deputy Fiscal.

In the District Court of Colombo.

Cargills, Limited, of Colombo Plaintiffs.
No. 36,947. Vs.

Mrs. K. E. Dodanwela of Colombo, Walawwa,
presently of Arcadia, Wackwella road, Calle Defendant.

NOTICE is hereby given that on Thursday, October 28, 1937, commencing from the 1st land at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest in the said defendant in the following property for the recovery of the sum of Rs. 558.03, with interest thereon at 9 per cent. per annum from March 4, 1932, till payment in full and costs of suit, less Rs. 260 paid and poundage, viz.:—

The life interest of the defendant in the following property, to wit:—

1. All that premises bearing assessment No. 7, now No. 8, situated at Dambulla road in the district and town of Kurunegala, North-Western Province; and bounded on the north by premises bearing assessment No. 7A (now No. 9), east by land of Hendrick Silva and Crown land, south by Crown land, and west by Dambulla road; and containing in extent 24 perches; registered under title A 267/159.

2. All that property bearing assessment No. 9, situated at Dambulla road aforesaid; and bounded on the north by property bearing assessment No. 10, east by Clovis Silva's property, on the west by Dambulla road, and on the south by property bearing assessment No. 8; containing in extent about 2 roods.

3. All that allotment of land being high ground of Galtombekumbura, situated at Madamegama in the district and town of Kurunegala, North-Western Province, bearing assessment No. 81, Colombo road (formerly No. 76); and bounded on the north by property of G. Jayatilke, east by field of Panchanadaya, south by garden of V. Appawapillai, west by high road to Colombo; containing in extent 5 lahass of paddy sowing, and registered under title A 217/2.

4. The following contiguous allotments of land, which are situated at Badagomuwa in Mahagalboda Megoda korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; and which form one property called Dampitiyawatta and from their situation as respects each other can be included in one survey, to wit:—(a) Bogahamulahena, now watta of 5 lahass kurakkan sowing extent; (b) Wagollehena of 4 kurunies of kurakkan

sowing extent; (c) Maragahamulahena (being lots A 2 and A 3); containing in extent 3 acres and 7 perches; (d) Maragahamulahena of 3 lahass kurakkan sowing extent; (e) Paluwatta of 4 kurunies kurakkan sowing extent; (f) Maragahamulahenewatta (lots A and A1), containing in extent 2 acres 2 roods and 28 perches; (g) Pillewa, adjoining Gamwela Siyambalagahakumbura of 1½ measure kurakkan sowing extent; (h) Kolongahamulahena of 8 measures kurakkan sowing extent; (i) Kelagahamulahena of 3 lahass kurakkan sowing extent; (j) Kongahamulahena of 2 lahass kurakkan sowing extent; (k) Bulugamuwahena, now watta of 3 measures kurakkan sowing extent; (l) Wagolleboghahamulahena of 4 kurunies kurakkan sowing extent; (m) Wewaismattehena of 5 measures kurakkan sowing extent; (n) Badagomuweewatta of 30 kurunies kurakkan sowing extent. Registered (whole land) A 357/6.

The said several contiguous allotments of land form one property called Dampitiyawatta and from their situation as respects each other can be included in one survey; and bounded on the north by the limit of Kiriwanla village, on the west by Talahena estate belonging to Lamberti Perera, limits of the fields of Badagomuwa and Bilinchangamulahena belonging to Menika, on the south by land belonging to Mr. de Alwis of Kandana, and on the east by land belonging to Mr. A. E. de Silva and the villagers of Kongaswala.

The above properties are under seizure under A.C.R., K., 8,162.

Fiscal's Office, R. S. GOONESEKERA,
Kurunegala, September 28, 1937. Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

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

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Thoona Vavanna Kavenna Kader Meeru No. 6,738. Saibo of Annavalas in Pudukottai State, deceased.

Thoona Vavanna Kavenna Mohamed Bawa of 44, Third Cross street, Pettah, Colombo Petitioner.

(1) Abdul Rahiman of Annavalas Pudukottai State, (2) Mohamad Ibrahim of Colombo, (3) Pathumal Beebee, wife of (4) Abdul Karim of Annavalas in Pudukottai State, (5) Seyed Beebee, wife of (6) Cader Meeru Rawther, both of Sunbudi in Pudukottai State Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on September 16, 1937, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 7, 1937, power of attorney dated October 27, 1936, and the order of the Supreme Court dated January 23, 1934, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as attorney of the widow of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 14, 1937, show sufficient cause to the satisfaction of the court to the contrary.

September 16, 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 Testament of Wickrema Aratchige Yasohamy No. 7,948. of Borasgomuwa in the Palle pattu of Salpiti korale, deceased.

Welikala Mudiyanselage Bando Philip Senaratne of Borasgomuwa aforesaid Petitioner.

(1) Wickremaratchige Leela Hamy, (2) ditto Jane Nona, (3) ditto Lucy Hamy, (4) ditto John Perera, (5) Nawalage John Cooray, (6) ditto Livina Cooray, all of Borasgomuwa Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on September 6, 1937, in the presence of Mr. B. S. Wickremaratne, Proctor, on the part of the petitioner above named; and the affidavits

(1) of the said petitioner dated March 24, 1937, and (2) of the attesting notary also dated March 24, 1937, having been read :

It is ordered that the last will of Wickrama Aratchige Yasohamy, 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 respondents above named or any other person or persons interested shall, on or before October 14, 1937, shew sufficient cause to the satisfaction of this court to the contrary.

September 6, 1937.

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

28 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Rayappen Rose Mary Fernandez of 50, No. 8,062. Stace road, Grandpass, in Colombo, deceased.

Ignatius Fernandez of 50, Stace road, Grandpass, in Colombo Petitioner.

Rs. 16.00 And
(1) Adolph Cottrell and (2) Rayappan Soosey, both of 50, Stace road, Grandpass, in Colombo ... Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on August 20, 1937, in presence of Mr. L. G. Motha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 30, 1937, having been read :

It is ordered (a) that the 2nd respondent be and he is hereby appointed guardian *ad litem* of the minor, the 1st respondent above named, to represent him for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as widower 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 October 7, 1937, show sufficient cause to the satisfaction of the court to the contrary.

August 20, 1937.

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

33 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Noorbhoy Peerbhoy of 72, Fourth Cross street, Pettah, Colombo, deceased.

Abdul Hussien Noorbhoy of 72, Fourth Cross street, Pettah, Colombo Petitioner.

Rs. 16.00 And
(1) Geeveebhai Mohamedally, (2) Sugrabhai Noorbhoy, (3) Rukanbhai Noorbhoy, (4) Aslamaly Noorbhoy, all of Kathiwar, Wankanar State, India, (5) Fazalabas Noorbhoy of 72, Fourth Cross street, Pettah, Colombo, (6) Badrudeen Noorbhoy of Kathiwar, Wankanar State, India Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on August 24, 1937, in the presence of Messrs. van Cuylenburg & de Witt, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 21, 1937, and the order of the Supreme Court dated July 5, 1937, having been read :

It is ordered (a) that the 4th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 5th and 6th respondents above named, to represent them for all purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as the eldest 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 October 7, 1937, show sufficient cause to the satisfaction of the court to the contrary.

August 24, 1937.

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

36 In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Thalahitiyagammarallage Kamalawathie Hamine of Minuwangoda, No. 3,048. deceased.

Rs. 16.00 Between
Thewarapperuma Appuhamillage Don Peter Perera of Minuwangoda Petitioner.

Rs. 16.00 And
(1) Thewarapperuma Appuhamillage Indraswarnna Sili, (2) Maharagallage Jinadasa Siriwardana, both of Minuwangoda Respondents.

THIS matter coming on for disposal before T. Weeraratne, Esq., District Judge of Negombo, on September 6, 1937, in the presence of Mr. M. P. Jayawardane, Proctor, on the part of the petitioner; and the petition and affidavit of the said petitioner dated August 23, 1937, having been read :

It is ordered (a) that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* of the 1st respondent above named, who is a minor, to represent her for all the purpose of this action, and (b) that the said petitioner be and he is hereby declared entitled, as widower of the above-named deceased, to have letters of administration to her estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 20, 1937, show sufficient cause to the satisfaction of this court to the contrary.

September 6, 1937.

T. WEERARATNE,
District Judge.

Time for showing cause against this Order Nisi is hereby extended to October 6, 1937.

September 20, 1937.

T. WEERARATNE,
District Judge.

26 In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Ahamadu Lebbe Marikar Mahamood No. 2,778. Marikar, deceased, of Adikarigoda in Alutgama.

Rs. 16.00 Ahamadu Lebbe Marikar Tamby Marikar of Kurundu-wattun Alutgama Petitioner.

Rs. 16.00 Vs.
Ismail Lebbe Marikar Amsa Umma of Adikarigoda Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Kalutara, on August 26, 1937, in the presence of Mr. H. M. Saheed, Proctor, on the part of the petitioner, Ahamadu Lebbe Marikar Tamby Marikar of Kurunduwatta in Alutgama; and the affidavit of the said petitioner dated August 24, 1937, having been read :

It is ordered that the petitioner above named be and he is hereby declared entitled, as the brother of the deceased above named, to have letters of administration to his estate issued to him, unless the respondent or any other person or persons interested shall, on or before October 14, 1937, show sufficient cause to the satisfaction of this court to the contrary.

August 26, 1937.

W. SANSONI,
District Judge.

32 In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Pedrick Munasinghe, deceased. No. 7,781.

Rs. 16.00 Between
Caroline Munasinghe nee Hettiarachchi of Baddegama Petitioner.

Rs. 16.00 Vs.
(1) Mrs. N. D. V. Jayawardene of Uluwitike, (2) Charlotte Munasinghe of Ganegama, (3) Arthur Munasinghe, (4) Flora Munasinghe, (4) Violet Munasinghe, (6) Calistus Munasinghe, all of Ganegama by their guardian *ad litem* (7) D. E. Hettiarachchi of Yahaladuwa, Baddegama Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on September 14,

1937, in the presence of Mr. A. J. Pandita-Gunewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 16, 1937, having been read :

It is ordered that the said 7th respondent be and the same is hereby appointed guardian *ad litem* over the 3rd to 6th respondents or any person interested shall, on or before October 8, 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 her accordingly, unless the said respondents or any person interested shall, on or before October 8, 1937, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,
District Judge.

27 In the District Court of Jaffna.
Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Howard Subramaniam of Mallakam, No. 491. deceased.

Kanagarayar Selvadurai of Mallakam Petitioner.
Vs.

- (1) Subramaniam Sinnathamby (minor) and (2) Kanaganayagiammal widow of Subramaniam, both of Mallakam Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on August 23, 1937, in the presence of Mr. M. S. Subramaniam, Proctor for petitioner ; and an affidavit of the petitioner having been read :

It is ordered that the above-named 2nd respondent be appointed guardian *ad litem* over the minor, 1st respondent, and that letters of administration to the estate of the said

deceased be issued to the petitioner, unless the respondents or any other person show sufficient cause to the satisfaction of this court to the contrary on or before September 17, 1937.

C. COOMARASWAMY,
District Judge.

August 27, 1937.

Extended to October 15, 1937.

C. COOMARASWAMY,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Nagaratnam, wife of Ambalavanar No. 346. Visuvanathar Mailvaganam of Kopay South, deceased.

Naganathar Ramalingam of Kaithady Petitioner.
Vs.

- (1) Ramalingam Subhambalanathar and 3 others of Kaithady Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on February 1, 1937, in the presence of Mr. V. S. Karthigesoe, Proctor, on the part of the petitioner ; and the affidavit of the petitioner dated August 17, 1936, having been read : It is declared that the petitioner is the father of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before March 19, 1937, show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY,
District Judge.

February 25, 1937.

Time extended till October 25, 1937.

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