



THE  
**CEYLON GOVERNMENT  
 GAZETTE**

---

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**PART II.—LEGAL.**

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

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**PASSED ORDINANCES.**

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

**No. 16 of 1937.**

**An Ordinance for making provision for the Public and the Railway Services, and the Electrical Undertakings for the financial year 1937-38.**

M. M. WEDDERBURN.

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

**Short title.** 1 This Ordinance may be cited as the Appropriation Ordinance, No. 16 of 1937.

**Appropriation for the financial year 1937-38.** 2 Without prejudice to any other law authorising any expenditure, sums not exceeding ninety-nine million two hundred and fifty-two thousand seven hundred and thirty-five rupees, twenty million eight hundred and thirty-four thousand seven hundred and ten rupees and two million eight hundred and ninety-four thousand three hundred and twenty-nine rupees are hereby declared to be payable for the service of the financial year beginning on October 1, 1937, and ending on September 30, 1938, out of the revenue and other funds of the Island, the Ceylon Government Railway and the Electrical Undertakings respectively; and the said sums may be expended as specified in the Schedules to this Ordinance.

**SCHEDULE I.**

## Sums payable out of the Revenue of the Island.

	Rs.
1. His Excellency the Governor .. .. .	172,488
2. Supreme Court .. .. .	569,961
3. State Council .. .. .	487,106
4. Audit Office .. .. .	529,977
5. Chief Secretary .. .. .	230,557
6. Civil Service .. .. .	400,034
7. Clerical Service .. .. .	48,900
8. Defence .. .. .	1,087,774
9. Ceylon Naval Volunteer Force .. .. .	28,667
10. Air Navigation .. .. .	..
11. Coast Lights .. .. .	26,216
12. Legal Secretary .. .. .	110,227
13. Attorney-General .. .. .	262,975
14. Legal Draftsman .. .. .	110,250
15. Public Trustee .. .. .	130,762
16. District Courts .. .. .	877,975
17. Courts of Requests and Police Courts .. .. .	522,036
18. Village Tribunals .. .. .	308,676
19. Fiscals .. .. .	955,601
20. Financial Secretary .. .. .	21,554
21. Treasury .. .. .	418,314
22. Public Debt .. .. .	28,000
23. Pensions .. .. .	898,000
24. Exchange .. .. .	50,000
25. Currency .. .. .	220,338
26. Loan Board .. .. .	11,789
27. Government Stores .. .. .	257,176
28. Government Press .. .. .	6,778
29. Department of Income Tax and Stamps .. .. .	..
30. Customs .. .. .	446,227
31. Miscellaneous Services .. .. .	806,292
32. Minister for Home Affairs .. .. .	956,900
33. Provincial Administration .. .. .	47,013
34. Excise Department .. .. .	3,881,519
35. Police .. .. .	1,642,870
36. Prisons .. .. .	3,746,646
37. Government .. .. .	920,245
38. Zoological Analyst .. .. .	86,422
39. Municipal Gardens .. .. .	53,000
40. Minister for Agriculture and Lands .. .. .	59,628
41. Commissioner for Development of Agricultural Marketing .. .. .	245,244
42. Appeal Board (Land Settlement Ordinance) .. .. .	600
43. Land Commissioner .. .. .	255,526
44. Land Settlement Department .. .. .	479,649
45. Survey Department .. .. .	3,330,938
46. Department of Agriculture .. .. .	1,811,631
47. Forest Department .. .. .	711,073
48. Registrar of Co-operative Societies .. .. .	221,484
49. Irrigation Department .. .. .	1,317,927

	Rs.
49. Irrigation Annually Recurrent ..	390,500
50. Irrigation Extraordinary ..	775,650
51. Minister for Local Administration ..	25,083
52. Commissioner of Local Government ..	2,770,478
53. Registrar of Motor Cars ..	109,594
54. Salt and Mineralogy ..	701,277
55. Department of Fisheries ..	60,440
55A. Schemes assisted by the Colonial Development Fund ..	87,500
56. Minister for Health ..	37,456
57. Quarantine ..	352,448
58. Medical and Sanitary Services ..	12,143,092
59. Medical College ..	287,945
60. Ayurvedic Medicine ..	57,500
61. Minister for Labour, Industry and Commerce ..	41,980
62. Registrar-General and Director of Commercial Intelligence ..	1,228,680
62A. Director, Tourist Bureau ..	86,781
63. Controller of Labour ..	679,105
64. Minister for Education ..	39,404
65. Education ..	19,358,190
66. University College ..	580,334
67. Archaeological Department ..	164,544
68. Colombo Museum ..	134,687
69. Minister for Communications and Works ..	43,334
70. Colombo Port Commission ..	3,162,330
71. Ports other than Colombo ..	83,308
72. Post Office and Telegraphs ..	8,170,674
73. Public Works Department ..	2,179,528
74. Public Works Annually Recurrent ..	5,347,925
75. Public Works Extraordinary ..	4,768,944
76. Railway Department ..	4,334,710
77. Electrical Installations in Government Buildings ..	589,149
	99,252,735

## SCHEDULE II.

Sums payable out of the Revenue of the Ceylon  
Government Railway..

	Rs.
1. Ordinary working expenditure of the Railway ..	20,172,310
2. Payment to Renewals Fund on account of depreciation ..	662,400
3. Interest on Railway Capital payable to the Revenue of the Island ..	—
4. Payment to Betterments Fund ..	—
	20,834,710

## SCHEDULE III.

Sums payable out of the Revenue of the Electrical  
Undertakings.

	Rs.
1. Ordinary working expenditure of the Electrical Undertakings ..	1,927,675
2. Interest payable to the Revenue of the Island on Advances ..	40,000
3. Annuities payable to the Revenue of the Island on Loans ..	619,080
4. Transfer to Reserve, Extensions and Renewals Fund ..	307,574
	2,894,329

Passed in Council the Twenty-eighth day of September,  
One thousand Nine hundred and Thirty-seven.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Officer Administering  
the Government the Thirtieth day of September, One thousand  
Nine hundred and Thirty-seven.

E. R. SUDBURY,  
Secretary to the Governor.

(Continued on page 1041.)

## 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 \_\_\_\_\_<sup>1</sup> 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 \_\_\_\_\_, \_\_\_\_\_<sup>2</sup> and was sentenced to pay a fine of \_\_\_\_\_ rupees :

<sup>1</sup> Name of offender.

<sup>2</sup> Particulars of offence.

And whereas the said \_\_\_\_\_<sup>1</sup> 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 \_\_\_\_\_<sup>1</sup> 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 \_\_\_\_\_<sup>1</sup> 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—

Commencement of period for which security is required.

- (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.

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.

Establishment of Fiscal's cells.

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 :—

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.**

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.

*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.

No. 2 of 1883.

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

## 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.

### Destruction of Valueless Records.

IN terms of section 6 of Ordinance No. 12 of 1894, it is hereby notified for general information that three months hence the valueless records of criminal cases decided in the Police Court of Galle during the period of January 1, 1926, to December 31, 1931, and civil cases decided in the Court of Requests of Galle from August 1, 1890, to 31, 1908, will be destroyed.

Any person interested in any record referred to above may, personally or by Proctor, or by duly authenticated petitions, claim upon good cause shown that such records may not be destroyed.

Police Court,  
Galle, October 1, 1937.

HERBERT S. ROBERTS,  
Police Magistrate, and  
Commissioner of Requests.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,063. In the matter of the insolvency of Calixtus Alexander Fernando of 68, Mayfield road, Kotahena, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 23, 1937, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,  
September 29, 1937. Secretary.

In the District Court of Colombo.

No. 5,071. In the matter of the insolvency of D. G. Insolvency. Dalpachchi, insolvent.

NOTICE is hereby given that a special sitting of this court will be held on October 26, 1937, to prove the claim of Mr. W. J. [unclear] for the sum of Rs. 271.75.

By order of court, GERALD E. DE ALWIS,  
October 5, 1937. Secretary.

In the District Court of Colombo.

No. 5,100. In the matter of the insolvency of Stanley Richard Fonseka of 1, Union place, 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 29, 1937. Secretary.

In the District Court of Colombo.

No. 5,104. In the matter of the insolvency of Brinley Lionel Fernando of Peris road, Mount Lavinia.

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 29, 1937. Secretary.

<sup>10</sup> In the District Court of Colombo.  
No. 5,125. In the matter of the insolvency of Soona Veeravagu Chetty of 364, Singaramulla, Kelaniya.

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, to approve conditions of sale of the property of the insolvent.

By order of court, GERALD E. DE ALWIS,  
October 5, 1937. Secretary.

In the District Court of Colombo.

No. 5,146. In the matter of the insolvency of Mohamed Jabir Noordeen, carrying on business under the name, style, and firm of Noordeen Bros. at 111, Third Cross street, Pettah, Colombo.

WHEREAS the above-named M. J. Noordeen has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by N. S. M. Deane of 18, Nelson place, Wellawatta, in Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. J. Noordeen insolvent accordingly; and that two public sittings of the court, to wit, on November 2, 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,  
October 1, 1937. Secretary.

In the District Court of Colombo.

No. 5,147. In the matter of the insolvency of Don Marcellinus Vincent Willatgamuwa of 551, Gonakovilla road, Ratmalana, Mount Lavinia.

WHEREAS the above-named D. M. V. Willatgamuwa has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by D. J. M. S. Willatgamuwa of St. Anthony, Wattala, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said D. M. V. Willatgamuwa insolvent accordingly; and that two public sittings of the court, to wit, on November 2, 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,  
October 4, 1937. Secretary.

In the District Court of Kandy.

No. 2,144. In the matter of the insolvency of Segu Abdul Cader's son, Habeeco Mohammado of Trincomalee street, Matale.

WHEREAS Segu Abdul Cader's son, Habeeco Mohammado has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Kurundugolla Thalagurunnanselagedara Noor Mohamado Lebbe's son, Mohamad Abdul Cader Lebbe, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Segu Abdul Cader's son, Habeeco Mohammado insolvent accordingly; and that two public sittings of the court, to wit, on October 22, 1937, and on November 12, 1937, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, R. MALALGODA,  
October 5, 1937. Secretary.

In the District Court of Kandy.

No. 2,145. In the matter of the insolvency of K. R. Ranaweera.

WHEREAS K. R. Ranaweera has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by T. Sugathadasa, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said K. R. Ranaweera insolvent accordingly; and that two public sittings of the court, to wit, on

November 5, 1937, and on November 19, 1937, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

October 5, 1937. By order of court, R. MALALGODA,  
Secretary.

In the District Court of Kandy.  
No. 2,146. In the matter of the insolvency of Heen Banda Diyawe of Kandy.

WHEREAS Heen Banda Diyawe has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Charles Bandara Madawala, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Heen Banda Diyawe insolvent accordingly; and that two public sittings of the court, to wit, on November 5, 1937, and on November 26, 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.

October 5, 1937. By order of court, R. MALALGODA,  
Secretary.

In the District Court of Matara.  
No. 123. In the matter of the insolvency of A. Gunaratna of Weligama.

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 15, 1937, for the grant of a certificate of conformity to the insolvent.

September 30, 1937. By order of court, W. A. GOONESEKERE,  
Secretary.

In the District Court of Jaffna.  
Insolvency In the matter of the insolvency of Murugeser Jurisdiction. Richard Ramanathan of Pungudutive No. 166. West, insolvent.

Nagalingam Eliathamby of Velanai East, petitioning creditor.

WHEREAS the above named Murugeser Richard Ramanathan has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Nagalingam Eliathamby of Velanai East, the petitioning creditor above named, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Murugeser Richard Ramanathan insolvent accordingly; and that two public sittings of the court, to wit, on November 12, 1937, and on December 17, 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, J. N. CULANTHAIVALU,  
Secretary.

In the District Court of Badulla.  
No. 28. In the matter of the insolvency of Nawenna Ana Moona Mohamadu Ossen.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 3, 1937, to examine the insolvent.

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

## NOTICES OF FISCALS' SALES. Western Province.

In the District Court of Colombo.

H. T. Ramachandra of Colombo ..... Plaintiff.  
No. 86. Vs:

J. D. Dharmasena of Colombo ..... Defendant.

NOTICE is hereby given that on Monday, November 8, 1937, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 310 dated September 17, 1929, and attested

by K. Namasivayam 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. 4,450, with interest on Rs. 2,500 at 12 per cent. per annum from January 17, 1934, till date of decree (March 19, 1934), and thereafter interest on the aggregate amount at 9 per cent. per annum till payment in full, less Rs. 1,000 subject to a primary mortgage for Rs. 12,000 and interest created by bond No. 710 dated September 10, 1929, and attested by H. T. Ramachandra of Colombo, Notary Public, viz. :-

1. At 3.30 p.m.—All that allotment of land with the buildings thereon bearing assessment No. 625, Temple road, now bearing assessment No. 13/1, 13/2, and 13/3, Karlsrhue place, Mount Mary road, in Maradana, within the Municipality of Colombo, Western Province; and bounded on the north by the other part of the same land bearing No. 60A, Karlsrhue place, and road reservation 10 links wide, east by land belonging to the Crown, south by premises belonging to C. H. Z. Fernando and formerly of W. A. Mendis, and on the west by premises No. 68c belonging to N. K. Cooray and formerly of Jacob de Mel; containing in extent 29.28 perches as per survey 2,182 dated July 16, 1928, made by A. R. Savundranayagam, Licensed Surveyor.

2. At 4 p.m.—All that land marked lot 13 being a divided portion of the land called Kittiyakara bearing No. 2665 (5-8), which said lot now bears assessment No. 10/3, situated at Temple lane in Maradana, within the Municipality of Colombo, Western Province; bounded on the north by reservation for a road, east by lot No. 14 of the same land, south by lot No. 10 of the same land, and on the west by lot 12 of the same land; containing in extent 34½ perches as per plan 2707 dated August 27, 1923, made by H. G. Dias, Licensed Surveyor.

Prior registration A 194/74,106.

Fiscal's Office,  
Colombo, October 6, 1937.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

P. C. S. Fernando of Kawdana in Dehiwala ..... Plaintiff.  
No. 7,033/1,514. Vs.

(1) Miss Mary Maud Bastiansz, lunatic, by her manager and guardian *ad litem* (2) Mrs. Alice Johana Fernando, both of 2A, Station road, in Dehiwala ..... Defendants.

NOTICE is hereby given that on Tuesday, November 9, 1937, at 3 p.m., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 526, together with further interest on Rs. 300 at 16 per cent. per annum from June 10, 1937, till July 30, 1937, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit taxed at Rs. 159.75, to wit, Rs. 103 being incurred costs and Rs. 56.75 being prospective costs, viz. :-

The right, title, and interest of the first defendant in and to the following property, to wit :-

All that divided portion marked lot O 2 A 2 in plan No. 1,850 dated November 24, 1933, made by H. Don David, Licensed Surveyor, of the land called Apothecariyawatta, with the buildings and plantations standing thereon, situated at Dehiwala in the Palle pattu of Salpiti korale in the District of Colombo, Western Province; bounded on the north by Station road, east by lot No. 76 B 7 and Galkissa village boundary, south by Galkissa village boundary, and west by lot O 2 A 1; containing in extent 2 roods and 5 perches, and registered under title Deh. 14/262 in the Colombo Land Registry, which said divided portion is a defined portion from and out of the allotment of land marked O 2A being subdivision of lot 76A in registration plan No. 1 called Apothecariyawatta, with the buildings and plantations standing thereon bearing assessment No. 3, Galkissa, situated at Dehiwala aforesaid; which said lot of land marked O 2A is bounded on the north by Station road, east by lot 76B and Galkissa village, south by Galkissa village, and west by road; containing in extent 3 roods and 13 7/10 perches according to plan No. 2,328 dated August 12, 1932, made by C. C. Wijetunga, Licensed Surveyor, and registered under title Deh. 13/62 in the Colombo Land Registry, subject however to a mortgage for Rs. 5,500 and interest created in and by bond No. 248 dated March 6, 1934, and attested by C. R. de Alwis of Colombo, Notary Public.

Fiscal's Office,  
Colombo, October 6, 1937.

J. R. TOUSSAINT,  
Deputy Fiscal.

18 In the District Court of Kandy.  
Brown & Company, Limited ..... Plaintiffs.  
No. 47,055. Vs.

P. Nainar Mohamed, carrying on business as Kamal Nainar & Company, 21, Colombo street, Kandy ..... Defendant.

NOTICE is hereby given that on Friday, November 5, 1937, at 11 A.M. will be sold by public auction at this office the right, title, and interest of the said defendant in the following property for the recovery of the balance sum of Rs. 506.83, with legal rate of interest from January 13, 1936, till payment in full and costs, viz. :-

Promissory note dated January 4, 1935, for Rs. 1,015, with interest thereon at 15 per cent. per annum from January 4, 1935, in favour of Pona Nainar Mohamed of 21, Colombo street, Kandy.

Fiscal's Office, Colombo, October 6, 1937. J. R. TOUSSAINT, Deputy Fiscal.

17 In the District Court of Negombo.  
R. M. Raju Naidu of Negombo, administrator of the estate of the late R. P. Pincheharam Chettiyyar ..... Plaintiff.  
No. 9,579. Vs.

Kodikara Arachchige Gregory Perera of Kad Division, Kurana ..... Defendant.

NOTICE is hereby given that on Wednesday, November 3, 1937, at 11 o'clock in the forenoon, will be sold by public auction at my office the right, title, and interest of the said plaintiff in the following property, viz. :-

The principal and interest due on the mortgage bond No. 120 dated March 1, 1928, and attested by K. A. J. Perera, Notary Public, for Rs. 1,000.

Amount to be levied Rs. 156.15.

Deputy Fiscal's Office, Negombo, October 4, 1937. A. W. ROSA, Deputy Fiscal.

22 Southern Province.  
In the Court of Requests, Galle.  
R. M. P. R. Sinnacaruppan Chettiar and another, carrying on business at Galle under the name and style and vilasam of M. S. Sinnacaruppan Chettiar ..... Plaintiffs.  
No. 18,169. Vs.

(1) I. L. S. U. de Silva and (2) L. H. Namahewa, both of Magalla ..... Defendants.

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 defendants, in the following property, viz. :-

An undivided  $\frac{1}{2}$ ,  $\frac{2}{12}$ ,  $\frac{1}{24}$ ,  $\frac{1}{48}$ ,  $\frac{1}{48}$  parts of the soil and soil share trees, together with the planter's share of the 1st, 2nd, and 3rd plantations and the buildings Nos. 1, 2, and 3 standing on lot B of the land called Sehoisgewatta consisting of lots A and B, situated at Banewatta in Galupiadde, within the Four Gravets of Galle; and bounded on the north by high road from Galle to Matara and land belonging to Panbabbappu, east by land belonging to Panbabbappu, south by seashore, and west by land claimed by Mrs. Sumathipala and lots C and D; containing in extent 2 roods and 26 perches as per plan No. 1,584 dated October 30, 1935, made by Mr. H. B. Goonewardene, Licensed Surveyor, filed in the partition case No. 34,172.

Writ amount Rs. 215.40, with legal interest thereon from September 8, 1937, till payment, and Rs. 26.25 for costs.

Fiscal's Office, Galle, October 5, 1937. T. D. S. DHARMASENA, Deputy Fiscal.

In the District Court of Galle.  
Ipalawattege Carolis de Silva of Ahangama ..... Plaintiff.  
No. 20,669. Vs.

(1) H. H. Juwanis Dias of Kataluwa of Ahangama and others ..... Defendants.

NOTICE is hereby given that on Monday, November 1, 1937, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :-

1. Against the 10th, 11th, and 85th Defendants.—All that the defined lot No. 2, together with everything

standing thereon of the land called lots A and C of Galduwewatta, situated at Ahangama in the Talpe pattu of Galle District, Southern Province; and bounded on the north by road to Kodagoda, east and south-east by lot No. 3 of the same land, south by lot No. 3 of the same land, west by lot No. 1 of the same land; and containing in extent 21.18 perches.

2. Against 43rd, 46th, and 47th Defendants.—All that undivided  $\frac{3}{4}$  parts of the defined lot No. 3, together with everything thereon of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by road to Kodagoda and lot D of the same land, east by lots Nos. 4 and 7 of the same land, south by lot No. 13 of the same land, and west by lots No. 2 and 19 and 1 of the same land; and containing in extent 1 rood and 09.29 perches.

3. Against the 65th and 86th to 91st Defendants.—All that undivided  $\frac{2}{5}$  parts of soil and trees of the defined lot No. 4 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot D of the same land, east by lot No. 5 of the same land, south by lot No. 7 of the same land, and west by lot No. 3 of the same land; and containing in extent 34.93 perches.

4. Against the 66th Defendant.—All that the defined lot No. 5 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot D of the same land, east by footpath or lot 6 of the same land, south by lot No. 7 of the same land, and west by lot No. 4 of the same land; containing in extent 03.17 perches.

5. Against the 48th Defendant.—All that the defined lot No. 9 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 7A of the same land, east by lot No. 10 of the same land, south by lot No. 11 of the same land, and west by lots Nos. 7 and 8 of the same land; and containing in extent 09.53 perches.

6. Against the 100th Defendant.—All that the defined lot No. 10 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 7A of the same land, east by lot E of the same land, south by lot 11 of the same land, and west by lot No. 9 of the same land; and containing in extent 04.79 perches.

7. Against 101st and 102nd Defendants.—All that the defined lot No. 11 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lots Nos. 9 and 10 of the same land, east by lots G and G2 of the same land, south by lot G2 of the same land, and west by lots Nos. 8 and 12 of the same land; and containing in extent 25.42 perches.

8. Against the 103rd Defendant.—All that the defined lot No. 12 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 8 of the same land, east by lot No. 11 of the same land, south by lots G and G2 of the same land, and west by lots Nos. 15, 16, and 17 of the same land; and in extent 34.95 perches.

9. Against the 28th Defendant.—All that the defined lot No. 13 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 3 of the same land, east by lots 7 and 8 of the same land, south by lot No. 14 of the same land, and west by lot No. 19 of the same land; and in extent 14.3 perches.

10. Against the 65th and 66th Defendants.—All that the defined lot No. 15 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 14 of the same land, east by lots Nos. 8 and 12 of the same land, south by lot No. 16 of the same land, and west by lot No. 17 of the same land; and containing in extent 12.72 perches.

11. Against the 105th Defendant.—All that the defined lot No. 16 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 15 of the same land, east by lot No. 12 of the same land, south by lot No. 17 of the same land, and west by lots Nos. 18 and 19 of the same land; and containing in extent 09.53 perches.

12. Against the 106th and 107th Defendants.—All that the defined lot No. 17 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 16 of the same land, east by lot No. 12 of the same land, south by lot G3 of the same land, and west by lot No. 18 of the same land; and in extent 29.68 perches.

13. Against the 1st and 13th Defendants.—All that the defined lot No. 18 of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 19 of the same land, east by lots



Nos. 16 and 17 of the same land, south by lot B1 of the same land, and west by lot H of the same land; and containing in extent 23·83 perches.

14. *Against the 37th to 42nd and 49th Defendants.*—All that the defined lot No. 19, together with everything thereon of the land called lots A and C of Galduwewatta, situated at Ahangama aforesaid; and bounded on the north by lot No. 1 of the same land, east by lots Nos. 3, 13, 14, and 15 and 16 of the same land, south by lot No. 18 of the same land, and west by a reservation for a footpath or lot B of the same land; and containing in extent 1 rood and 23·56 perches.

Writ amounts: Rs. 22·90 from 84th and 85th defendants, substituted in place of 4th defendant, deceased, and 10th and 11th defendants; Rs. 53 from 10th defendant alone; Re. 1·68 from the 11th defendant; Rs. 97·59 — Rs. 60·95 from the 43rd to 47th defendants, substituted in place of 3rd defendant, deceased; Rs. 37·83 from 86th to 91st defendants, substituted in place of 7th defendant, deceased, and 65th defendant jointly; Rs. 3·37 from 66th defendant; Rs. 13·73 from 65th and 66th defendants jointly; Rs. 25·10 from 86th to 91st defendants as heirs of 7th defendant, deceased; Rs. 29·88 from 9th defendant; Rs. 32 from 51st or 56th, 50th or 54th, 52nd to 64th, and 73rd to 77th defendants jointly; Rs. 96·15 less Rs. 50 paid from 51st defendant alone; Rs. 20·48 + Rs. 10·26 as compensation from 67th to 72nd and 78th to 83rd defendants jointly; Rs. 68·92 + Rs. 66 + Rs. 191·48 — Rs. 100 as compensation from 92nd, 93rd, 94th, 95th, 96th, and 38th to 40th and 42nd, and 49th defendants, substituted in place of 8th defendant, deceased; Rs. 10·36 from 48th defendant; Rs. 5 from 100th defendant; Rs. 27·47 from 101st and 102nd defendants; Rs. 15·42 from 28th defendant; Rs. 10·36 from 105th defendant; Rs. 32 from 106th and 107th defendants; Rs. 25·78 from 1st and 13th defendants; Rs. 23·37 from 2nd defendant; and writ costs Rs. 42.

Fiscal's Office,  
Galle, October 5, 1937.

T. D. S. DHARMASENA,  
Deputy Fiscal.

In the District Court of Matara.

Liyanage Wilson de Silva of Matara and another . . . Plaintiffs.

No. 5,955.

Vs.

(1) D. D. A. Samarasinghe of Morawaka and others . . . Defendants.

NOTICE is hereby given that on Monday, November 1, 1937, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 1,116·76, with legal interest on Rs. 615·31 from June 17, 1937, till payment in full, viz. :—

*Property of 1st and 2nd Defendants.*

1. All that undivided 2/11 parts of the land called Sapugahawatta *alias* Bandarawatta, situated at Beragama in Kandaboda pattu of Matara District, Southern Province; and bounded on the north by Meegahadeniya, east and south by the river, and on the west by the high road; and containing in extent about 10 acres.

2. All that undivided 2/22 parts of the land called Welihinnawalawatta, situated at Beragama aforesaid; and bounded on the north by Medagoda, east by Galakolawiléhena, south by dola and Crown land, and on the west by Atalahagodawatta; and containing in extent 16 acres.

3. All that undivided 2/11 parts of the field called Pothuwilakumbura, situated at Beragama aforesaid; and bounded on the north by Elabodairawatta, Godanda, Crown jungle, and Wahungekumbura or Elabodakumbura, east by Godanda, Crown jungle, and deniya, south by Gammadugodawatta or Pahalawatta, and on the west by Poluketiya or Piyadekumbura; and containing in extent about 7 bags of paddy sowing.

4. All that undivided 2/11 parts of the field called Wahungekumbura, situated at Beragama aforesaid; and bounded on the north by Pallemagamure *alias* Hinkiriya, east by Elabodairawatta, south by Potuwila, and on the west by Piyadekumbura; and containing in extent about 4 bags of paddy sowing.

5. All that undivided 6/44 parts of the land called Kitulalitiya, situated at Beragama aforesaid; and bounded on the north by Hinkiriya, east by Piyadikumbura, south by Mahamuttettuwa, and on the west by jungle; and containing in extent about 4 bags of paddy sowing.

6. All that undivided 2/44 parts of the land called Yagalewila, situated at Beragama aforesaid; and bounded on the north by Amumandiyewalahena, east by Elhendiyewatta and Crown land, south by Katuwanagewatta

and Crown land, and on the west by Pinliyaola and Crown land; and containing in extent about 16 bags of paddy sowing.

7. All that undivided 2/22 parts of the field called Thebugalhelala and Madamalgahaliyadda, situated at Beragama aforesaid; and bounded on the north by Ihalawatta, east by Karakaspeyatta, south by Nygasroina, and on the west by Galendihela; and containing in extent about 1 amunam of paddy sowing.

8. All that undivided 2/33 parts of the land called Paspela, situated at Beragama aforesaid; and bounded on the north by Halgasmulla, east by Atalahagodawatta, south by Crown jungle, and on the west by Tumpela; and containing in extent about 6 bags of paddy sowing.

9. All that undivided 2/11 parts of the land called Pallehawatta, Ihalahawatta, and Gimadugepalawatta, situated at Diddenipota in Kandaboda pattu aforesaid; and bounded on the north by ganga and Mahagederawatta, east by Pinkumbura and Himipella, south by Iriyagahadeniya and Runagewatta, and on the west by Medakuttiyehena and Paragahawatta; and containing in extent about 16 acres.

10. All that undivided 2/22 parts of the land called Medakuttiyehena, situated at Diddenipota aforesaid; and bounded on the north by Korahanawatta, Elakanatte-kumbura, Arambewatta, Paluwatthena, Paluwatta, and footpath, east by Ihalawattihena and a road, south by road, Wannigewatta, and Abeyasingehena, and on the west by Ipitawattihena, land in plan No. 118,110, Eramudugahadeniyewatta and Crown land; and containing in extent about 36 acres.

11. All that undivided 2/11 parts of the land called Eramudugahadeniya, situated at Diddenipota aforesaid; and bounded on the north by Malapalakella, east by bedda, south by Pinkumbura, and on the west by Bandarawatta; and containing in extent about 6 bags of paddy sowing.

12. All that undivided 2/22 parts of the land called Mahaokanda, situated at Makandura in Kandaboda pattu aforesaid; and bounded on the north by Delikanuwewatta, east by river, south by Ambalayawatta, and on the west by Kansawagehena; and containing in extent about 4 acres.

13. All that undivided 2/11 parts of the land called Digana, situated at Ranchagoda in Kandaboda pattu aforesaid; and bounded on the north by Gonnagewatta, east by Udaderiyewatta, south by Kapumanagewatta, and on the west by Agalahakella; and containing in extent about 2 pelas of paddy sowing.

14. All that undivided 2/11 parts of the land called Udahikkotakumbura, situated at Ranchagoda aforesaid; and bounded on the north by Lewpathdeniyewatta, east by jungle, south by Merenchigewatta, and on the west by Godellewatta; and containing in extent 14 kurunies of paddy sowing.

Deputy Fiscal's Office,  
Matara, October 2, 1937.

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

In the District Court of Tangalla.

Kalubadanage Nadoris of Nakulugamuwa . . . Plaintiff.

No. 3,853.

Vs.

Nawaratna Gamage Babanis of Beragama . . . Defendant.

NOTICE is hereby given that on Saturday, October 30, 1937, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 1,405·02, with legal interest on Rs. 1,248 from August 17, 1937, till payment in full and poundage, viz. :—

*At Ambalantota.*

Excluding a strip of land 30 feet in length and 12 feet in breadth along the border of the eastern boundary, all that undivided one-half ( $\frac{1}{2}$ ) towards the west of the remaining soil, and the buildings now being constructed thereon, and the nine cubits tiled house built along the border of the western boundary, with soil covered thereby of the land called Ambalantotalanda eastern two-third portion, situate at Ambalantota in Magam pattu of the Hambantota District; bounded on the north and east by Crown land (now east by praveni land), on the south by the high road, on the west by the land belonging to Nagasing Arachchige Cornelis (now bus stand); containing in extent 2 roods and 4 $\frac{3}{4}$  perches.

(Valuation: Rs. 3,000.)

Deputy Fiscal's Office,  
Hambantota, September 27, 1937.

V. L. WIRASINHA,  
Additional Deputy Fiscal.

In the District Court of Tangalla.

Hector Dias Seneviratna of Kurunegala . . . . . Plaintiff.

No. 4,107.

Vs.

Usuphdeen Thassim of Hambantota . . . . . Defendant.

NOTICE is hereby given that on Monday, November 1, 1937, commencing at 10 o'clock in the forenoon, will be sold by public auction on the respective premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of Rs. 877.02, with legal interest on Rs. 816.92 from July 16, 1937, till payment in full and poundage, viz. :—

At Hambantota.

(1) All that undivided one-half ( $\frac{1}{2}$ ) share of the soil and the entirety of the boutique bearing assessment No. 134 (now No. 77) of the allotment of land whereon stand the five boutique buildings bearing assessment Nos. 130, 131, 132, 133, and 134, situated at Jail street, now called Bazaar street, within the Four Gravets of Hambantota in Magam pattu of the Hambantota District; bounded on the north by Crown land, east by Jail street (now Bazaar street), south by Mahavidaneralahamigegeya, west by Mammatgegeya; containing in extent about 20 perches.

(2) The divided western portion of the allotment of land called Ahamataligewatta (registered in E 9/256), together with the nine cubits tiled house standing thereon bearing assessment No. 245 (now No. 76), situated at Wilmot street in Hambantota aforesaid; bounded on the north by A. Abanchi Appu's property, east by Abdul Rahim's property, south by Wilmot street, and west by S. A. Mowlana's property; containing in extent 6.79 perches.

(3) An undivided one-half share ( $\frac{1}{2}$ ) of the land bearing assessment No. 402 (now No. 28), situated at Walker street in Hambantota aforesaid, together with the buildings standing thereon; bounded on the north-east by land appearing in T. P. 53,005, south-east by Walker street, south-west by land appearing in T. P. 53,002, and north-west by Philip street; containing in extent 11 perches.

Valution: (1) Rs. 1,500. (2) Rs. 750. (3) Rs. 500.

V. L. WIRASINHA,

Deputy Fiscal's Office, Additional Deputy Fiscal.  
Hambantota, September 30, 1937.

(4) A piece of land situated at ditto called Kaluvan, in extent 15 lachams p. c.; and bounded on the east by Parupathy, wife of Arunasalam, and Paramu Kanapathipillai, north by the children of Valliammai, wife of Thambaiyah, and the property belonging to others, west by Theivanapillai, wife of Arumugam, and south by Marinuttu Kandiah and Sivakampillai, wife of Kanapathipillai.

These lands are said to be under mortgage.

Fiscal's Office,  
Jaffna, October 2, 1937.

S. TURAIYAPPAN,  
for Fiscal.

30 In the District Court of Mannar.

Philippa Croos Koduthore of Noehchikkulam in Mantai South . . . . . Plaintiff.

No. 9,997.

Vs.

(1) Annammal, widow of Pилanthiran Koduthore, (2) Marisal Pitanchi Koduthore, (3) Mathes Simeon Koduthore, (4) Mathes Anthony Koduthore, (5) Mathes Soosai Koduthore, (6) Anthony Sebastian Koduthore, all of Katkidanthakulam (6th defendant, minor, by Soosai Anthony Koduthore of Katkidanthakulam) . . . . . Defendants.

NOTICE is hereby given that on Saturday, October 30, 1937, commencing at 4 P.M., will be sold by public auction at respective premises the right, title, and interest of the said defendants in the following properties for the recovery of the sum of Rs. 1,079.79, with interest on Rs. 896.65 at the rate of 9 per cent. per annum from February 15, 1937, until payment in full, viz. :—

(1) A house with two rooms and compound, in extent about one marakal, situated at Katkidanthakulam in Nanaddan East, Musali division, Mannar District, Northern Province; and bounded on the north, west, and south by the property of Marisal Philippu Silva, east by Crown land.

(2) Half share in common of a paddy land, in extent 90 marakals, called Kaddukani, situated at Mukkarayankulam in Nanaddan East, Musali division, Mannar District, Northern Province; and bounded on the east, north, and south by Crown land, west by channel.

Fiscal's Office,  
Mannar, October 4, 1937.

D. G. L. MISSE,  
Additional Deputy Fiscal.

### Northern Province.

In the District Court of Jaffna.

Sinnathamby Kathiravelu of Neervely, Jaffna. . . . . Plaintiff.

No. 11,118.

Vs.

(1) Sivaguru Velupillai of Karaitivu West, (2) Visavanather Kumaraswamy of Sittankerny in Chankanaik West, Jaffna. . . . . Defendants.

NOTICE is hereby given that on Saturday, October 30, 1937, at 10 o'clock in the forenoon, will be sold by public auction at the spots the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 464, with legal interest thereon at 9 per cent. per annum from January 21, 1937, till payment in full and poundage and charges, viz. :—

(1) A piece of land situated at Thakodai in Karaitivu West, Islands division of the Jaffna District, Northern Province, called Thevvodai, in extent 13 lachams p. c.; and bounded on the east by Valliammai, wife of Kandiah, and Thairalnayagy, wife of Kanapathipillai, north by Arunasalam Ramalingam, west by Kathirgamar Arumugam and shareholders, and south by Ambalavanar Arumugam.

(2) A piece of land situated at ditto called Palaikadu, in extent 8 lachams varagu culture, with palmyras, vadalies, coconut trees, ilupai tree, well, and houses; is bounded on the east by the children of Valliammai, wife of Thambaiyah, north by lane, west by Murugesu Sachchivananthasivam and brother, and south by Ledchamipillai, wife of Sangarapillai.

(3) A piece of land with share of water in the well lying on the western boundary land and right use of way and water-course, situated at ditto called Palaikadu, in extent 8 lachams varagu culture, with palmyras and coconut trees; is bounded on the east and north by lane, west by the children of Valliammai, wife of Thambaiyah, and south by the child of Palamany, wife of Thuraiyah.

### Eastern Province.

In the District Court of Batticaloa.

K. Vallipillai of Navetkudah, administratrix of the estate of the late P. Canagasabay of Navetkudah in D. C. Testy, case No. 384 . . . . . Plaintiff.

No. 8,020.

M. M. Seenimohananda of Kattankudi . . . . . Defendant.

NOTICE is hereby given that on Saturday, November 6, 1937, at 4 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,420, with legal interest thereon from May 13, 1935, till payment in full, costs Rs. 14.40, poundage, and other charges, less Rs. 482.01, viz. :—

The coconut estate composed of the southern half share of lot No. 11456 known as Sunkankernykadu, lot No. 11457, remaining portion of lot No. 1232 after excluding the portion sold, and lots No. 11462, 11464, 11465, 11466, 1429, and 1233, situated at Sunkankerny in Koralai pattu, Batticaloa District, Eastern Province; and bounded on the north by the coconut estate belonging to E. M. Aliyarlevve and others, south by the property belonging to the heirs of Tisseveerasingam, east by the estate belonging to E. M. Aliyarlevve, and west by the estate belonging to U. P. Uthumalevve; in extent about 20 acres 1 rood and 26½ perches, with house, well, coconut trees, produce, and rights.

This is subject to the mortgage to T. Sinnathamby of Arapattai for Rs. 1,000 by deed No. 11,786 of February 13, 1935, attested by S. Kanthappan, Notary Public.

Fiscal's Office,  
Batticaloa, October 5, 1937.

J. W. VALLIPURAM,  
Deputy Fiscal.

## North-Western Province.

In the District Court of Kurunegala.

28  
K. M. P. R. Kumarappa Chettiar, (2) ditto Periya Karuppen Chettiar, by their attorney V. R. Bala-kristna Rawuth of Kurunegala ..... Plaintiffs.  
No. 15,628.

Rs. 16 Vs. 39  
C. D. John Fernando of Ilukwehera in Hetahaye korale ..... Defendant.

NOTICE is hereby given that on Wednesday, November 3, 1937, at 4.30 p.m., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 3,413.20 and poundage, viz. :—

An undivided  $\frac{1}{2}$  share of Ilukweherakumbura, situate at Ilukwehera in Hetahaye korale of Hiriyala hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by Kumbukgaha on the limit of Thahanamgahawela-oya and Meegaha, east by lands of Punchirala, Ranhamy, Tikka, Mohotta, Kudaya, Dingiriya, and Baiya of Pahalawewa and lands claimed by villagers, south by land claimed by villagers, west by Meegaha of the land of Kirihamy, east of the land of the villagers and land of Pedrick Mendis; containing in extent 33 acres and 26 perches. Together with the buildings and plantations thereon. Registered under B 182/113.

This property is under seizure under D. C., Kurunegala, writ No. 17,714.

Fiscal's Office,  
Kurunegala, October 5, 1937.

R. S. GOONESEKERA,  
Deputy Fiscal.

## Province of Uva.

In the Court of Requests of Badulla.

V. Somasunderam of Passara ..... Plaintiff.  
No. 8,933. Vs. 24

R. K. Sellammal, wife of N. Coruppiyah Mudaliyar, Passara ..... Defendant.

NOTICE is hereby given that on Saturday, November 6, 1937, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 277.26, with legal interest thereon from June 10, 1937, till payment of the said sum in full and costs of suit, Rs. 27.25, viz. :—

All that land called Iscolewatta *alias* Budugegodewatta, containing in extent 5 kurunies of kurakkan sowing, situated at Kanahelagama in Passara korale in Yatikinda division in Badulla District of the Province of Uva; and bounded on the north by stone fence of Budugegodewatta, east by stone fence of Iscolewatta and stone fence of Mahakadewatta, south by Gansabhawa road leading from Tawalantenna to Udahatiya, and west by Kadawata-ela and stone fence of the road, together with the zinc roofed buildings and plantations standing thereon.

Fiscal's Office,  
Badulla, October 4, 1937.

T. J. MENDIS,  
Deputy Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

36  
Order Nisi.  
Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late George Joseph Perera of No. 7,914. 127, Pansala Road, Kotahena, in Colombo.

Rs. 16 Vs. 29  
Kalutara Gurunapilage Dona Engalina Jayasinghe also of 127 Pansala road, in Kotahena aforesaid ..... Petitioner.

And

(1) Catherina Margaret Jayawardena *nee* Perera of Thimbirigasyaya in Colombo, (2) Leslie Perera, (3) Grace Perera, (4) Victor Perera, (5) Cecil Rowland Perera, (6) Sumanawathie Perera, (7) Walter Perera, all of 127, Pansala road, in Kotahena aforesaid; the 3rd to 7th are minors appearing by their guardian *ad litem* the 2nd respondent above named ..... Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on February 26,

1937, in the presence of Mr. D. R. de S. Abhayanayake, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 4, 1936, having been read :

It is ordered (a) that the 2nd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 3rd to 7th respondents above named, and to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before October 14, 1937, show sufficient cause to the satisfaction of the court to the contrary.

February 26, 1937.

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

In the District Court of Colombo

Order Nisi.

26  
Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Opatha Kankanange James Appuhamy of 133, Forbes road, Maradana, Colombo, deceased.  
No. 8,097.

Opatha Kankanange Baba Nona of 133, Forbes road, in Maradana aforesaid ..... Petitioner.

Rs. 16 Vs. 25  
And 29  
Opatha Kankanange William Appuhamy of Havelock Town, Colombo ..... Respondent.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on August 5, 1937, in the presence of Mr. D. R. de S. Abhayanayake, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 3, 1937, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as sister of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondent 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.

August 5, 1937.

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

In the District Court of Colombo.

Order Nisi.

31  
Testamentary In the Matter of the Intestate Estate of Jurisdiction. Tuan Haleel Sadar of Gangodawila in the Palle pattu of Salpiti korale, deceased.  
No. 8,115.

Nona Julehia Satheen of Gangodawila ..... Petitioner.

Rs. 16 Vs. 29  
And 29  
(1) Tuan Divardeen Sadar, presently of the Federated Malay States, (2) Tuan Jaboordeen Sadar of Hunupitiya in the Ragan pattu of Alutkuru korale, (3) Tuan Kitchill Sadar of Panchikawatta, 2nd Division, Maradana, Colombo, (4) Tuan Sabudeen Sadar of Wokande, Slave Island, Colombo, (5) Tuan Puwardeen Sadar of Wokande, Slave Island Colombo ..... Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on August 30, 1937, in presence of Mr. D. M. Galhena, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 18, 1937, having been read :

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

August 30, 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. William de Silva Jayasiri Goonewardena  
No. 8,120. of Galpotta street in Colombo, deceased.

Wahalantri Mudalige Dona Florence of 67, Galpotta  
street, Kotahena, in Colombo . . . . . Petitioner.

And

- (1) Felix John Benedict Goonewardena, (2) Theophila  
Daisy Goonewardena, wife of (3) Balasinghalage Don  
Marshall Perera, (4) Raymond Frederick Kingsley  
Goonewardena, (5) Mervin Joseph Reginald Goone-  
wardena, (6) George Vincent Appolohis Goonewar-  
dena, (7) Hugh Patrick Aloysius Goonewardena, (8)  
Silvia Maria Antonnette Goonewardena, all of 67,  
Galpotta street, Kotahena, in Colombo . . . Respondents.

THIS matter coming on for disposal before M. W. H. de  
Silva, Esq., District Judge of Colombo, on September 1,  
1937, in presence of Mr. D. I. Paul Perera, Proctor, on the  
part of the petitioner above named; and the affidavit of  
the said petitioner dated July 25, 1937, having been read:

It is ordered (a) that the 1st respondent be and he is  
hereby appointed guardian *ad litem* of the minors, the 5th  
6th, 7th, and 8th respondents above named, to represent  
them for all the purposes of this action, and (b) that the  
petitioner be and she is hereby declared entitled, as widow  
of the above-named deceased, to have letters of adminis-  
tration to his estate issued to her, 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 1, 1937. M. W. H. DE SILVA,  
District Judge.

34 In the District Court of Colombo.  
Order Nisi.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Kathirasapillai Suppramaniam Muttiah  
No. 8,150. of Colombo, deceased.

Muttiah Ponnamma of 35, Nelson place,  
Wellawatta . . . . . Petitioner.

And

- (1) Mrs. Sivasambu Ganesharatnam of 63, Deal  
place, Colpetty, (2) Muttiah Thangaratnam Wallip-  
pillai, (3) Muttiah Ganesharatnam Thevanaippillai,  
(4) Muttiah Sivasupiramatnam, all of 35, Nelson  
place, Wellawatta, in Colombo, (5) M. Sivasambu  
of Deal place, Colpetty. The 3rd and 4th re-  
spondents are minors appearing by their guardian  
*ad litem* the 5th respondent above named . . Respondents.

THIS matter coming on for disposal before M. W. H. de  
Silva, Esq., District Judge of Colombo, on September 18,  
1937, in presence of Messrs. Wilson & Kadirgamar,  
Proctors, on the part of the petitioner above named; and  
the affidavit of the said petitioner dated September 11,  
1937, having been read:

It is ordered (a) that the 5th respondent be and he is  
hereby appointed guardian *ad litem* of the minors, the  
3rd and 4th respondents above named, to represent them  
for all the purposes of this action, and (b) that the petitioner  
be and she is hereby declared entitled, as widow of the  
above-named deceased, to have letters of administration  
to his estate issued to her, unless the respondents above  
named or any other person or persons interested shall, on  
or before October 28, 1937, show sufficient cause to the  
satisfaction of the court to the contrary.

September 18, 1937. M. W. H. DE SILVA,  
District Judge.

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

Testamentary In the Matter of the Last Will and  
Jurisdiction. Testament of Charlotte Annie Kerr of  
No. 8,163 N.T. the Leinster House Hotel, 45, Leinster  
gardens, Bayswater, in the County of  
Middlesex, England, spinster, deceased.

THIS matter coming on for disposal before M. W. H. de  
Silva, Esq., District Judge of Colombo, on September 25,  
1937, in the presence of Messrs. F. J. & G. de Saram,  
Proctors, on the part of the petitioner, Alfred Henry Kerr  
of Ferndale, Rangalla; and (1) the affidavit of the said  
petitioner dated September 19, 1937, and (2) the order of the  
Supreme Court dated September 13, 1937, having been  
read: It is ordered that the will of the said Charlotte  
Annie Kerr, deceased, dated September 24, 1933, a certified

copy of which under the Seal of His Majesty's High Court  
of Justice in England 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 said Alfred  
Henry Kerr is the sole executor named in the said will  
and that he is entitled to have probate thereof issued to  
him accordingly, unless any person or persons interested  
shall, on or before October 14, 1937, show sufficient cause  
to the satisfaction of this court to the contrary.

September 25, 1937. M. W. H. DE SILVA,  
District Judge.

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

Testamentary In the Matter of the Last Will and  
Jurisdiction. Testament of Sydney Louis Ernest  
No. 8,164 N.T. Skeen, at one time Manager of the  
Redbank (Doors) Tea Company,  
Lighted, residing on the Red Bank  
(Doors) Tea estate under the Dhup-  
gurie Police Station in the Western  
Duars in the District of Jalpaigurie in  
India and late of Methoni Tea estate,  
Jokkhat P. O. in Assam, tea planter,  
deceased.

THIS matter coming on for disposal before M. W. H. de  
Silva, Esq., District Judge of Colombo, on September 25,  
1937, in the presence of Messrs. F. J. & G. de Saram,  
Proctors, on the part of the petitioner, James Shaw  
Forsyth of Colombo; and (1) the affidavit of the said  
petitioner dated September 22, 1937, (2) the power of  
attorney dated August 14, 1937, and (3) the order of the  
Supreme Court dated September 15, 1937, having been  
read: It is ordered that the will of the said Sydney Louis  
Ernest Skeen, deceased, dated February 21, 1929, an  
exemplification of letters of administration (with copy  
will annexed) under the Seal of the High Court of Judicature  
at Fort William in Bengal 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 said James  
Shaw Forsyth is the attorney in Ceylon of the sole  
executrix named in the said will and that he is entitled to  
have letters of administration (with will annexed) issued  
to him accordingly, unless any person or persons interested  
shall, on or before October 14, 1937, show sufficient cause  
to the satisfaction of this court to the contrary.

September 25, 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 the  
Jurisdiction. late Kurukulasuriya Anthony John Aloy-  
sius Fernando of Grand street, Negombo,  
No. 3,049. deceased.

Between

Kurukulasuriya Mary Josephine Peries of Grand street,  
Negombo . . . . . Petitioner.

And

- (1) Kurukulasuriya Joseph Benedict Georgines Fer-  
nando ditto Mary Nella Philomina Fernando,  
(3) Philip Stanislaus Felix Ferdinand Fernando, (4)  
ditto Mary Irene Fernando, minor, by her guardian  
*ad litem* the 1st respondent . . . . . Respondents.

THIS matter coming on for disposal before T. Weera-  
ratne, Esq., District Judge of Negombo, on September 9,  
1937, in the presence of Mr. F. W. Gooneratne, Proctor, on  
the part of the petitioner; and the petition and affidavit of the  
said petitioner dated September 7, 1937, having been read:

It is ordered (a) that the 1st respondent above named be  
and he is hereby appointed guardian *ad litem* of the 4th  
respondent above named, who is a minor, to represent her  
for all the purposes of this action, and (b) that the said  
petitioner be and she is hereby declared entitled, as mother  
of the above-named deceased, to have letters of adminis-  
tration to his estate issued to her accordingly, unless the  
respondents above named or any other person or persons  
interested shall, on or before October 1, 1937, show sufficient  
cause to the satisfaction of this court to the contrary.

September 9, 1937. T. WEERARATNE,  
District Judge.

Time for showing cause against the Order Nisi is hereby  
extended to October 20, 1937.

September 29, 1937. T. WEERARATNE,  
District Judge.

In the District Court of Avissawella.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the  
Jurisdiction. late Maniangamage Don Jacolis Veda-  
No. 259. rala of Waga.

Maniangamage Don Somapala of Waga ..... Petitioner.

(1) Iddamalgodage Dona Lucei Dona Hamine, (2)  
Maniangamage Dona Somawathie, (3) Manian-  
gamage Dona Seelawathie (minor) by her guardian  
*ad litem* the 1st respondent ..... Respondents.

THIS matter coming on for disposal before J. Wilmot Perera, Esq., District Judge of Avissawella, on September 13, 1937, in the presence of Mr. D. L. Welikala, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 26, 1937, having been read:

It is ordered (a) that the 1st respondent be and she is hereby appointed guardian *ad litem* over the minor, the 3rd respondent above named, to represent her for the purpose of this action, and (b) that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 12, 1937, show sufficient cause to the satisfaction of this court to the contrary.

September 13, 1937. J. WILMOT PERERA,  
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Rawanna Mana Ana Ramen Chettyar  
No. 5,504. *alias* Sockalingam Chettyar, deceased,  
of Kandy.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on August 26, 1937, in the presence of Messrs. Beven & Beven on the part of the petitioner, M. I. T. Murugappa Chettyar; and the affidavit of the said petitioner dated June 11, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the attorney of the widow of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Valliamma Atchi, (2) Soranam, (3) Saunderam, (4) Meenatchi, (5) Saraswathy, (6) Rawanna Mana Annamalai Chettyar—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. R. F. DIAS,  
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Navaratna Mudiyansele Uku Banda  
No. 5,523. Navaratna, Registrar of Amunupure in  
Kandukara Ihala korale, Udapalata,  
Gampola, deceased.

Navaratna Mudiyansele Kiri Banda Navaratna,  
Registrar of Amunupure aforesaid ..... Petitioner.

And

(1) Navaratna Mudiyansele Loku Banda Navaratna,  
(2) Navaratna Mudiyansele Kalu Banda Navaratna,  
both of Amunupure aforesaid, and (3) Navaratna  
Mudiyansele Ran Banda Navaratna of Tumpane,  
Udapalata, Poholiyadde ..... Respondents.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on September 9, 1937, in the presence of Mr. P. B. Panabokke, Proctor, on the part of the petitioner, Navaratna Mudiyansele Kiri Banda Navaratna; and the affidavit of the said petitioner dated September 6, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a son of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents or any other person or

persons interested shall, on or before November 1, 1937, show sufficient cause to the satisfaction of the court to the contrary.

September 9, 1937.

R. F. DIAS,  
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Galappatti Merenchige Deonis Silva of  
No. 7,785. Hatton.

(1) Kariyawan Ganhewagege Charles Wickremasuriya  
of Kataluwa ..... Petitioner.

(1) Galappatti Merenchige Wimalaratne, (2) ditto Bandu-  
wathie, (3) ditto Karunawathie, all of Kataluwa,  
minors, by their guardian *ad litem* (4) Balage Don  
Simon Appu of Kataluwa ..... Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on September 21, 1937, in the presence of Mr. W. M. Kulatileke, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 20, 1937, having been read:

It is ordered that the said 4th respondent be and he is hereby appointed guardian *ad litem* over the said 1st, 2nd, and 3rd respondents, unless the said respondents or any person or persons shall, on or before October 29, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is entitled to have letters of administration issued to him accordingly, unless the said respondents or any person or persons interested shall, on or before October 29, 1937, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,  
District Judge.

In the District Court of Matara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of Saris Silva Kulasuriya Kula-  
No. 3,967. suriya, late of Viharahena, deceased.

Sirisena Kulasuriya of Viharahena ..... Petitioner.

(1) Hikkadawe Liyanage Rajina Hamine, (2) Jayatissa  
Kulasuriya, (3) William Diyadasa Kulasuriya, (4)  
Leelawathie Kulasuriya, (5) Kamalawathie Kula-  
suriya, (6) Jinapena Kulasuriya, all of Viharahena,  
(7) Maginona Kulasuriya, (8) Sapinawathie Kulasuri-  
suriya, both of Viharahena, minors, by their proposed  
guardian *ad litem* the 1st respondent ..... Respondents.

THIS matter coming on for disposal before Charles Edwin Augustus Samarakkody, Esq., District Judge of Matara, on August 24, 1937, in the presence of Messrs. Balasuriya & Daluwatte, Proctors, on the part of the petitioner above named; and the affidavits (a) of the said petitioner, (b) of the attesting notary, and (c) of the two subscribing witnesses, all dated August 2, 1937, having been read:

It is ordered that the last will and testament No. 20,237 dated January 18, 1935, of the deceased above named and attested by J. P. Seneviratna, Notary Public, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further ordered that the petitioner above named is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 27, 1937, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 1st respondent above named be and she is hereby appointed guardian *ad litem* over the 7th and 8th respondents above named; minors, for all the purposes of this action, unless the respondents above named or any other person or persons interested shall, on or before October 27, 1937, show sufficient cause to the satisfaction of this court to the contrary.

August 24, 1937.

C. E. A. SAMARAKKODY,  
District Judge.

In the District Court of Jaffna (held at Point Pedro).

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Valliapper Vagapper of Puloly West,  
No. 19. deceased.

Valliapper Veehanam of Puloly West ..... Petitioner.  
Vs.

- (1) Alvapillai Manikkam, presently of English School, Kantharodai, Jaffna, (2) Velupillai Kumarasamy and wife (3) Theinappillai of Puloly West, (4) Kanthapper Seena and wife (5) Wallipillai of ditto, (6) Mootathamby Vallipuram, presently of tobacco boutique, Akkaraippattu, Batticaloa, (7) Ramalingam Chelliah and wife (8) Ponnammah of Puloly West, (9) Mootathamby Subramaniam of ditto, (10) Ledchumy, daughter of Mootathamby of ditto, (11) Packiam, daughter of Murugupillai of ditto, (12) Sinnathangachchy, daughter of Murugupillai of ditto, (13) Murugupillai Senthinayagam of ditto, (14) Pavalavally, daughter of Murugupillai of ditto, (15) Apiramy, widow of Mootathamby of ditto, (16) Theivanai, widow of Murugupillai of ditto; the 8th and 10th respondents are minors by their guardian *ad litem* the 15th respondent; the 11th, 12th, 13th, and 14th respondents are minors by their guardian *ad litem* the 16th respondent ... Respondents.

THIS matter coming on for disposal before S. Rodrigo, Esq., Additional District Judge, on July 3, 1937, in the presence of Mr. K. Muttukumar, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read: It is ordered that the petitioner be and he is hereby declared entitled to take out letters of administration to the above estate, as the brother of the intestate, and that letters of administration be issued accordingly, unless the respondents or any other person appear and show cause to the contrary on or before July 22, 1937.

S. RODRIGO,  
July 3, 1937. Additional District Judge.  
Extended (for publication) to September 23, 1937.

S. RODRIGO,  
August 26, 1937. Additional District Judge.  
Extended for October 15, 1937.

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

Testamentary In the Matter of the Estate of the late  
Jurisdiction. V. M. Kanagaratnam of Columputhurai,  
No. 370. deceased.

C. Canapathipillay, Secretary, District Court,  
Jaffna ..... Petitioner.

- (1) Marakathavally, widow of Kanagaratnam, (2) K. Rajendram, (3) K. Rajasingam, (4) K. Rajaledchumy, (5) K. Rajarajagay, (6) K. Rajeswary, (7) K. Rajasundari, (8) K. Rajasekaram, (9) K. Rajayagam, (10) K. Rajagopal, (11) K. Rajapalanpillay; 2nd to 11th minors by their guardian *ad litem* the 1st respondent, all of Columputhurai ... 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 May 10, 1937, in the presence of Mr. C. T. Kumaraswamy, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 16, 1936, having been read: It is declared that the petitioner, as official administrator, 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 June 14, 1937, show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY,  
May 27, 1937. District Judge.  
Order Nisi extended for October 15, 1937.

32/ In the District Court of Jaffna.  
Order Nisi.  
Testamentary In the Matter of the Estate of the late  
Jurisdiction. A. Kulanthavelu Somasundaram of  
No. 496. Vannarponnai West, deceased.  
Ponnamma, widow of A. K. Somasundaram of Vannarponnai ..... Petitioner.

- (1) Paraneswary, daughter of Somasundaram, (2) Nageswary, daughter of Somasundaram, both of Vannarponnai West, Vethialingam Nagalingam of Third Cross Street, Jaffna ..... Respondents.

THIS matter of the petition of the above-named petitioner, praying that the above-named 3rd respondent be

appointed guardian *ad litem* over the minors, the above-named 1st and 2nd respondents, and that letters of administration to the estate of the above-named deceased be granted to the petitioner, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on September 9, 1937, in the presence of Mr. C. C. Somasegaram, Proctor, on the part of the petitioner, and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named 3rd respondent be appointed guardian *ad litem* over the minors, the above-named 1st and 2nd respondents, and that letters of administration to the estate of the above-named deceased be granted to the petitioner, as the lawful widow of the said deceased, unless the above-named respondents appear before this court on October 13, 1937, and show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY,  
September 10, 1937. District Judge.

35/ In the District Court of Batticaloa.  
Order Nisi.

Testamentary In the Matter of the Last Will and  
Jurisdiction. Testament of the late Ibrahimcandupody Meeralevvepody of Division No. 4,  
No. 459. Nindoor.

Meeralevvepody Thambilevve of Nindoor in Batticaloa ..... Petitioner.

- And  
(1) Meeralevvepody Seenimohamadu (minor), (2) Seenimohamadu Seku Muthaly of Nindoor. Respondents.

THIS matter coming on for disposal before S. Alalasingham, Esq., District Judge of Batticaloa, on September 1, 1937, in the presence of Mr. K. V. M. Subramaniam, Proctor, on the part of the above-named petitioner; and the affidavits (1) of the said petitioner dated August 3, 1937, and (2) of the notary and attesting witnesses also dated August 10, 1937, having been read: It is ordered that the last will of Ibrahimcandupody Meeralevvepody, 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 26, 1937, show sufficient cause to the satisfaction of this court. It is further ordered that the 2nd respondent above named be and he is appointed guardian *ad litem* of the minor, the 1st respondent, unless the respondents above named or any other person or persons interested shall, on or before October 26, 1937, show sufficient cause to the satisfaction of this court.

S. ALALASUNDARAM,  
September 1, 1937. District Judge.

27/ In the District Court of Chilaw.  
Order Nisi.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. the late Warnakulasuriya Agustinu  
No. 2,195 T. Santiago Perera of Chilaw, deceased.

Warnakulasuriya Agustinu Leo Fernando of  
Chilaw ..... Petitioner.

- (1) Warnakulasuriya Mary Margaret Fernando of Chilaw, minor, by her guardian *ad litem* (2) Warnakulasuriya Agostinu Manuel Perera of Chilaw ... Respondents.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Chilaw, on September 17, 1937, in the presence of Mr. F. T. Proctor, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated September 17, 1937, having been read: It is ordered that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* of the 1st minor respondent and that the petitioner above named be and he is hereby appointed administrator of the estate of the late Warnakulasuriya Agustinu Santiago Perera, deceased, unless the respondents above named or any other person or persons interested shall, on or before October 11, 1937, show sufficient cause to the satisfaction of this court to the contrary.

M. A. SAMARAKOON,  
September 17, 1937. District Judge.

## PASSED ORDINANCES.

(Continued from page 1021.)

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof.

## No. 18 of 1937.

An Ordinance further to amend the Courts Ordinance, 1889.

No. 1 of 1889.

M. M. WEDDERBURN.

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 Courts Amendment Ordinance, No. 18 of 1937, and shall come into operation on such date as the Governor may appoint by Proclamation in the *Gazette*.

Short title and date of operation.

2 Section 8 of the Courts Ordinance, 1889, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of section 8 of Ordinance No. 1 of 1889.

- (1) by the substitution for the words "seven Judges," of the words "nine Judges,";
- (2) by the substitution for the words "six Puisne Justices." of the words "eight Puisne Justices.,"; and
- (3) in the marginal note to that section, by the substitution for the words "six Puisne Justices." of the words "eight Puisne Justices.,".

3 Section 53 of the principal Ordinance is hereby amended by the substitution for the words "any three of them," of the words "any five of them,".

Amendment of section 53 of the principal Ordinance.

4 Section 54 of the principal Ordinance is hereby amended by the substitution for the words "any three of them," of the words "any five of them,".

Amendment of section 54 of the principal Ordinance.

5 Section 54A of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Repeal of section 54A of the principal Ordinance and substitution of a new section therefor.

54A. (1) It shall be lawful for the Chief Justice to make order in writing in respect of any case brought before the Supreme Court by way of appeal, review or revision, that it shall be heard by and before all the Judges of such Court or by and before any five or more of such Judges named in the order, but so that the Chief Justice shall always be one of such five or more Judges. The decision of such Judges when unanimous, or of the majority of them in case of any difference of opinion, shall in all cases be deemed and taken to be the judgment of the Supreme Court.

Chief Justice may order appeals, &c. to be heard before Full Court or five or more Judges.

(2) Where an order has been made under sub-section (1) that any case shall be heard by and before an even number of Judges and where such Judges are equally divided in their opinions, the decision of the Chief Justice or the decision of any Judge with whom the Chief Justice concurs shall be deemed and taken to be the judgment of the Supreme Court.

Passed in Council the Twenty-eighth day of September, One thousand Nine hundred and Thirty-seven.

E. W. KANNANGARA,  
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Fourth day of October, One thousand Nine hundred and Thirty-seven.

E. R. SUDBURY,  
Secretary to the Governor.