



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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PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO,

1043— J. N. 69383-764 (10/37)

**PASSED ORDINANCES.**

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

**No. 21 of 1937.****An Ordinance to amend the Local Government Ordinance, No. 11 of 1920.**

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 Local Government Amendment Ordinance, No. 21 of 1937.

Amendment of section 55 of Ordinance No. 11 of 1920.

2 Section 55 of the Local Government Ordinance, No. 11 of 1920, is hereby amended as follows :—

(1) by the renumbering of that section as sub-section (1) of section 55 ; and

(2) by the addition of the following new sub-section as sub-section (2) of that section :—

“(2) Subject to such directions as may be given by the Governor from time to time by Order published in the Gazette, each District Council shall be the administrative authority for the purposes of the protection of any principal thoroughfares that may be situate within the administrative limits of that Council, and shall be entitled for such purposes to exercise or perform, in relation to any such principal thoroughfare, any of the powers or duties conferred or imposed by sections 84 to 104 (both inclusive), relating to buildings along thoroughfares, obstructions to thoroughfares, encroachments on thoroughfares, injuries to thoroughfares and nuisances on thoroughfares.”

Passed in Council the Twenty-ninth 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 Ninth day of October, One thousand Nine hundred and Thirty-seven.

E. R. SUDBURY,  
Secretary to the Governor.

**DRAFT ORDINANCES.****MINUTE.**

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

L. D.—O. 430/34

**An Ordinance to amend the Registration of Business Names Ordinance, No. 6 of 1918.**

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 Registration of Business Names Amendment Ordinance, No. of 1937.

Substitution of new section for section 9 of Ordinance No. 6 of 1918.

2 Section 9 of the Registration of Business Names Ordinance, No. 6 of 1918, is hereby repealed and the following section is substituted therefor :—

Disability of persons in default.

9. (1) Where any firm or person required by this Ordinance to furnish a statement of particulars or of any change in particulars in respect of any business shall have made default in so doing, then the rights of that defaulter under or arising out of any contract in relation to that business made or entered into by or on behalf of such defaulter at any time while he is in default shall not be enforceable by action or other legal proceeding either in the business name or otherwise :

Provided that—

- (a) the defaulter may apply to the court for relief against the disability imposed by this section, and the court, on being satisfied that the default was accidental, or due to inadvertence or some other sufficient cause, or that on other grounds it is just and equitable to grant relief, may grant such relief either generally, or as respects any particular contracts, on condition of the costs of the application being paid by the defaulter, unless the court otherwise orders, and on such other conditions, if any, as the court may impose; but such relief shall not be granted except on such service and such publication of notice of the application as the court may order, nor shall relief be given in respect of any contract if any party to the contract proves to the satisfaction of the court that, if the provisions of this Ordinance had been complied with, he would not have entered into the contract;
- (b) nothing herein contained shall prejudice the rights of any other parties as against the defaulter in respect of such contract as aforesaid;
- (c) if any action or proceeding shall be commenced by any other party against the defaulter to enforce the rights of such party in respect of such contract, nothing herein contained shall preclude the defaulter from enforcing in that action or proceeding, by way of counterclaim set off or otherwise, such rights as he may have against that party in respect of such contract.

(2) In this section, "court" means the court in which any action or other legal proceeding to enforce a contract is commenced by a defaulter.

*Objects and Reasons.*

Section 9 of the Registration of Business Names Ordinance, No. 6 of 1918, provides that where a firm or person required by that Ordinance to furnish a statement of particulars or of any change in particulars relating to any business has made default in so doing, a contract entered into by or on behalf of the defaulter in relation to that business shall not be enforceable at any time while he is in default by action or other legal proceeding either in the business name or otherwise.

This section is modelled on section 8 of the Registration of Business Names Act, 1916, but does not reproduce the proviso to the English section, which enacts that a court can relieve a person or firm of the disability created by the section in specified circumstances. Attention was drawn to this omission by the Supreme Court in the case of *Arunachalam Chettiar v. Ramanathan Chettiar* (1935, 37 New Law Reports, page 263).

2. The object of this Bill is to repeal section 9 of the Registration of Business Names Ordinance, No. 6 of 1918, and to substitute in its place a new section which reproduces the proviso to section 8 of the English Act. The opportunity has also been taken to redraft the substantive part of the section so as to remove the ambiguity in phraseology to which attention was drawn by the Privy Council in the case of *David v. de Silva* (1933, 35 New Law Reports, page 201).

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, October 7, 1937.

(Continued on page 1053.)

## DISTRICT AND MINOR COURTS NOTICES.

### Circuit Courts, Ratnapura District.

NOTICE is hereby given that the Circuit Courts at Balangoda and Rakwana will be held by me on the dates given below:—

(These dates are subject to alteration.)

1938.	Balangoda.	Rakwana.
January ..	7, 8 and 21, 22	15, and 28, 29
February ..	4, 5 and 18, 19	12, and 25, 26
March ..	4, 5 and 18, 19	11, 12 and 25, 26
April ..	1, 2 and 22, 23	8, 9 and 29, 30
May ..	6, 7 and 20, 21	10, 11 and 27, 28
June ..	3, 4 and 17, 18	10, 11 and 24, 25

LEONARD HAROLD DE ALWIS,

Police Magistrate and Commissioner of Requests,  
Police Court,

Ratnapura, October 7, 1937.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,122. In the matter of the insolvency of Denzil Lloyd Dela Silva of Nugegoda.

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,  
October 6, 1937. Secretary.

In the District Court of Colombo.

No. 5,148. In the matter of the insolvency of Wilathgomuwaage Don Stephen of Weliwita in the Palle pattu of Hewagam korale.

WHEREAS the above-named W. Don Stephen has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Don Sebastian

Kuruwita of 15, Ridgway place, Bambalapitiya, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said W. Don Stephen 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, Secretary. October 5, 1937.

In the District Court of Colombo. Insolvency In the matter of the insolvency of W. M. No. 4,775. Oshmarasamy of 55, Kolonnawa, in Colombo.

NOTICE is hereby given that a special sitting of this court will be held on October 26, 1937, to try a claim of Velupillay Veenasitambay for Rs. 2413.58.

By order of court, GERALD E. DE ALWIS, Secretary. October 6, 1937.

In the District Court of Colombo. No. 5,004. In the matter of the insolvency of Saranguwage Samuel de Silva of 23, Canal Row, 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 2, 1937, to approve conditions of sale of property of the insolvent.

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

In the District Court of Colombo. No. 5,149. In the matter of the insolvency of Ponnampalam Siva Ramalingam of 25, Stewart street, Slave Island, Colombo.

WHEREAS the above-named P. S. Ramalingam has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by C. Thamotheram of 174, Nagalagam street, Grandpass, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said P. S. Ramalingam insolvent accordingly ; and that two public sittings of the court, to wit, on November 30, 1937, and on January 18, 1938, 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, Secretary. October 8, 1937.

In the District Court of Kegalla. Insolvency In the matter of the insolvency of Richard Jurisdiction. Nugalwela of Kehelwathugoda. No. 71.

NOTICE is hereby given that a sitting of this court on the above matter will be held on November 10, 1937, for the assignee to file his report.

By order of court, R. B. RATNAIKE, Secretary. October 7, 1937.

NOTICES OF FISCALS' SALES.

38 Western Province.

In the District Court of Colombo. Arthur Walter Atapattu of Dehiwala in the Palle pattu of Salpiti korale Plaintiff. No. 6,118. Vs. (1) Abeyinghearachige Podinona, (2) Kudaligamage Adlin Perera, legal representatives of the estate of Galpottage Udayin Singho, deceased, both of Attidiya in the Palle pattu of Salpiti korale Defendants.

NOTICE is hereby given that on Monday, November 15, 1937, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond

No. 593 dated June 14, 1926, attested by B. S. Wickremaratne, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated May 14, 1937, for the recovery of the sum of Rs. 1,300, with interest thereon at 9 per cent. per annum from December 22, 1936, till payment in full, viz. :—

1. At 3 p.m.—An undivided 3/4 parts or shares from and out of all that divided half part of Delgahawatta and of the trees, plantations, and the buildings standing thereon, situated at Attidiya in the Palle pattu of Salpiti korale in the District of Colombo, Western Province ; bounded on the north by the other half part of this land, east by Kudaligamagekumbura, south by Nekatigewatta, and on the west by Kudaligamagewatta ; containing in extent about 125 coconut plants planting.

2. At 3.15 p.m.—An undivided 3/4 parts or shares of an undivided 1/2 of an undivided 1/2 from and out of the 1/2 portion of land called Kapiwatta and of the trees and plantations and everything thereon, situated at Attidiya aforesaid ; bounded on the north by a portion of this land, east by Kudaligamageowita, south by Delgahawatta, and on the west by a portion of this land ; containing in extent about 25 coconut trees planting.

Prior registration M 269/57.

Fiscal's Office, Colombo, October 13, 1937. J. R. TOUSSAINT, Deputy Fiscal.

In the District Court of Colombo. Lena Margaret Wethasinghe of Henry's Villa, Welikada, in the Palle pattu of Salpiti korale Plaintiff. No. 6,612. Vs.

Uduwage Don Samuel in his personal capacity and as legal representative of the estate of Dona Minet Stella Irene Wijesekera Abeyagunaratne, deceased, mortgagee of Gonawala in the Adicari pattu of Siyane korale Defendant.

NOTICE is hereby given that on Tuesday, November 16, 1937, at 3 p.m., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 13,746 dated February 4, 1934, and attested by Cornelis de Silva, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated September 8, 1937, for the recovery of the sum of Rs. 1,008, with interest on Rs. 800 at 12 per cent. per annum from January 5, 1937, up to May 7, 1937, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of this action Rs. 280.85, viz. :—

All that lot marked Q of the land called Kongahawatta, situated at Gonawala in the Adicari pattu of Siyane korale in the District of Colombo, Western Province ; and bounded on the north by the land of Elaris Perera and others, on the east by cart road and field of the late A. D. F. Amarasekera and land of Ethauda-aratchige Sanchi Appuhamy, on the south by the high road leading from Colombo to Malwana, and on the west by lots marked P and R of this land of Francis Perera Wijegoonawardene ; containing in extent 2 roads and 18 75/100 perches, together with the trees, plantations thereon and everything thereto belonging.

Prior registration C 123/134.

Fiscal's Office, Colombo, October 13, 1937. J. R. TOUSSAINT, Deputy Fiscal.

42 In the District Court of Negombo. Seena Ana Runa alias Seena Ana Runa Seena Nana Sinnan Chettiar, by his attorney Ana Neelamegam of Negombo Plaintiff. No. 8,907. Vs.

Lionel Jayakody of Balagalla Defendant.

NOTICE is hereby given that on Thursday, November 18, 1937, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,000.00, with interest on Rs. 1,500 at 12 per cent. per annum from July 15, 1933, till payment in full, plus Rs. 14.40, less Rs. 700 viz. :—

1. At 10 a.m.—All that portion marked lot D of the land called Divulapitiya estate, together with the trees and plantations standing thereon, situated at Balagalla in the Yatigaha pattu of Hapitigum korale and Wewagedara in Dasiya pattu of the Alutkuru korale in the District of Negombo, Western Province ; which said lot D being bounded on the north by the high road from Negombo to

Mirigama and land of D. F. Charles Jayakody, east by the land of D. F. Charles Jayakody and O. Jango Hamy and others, land of N. Girigoris, land of W. Silvestry, and land of Arnolis and others, south-east by the field of D. F. Charles Jayakody and others and field of W. Silvestry, south by water-course, and west by lots C and I of this land; containing in extent within these boundaries 55 acres 2 roods and 11.5 perches; and registered under D 71/185.

2. At 10.30 a.m.—The undivided western  $\frac{1}{2}$  share of the remaining undivided extent after excluding an undivided extent of 2 acres given to Vihara from and out of the divided portion of land called Danhiriyehena appearing in plans Nos. 51,215 and 113,460, situated at Balagalla aforesaid; the said divided portion being bounded on the north by the high road leading from Negombo to Mirigama, east by land now of Santi Naide formerly of the Crown and Palliyawatta, south by the Crown forest, and west by land in plan No. 113,459; containing in extent 50 acres, and registered under D 65/84, together with the buildings, trees, and plantations standing thereon.

Fiscal's Office,  
Colombo, October 13, 1937.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

- (1) Arthur John Pate (dead), (2) Isabella Charlotte Pate, both of Peradeniya road, Kandy . . . . . Plaintiffs.  
(3) The Public Trustee of Ceylon as executor of the last will and testament of 1st plaintiff, deceased . . . . . Substituted Plaintiff.

No. 24,940.

Vs.

- (1) James Perera Amaratunga Abeyaratne Siriwardene, also known as Amaratunga-aratchige James Perera, Muhandiram of Kandana (dead), (2) Deekirikewage Victoria Beatrice of Rilaula, Kandana, administratrix of the estate of 1st defendant, deceased . . . . . Substituted Defendant.

NOTICE is hereby given that on Monday, November 22, 1937, will be sold by public auction at or near the premises. the following property mortgaged with the plaintiff by bond No. 364 dated July 24, 1926, attested by P. Cassius Jansz of Colombo, Notary Public, and declared specially bound and executable under the decree dated March 30, 1928, entered in the above action and ordered to be sold by the order of court dated September 27, 1928, for the recovery of the balance sum of Rs. 137,750.91, with interest thereon at 9 per cent. per annum from July 31, 1931, till date of payment in full and costs of suit in the District Court and in the Supreme Court taxed at Rs. 2,298.20 and Rs. 224 respectively (aggregating Rs. 2,522.20), less Rs. 500 paid on October 5, 1932, Rs. 500 paid on February 3, 1933, Rs. 50 paid on February 24, 1933, Rs. 100 paid on March 1, 1933, Rs. 750 paid on May 1, 1933, and Rs. 3,650 credited to substituted plaintiff on May 6, 1933, and Rs. 1,970 recovered by the sale held on August 9, 1937, viz. :—

#### VIII.—Bungalow Block Lot C.

(a) At 3 p.m.—The land formed of the portions of Thalagahawatta, Gorakagahawatta, Rickgahawatta, Kongahawatta, and Kalhatagahawatta now forming one land situated at Kandana in the Ragam pattu aforesaid; and on which the bungalow now stands bounded on the north by the boundaries of the lands of K. Girigoris Perera, K. Poralis Perera and others, P. Saviel Appuhamy and of the estate of the late Isaac Perera Appuhamy, east by the land in the name of Saviel Rodrigo, Vidane, and boundaries of the lands of Kuruppu Aratchige Abilinu Rodrigo and Elaris Perera Muppu, south by the land of K. Simon Rodrigo and boundaries of the lands of Elaris Perera Muppu and Simon Appu and others, and west by the land of P. Jusey Appu and P. Pelis Appu and by lands of K. Girigoris Perera and K. Puralis Perera and others; containing in extent about 10 acres and more, and registered in B 232/192.

(b) All that divided  $\frac{5}{8}$  parts or shares of Hickgahawatta and Talgahawatta adjoining each other, situated at Kandana aforesaid; and bounded on the north by the live fence of garden of Hettige Santhi Appu now of Damuna-aratchige Bastian Appu, on the east by land of J. P. A. A. Siriwardene, Muhandiram, on the south by land of J. P. A. A. Siriwardene, Muhandiram, and on the west by garden of Kannan-galawatta Jorthina Perera; containing in extent about 1 acre, and registered in B 184/231.

(c) All that land called Talgahawatta, situated at Kandana aforesaid; bounded on the north, east, and west by lands of Davith Perera, Vedarala, and on the south by the lands of Kuruppuaratchige Simon Rodrigo and others; containing in extent about 2 acres, and registered in B 135/67.

(d) All that part of a garden called Kalagahawatta, situated at Kandana aforesaid; bounded on the north by garden of Jasenthu Perera, on the east by garden of Paulu and others, on the south by the garden of Jayasuriya-aratchige Don Isaac and others, and on the west by the paddy field of Bastian and others; containing in extent 1 acre 2 roods and 37/100 perches, and registered in B 180/44.

(e) All that divided  $\frac{2}{5}$  of land called Ambagahawatta, situated at Kandana aforesaid; and bounded on the north by fence of Amaratunga Aratchige Isaac Perera Appuhamy and others, on the east by fence of Isaac Perera Appuhamy's land, on the south by the ditch of the field, and on the west by the fence of the land of Kuruppuaratchige Carolis Rodrigo Appuhamy; containing in extent 1 acre more or less, and registered in B 180/45.

(f) All that divided  $\frac{1}{2}$  part or portion of the land called Gorakagahawatta at Kandana aforesaid; and bounded on the north by garden of this land of A. R. Isaac Perera Appuhamy and others, on the east by garden of Abilinu Rodrigo Appuhamy and others, on the south by this land of Kuruppuaratchige Daniel Rodrigo, and on the west by portions of land of Isaac Perera Appuhamy; containing in extent land enough for 80 coconut plants, and registered in B 180/46.

(g) All that land called Siyambalagahawatta at Kandana aforesaid; bounded on the north by field, on the east by garden of K. Stephen Perera and others, on the south by live fence of L. Perera, Aratchirala, and west by garden of Davith Perera, Vedarala, and Don Stephen Samaranayake, Vel-Vidane; containing in extent about 1 acre more or less, and registered in B 79/285.

(h) All that land called Delgahawatta at Kandana aforesaid; bounded on the north by garden of Adonis, Annavirala, and others, on the east by portion of this land of Rappial, Vedarala, on the south by portion of this land purchased by Jayasuriya Aratchige Juwanis Saram Appuhamy and others, and on the west by portion of this land of Paulu Appu; containing in extent about  $\frac{1}{2}$  an acre, and registered in B 109/286.

(i) A divided  $\frac{3}{4}$  of the adjoining portions of Millagahawatta and Dewatagahawatta, situated at Kandana aforesaid; bounded on the north by field, and south by portions of this land of Don Gabriel Jayatilke, late Peace Officer, and others and presently on the north by fence separating portions of the land of Davith Perera, Vedarala, and others, on the east by live fence separating portion of this land of Don Gabriel Jayatilke and James, Vedarala, and others, on the south by fence of Domingo Rodrigo, K. Philippu Rodrigo and others, and on the west by land of Girigoris Rodrigo and others, and on the east by land of Girigoris Rodrigo and others, and registered in B 180/47.

(j) An undivided  $\frac{1}{2}$  out of  $\frac{1}{2}$  share bounded on the north by owita of K. Jacolis Perera and others, east by lands now of Laveranti Perera Jayasinghe Wijegoonaratne, Aratchirala, on the south by portion of this land of K. Stephen Perera and others, on the west by land of Davith Perera and others, on the west by land of Davith Perera, Vedarala, and a portion of this land in extent about 1 acre and which said  $\frac{1}{2}$  share being a  $\frac{1}{2}$  part out of a  $\frac{1}{4}$  part of Siyambalagahawatta at Kandana aforesaid; and which said  $\frac{1}{4}$  share is bounded on the north by owita ground of K. Jacolis Perera and others, on the east by garden of Samuel Appu, on the south and west by portions of this land; containing in extent about  $\frac{1}{2}$  an acre; and registered in B 180/49.

All of which said lands already described marked (a), (b), (c), (d), (e), (f), (g), (h), (i), and (j), all adjoin each other and form what is now known as the bungalow block marked lot C as per figure of survey No. 81 of C. H. Frida, Surveyor, dated February 12 to 15, 1926; and bounded on the north by the road to the Mills, on the south by the lands of K. Jortina Perera, of P. Andris Goonasekera by a field by the lands of J. Aporyina Samaranayake Hamine, of J. Thobius Rodrigo, of K. Pedro Perera and K. Girigoris Perera, on the east by the lands of Simon Rodrigo and others, A. Martin Appu and others, of Gabriel, Vedarala, and others, of Selestinu Appu and others, and on the west by a Dewata road in parts and by the lands of P. Agostinu and others and K. Jortina Perera; containing in extent 18 acres and 7 perches.

#### X.—New Block.

(a) At 3.30 p.m.—All that allotment of land called and known as Veralagahawatta, situated at Kandana aforesaid; and bounded on the north by the ditch of Kurunduwatta, on the east by other portion of this land belonging to James Perera Amaratunga Siriwardene, Muhandiram, on the south and west by the ditch of this land; containing in extent 2 acres and 2 roods.

(b) All that allotment of land called Veralakanatta, situated at Kalaeliya in Ragam pattu aforesaid; and bounded on the north by the land claimed by K. Joachim

Perera, on the east by the field of K. Joachim Perera, on the south by the field claimed by A. James Perera and others, and on the west by land claimed by O. Flaris Perera and others; containing in extent 1 acre and 2 roods, which two lands adjoin each other and form one block and are registered in B 126/339 and B 92/108, together with the buildings, dead stock, mills, machinery and plantations standing thereon respectively and together with all rights, privileges, easements, servitudes, and appurtenances whatsoever thereto belonging or in anywise appertaining or used or enjoyed therewith or reputed or known as part and parcel thereof respectively and all the estate, property, claim, and demand whatsoever of the defendant and of the substituted defendant in, to, out of, or upon the said respective premises.

Fiscal's Office,  
Colombo, October 13, 1937.

J. R. TOUSSAINT,  
Deputy Fiscal.

In the District Court of Colombo.

- (1) Roselyn Michaela Mendis of Colombo (now deceased),  
(2) Wannakuwatte Mitiwaduge Arnolis Fernando of Moratuwa, the surviving trustees of the last will and testament and codicil of Francis James Fernando, deceased, (3) Arnold Festus Swithin Fernando of Coronation Cottage, Moratuwa, and (4) Carnot Walwin Abraham Fernando of Hebron, Moratuwa; 3rd and 4th plaintiffs substituted in place of 2nd . . . . . Plaintiffs.

No. 42,010. Vs.

- (1) Wickremage Agida Dias of Colombo, (2) Gamage Don Albert Dias of Colombo (now deceased), (3) Jane Harriet Withelmina Peiris, c/o Daniel Henry Peiris of 7th lane, Bambalapitiya, Colombo, (4) Lily Silva Karunaratne, also of Bambalapitiya, Colombo, (5) Gamage Dona Charlotte Dias, (6) Gamage Dona Adelaide Dias, (7) Wickremage Agida Dias, all of 32, Vajira road, Bambalapitiya, Colombo; 5th to 7th defendants substituted in place of 2nd defendant, deceased. . . . . Defendants.

NOTICE is hereby given that on Thursday, November 11, 1937, will be sold by public auction at the respective premises the following property mortgaged with the plaintiffs by bond No. 369 dated May 21, 1929, attested by C. M. G. de Saram, Notary Public, and declared specially bound and executable under the decree dated January 15, 1931, and ordered to be sold by the order of court dated August 30, 1937, for the recovery of the sum of Rs. 43,600, together with further interest on Rs. 40,000 at 9 per cent. per annum from October 1, 1930, till date of the said decree and thereafter on the aggregate amount of the decree at 9 per cent. per annum till date of payment in full and costs of suit taxed at Rs. 777.74 and renewal premium amounting to Rs. 50, less Rs. 18,081.15 paid on account of interest up to September 30, 1935, and Rs. 333.60 on account of costs, viz. :—

1. At 1 p.m.—All those three contiguous allotments of land being lot A 5/1 on plan No. 744 dated October 14, 1916, made by A. R. Savundranayagam, Licensed Surveyor and Leveller, and lots A and B of lot 4 on plan No. 1,493 dated May 31, 1923, made by C. C. Wijetunga, Licensed Surveyor, together with the buildings standing thereon bearing assessment No. 1016/112A (1) and 1016B/112A (4), Colpetty road (now bearing assessment Nos. 52 and 54, School lane), situated at Bambalapitiya in Kollupitiya Ward, within the Municipality and District of Colombo, Western Province; bounded on the north by School lane, on the east by lot C of lot 4 and portion of lot A 5 belonging to J. M. Dissanayake, on the south by Edward lane, and on the west by lot A 4 and school premises; containing in extent 1 rood and 30/100 perches according to plan thereof No. 2,092 dated January 19, 1928, made by the said A. R. Savundranayagam.

2. At 4.15 p.m.—All that allotment of land marked lot A 3 in the plan hereinafter referred to, together with the buildings standing thereon, being a portion of lot marked A of premises formerly bearing assessment No. 100 and presently bearing assessment No. 113A (3) in Ward No. 9 now No. 1004, situated at Edward lane (presently bearing assessment Nos. 19, 21, 23, and 25, Edward lane) in Colpetty road, Colpetty, within the Municipality of Colombo, in the District of Colombo, Western Province; and which said allotment marked lot A 3 is bounded on the north by lot B 1, on the east by a part of lot A 3 now separated from it and belonging to William Dias, on the south by Edward lane 12 feet wide, and on the west by a part of lot A 3 now separated from it and belonging to T. Don William now belonging to Mr. Jayawardene; containing in extent 30 70/100 perches according to the plan dated July 16, 1913, and made by C. H. Frida, Licensed Surveyor, which said

allotments of land and premises has been recently surveyed and according to plan No. 2,401 dated May 9, 1929, made by A. R. Savundranayagam, Licensed Surveyor and Leveller, is described as follows :—All that allotment of land being lot A 3 with the four buildings standing thereon bearing assessment Nos. 1004A/113A (5), 1004B/113A (6), 1004C/113A (7), and 1004D/113A (8), Colpetty road (being a portion of land formerly bearing assessment No. 100), situated at Kollupitiya aforesaid; and bounded on the north by lot B 1 being a part of this land belonging to the heirs of Mrs. Emiley Gunawardene, on the east by a portion of this same land bearing assessment No. 113 of Mr. A. E. Jayawardene, on the south by Edward lane leading to the main road, and on the west by a portion of this land bearing assessment No. 1005 of the heirs of Mr. William Dias; containing in extent 30 70/100 perches according to the said plan No. 2,401, together with all rights, ways, privileges, easements, servitudes, and appurtenances whatsoever to the said respective allotments of land, buildings, and premises belonging or in anywise appertaining or used or enjoyed therewith or reputed or known as part and parcel thereof and all the estate, right, title, interest, claim, and demand whatsoever of the 1st and 2nd defendants in, to, out of, or upon the same. Registered A 206/10 and 11.

For further particulars and inspection of title deeds please apply to Messrs. F. J. & G. de Saram, Proctors and Notaries, Imperial Bank building, Fort.

Fiscal's Office,  
Colombo, October 13, 1937.

J. R. TOUSSAINT,  
Deputy Fiscal.

### Southern Province.

In the District Court of Galle.

Amalage Hendrick and others of Ethungagoda . . Plaintiffs.  
No. 28,769. Vs.

Amalage Suttappu and others of Ethungagoda . . Defendants.

NOTICE is hereby given that on Monday, November 15, 1937, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants and plaintiffs (writ holder, 35th defendant) in the following property, viz. :—

Against 1st, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th, 101st, 102nd, 103rd, 104th, 105th, 106th, 107th, 108th, 109th, 110th, 111th, 112th, 113th, 114th, 115th, 116th, 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th, 125th, 126th, 127th, 128th, 129th, 130th, 131st, 132nd, 133rd, 134th, 135th, 136th, 137th, 138th, 139th, 140th, 141st, 142nd, 143rd, 144th, 145th, 146th, 147th, 148th, 149th, 150th, 151st, 152nd, 153rd, 154th, 155th, 156th, 157th, 158th, 159th, 160th, 161st, 162nd, 163rd, 164th, 165th, 166th, 167th, 168th, 169th, 170th, 171st, 172nd, 173rd, 174th, 175th, 176th, 177th, 178th, 179th, 180th, 181st, 182nd, 183rd, 184th, 185th, 186th, 187th, 188th, 189th, 190th, 191st, 192nd, 193rd, 194th, 195th, 196th, 197th, 198th, 199th, 200th, 201st, 202nd, 203rd, 204th, 205th, 206th, 207th, 208th, 209th, 210th, 211st, 212nd, 213th, 214th, 215th, 216th, 217th, 218th, 219th, 220th, 221st, 222nd, 223rd, 224th, 225th, 226th, 227th, 228th, 229th, 230th, 231st, 232nd, 233rd, 234th, 235th, 236th, 237th, 238th, 239th, 240th, 241st, 242nd, 243rd, 244th, 245th, 246th, 247th, 248th, 249th, 250th, 251st, 252nd, 253rd, 254th, 255th, 256th, 257th, 258th, 259th, 260th, 261st, 262nd, 263rd, 264th, 265th, 266th, 267th, 268th, 269th, 270th, 271st, 272nd, 273rd, 274th, 275th, 276th, 277th, 278th, 279th, 280th, 281st, 282nd, 283rd, 284th, 285th, 286th, 287th, 288th, 289th, 290th, 291st, 292nd, 293rd, 294th, 295th, 296th, 297th, 298th, 299th, 300th, 301st, 302nd, 303rd, 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1266th, 1267th, 1268th, 1269th, 1270th, 1271st, 1272nd, 1273rd, 1274th, 1275th, 1276th, 1277th, 1278th, 1279th, 1280th, 1281st, 1282nd, 1283rd, 1284th, 1285th, 1286th, 1287th, 1288th, 1289th, 1290th, 1291st, 1292nd, 1293rd, 1294th, 1295th, 1296th, 1297th, 1298th, 1299th, 1300th, 1301st, 1302nd, 1303rd, 1304th, 1305th, 1306th, 1307th, 1308th, 1309th, 1310th, 1311st, 1312nd, 1313th, 1314th, 1315th, 1316th, 1317th, 1318th, 1319th, 1320th, 1321st, 1322nd, 1323rd, 1324th, 1325th, 1326th, 1327th, 1328th, 1329th, 1330th, 1331st, 1332nd, 1333rd, 1334th, 1335th, 1336th, 1337th, 1338th, 1339th, 1340th, 1341st, 1342nd, 1343rd, 1344th, 1345th, 1346th, 1347th, 1348th, 1349th, 1350th, 1351st, 1352nd, 1353rd, 1354th, 1355th, 1356th, 1357th, 1358th, 1359th, 1360th, 1361st, 1362nd, 1363rd, 1364th, 1365th, 1366th, 1367th, 1368th, 1369th, 1370th, 1371st, 1372nd, 1373rd, 1374th, 1375th, 1376th, 1377th, 1378th, 1379th, 1380th, 1381st, 1382nd, 1383rd, 1384th, 1385th, 1386th, 1387th, 1388th, 1389th, 1390th, 1391st, 1392nd, 1393rd, 1394th, 1395th, 1396th, 1397th, 1398th, 1399th, 1400th, 1401st, 1402nd, 1403rd, 1404th, 1405th, 1406th, 1407th, 1408th, 1409th, 1410th, 1411st, 1412nd, 1413th, 1414th, 1415th, 1416th, 1417th, 1418th, 1419th, 1420th, 1421st, 1422nd, 1423rd, 1424th, 1425th, 1426th, 1427th, 1428th, 1429th, 1430th, 1431st, 1432nd, 1433rd, 1434th, 1435th, 1436th, 1437th, 1438th, 1439th, 1440th, 1441st, 1442nd, 1443rd, 1444th, 1445th, 1446th, 1447th, 1448th, 1449th, 1450th, 1451st, 1452nd, 1453rd, 1454th, 1455th, 1456th, 1457th, 1458th, 1459th, 1460th, 1461st, 1462nd, 1463rd, 1464th, 1465th, 1466th, 1467th, 1468th, 1469th, 1470th, 1471st, 1472nd, 1473rd, 1474th, 1475th, 1476th, 1477th, 1478th, 1479th, 1480th, 1481st, 1482nd, 1483rd, 1484th, 1485th, 1486th, 1487th, 1488th, 1489th, 1490th, 1491st, 1492nd, 1493rd, 1494th, 1495th, 1496th, 1497th, 1498th, 1499th, 1500th, 1501st, 1502nd, 1503rd, 1504th, 1505th, 1506th, 1507th, 1508th, 1509th, 1510th, 1511st, 1512nd, 1513th, 1514th, 1515th, 1516th, 1517th, 1518th, 1519th, 1520th, 1521st, 1522nd, 1523rd, 1524th, 1525th, 1526th, 1527th, 1528th, 1529th, 1530th, 1531st

*Against 1st to 15th, 35th, 36th defendants.*

9. Lot F of the land called Orruwannetotawatta, situated at Ethungagoda aforesaid; and bounded on the north by lot D, east by lot C, south by Delgahawatta-adderakumbura, west by Tunhaulwatta; in extent 2 roods and 14 perches.

10. Lot F of the land called Wellagawawatta, situated at Ethungagoda aforesaid; and bounded on the north by Amalage Disan Padinchiwatta, east by lot E, south by lot B, west by Wellagawatta; in extent 2 roods and 23 perches.

Writ amount Rs. 98.72, less Re. 1.18.

Fiscal's Office,  
Galle, October 8, 1937.

T. D. S. DHARMASENA,  
Deputy Fiscal.

In the District Court of Galle.

P. L. Suppaia of Galle . . . . . Plaintiff.  
No. 35,280. Vs.

(2) Alfred Kahaduwa and others of Kumbalwella . . . . . Defendants.

NOTICE is hereby given that on Saturday, November 6, 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 2nd defendant in the following property, viz. :—

The land called Hamadewatta *alias* Talgahawatta and the buildings marked assessment No. 364F standing thereon, situated at Waharaka in Galle District, Southern Province; and bounded on the north by Diviyagahawatta, east by road from Galle to Ukwatta, south and south-west by lots 1, 2, 3, 4, 5, and 7 of this land, and north-west by Ulubadahalawatta; in extent 1 acre 3 roods and 26 perches.

Writ amount Rs. 300, with interest thereon at 9 per cent. per annum from September 12, 1936, and together with Rs. 48.92 for costs, less Rs. 175 paid.

Fiscal's Office,  
Galle, October 12, 1937.

T. D. S. DHARMASENA,  
Deputy Fiscal.

In the District Court of Matara.

Tharaperiye Sumangala Terunnanse of Obadakanda Vihara at Pananwela . . . . . Plaintiff.  
No. 9,708. Vs.

Saibu Lebhe Mohammad Hanifa of Yagasmulla in Tangalla district, administrator of the estate of Mukadali Lebhe Marikkar Abdus Samadu, late of Miella, deceased . . . . . Defendant.

NOTICE is hereby given that on Monday, November 8, 1937, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 426.48, with legal interest thereon from March 31, 1936, till payment in full, viz. :—

1. All that undivided  $\frac{1}{2}$  part of the land called Nugagahahena *alias* Bathalahena, situated at Pananwela in Kandaboda pattu of Matara District, Southern Province; and bounded on the north by Bathalahena, east by Moragahawalahena, south by Liyangalahena, and on the west by Ritigahawatta; and containing in extent about 2 acres, together with the thatched house of 7 cubits standing on the said land Nugagahahena *alias* Bathalahena.

2. All that undivided  $\frac{1}{2}$  part of the land called Wewagawahena, situated at Pananwela aforesaid; and bounded on the north by Mekeliyagahakoratuwa and Dombemurekoratuwa, east by Dangahakoratuwa, south by Mugunagahadeniya and Pothukolawewa, and on the west by Dombemure Pothukolawewa; and containing in extent about 3 acres.

3. All that undivided  $\frac{1}{2}$  part of Thalghakoratuwa, situated at Pananwela aforesaid; and bounded on the north by Ampitiyawatta, east by Hathamunegewatta, south by Dangahakoratuwa, and on the west by Mekeliyagahakoratuwa and Dombemurekoratuwa; and containing in extent about 1 acre.

4. All those undivided  $\frac{2}{3}$  parts of the land called Thembeligahakoratuwa, situated at Miella in Kandaboda pattu aforesaid; and bounded on the north by Miellewela, east by Gallagewatta, south by Kongahakoratuwa, and on the west by Kanathhawatta; and containing in extent about 1 acre.

5. The land called Ambalamagawawatta, situated at Miella aforesaid; and bounded on the north by village limit of Giruwa pattu, east by Maragahawatta, south by high road, and on the west by a portion of the same land; and containing in extent about 1 acre.

6. All that undivided  $\frac{1}{2}$  part of the land called Maragahawatta, situated at Miella aforesaid; and bounded on the north by village limit of Giruwa pattu, east by Maragahawatta, south by high road, and on the west by Maragahawatta; and containing in extent about 1 acre and 2 roods.

7. All that undivided  $\frac{1}{12}$  part of the land called Maragahawatta, together with  $\frac{1}{12}$  part of the 13 cubits tiled house standing thereon, situated at Miella aforesaid; and bounded on the north by village limit of Giruwa pattu, east by Maragahawatta, south by high road, and on the west by Maragahawatta; and containing in extent about 1 acre.

8. All those undivided 7 kurunies of paddy showing extent of the field called Pallewatawana, situated at Miella aforesaid; and bounded on the north by Godakadurugahawatta and Maragahawatta, east by wewa, south by Jalathgewatta and Dangahamulana, and on the west by Udawatawana; and containing in extent about 3 amunams of paddy sowing.

9. All those undivided  $\frac{1}{48}$  part of Udawatawana, together with  $\frac{2}{72}$  parts of the tiled house of 11 cubits standing thereon, situated at Miella aforesaid; and bounded on the north by high road, east by Pallewatawana, south by Godaudagewatta, and on the west by Mahamulana; and containing in extent 3 amunams of paddy sowing.

10. All that portion towards the south of the road of the land called Watawanahena, situated at Miella aforesaid; and bounded on the north by high road, east by Maragahawatta, south by wela, and on the west by Maragahawatta; and containing in extent about 2 roods.

Deputy Fiscal's Office,  
Matara, October 7, 1937.

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

In the District Court of Tangalla.

Kurundupatabendige Pieris Ediriweera Jayasekera of Tangalla . . . . . Plaintiff.  
No. 3,727. Vs.

(1) Nei Tasmaniya Doole and (2) Tuan Mohomed Sabirin Soujah, both of Tissamaharama . . . . . Defendants.

NOTICE is hereby given that on Wednesday, November 10, 1937, at the time specified below, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of Rs. 872.21, with legal interest on Rs. 621.50 from March 11, 1936, till payment in full and poundage, viz. :—

At Tissa, commencing at 10.30 in the forenoon.

1. An undivided  $\frac{17}{24}$  shares of the field called Pata-gannille, in extent about 32 amunams of paddy sowing, situated at Tihawa in Magam pattu of the Hambantota District; bounded on the north by Dalukgahakumbura, east by Pieris Arachchigeidama, south by Depawa and Katumulana, and west by Patekumbura.

2. An undivided  $\frac{17}{24}$  share of the field called Patekumbura, in extent about 2 amunams of paddy sowing, situated at Tihawa aforesaid; and bounded on the north by Dalukgahakumbura, east by Gannila, south by Depawa and Katumulana, and west by Dambindawalakumbura.

3. An undivided  $\frac{17}{24}$  share of the field called Katuwekumbura, in extent of about 2 amunams and 24 kurunies of paddy sowing, situated at Tihawa aforesaid; and bounded on the north by Patamaruwa, east by Andappu Arachchigeidama, south by Puhujoolakumbura, and west by Indiwalakumbura.

4. An undivided  $\frac{17}{24}$  share of the field called Goda-Puhujoolakumbura, in extent about 2 amunams of paddy sowing, situated at Tihawa aforesaid; and bounded on the north by Katuwekumbura, east by Akurugoda Arachchimahatmayageidama, south by Dalukgahakumbura, and west by Muttettuwa.

5. An undivided  $\frac{17}{24}$  share of the field called Dalukgahakumbura, in extent about 2 amunams of paddy sowing, situated at Tihawa aforesaid; and bounded on the north by Patamaruwa, east by T. Ps. 118,980 and 118,921, south by Pategannille, and west by Wala-puhujoola.

On November 11, 1937, at 10 o'clock in the forenoon, at Hambantota.

6. An undivided  $\frac{17}{24}$  share of the 13 cubit tiled house called and known as Apothecaries' bungalow bearing assessment No. 13 standing on the allotment of land called Armoryagawawatta, in extent about  $\frac{1}{2}$  acre, situated in Hambantota District, in the four gravets of Hambantota; bounded on the north by the house of Kellarmahatmaya, east by high road, south by Government school, and west by high road.

Deputy Fiscal's Office,  
Hambantota, October 8, 1937.

V. L. WIRASINHA,  
Additional Deputy Fiscal.



**Northern Province.**

In the District Court of Jaffna.

Sinnaraddy, widow of Appaswamy of Karaitivu East ..... Plaintiff.

No. 10,187.

(1) Arumugam Kandiah and wife; (2) Theivanaipillai of Karaitivu East ..... Defendants.

NOTICE is hereby given that on Saturday, November 6, 1937, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of Rs. 1,062, with interest on Rs. 850 at 9 per cent. per annum from July 23, 1936, till payment in full and costs Rs. 237.92 and poundage and charges, viz. :-

A piece of land situated at Valanthalai in Karaitivu East, Jaffna division of the Jaffna District, Northern Province, called Mappanavoory, in extent 9 lachams varagu culture, with coconut trees, palmyras, vadalies, well, stone building and huts; is bounded on the east by Samnugam Velupillai, north by lane, west by Parupathy, wife of Elyathamby, and the property belonging to others, and south by Murugar Kanapathipillai.

Fiscal's Office,  
Jaffna, October 11, 1937.M. SELVADURAI,  
for Fiscal.

In the District Court of Jaffna.

Thambapillai Sellathamby, carrying on business under the name, firm, and style of The Lanka Benefit Co., Vannarponnai, Jaffna ..... Plaintiff.

No. 11,356. Vs.

(1) T. Selvadurai of Aiyamarkovilady, (2) wife Nagammah of ditto, (3) Nagamany Kanapthipillai of Karainagar ..... Defendants.

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 spots the right, title, and interest of the said 2nd defendant in the following property for the recovery of Rs. 648, with interest on Rs. 600 at 12 per cent. per annum from March 23, 1937, till payment in full and costs Rs. 109.80 and poundage and charges, viz. :-

1. A piece of land situated at Vannarponnai West in Vannarponnai parish, Jaffna division of the Jaffna District, Northern Province, called Ilaiyanvalavu, in extent 8 lachams varagu culture, with house, cultivated and spontaneous plants; and bounded on the east by Sinnappah Kumarasawmy, north by lane, west by Nagammah, widow of Muttuthamby, and south by Visaladchy, widow of Sinnathurai, and the property belonging to Subramaniam Sivasampu.

2. A piece of land situated at ditto called Paraicerivalivayal, in extent 27 lachams p. c.; and bounded on the east by road, north by Annamalai Vaithilingam, west by Annamalai Vaithilingam and Thurumpar Sudalaipiddy, and south by the footpath leading to the Thurumpar Sudalaipiddy.

3. A piece of land situated at ditto called Punkanvayal in extent 16 lachams p. c.; and bounded on the east by charity property called Arukalmadam, north by Old road, west by Sabapathy Arulampalam, and south by Sinnathamby Thuraiyappah and the property belonging to others.

*1st and 2nd lands are under mortgage.*Fiscal's Office,  
Jaffna, October 11, 1937.M. SELVADURAI,  
for Fiscal.

In the District Court of Colombo.

(1) S. V. Chelliah and (2) S. C. Samuel of Colombo, carrying on business at 83, Quarry road, Colombo, under the name, style, and firm of Ceylon Hardware Stores ..... Plaintiffs.

No. 2,402.

V. K. Navaratnam of Thannuyuttu in Mullaitivu ..... Defendant.

NOTICE is hereby given that on Saturday, November 20, 1937, from 10 o'clock in the forenoon, will be sold by public auction at the spots the right, title, and interest of the said defendant in the following property, viz. :-

1. All that land called Millvalavu including buildings and plantations and excluding the mill standing thereon, situated at Thannuyuttu in Mullyavalai division in Maritime pattus, Mullaitivu District, Northern Province, in extent about  $\frac{1}{2}$  acre; and bounded on the north by property of

Asanalevvai Kosunumahathu, west by property of Meerasaibu Ahamathulevvai, south by property of Kuddiyamma wife of defendant (Navaratnam), and east by road and lane.

2. The buildings and rice mill and oil engine fitted in the above land with all the machinery and parts belonging to them.

3. An undivided  $\frac{1}{4}$  share with plantations standing thereon of the land called Koviladykkadu, situated at Kumarapuram in ditto, in extent about 5 acres; and bounded on the east and north by lane, west by property of Walliammai, daughter of Velu, and south by property of defendant (Navaratnam) and others.

4. An undivided  $\frac{1}{4}$  share with plantations standing thereon of the land called Koviladykkadu, situated at ditto, in extent about 4 acres; and bounded on the east by lane, west by property of S. Suntharam, north by property of defendant (Navaratnam) and others, and south by property of K. Vinasithamby.

5. An undivided  $\frac{1}{4}$  share with houses, well, and plantations standing thereon of the land called Koddu Thuravadiyil Valavu, situated at Thannuyuttu in ditto, in extent about 2 acres; and bounded on the east by road, south and west by lane, and north by Vinasithamby Vaithilingam and others.

Amount to be recovered: Rs. 700.22 and interest on Rs. 642.40 at 12 per cent. per annum from November 23, 1934, to January 31, 1936, and thereafter legal interest on the aggregate amount until payment in full.

Deputy Fiscal's Office,  
Mullaitivu, October 11, 1937. Additional Deputy Fiscal.**Province of Sabaragamuwa.**

In the District Court of Kalutara.

Wappusa Marikar Mohamed Sheriff of Kalutara . . . Executor.

No. 1,031.

Vs.

Wappusa Marikar Habibu Umma of Kalutara . . . Respondent.

NOTICE is hereby given that on Monday, November 8, 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 executor in the following property for the recovery of the sum of Rs. 11,150, less Rs. 8,780 recovered and poundage, viz. :-

The entirety of the land called Karaiyatayahenyaya and Aswedumagawahena and now called and known as Razina estate, situate at Watupitiya in Meda pattu of Nawadun korale in the District of Ratnapura; bounded on the north by Pambehedeniya, east by Digolenagoda Indiwitiya, south by Higgastonedola, and west by Karawitigama maima; and containing in extent 57 acres 1 rood and 14 perches.

Fiscal's Office,  
Ratnapura, October 11, 1937.B. M. CHRISTOFFLEZ,  
Deputy Fiscal.**NOTICES IN TESTAMENTARY ACTIONS.**

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Haji Yoo-soof Haji Meti No. 7,877. of Kutiyana in Kathiyawar, India, deceased.

Cassom Ali Mohamed of 246 and 248, Main street, Pettah, Colombo ..... Plaintiff.

(1) Mariam Bai, wife of Mohamed Wali Mohamed of Kutiyana aforesaid, (2) Haji Hajiani, wife of Haji Cassim Haji Abdul Sahaman of Kutiyana, (3) Haji-an Julema of Kutiyana, India, (4) Haji Ahamed Haji Yoo-soof, (5) Haji Mohamed Haji Yoo-soof, (6) Ismail Haji Yoo-soof, (7) Kathira Hajiani, and (8) Zubaida Hajiani, all of Kathiyawar, India. . . . . Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on September 16, 1937, in the presence of Mr. M. R. Akbar, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated January 15, 1937, (2) of the attesting notary and one of the attesting witnesses dated October 16, 1936, and the order of the Supreme Court dated August 28, 1936, having been read:



It is ordered that the last will of Haji Yoosof Haji Moti, 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 21, 1937, show sufficient cause to the satisfaction of this court to the contrary.

September 16, 1937. M. W. H. DE SILVA,  
District Judge.

27 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of Arisi Marikar Hadjiar Mohamed  
No. 8,057. Haniffa Hadjiar of 74, Ward place,  
Colombo, deceased.

Abdul Rahuman Ummt Naima 74, Ward place,  
Colombo ..... Petitioner.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on October 7, 1937, in the presence of Mr. A. B. M. Bazeen, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated April 14, 1937, and (2) of the attesting notary and witnesses also dated April 14, 1937, having been read:

It is ordered that the last will of Arisi Marikar Hadjiar Mohamed Haniffa Hadjiar, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before October 21, 1937, show sufficient cause to the satisfaction of this court to the contrary.

October 7, 1937. M. W. H. DE SILVA,  
District Judge.

30 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of Arumugam Velu Pillai of  
No. 8,129. New Chetty street in Colombo, deceased.

Sivaratnammal, widow of the late Arumugam Velu  
Pillai of New Chetty street, Colombo ..... Petitioner.

And  
(1) Velupillai Sathanandam, (2) ditto Vivekanandan,  
(3) ditto Seethanathi, (4) ditto Vathayally, (5) ditto  
Arumugam, and (6) ditto Ramanathan, all of New  
Chetty street in Colombo ..... Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on October 2, 1937, in the presence of Mr. C. Sevaprakasam, Proctor, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated August 22, 1937, and (2) of the attesting witnesses dated August 19, 1937, having been read:

It is ordered that the last will of Arumugam Velu Pillai, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 11, 1937.

October 2, 1937. M. W. H. DE SILVA,  
District Judge.

33 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of Jessie Drusille de Silva nee de  
No. 8,153. Abrew Abeyesinghe of the Walauwe,  
Maha Waskaduwe, in the District of  
Ratutara, deceased.

Vita Drusilla Gundera (nee de Silva) of Shamrock,  
Vajira road, Bambalapitiya, Colombo ..... Petitioner.

And  
(1) Neville Harris de Silva and (2) Merrick Richard de  
Silva, both of Shamrock, Vajira road, Bambala-  
pitiya, in Colombo ..... Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on October 12, 1937,

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in the presence of Mr. J. S. Paranavitane, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated August 11, 1937, and (2) of the attesting notary and witnesses dated August 16, 1937, and (3) the order of the Supreme Court dated September 14, 1937, having been read:

It is ordered that the last will of Jessie Drusilla de Silva, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 21, 1937, show sufficient cause to the satisfaction of this court to the contrary.

October 12, 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. Welicanne Mohottiaratchige Ensohamy  
No. 8,151. of Kelanimulla in Ambatalenpahala of  
Alutkuru korale south, deceased.

Welicanne Mohottiaratchige James of Mulleriyawa  
in Adicari pattu of Dewagam korale ..... Petitioner.

(1) Welicanne Mohottiaratchige Punthihamy of Kelani-  
mulla aforesaid, (2) Andarage Thomas of Mulleriyawa  
in the Adicari pattu aforesaid, (3) Andarage Guna-  
wathie Silva and (4) Andarage Albert Silva, both of  
Mulleriyawa aforesaid, minors, appearing by their  
guardian *ad litem* (5) Kudagonadewage Baba Nona  
of Talahena in Alutkuru korale ..... Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on September 20, 1937, in presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 16, 1937, having been read:

It is ordered (a) that the 5th respondent be and she 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 he is hereby declared entitled, as brother of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 28, 1937, show sufficient cause to the satisfaction of the court to the contrary.

September 20, 1937. M. W. H. DE SILVA,  
District Judge.

32 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Kana Roona Sovanna Mana Soma-  
No. 8,162. andaram Chettiar of Puduppatty Pon-  
namaravathy in Pudukkottah State,  
deceased.

Moonchandram Chettiar, son of Muttiah Chettiar of  
97, Sea street in Colombo, and presently of Trinco-  
malee street, Sandy, the attorney of Ramayee Achi,  
widow of the deceased ..... Petitioner.

And

(1) Sovanna Mana Saminthan Chettiar, (2) Sovanna  
Mana Annamalai Chettiar, and (3) Sovanna Mana  
Subramaniam Chettiar, all of Puduppatty, Ponna-  
maravathy, in Pudukkottah State ..... Respondents.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on September 24, 1937, in presence of Mr. S. Kandasamy, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 15, 1937, power of attorney in favour of the petitioner, and the order of the Supreme court dated August 23, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as attorney of the widow of the above-named deceased, to have letters of administration to his estate

issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 4, 1937, show sufficient cause to the satisfaction of the court to the contrary.

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

It is ordered that the petitioner be and he is hereby declared entitled, as a brother 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 October 21, 1937, show sufficient cause to the satisfaction of this court to the contrary.

September 16, 1937. R. F. DIAS,  
District Judge.

<sup>26</sup> In the District Court of Colombo.  
*Order Nisi.*  
Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Don Romiel Bentara Aratchi of 4, Alston  
No. 8,166. place, Cinnamon Gardens, in Colombo,  
deceased:

Bentara-Aratchige Don Alaris of 4, Alston place,  
Cinnamon Gardens, in Colombo.....Petitioner.

And  
Dona Perina Adlina Jayawardena of Thaksala,  
Kalutara North.....Respondent.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on September 29, 1937, in presence of Mr. M. Weeraratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 25, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled as father of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 4, 1937, show sufficient cause to the satisfaction of the court to the contrary.

September 29, 1937. M. W. H. DE SILVA,  
District Judge.

<sup>27</sup> In the District Court of Nuwara Eliya.  
Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Lokuganhewage William Silva of Di-  
No. 309. gama, Agarapatana, deceased.

Avalikara Galappathige Podi Nona of Ahan-  
gama.....Petitioner.

And  
(1) Lokuganhewage Leelavathi and husband (2)  
P. H. Dionysius Silva both of Diagama, Agara-  
patana..... Respondents.

THIS matter coming on for disposal before A. R. Macdonald, Esq., District Judge of Nuwara Eliya, on September 3, 1937, in the presence of Mr. P. P. Sumanatilake, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 2, 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 1, 1937, show sufficient cause to the satisfaction of the court to the contrary.

September 3, 1937. A. R. MACDONALD,  
District Judge.

This *Order Nisi* is hereby extended for showing cause on October 22, 1937.

A. R. MACDONALD,  
District Judge.

<sup>25</sup> In the District Court of Kandy.  
*Order Nisi.*  
Testamentary In the Matter of the Estate of the late  
Jurisdiction. Halangoda Walawwe Rajakaruna Wijekoon  
No. 5,420. Wasala Mudiyansele Kuda  
Banda, deceased, of Uduwawela.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on September 7, 1937, in the presence of Messrs. Aboykoon & Dias Desinghe, on the part of the petitioner Tikiri Bandu Halangoda; and the affidavit of the said petitioner dated June 10, 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—(1) Kiridena Udaha Walawwe Ralahamillage Tikiri Kumarihamy, (2) Punchi Kumarihamy Kobbekaduwa, (3) Punchi Menike Halangoda, and (4) Dingiri Banda Halangoda, all of Uduwawela; the 3rd and 4th respondents appearing by their duly appointed guardian *ad litem* the 1st respondent—or any other person or persons interested shall, on or before October 21, 1937, show sufficient cause to the satisfaction of this court to the contrary.

September 7, 1937. R. F. DIAS,  
District Judge.

<sup>28</sup> In the District Court of Galle.  
*Order Nisi.*  
Testamentary In the Matter of the Estate of the late  
Jurisdiction. Mrs. Emma Maud Austin of Galle,  
No. 7,784. deceased.

Between  
(1) Philip Hubert Elstone and (2) Julien Henry  
Wood Austin both of Galle..... Petitioners.

And  
(1) Sheila Jane Lorraine Ebert, *nee* Austin of Sunshine  
avenue, Dambulla, (2) Kathleen Emma Nesta  
Conderlag, *nee* Austin of Police bungalow, Tebuwana,  
(3) Etheline Linette Merva Joseph *nee* Austin of  
Hirimbure, Galle..... Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Galle, on September 2, 1937, in the presence of Mr. W. H. Wickramasinghe, Proctor, on the part of the petitioners above named; and the affidavit of the said petitioners dated August 30, 1937, having been read:

It is declared that the said petitioners are entitled to have letters of administration issued to them accordingly, unless the said respondents or any person or persons interested shall, on or before October 20, 1937, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,  
District Judge.

<sup>31</sup> In the District Court of Kandy.  
Testamentary In the Matter of the Intestate Estate and  
Jurisdiction. Effects of Ratwatte Ganegedera Loku  
No. 5,517. Banda Mahanama of Millawana of Matale  
North in the District of Matale, deceased.

Gunasingha Mudiyansele Punchi Banda Karunaratna of  
Millawana aforesaid.....Petitioner.

(1) Weuda Samarakoon Ekansayake Mudiyanselegedera  
Seilawatie Samarakoon Loku Menika, (2) Gunasingha  
Mudiyanselegedera Wimalasuriya Mahanama, (3)  
Gunasingha Mudiyanselegedera Mallika Mahanama,  
and (4) Gunasingha Mudiyanselegedera Kusumawatie  
Mahanama, all of Millawana aforesaid; the 2nd, 3rd,  
and 4th respondents being minors appearing by their  
guardian *ad litem* the 1st respondent..... Respondents.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on September 16, 1937, in the presence of Mr. S. J. B. Dharmakirti, Proctor, on the part of the petitioner, Gunasingha Mudiyansele Punchi Banda Karunaratna; and the affidavit of the said petitioner dated July 29, 1937, having been read:

<sup>24</sup> In the District Court of Jaffna.  
*Order Nisi.*  
Testamentary In the Matter of the Estate of the late  
Jurisdiction. Rasamma, wife of Arumugam Eham-  
No. 454. param of Pandateruppu, deceased.

Arumugam Ehamparam of Pandateruppu.... Petitioner.

(1) Ehamparam Kandasamy and (2) Kanthar Veera-  
singam of Pandateruppu..... 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 September 20, 1937, in the presence of Mr. M. Vythialingam,

Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is declared that the petitioner is the lawful husband of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before October 22, 1937, show sufficient cause to the satisfaction of this court to the contrary.

September 20, 1937.

C. COOMARASWAMY,  
District Judge.

In the District Court of Jaffna.

Order Nisi for Letters.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Arunasalam Eliyathamby Ponniah of  
No. 308. Vannarponnai East, late of Dikoya,  
deceased.

Theivanaippillai, widow of Eliyathamby Ponniah of  
Vadaliadaippu, Chankanai ..... Petitioner.

Vs.

(1) Ponniah Nadarajah of Vannarponnai East, (2) Ponniah Ratnagopal of ditto, (3) Ponniah Somasundram of ditto, (4) Ponniah Balasubramaniam of ditto, (5) Wijayaledchary, daughter of Ponniah of ditto, (6) Rajeswary, daughter of Ponniah of ditto, (7) Pushpavathy, daughter of Ponniah of ditto, (8) Sinnammah, widow of Eliyathamby of ditto, (9) Appukkuddy Velupillai of ditto, (10) Gandappur Vallipuram and wife, (11) Rasmunthi of Vannarponnai South-East, and (12) Marugesu Kanapathippillai Ponnampalam of Vadaliadaippu in Chankanai, (13) Velupillai Vallipuram and wife (14) Achchimuthu of Vannarponnai East; the 1st respondent appearing by his guardian *ad litem* the 8th respondent, the 2nd by his guardian *ad litem* the 9th respondent, the 3rd respondent by his guardian *ad litem* the 10th and 11th and 13th and 14th respondents, and the 4th to 7th respondents by their guardian *ad litem* the 12th respondent .... Respondents.

THIS matter of the petition of the above-named petitioner, coming on for disposal before C. Coomaraswamy, Esq., District Judge, on April 8, 1937, in the presence of Mr. K. Aiyadurai, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read: It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner, unless the respondents above named or any other person shall appear before this court on August 25, 1937, and show cause to the satisfaction of this court to the contrary.

July 19, 1937.

C. COOMARASWAMY,  
District Judge.

Time to show cause extended to October 25, 1937.

C. COOMARASWAMY,  
District Judge.

18 In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Arunasalam Chetty Ponnuthurai of Van-  
No. 369. narponnai East.

THIS matter of the petition of C. S. K. Nadarajah Chetty, praying for letters of administration to the above estate, coming on for disposal before C. Coomaraswamy, Esq., District Judge, in the presence of Mr. C. R. Tambiah, Proctor for petitioner.

It is ordered that letters of administration be granted to petitioner, unless cause is shown to the contrary by the respondents on September 27, 1937.

September 2, 1937.

C. COOMARASWAMY,  
District Judge.

Extended for October 25.

September 27, 1937.

C. COOMARASWAMY,  
District Judge.

In the District Court of Ratnapura.

Order Nisi.

No. 1,059. In the Matter of the Intestate Estate of the  
late Mrs. R. E. W. Jayasekera nee Lizzie  
Cornelia Wijesingha of Kuruwita, de-  
ceased.

Between

Robert Edward Wickremesingha Jayasekera of Kuru-  
wita ..... Petitioner.

(1) Leslie Wickremesingha Jayasekera, (2) Vivienne Wickremesingha Jayasekera, (3) Shirley Wickremesingha Jayasekera, (4) Aileen Wickremesingha Jayasekera, (5) Herbert Wickremesingha Jayasekera, (6) Daisy Wickremesingha Jayasekera, (7) Mervyn Wickremesingha Jayasekera, minors, by their duly appointed guardian *ad litem* (8) Arthur Valentine Wijesingha, all of Kuruwita ..... Respondents.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge of Ratnapura, on August 30, 1937, in the presence of the petitioner above named, in person; and the affidavit of the said petitioner dated August 7, 1937, having been read:

It is declared that the said petitioner is the husband of the deceased above named and that he is entitled to have letters of administration to the estate of the said deceased issued to him accordingly, unless the above-named respondents or any other person or persons interested shall, on or before September 27, 1937, show sufficient cause to the satisfaction of this court to the contrary.

August 30, 1937.

L. H. DE ALWIS,  
District Judge.

The above Order Nisi is extended for October 26, 1937.

L. H. DE ALWIS,  
District Judge.

## DRAFT ORDINANCES.

(Continued from page 1045.)

### MINUTE.

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

M. L. A.—B. 1534/L. D.—O. 34/37

An Ordinance to amend the Colombo Municipal Council  
(Constitution) Ordinance, No. 60 of 1935.

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 Colombo Municipal Council (Constitution) Amendment Ordinance, No. of 1937.

2 Section 2 of the Colombo Municipal Council (Constitution) Ordinance, No. 60 of 1935, (hereinafter referred to as "the principal Ordinance"), is hereby amended in subsection (2), paragraphs (a) and (b), by the substitution of the word "building" for the word "dwelling-house" wherever that word occurs in those paragraphs.

Short title.

Amendment of  
section 2 (2) of  
Ordinance  
No. 60 of 1935.

Copy sent  
with Memo.  
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Amendment of section 14 of the principal Ordinance.

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

(1) in sub-section (2)—

(a) by the insertion of the words “ Except in the case provided for in paragraph (g) (v) of this sub-section ” at the beginning of paragraph (f);

(b) by the repeal of paragraph (g) and the substitution of the following paragraph therefor :—

“ (g) (i) is the owner of qualifying property situated within the limits of the Municipality ; or

(ii) is the tenant of qualifying property situated within the limits of the ward of the Municipality in which he is resident on the said date ; or

(iii) is a boarder in a hotel, club or boarding-house within the limits of the ward of the Municipality in which he is resident on the said date paying a sum of not less than ten rupees a month for board and lodging combined and has, for a continuous period of at least six months in the period of eighteen months immediately prior to the said date, been a boarder in a hotel, club or boarding-house within the limits of any ward of the Municipality paying a sum of not less than ten rupees a month for board and lodging combined; or

(iv) has an income of not less than fifteen rupees a month ; or

(v) is the owner of qualifying property within the limits of a ward of the Municipality but is not resident within the Municipality on the said date or being so resident has failed to comply with the requirements of residence prescribed by paragraph (f).” ;

(2) by the repeal of sub-section (3) and the substitution of the following sub-section therefor :—

“ (3) (a) For the purposes of paragraph (g) (i) of the preceding sub-section—

“ owner ” includes a fiduciary and a person entitled to a usufruct for life but does not include a usufructuary mortgagee ;

“ qualifying property ” means any land, house, tenement or building bearing a separate number in the Assessment Book of the Municipal Council and assessed at an annual value of not less than ten rupees.

(b) For the purposes of paragraph (g) (ii) of the preceding sub-section—

“ tenant ” means the person in possession or occupation whether as lessee, sub-lessee, tenant or sub-tenant of any qualifying property under any contract of letting and hiring relating to that qualifying property ;

“ qualifying property ” means any land, house, tenement or building, whether bearing a separate number in the Assessment Book of the Municipal Council or not, or part of such land, house, tenement or building and in respect of which the person in possession or occupation pays a monthly rent of not less than one rupee.

(c) For the purposes of paragraph (g) (v) of the preceding sub-section—

“ owner ” includes a fiduciary and a person entitled to a usufruct for life but does not include a usufructuary mortgagee ;

“ qualifying property ” means any land, house, tenement or building bearing a separate number in the Assessment Book of the Municipal Council and assessed at an annual value of not less than six hundred rupees.” ;

(3) by the repeal of sub-section (4) and the substitution of the following sub-section therefor :—

“ (4) Where two or more persons are owners of any qualifying property, the annual value at which such qualifying property is assessed shall, for the purposes of this section only, be divided in the proportion of their several shares in that qualifying property ; and, if the amount of the annual value which corresponds to the share of any owner is equal to or exceeds ten rupees or six hundred rupees, as the case may be, that owner shall, for the purposes of paragraph (g) (i) or paragraph (g) (v) of sub-section (2) respectively, be deemed to be an owner of qualifying property, notwithstanding the fact that he owns a share only in such property and that such share is not separately numbered in the Assessment Book of the Municipal Council.” ;

(4) by the repeal of sub-section (5), and the substitution of the following sub-section therefor :—

“ (5) Where two or more persons are tenants of any qualifying property, the monthly rental payable under the contract of letting and hiring relating to that qualifying property shall, for the purposes of this section only, be divided in the proportion of the amounts respectively payable as monthly rental by each tenant under the contract of letting and hiring relating to that qualifying property ; and if, upon such division, the amount of the monthly rental payable by any tenant is equal to or exceeds one rupee, that tenant shall, for the purposes of paragraph (g) (ii) of sub-section (2) be deemed to be a tenant of qualifying property, notwithstanding the fact that the qualifying property is jointly tenanted.” ;

(5) in sub-section (6), by the addition of the following proviso at the end and in continuation thereof :—

“ Provided however that in the case of a person who in any year is qualified to vote under paragraph (g) (v) of sub-section (2) his name shall be entered in the new or revised list of persons qualified to vote prepared for the ward in which his qualifying property is situated on the date of the preparation or revision, as the case may be, of such list for that year.” ; and

(6) in sub-section (10)—

(a) by the insertion in paragraph (a), between the words “ qualifying property ” and the word “ shall ”, of the words “ under paragraphs (g) (i) or (g) (ii) of sub-section (2) respectively ” ; and

(b) by the insertion in paragraph (b), between the words “ sub-sections (3) ” and the words “ (4), (5), (8) and (9) ” of the words “ paragraphs (a) and (b) ”.

4 Section 15 of the principal Ordinance is hereby amended in sub-section (4) by the insertion at the end and in continuation thereof of the following words “ or a person who is qualified to vote and whose name appears in the list of persons duly qualified to vote in force for the time being by reason of the qualification specified in paragraph (g) (v) of section 14 (2).”.

Amendment of section 15 (4) of the principal Ordinance.

5 Section 21 of the principal Ordinance is hereby amended as follows :—

Amendment of section 21 of the principal Ordinance.

(1) in sub-section (1)—

- (a) by the repeal of paragraphs (e), (f), (g) and (h) ;
- (b) by re-numbering paragraph (i) as paragraph (e) ;
- (c) by the repeal of the words “ or who requests that his name shall be erased ” at the end of the re-numbered paragraph (e) (i) ;
- (d) by the repeal of the words “ and who has made due application for that purpose ” at the end of the re-numbered paragraph (e) (ii) ;
- (e) by the repeal of the words “ and who has made due application for that purpose ” at the end of the re-numbered paragraph (e) (iii) ; and

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

“(2) In preparing or revising any such lists, the Commissioner may make such inquiries as he shall deem necessary, either by himself or by any officer appointed by him for that purpose. He may, for the same purpose, require any person to make a declaration in writing of his annual income and, where the owner of any house, building or land situated within the limits of the Municipality is resident outside such limits, may require such owner to furnish him with a declaration of the nature of the title on which such house, building or land is held. Any person intentionally giving any false information in connection with any such inquiry or refusing or failing to furnish any declaration herein specified for the space of one week from the date on which he shall have been required to do so or intentionally making a false or incorrect declaration shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees.”

Amendment of section 23 of the principal Ordinance.

6 Section 23 of the principal Ordinance is hereby amended by the repeal of sub-section (1) and the substitution of the following sub-section therefor :—

Claims and objections.

“(1) Every person duly qualified in any year to vote or to be elected or whose name was inserted in the lists for the previous year or whose name was marked with the double qualification mark in the lists for the previous year and who finds at the time when the new or revised lists are open to inspection under section 22 that his name is omitted from such lists or is in a wrong list or is not marked with the double qualification mark and who claims to have his name inserted or transferred to a list for another ward or so marked (such person being hereinafter referred to as “the claimant”) may apply to the Commissioner to have his name inserted or transferred or so marked.”

Amendment of section 25 of the principal Ordinance.

7 Section 25 of the principal Ordinance is hereby amended—

- (1) by the insertion between the word “insertion” and the words “or omission” of the word “transfer”;
- and
- (2) by the insertion between the word “insertion” and the words “or erasure” of the word “transfer”.

#### *Objects and Reasons.*

The object of this Bill is to vary the qualifications of voters and councillors prescribed by the Colombo Municipal Council (Constitution) Ordinance, No. 60 of 1935, and to amend that Ordinance so as to give effect to the recommendations of the Municipal Council of Colombo as modified by the Executive Committee of Local Administration.

2. Section 14 (3) of the principal Ordinance defines “tenant” as the person who, in law, is responsible to the owner of the property for the payment of the rent. This restrictive definition had the effect of excluding from the voters’ lists a large number of persons who were in occupation of qualifying property but in the capacity of sub-lessees and sub-tenants. It is proposed to enfranchise all those who, under the existing law, are deprived of a vote by reason of the fact that they are unable to establish contracts of direct lease or tenancy under the owners of the properties which they occupy. Further, the definition of “qualifying property” in the same section as property in respect of which a rate is paid had the effect of depriving occupants of Government and Municipal property of the right to vote. The new section proposed in this Bill will restore the vote to all those who are disfranchised on the ground last mentioned.

3. New section 14 (Clause 3) provides that where the ownership of qualifying property is the basis of the claim for inclusion in the voters’ lists, such property must be assessed at an *annual value* of not less than ten rupees. Under the existing law the criterion is the payment of an *annual rate* of ten rupees. In the case of a tenant of qualifying property, who will in the future include a sub-tenant and any person in possession of such property under any contract of letting and hiring relating thereto, the basis of the claim for inclusion in the voters’ lists will be the payment of a monthly rental of not less than one rupee. The new section further provides

for the enfranchisement of the non-resident owner of property within the Municipality provided that the assessed annual value of such property is not less than six hundred rupees. Such a non-resident owner will, however, be ineligible for election as a Councillor. Provision has also been made for enfranchising boarders in clubs, hotels and boarding houses and all persons who have an income of not less than fifteen rupees a month.

4. The Bill deals with two other points on which an amendment of the law was suggested by the Colombo Municipal Council :—

- (a) the abandonment of the system of registration of voters on an application basis and a reversion to the old system under which such registration was undertaken and completed by the staff of the Council ; and
- (b) the substitution of the word “ building ” for the word “ dwelling-house ” in sections 2 (2) (a) and 2 (2) (b) of the principal Ordinance in order to remove difficulties arising from a restrictive interpretation of the word “ dwelling-house ”.

5. Section 14 (3) of the principal Ordinance defines “ owner ” as including a fiduciary but as excluding a person entitled to a life-interest in qualifying property. As there is no real difference between a fiduciary and a usufructuary for life in regard to the right to enjoy the fruits of immovable property, the opportunity has been taken to re-define “ owner ” so as to include a usufructuary for life.

S. W. R. D. BANDARANAIKE,  
Minister for Local Administration.

Colombo, October 14, 1937.