



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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*SUPPLEMENT :*

The INDEX to the *Gazette* for the Second Half-Year of 1937.

PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

## DRAFT ORDINANCES.

## MINUTE.

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

**An Ordinance further to amend the Ceylon State Mortgage Bank Ordinance, 1931.**

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 Ceylon State Mortgage Bank (Amendment) Ordinance, No. of 1938.

Amendment of section 14 of Ordinance No. 16 of 1931.

2 Section 14 of the Ceylon State Mortgage Bank Ordinance, 1931, (hereinafter referred to as "the principal Ordinance") is hereby amended—

- (a) by the re-numbering of that section as sub-section (1) of section 14 ;  
 (b) by the addition at the end of re-numbered sub-section (1) of the following new sub-section which shall have effect as sub-section (2) of that section :—

(2) Where a Director who has been appointed the Chairman of the Board for any year, is granted leave of absence for any period during that year, the Governor shall make a new appointment, from among the Directors, of a Chairman for that period.

Amendment of section 21 of the principal Ordinance.

3 (1) Section 21 of the principal Ordinance is hereby amended by the substitution for the words "prescribe the scale for their remuneration and travelling expenses.", of the following :—

"prescribe by rules made under section 91 the scales for their remuneration and travelling charges :

Provided, however, that it shall be lawful—

- (a) for the Board to determine by resolution ; or  
 (b) for the manager, if, with the approval of the Governor, he is specially or generally authorised thereto by the Board under section 19 (1), to determine,

the remuneration and travelling charges to be paid to any such person in respect of the valuation of any property."

(2) The amendment made by sub-section (1) shall be deemed to have had effect on and after the fifteenth day of April, 1935.

Insertion of new section 36A in the principal Ordinance.

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

Certificate of Financial Secretary to be conclusive proof of regularity of issue of debenture.

36A. Every debenture shall be inscribed with a certificate bearing the signature or the facsimile of the signature of the Financial Secretary in the form set out in Schedule D. Such certificate shall for all purposes be conclusive evidence of the fact that the debenture has been duly issued in conformity with the provisions of this Ordinance, and that the payment of the principal of the debenture and of the interest thereon is a charge upon the general revenue of the Island under section 38.

Insertion of new section 37A in the principal Ordinance.

5 The following new section shall be inserted immediately after section 37 of the principal Ordinance, and shall have effect as section 37A of that Ordinance :—

Issue of debentures in the name of a minor.

37A. (1) The Board may issue debentures in the name of a minor upon application in that behalf made by the minor, or by either of his parents or by the person to whom a certificate of curatorship to the estate of the minor has been granted.

(2) Where any application is made under sub-section (1) or where any debenture is issued upon such application, the provisions of this Chapter and of any rules made under section 91 (d) shall, save as otherwise provided in this section or in section 39A but notwithstanding anything in any written or other law to the contrary, apply in like manner as if such application was made by or on behalf of, or such debenture was issued in the name of, a person who has attained the age of twenty-one years.

6 Section 38A of the principal Ordinance is hereby repealed.

Repeal of section 38A of the principal Ordinance.

7 The following new section shall be inserted immediately after section 39 of the principal Ordinance, and shall have effect as section 39A of that Ordinance :—

Insertion of new section 39A in the principal Ordinance.

39A. (1) The interest on and principal of any debenture issued in the name of a minor shall be paid—

Payments in respect of debentures issued in the name of a minor.

- (a) if the debenture was issued upon the application of the minor, to the minor ;
- (b) if the debenture was issued upon the application of his parent or of a person to whom a certificate of curatorship to the estate of the minor has been granted, to the parent or to such person or to the successor of such person, as the case may be :

Provided, however, that—

- (i) where a debenture is issued in the name of a minor upon application made by his parent, the interest on and principal of the debenture may, if the parent so requires, be paid to the minor ; and
- (ii) every payment made in respect of any debenture issued in the name of any person who is not, on the date of payment, a minor, shall be made to that person.

(2) The receipt of any minor, parent or other person\* for any money paid to him in accordance with the provisions of sub-section (1) shall, notwithstanding anything in any written or other law to the contrary, be a full and sufficient discharge therefor.

8 (1) Section 53 of the principal Ordinance is hereby amended as follows :—

Amendment of section 53 of the principal Ordinance.

- (a) by the re-numbering of that section as sub-section (1) ;
- (b) in the re-numbered sub-section (1),—

- (i) by the substitution in paragraph (a) thereof, for the words “The amount on loan” of the words “The total amount on loan” ; and
- (ii) by the substitution for paragraph (d) thereof, of the following :—

“(d) The total amount on loan from the Bank at any one time on the security of any property shall not exceed one-half of the value of that property.”

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

“(2) Where a loan has been granted by the Bank and the property mortgaged as security for that loan is not encumbered by any mortgage to any person other than the Bank, the Bank may, subject to the other provisions of this Ordinance relating to loans, grant an additional loan the repayment of which shall be secured by a further mortgage of that property ; and such further mortgage shall, for the purposes of sub-section (1) and of section 4, be deemed to be a primary mortgage.”

9 The provisions of section 53 of the principal Ordinance as amended by section 8 of this Ordinance shall have effect as if they were in force on the                      day of

Retrospective effect of section 53 of the principal Ordinance as amended by this Ordinance.

10 Section 64 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Substitution of new section for section 64 of the principal Ordinance.

64. Besides the amount due on the loan, the Board may recover from the debtor or any person acting on his behalf—

Recovery of expenses and costs incurred by the Bank.

- (a) all moneys expended by the Bank, in accordance with the covenants contained in the mortgage bond executed by the debtor, in the payment of premiums and other charges in respect of the policy of insurance effected on the land mortgaged to the Bank and in the payment of all other costs and charges authorised to be incurred by the Bank, under the covenants contained in the mortgage bond executed by the debtor ; and
- (b) the costs of advertising the sale and of selling the land : Provided that the costs incurred under this paragraph shall not exceed such percentage of the loan as may be prescribed.

Amendment of section 65 of the principal Ordinance.

11 Section 65 of the principal Ordinance is hereby amended by the substitution for the words "costs payable" occurring in that section, of the words "moneys and costs recoverable".

Insertion of new section 83A in the principal Ordinance.

12 (1) The following new section shall be inserted immediately after section 83 of the principal Ordinance, and shall have effect as section 83A of that Ordinance:—

Governor's power to authorise loans to the Bank out of general revenue.

83A. (1) The Governor may from time to time at the request of the Board authorise the Deputy Financial Secretary to lend to the Bank, out of the general revenue of the Island, such sums as the Governor may deem necessary, upon such terms as may be determined by the Financial Secretary as to the mode and time of repayment of any sum so lent and of the interest payable thereon.

(2) The provisions of sub-section (1) shall be in addition to and not in substitution of the provisions of section 83, and no report under section 82 shall be necessary in order to enable the Governor to exercise the powers conferred by that sub-section.

(2) The new section 83A inserted in the principal Ordinance by sub-section (1) shall be deemed to have had effect on and after the thirty-first day of October, 1936.

Insertion of new Schedule D to the principal Ordinance.

13 The following new Schedule shall be added immediately after Schedule C to the principal Ordinance and shall have effect as Schedule D to that Ordinance:—

#### SCHEDULE D.

(Section 36a.)

##### Form of Certificate.

I certify that this debenture is issued in conformity with the provisions of the Ceylon State Mortgage Bank Ordinance, 1931, and that the payment of the principal of this debenture and of the interest thereon is guaranteed by the Government of Ceylon and is a charge upon the general revenue of the Island.

##### Objects and Reasons.

The object of this Bill is to effect certain amendments of the Ceylon State Mortgage Bank Ordinance, 1931, which have been found to be necessary in order to facilitate the working of the Ordinance.

2. Section 14 of the principal Ordinance provides for the annual appointment of the Chairman of the Board and for the election of a member to preside at any meeting from which the Chairman is absent. That section does not, however, include provision for the appointment of a person to be the Chairman for any period for which the Chairman appointed for the year is granted leave of absence. The object of Clause 2 is to amend section 14 so as to enable the Governor to make a new appointment in such a case.

3. The effect of section 21 of the Ordinance is that the remuneration to be paid to valuers appointed by the Board to inspect and value properties must be determined according to scales prescribed by means of rules made under section 91 (b) of the Ordinance. This procedure has been found to be unsuitable, since the remuneration that should be paid in respect of any valuation depends on the nature of the work involved; the Board has, therefore, adopted the practice of deciding by means of a resolution, or of authorising the Manager under section 19 (1) to determine in certain instances, the amount of the fee payable to a valuator for his services in any particular case.

Clause 3 of this Bill regularises the existing practice by inserting in section 21 of the Ordinance a proviso empowering the Board to determine by resolution, or to authorise the Manager under section 19 (1) of the Ordinance to determine the remuneration to be paid to valuers in respect of each valuation.

4. The Trusts Ordinance, No. 9 of 1917, was amended by Ordinance No. 1 of 1934, which added the debentures of the Ceylon State Mortgage Bank to the list of authorised securities for the investment of trust funds.

Debentures duly issued by the Ceylon State Mortgage Bank carry a Government guarantee under section 38 of the Ceylon State Mortgage Bank Ordinance, 1931. Since this guarantee did not originally attach to debentures issued in excess of the limits prescribed in the proviso to section 35 of the principal Ordinance, persons charged with the investment of trust funds hesitated to invest such moneys in debentures of the Bank. The Ceylon State Mortgage Bank Amendment Ordinance, No. 23 of 1934, therefore, inserted in the principal Ordinance

a new section 38A, which attaches a Government guarantee to debentures issued in excess of the limits prescribed in the proviso to section 35, if the issue does not contravene the provisions of the Ordinance in other respects. Representations have, however, been made to the Government that there are no means by which the public can ascertain whether any debenture has been issued in accordance with the provisions of the Ordinance in other respects, and that consequently trustees are still reluctant to invest trust funds in these debentures.

The object of Clause 4 of this Bill is to add to the principal Ordinance a new section 36A which provides that every debenture issued by the Bank shall be inscribed with a certificate signed by the Financial Secretary which will be conclusive evidence that it is issued in conformity with the provisions of the Ordinance. In effect, all debentures issued by the Bank will carry a Government guarantee, and it will be for the Government to secure that they are duly issued in accordance with all the provisions of the Ordinance.

Section 38A of the principal Ordinance will be unnecessary in view of the insertion of the new section 36A and it is therefore repealed. (Clause 6).

5. (a) The object of Clause 5 is to insert in the principal Ordinance a new section 37A which will enable the Board to issue debentures in the name of a minor out of moneys paid for the purpose by the minor or by his parent or by the curator of his estate.

Sub-section (2) of the new section will provide that the other sections of the Ordinance and the rules made under section 91 (d) will apply in such cases, except where otherwise provided in the new sections 37A and 39A.

(b) Clause 7 effects a consequential amendment by which a new section 39A is inserted in the principal Ordinance to provide for payment of moneys due upon debentures issued in the name of a minor.

The interest and principal upon such debentures will under sub-section (1) of the new section 39A be paid to the minor if they were issued upon his application, or to the parent or curator or to his successor if they were issued upon the application of the parent or curator, as the case may be. A parent will however be enabled to request that payments on debentures issued on his application should be paid to the minor and provision is made to the effect that where the debenture holder attains full age, all such payments shall be made to him.

The new section will contain provisions whereby the receipt of a minor or of a parent or curator for moneys paid to him in accordance with its provisions will be a valid discharge therefor.

6. (a) By reason of the provisions of sections 4 and 53 (c) of the principal Ordinance, no loan may be granted by the Bank except on the security of the primary mortgage of immovable property. The effect of these provisions is that, where a particular property has been mortgaged to the Bank, no further loan can be granted on the security of the same property, since any subsequent mortgage, even though it is in favour of the Bank, will not be a primary mortgage. It is considered desirable, however, that the Board should have the power to grant an additional loan on the security of property already mortgaged to the Bank, in a case where the amount originally advanced by the Bank falls short of one half of the total value of the property.

Clause 8 (1) amends section 53 by the addition of a new sub-section (2) which will enable the Board to grant an additional loan; the Board will only have that power in cases in which the property is not encumbered by any mortgage other than the primary mortgage to the Bank and the other provisions of the Ordinance relating to loans will continue to apply.

Consequential amendments will be effected in paragraphs (a) and (d) of the existing section 53.

(b) Clause 9 is intended to give retrospective validity to loans already granted in the circumstances set out in paragraph (a).

7. The form of the mortgage bond executed by a person to whom a loan is granted by the Bank contains covenants which empower the Bank to make payments in respect of premiums and other charges due in respect of policies of insurance effected on the mortgaged property and of rates, taxes and other such charges due in respect of the property, and to incur expenses for the purpose of repairing and maintaining the property.

The object of Clause 10 is to amend section 64 of the principal Ordinance so as to provide that when any property is sold under the powers conferred by section 63, all payments and expenses made and incurred by the Bank, in accordance with the covenants contained in the mortgage bond, may be recovered out of the proceeds of the sale of the property.

Clause 11 effects a consequential amendment in section 65 of the principal Ordinance.

8. Section 83 of the principal Ordinance enables the Governor to authorise the Financial Secretary to lend the Bank any sum that may be necessary out of general revenue in a case where the Board under section 82 reports that the balance in the Capital Account is likely to be insufficient to meet payments which will have to be made from that Account.

It has, however, been found to be advantageous both to general revenue and to the Bank for short-term loans to be made to the Bank out of general revenue even in cases where no such insufficiency is anticipated.

The object of clause 12 is to insert a new section 83A in the principal Ordinance which will enable the Governor at any time at the request of the Board to authorise the Deputy Financial Secretary to make such short-term loans on conditions to be determined by the Financial Secretary.

Clause 12 (2) is intended to confer validity on short-term loans which have been so granted to the Bank on and after October 31, 1936.

April 8, 1938.

H. J. HUXHAM,  
Financial Secretary.

## MINUTE.

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

### **An Ordinance further to amend the Income Tax Ordinance, 1932.**

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 Income Tax Amendment Ordinance, No. of 1938.

Amendment of section 45 (4) of Ordinance No. 2 of 1932.

2 Section 45 of the Income Tax Ordinance, 1932, is, with effect from the twenty-fifth day of February, 1938, (being the date of the commencement of the Income Tax Amendment Ordinance, No. 3 of 1938), amended in sub-section (4), by the substitution for paragraph (b) (ii) of the following :—

“(ii) any additional tax charged under sub-section (6) or sub-section (6A) of section 20.”

#### *Objects and Reasons.*

The object of this Bill is to amend section 45 (4) (b) (ii) of the Income Tax Ordinance, 1932, by providing that the additional tax on Hindu undivided families and non-resident companies authorised by new section 20 (6A) shall not be included in the definition of “Ceylon tax” for the purpose of relief in cases of double taxation.

2. New sub-section (6A) of section 20 was added to the principal Ordinance by the Income Tax Amendment Ordinance, No. 3 of 1938, which was reserved for Royal assent and became law in Ceylon on the 25th February, 1938, by virtue of a Proclamation published in the Government Gazette No. 8,356 of the same date.

Colombo, April 12, 1938.

H. J. HUXHAM,  
Financial Secretary.

**SUPREME COURT NOTICES.**

IN terms of the provisions of Public Service Regulation 29, His Lordship the Chief Justice has been pleased to appoint Mr. C. Arasaratnam, Tamil Interpreter of the Supreme Court, to officiate, in addition to his own duties, as a Deputy Registrar of the Supreme Court from April 25, 1938, until the termination of the Criminal Sessions of the Supreme Court at Galle in respect of the 1st Southern Circuit, 1938.

By order,

The Registry, Supreme Court, GUY O. GRENIER,  
Colombo, April 19, 1938. Registrar.

**DISTRICT AND MINOR COURTS NOTICES.****Destruction of Criminal Records.**

IT is hereby notified that the under-mentioned Criminal Records will be destroyed on or after August 3, 1938.

Those who are interested will communicate with me.

LEONARD B. DE SILVA,  
Police Magistrate, Balapitiya.

P. C., Balapitiya, Cases Nos. 5,542 to 20,000.

**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.
July ..	1, 2 and 15, 16 ..	8, 9 and 22, 23
August ..	5, 6 and 19, 20 ..	12, 13 and 26, 27
September ..	2, 3 and 16, 17 ..	9, 10 and 23, 24
October ..	7, 8 and 21, 22 ..	14, 15 and 28, 29
November ..	4, 5 and 18, 19 ..	11, 12 and 25, 26
December ..	2, 3 and 16, 17 ..	9, 10 and 22, 23

LEONARD HAROLD DE ALVIS,  
Police Magistrate and Commissioner  
of Requests.

Police Court,  
Ratnapura, April 19, 1938.

**NOTICES OF INSOLVENCY.**

In the District Court of Colombo.

No. 5,174. In the matter of the insolvency of Joseph Lionel Jayawardene of 390, Allen avenue, Dehiwala.

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 May 21, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,  
April 12, 1938. Secretary.

In the District Court of Colombo.

No. 5,181. In the matter of the insolvency of Pathirage John Perera of Thorana junction, Waragoda, 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 May 31, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,  
April 12, 1938. Secretary.

In the District Court of Colombo.

No. 5,182. In the matter of the insolvency of Fredrick Stanley Salvador of 215, Pickering's road, Kotabena, 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 May 31, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, GERALD E. DE ALWIS,  
April 12, 1938. Secretary.

In the District Court of Colombo.

No. 5,210. In the matter of the insolvency of Hewa Pathirana Don Nicholas Seneviratne of 20/120, Hill street, Colombo.

WHEREAS the above-named H. P. D. N. Seneviratne has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. Edwin Perera of Mount Lavinia, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said H. P. D. N. Seneviratne insolvent accordingly; and that two public sittings of the court, to wit, on May 24, 1938, and on June 21, 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,  
April 12, 1938. Secretary.

In the District Court of Kalutara.

No. 300. In the matter of the insolvency of Bodiya-baduge Abdy Perera of Walana in Panadura.

NOTICE is hereby given that Mr. D. A. J. Weerasooriya of Panadura is appointed assignee of the estate of the above-named insolvent.

By order of court, B. J. ARASARATNAM,  
April 11, 1938. Secretary.

In the District Court of Kandy.

No. 2,113. In the matter of the insolvency of Rawanna Kanjah of 139, Castle Hill street in Kandy.

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 May 27, 1938, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. MALALGODA,  
April 8, 1938. Secretary.

In the District Court of Kandy.

No. 2,135. In the matter of the insolvency of M. Chinniah of Bellwood estate, Galaha.

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 May 20, 1938, to appoint an assignee.

By order of court, R. MALALGODA,  
April 7, 1938. Secretary.

In the District Court of Kandy.

No. 2,137. In the matter of the insolvency of Walter Reginald Wilmot Peiris, presently of the Kandy Ice Company in Kandy.

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 May 20, 1938, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. MALALGODA,  
April 7, 1938. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 30. In the matter of the insolvency of Kana Runa Muthucarpen Kangany, Coreen Estate, Talawakelle.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place on May 3, 1938, for proving further claims, if any, and appointment of an assignee.

By order of court, E. DE S. GUNAWARDENE,  
April 9, 1938. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 31. In the matter of the insolvency of Sittarawther Mastan Saibo Dawood Saibo of Maskeliya.

WHEREAS the above-named Sittarawther Mastan Saibo Dawood Saibo has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his estate, under the Ordinance No. 7 of 1853, has been filed by Ana Kana Muhammadu Sultan of Colombo: Notice

is hereby given that the said court has adjudged him an insolvent accordingly; and that two public sittings of the court, to wit, on May 3 and 31, 1938, will take place for the 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, E. DE S. GUNAWARDENE,  
Secretary.

In the District Court of Matara.

No. 127. In the matter of the insolvency of Osman Aiub of Kadeweediya, the attorney of Aliyas Adam and Co., Matara, carrying on business under the name, style, and firm of "Siddik Drapery Stores", Matara.

WHEREAS Osman Aiub of Kadeweediya, the Attorney of Aliyas Adam and Co., Matara, carrying on business under the name, style, and firm of "Siddik Drapery Stores", Matara, has filed a declaration of insolvency, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Osman Aiub insolvent accordingly; and that two public sittings of the court, to wit, on May 16, 1938, and on July 4, 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, R. S. GUNASEKERE,  
April 11, 1938. Secretary.

**NOTICES OF FISCALS' SALES.**

**Western Province.**

In the District Court of Colombo.

- (1) Nikagahage Louis de Silva (2) ditto Cornelis de Silva of 405, Galle road, Bambalapitiya, Colombo ..... Plaintiffs.  
No. 59 Land. Vs.
- (3) Dona Nancy Wijesinghe of 405, Galle road, Bambalapitiya, and others ..... Defendants.

NOTICE is hereby given that on Friday, May 20, 1938, at 4 P.M., will be sold by public auction at the premises the right, title, and interest of the said 3rd defendant in the following property for the recovery of the sum of Rs. 796.16, less a sum of Rs. 115, viz. :-

An undivided 1/4 of an allotment of land with the buildings and plantations standing thereon, bearing assessment Nos. 405, 407, 409, and 405/13 to 405/17, 405/9 to 405/12 and 405/1 to 405/8, situated at Wellawatta, within the Municipality and District of Colombo, Western Province; bounded on the north by the property formerly of Lokurajage Don Carolis Appu now of Noor Hassena Umma, on the east by the property formerly of Hendrick Appu now belonging to the heirs of the late Rev. Gunasekera, on the south by the property formerly of Ratnaweera Acharige Marathelis Rabel, properties now of Mrs. R. P. Jonson, W. A. Rogers, and S. Ratnasabapathy, and on the west by the high road from Colombo to Galle; containing in extent 2 roods and 25 perches and fully described in the plan and survey No. 105 dated October 15, 1934, made by C. H. Frida, Licensed Surveyor, less an extent of 10 23/100 perches acquired by Government for Galle road widening (premises Nos. 405, 407, and 409).

Fiscal's Office, J. R. TOUSSAINT,  
Colombo, April 20, 1938. Deputy Fiscal.

In the District Court of Colombo.

Stephen Perera Jayawardene of Havelock road, Bambalapitiya ..... Plaintiff.  
No. 201. Vs.

- (1) Wanniaratchige Engalmana Fonseka and husband (2) Jayasuriya and Echige Godianu Perera, both of 128, Viustwyke road, Mutwal in Colombo, (3) Siyambalagodage Joseph Perera, (4) ditto Albert Perera, (5) ditto John Perera, all of Vine street north, Mutwal in Colombo ..... Defendants.

NOTICE is hereby given that on Wednesday, May 25, 1938, will be sold by public auction at the premises in the

following property mortgaged with the plaintiff by bond No. 3,295 dated June 27, 1932, attested by N. J. S. Cooray, 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 March 6, 1935, for the recovery of the sum of Rs. 849.04, together with interest on the sum of Rs. 700 at 15 per cent. per annum from February 2, 1934, to November 23, 1934, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, viz. :-

1. At 4 p.m.—All that allotment of land called Wal-millagahawatta with the house standing thereon bearing assessment No. 162 now No. 298 situated at Modera street, Mutwal, in Colombo within the Municipality and in the District of Colombo, Western Province; bounded on the north by a footpath 4 feet wide, on the east by an allotment of the adjoining land belonging to Wanniaratchige Carolis Fonseka, on the south by an allotment of this land belonging to Ponnawilage Inasiya Hami, and on the west by the high road; containing in extent 2 33/100 square perches.

2. At 4.15 p.m.—All that right, title, and interest which the 3rd and 4th defendants herein named Siyambalagodage Joseph Perera and Siyambalagodage Albert Perera may be declared entitled to under the final decree in partition action No. 21,134 of the District Court of Colombo from and out of all that defined portion of Millagahawatta called lot C in plan No. 466 dated October 16, 1926, made by W. Z. G. Rajapakse, Licensed Surveyor, with the buildings thereon being a defined portion of premises bearing assessment Nos. 162 and 163, situated at Modera street, Mutwal, within the Municipality aforesaid; which said lot marked C is bounded on the north by a lane, on the east by other part of Millagahawatta now bearing assessment No. 168/3877 of Mahamutugalage Thomas Fernando and another, on the south by premises bearing assessment No. 164/3875 of the heirs of the late Hetti Kandage Anthony Fernando, and on the west by the lot marked A in the said plan formerly of Owitigalage Lucia Perera now of W. Engeltina Fonseka and lot B formerly of W. Isabella Fonseka now of K. S. Fernando, the 16th defendant; containing in extent 3 48/100 perches. Prior registration A 212/287, 212/288.

Fiscal's Office, J. R. TOUSSAINT,  
Colombo, April 20, 1938. Deputy Fiscal.

In the District Court of Colombo.

G. T. T. de Silva of Greenpath in Colpetty, Colombo ..... Plaintiff.  
No. 5,828/M. Vs.  
A. C. M. Abdul Cader of 36, Greenpath, Colpetty, and 35, Ferry street, Hulftshoop, Colombo ..... Defendant.

NOTICE is hereby given that on Monday, May 23, 1938, at 11 A.M., will be sold by public auction at 36, Greenpath, Colpetty, Colombo, the following movable property for the recovery of the sum of Rs. 1,820, less Rs. 400, plus Rs. 200, viz. :-

4 nadun loungers, 4 teakwood low chairs, 1 small chair, 3 teakwood round teapoys, 1 ditto stand, 1 porcelain flower vase, 2 teakwood cushioned settees, 4 ditto cushioned arm-chairs, 2 ditto cushioned chairs, 1 ebony teapoy, 4 nickel flower vases, 1 clock with glass case, 2 brass flower vases with stands, 2 teakwood corner whatnots, 4 aluminium flower vases, 1 teakwood cushioned couch, 4 teakwood cushioned chairs, 1 ditto teapoy, 1 teakwood arm-chair, 1 teakwood writing table, 1 ditto glass almirah, 1 ditto box, 1 ditto screen, 1 ditto cushioned settee, 2 ditto corner chairs, 1-oval teapoy, 1 show case (black), 1 gramophone with cabinet, 1 nadun cabinet, 1 wall clock, 1 Galle Gymkhana cup; 1 Abeysundara cup, 1 flower pot stand (silver colour), 1 dish (silver colour), 8 small flower vases (silver colour), 1 nadun chairs, 1 jak almirah, 1 jak toilet table, 2 teakwood loungers, 1 ditto round lounge, 1 ditto almirah fixed with mirror, 1 ditto table, 1 ditto sideboard fixed with mirror, 1 teakwood glass almirah, 1 ditto cabinet, 1 jak stand, 1 teakwood dining table, 2 ditto arm chairs, 6 ditto chairs, 1 jak ice box, 1 teakwood whatnot with marble top, 1 ditto table with marble top, 1 ditto almirah fixed with mirror, 1 ditto writing table, 1 jak almirah fixed with mirror, 1-iron safe, 10 teakwood flower pots, 6 flower pot stands (marble), 15 pots with flower plants.

Fiscal's Office, J. R. TOUSSAINT,  
Colombo, April 20, 1938. Deputy Fiscal.



## In the Court of Requests of Colombo

Dr. D. W. Perera of Srimahal, Rosmead place,  
Colombo ..... Plaintiff  
No. 20,161.

Arthur C. Weerasekera of Pretoria Villa, Stafford place,  
Colombo ..... Defendant.

NOTICE is hereby given that on Tuesday, May 24, 1938, at 5 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. 130.93 with interest on Rs. 125 at 9 per cent. per annum from March 17, 1936, to date of decree (May 8, 1936), and thereafter legal interest on the aggregate amount till payment in full and costs Rs. 22.25 and prospective costs Rs. 6.50, viz. :—

All that land and premises bearing assessment Nos. 51 and 55, situated at Norris Canal road, Colombo, within the Municipality, and in the District of Colombo, Western Province; and bounded on the north by premises known as Fair Hurst, on the south by Mill View, on the east by premises known as Pretoria Villa, and on the west by the Norris Canal road; containing in extent 2 roods.

Fiscal's Office,  
Colombo, April 20, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

## In the Court of Requests of Colombo.

(1) M. P. M. Narayanan Chettiar, (2) M. P. M. Ramasamy Chettiar, (3) M. P. M. Periya Caruppan Chettiar, all carrying on business under the name, style, and firm of M. P. M. No. 234, Sea street, Colombo ..... Plaintiffs.

No. 38,220.

Vs.

(1) Ummu Nalifa and (2) A. H. M. Zahid, both of presently 101, Silversmith street, Colombo ..... Defendants.

NOTICE is hereby given that on Tuesday, May 24, 1938, at 4 P.M., will be sold by public auction at the premises the right, title, and interest of the said 1st and 2nd defendants in the following property for the recovery of the sum of Rs. 251.55 with legal interest thereon from December 11, 1937, till payment in full and costs of suit, Rs. 40.75 being incurred costs and Rs. 7.50 prospective costs, viz. :—

All that allotment of land presently bearing assessment No. 141, situated at New Moor street, within the Municipality and District of Colombo, Western Province; bounded on the north by house of Alliar Mahammad now of M. L. M. Sally bearing assessment No. 2/1312 facing 1st Mosque lane, on the east by 1st Mosque lane, south by New Moor street, and on the west by house formerly of Cader Pulle-Ahamado Ahamado Lebbe now of W. M. Abdul Rahaman bearing assessment No. 48/1 (1315); containing in extent 10 80/100 perches.

Fiscal's Office,  
Colombo, April 20, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

## In the District Court of Colombo.

N. K. P. L. Palaniappa Chettiar of Sea street, Colombo ..... Substituted Plaintiff.

No. 40,914.

Vs.

(1) M. I. Don Arnolis of Waga, (2) Alayattage Don Paulis Appuhamy of Stace road, Grandpass, Colombo ..... Defendants.

NOTICE is hereby given that on Monday, May 23, 1938, at 4 P.M., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 5,154.40, with interest thereon at 9 per cent. per annum from December 3, 1937, till payment in full and costs to be taxed by court, viz. :—

All that house and premises formerly bearing assessment No. 38, presently bearing assessment No. 96, Stace road, Colombo, within the Municipality and District of Colombo, Western Province; bounded on the north-east by New Urugodawatta road now known as Stace road, on the south-east by lot No. 6, on the south-west by premises bearing assessment No. 32 to 36, and on the north-west by lot No. 4; containing in extent 1 rood and 5.85 square perches.

Fiscal's Office,  
Colombo, April 20, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

B 2

## In the District Court of Kalutara.

(1) David Dharmadasa Kotalawala, (2) Wimalawathie Kotalawala, (3) Gnanawathie Kotalawala, (4) Gunasena Kotalawala, (5) Chandrani Kotalawala, (6) Kalyanawathie Kotalawala, (7) Mallikawathie Kotalawala by their next friend Alexander Kotalawala, all of Heenatiyangala ..... Plaintiffs.

No. 14,626.

Vs.

Maddumage Don Pedrick Goonewardena of Maha Heenatiyangala, and others ..... Defendants.

NOTICE is hereby given that on Thursday, May 19, 1938, at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said plaintiffs in the following property for the recovery of Rs. 787 plus 265.50, viz. :—

1. All those undivided 8/10 and 1/90 parts or shares of the soil and of the trees of the land called Aduwannawatta, situated at-Mahaheenatiyangala in Kalutara badda of the Kalutara totamune in the District of Kalutara, Western Province; and bounded on the north by the high road and land belonging to Wittachi, on the east by Pansalawatta or road to Nagoda, on the south by Dammullewatta (lot No. 1) belonging to Don William Jayasinghe and other lands belonging to the said William Jayasinghe and others, and on the west by Heenatiyangala-ela; and containing in extent about 1 acre and 2 roods, together with the buildings thereon.

2. All the soil, trees and buildings of all that undivided portion to the south of the cart road, namely, the portion three fathoms in breadth from the southern boundary towards the north, that is, as far as the cart road and in length from the western boundary extending to the eastern boundary of the land called Edandabodawattapaula, situated at Mahaheenatiyangala aforesaid; and bounded on the north by the land described in plan No. 63,712, on the north-east by the land described in plan No. 63,713, on the east by Aduwannawatta, on the south by the footpath, and on the west by Maha-ela; and containing in extent 2 roods and 38 perches.

Deputy Fiscal's Office,  
Kalutara, April 11, 1938.

H. SAMERESINGHA,  
Deputy Fiscal.

## In the District Court of Kalutara.

Meegama Aratchige Silvestri Perera of Wadduwa ..... Plaintiff.

No. 19,494.

Vs.

Don Alfred Francis Jayawardena of Talpitiya, legal representative of the estate of the late D. A. Goonetilleka ..... Defendant.

NOTICE is hereby given that on Monday, May 16, 1938, 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 defendant in the following property for the recovery of Rs. 16,757.90, with interest on Rs. 11,100 at 12½ per cent. per annum from September 20, 1935, till August 28, 1936, and thereafter on the aggregate at 9 per cent. per annum till payment in full, and costs Rs. 545.40, less Rs. 12,610, viz. :—

1. An allotment of land called Moonamalgahawatta, with the buildings and plantations standing thereon, situated at Kuda Wadduwa in Waddubadda of the Panadure totamune in the District of Kalutara, Western Province; and bounded on the north by Kurunduwatta, on the east, south, and west by portions of the same land called Moonamalgahawatta; containing in extent from east to west 8 fathoms, and from north to south 11 fathoms, and registered in B 268/299.

2. An undivided portion of land towards the northern boundary, in extent from north to south 24 yards, and from east to west 24 yards, from and out of the defined allotment of land called Moonamalgahawatta, with the tiled house and tiled kitchen attached thereto standing on the said portion of land and all the plantations standing thereon, situated at Kuda Wadduwa aforesaid; and bounded on the north by Kurunduwatta, east by a portion of this land belonging to Ponsuge Peiris Tissera and another, portion of this land belonging to Mestiyage Don Hendrick and others, south by Dolakadawatta, and on the west by portion of this land belonging to Ponsuge Peiris Tissera; containing in extent about 1 acre, and registered in B 268/300.

On Monday, May 16, 1938, commencing at 3.30 P.M.

3. An allotment of land called Dombagahawattekkattiya, situated at Talpitiya in Talpitibadda of the Panadure totamune aforesaid; and bounded on the north by a portion of this land belonging to H. P. S. Samarasekera Gunatillaka,

east by a portion of this garden wherein H. R. P. Samarasekera resides, south by a portion of this land belonging to P. D. Rodrigo's heirs, on the west by the seashore; and containing in extent 2 roods, and registered in B 106/90.

4. An undivided  $\frac{3}{4}$  shares of the soil and trees of the land called Dombagahawattakattiya, situated at Talpitiya aforesaid; and bounded on the north by portion of this land, east by abandoned old road now rail road, south by two portion of Dombagahawatta belonging to H. S. Perera, C. P. Samarasekera and another, H. P. S. Samarasekera, Goonetilleke, and west by seashore; and containing in extent 3 acres 2 roods and  $2\frac{67}{100}$  perches, and registered in B 266/191.

5. An undivided  $\frac{1}{4}$  share of the soil and trees of the land called Dombagahawatta, situated at Talpitiya; and bounded on the north by the  $\frac{1}{4}$  portion of this land, east by Kiripellagahawatta, south by the land of Jayasinghettige, and west by seashore; and containing in extent 3 acres 1 rood and 12.5 perches.

6. An undivided  $\frac{1}{2}$  share of the land called Kiripellagahawatta, situated at Talpitiya in Talpiti badda; and bounded on the north by portion of this land belonging to the heirs of M. Davith Perera, east by Kinkatuwelakattiya belonging to H. S. P. Samarasekera, presently owned by Alex Goonetilleke, south by Kiripellagahawattakattiya of Alex Goonetilleke, and on the west by the rail road; and containing in extent about 1 acre.

7. An undivided one half share of the land called Panvilekumbura at Pinwatta in Talpiti badda; and bounded on the north and north-east by land claimed by villagers, lands in plans Nos. 50,302, 50,301 and wela, south-east by the land said to belong to the Crown and land in plan No. 20,299, and south-west and west by land claimed by villagers and land in plan No. 20,300; containing in extent 25 acres and 3 perches.

Deputy Fiscal's Office,  
Kalutara, April 11, 1938.

H. SAMERESINGHA,  
Deputy Fiscal.

### Central Province.

In the District Court of Kandy.

Mohamado Mohideen Marikar's son, Meer Saibo Marikkar Hadjar of Parwila ..... Plaintiff.

No. 42,092. Vs.

Herath Mudiyansele Tikiri Banda, *ex* Registrar of Giddawa in Pallispattu of Lower Dumbura. Defendant.

And

Tikiri Banda, *ex* Registrar's wife Ran Menika, (2) C. B. Herath of Kandy, (3) W. B. Herath of Hatton, (4) M. B. Herath of Giddawa ..... Substituted-Defendants.

NOTICE is hereby given that on Friday, May 20, 1938, commencing at 2 P.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 1,140 dated August 19, 1929, and attested by M. A. S. Marikar, Notary Public of Kandy, 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 19, 1935, for the recovery of the sum of Rs. 1,050, with 9 per centum per annum from April 25, 1932, on Rs. 1,250 till payment in full and costs Rs. 27.67 $\frac{1}{2}$  and poundage, viz. :—

(1) An undivided one half part or share out of Getakosgahamudunehena of 2 amunams paddy sowing in extent in the whole, situate at Giddawa in Pallispattu of Pata Dumbura in the District of Kandy, Central Province; and the entirety being bounded on the east by the limit of the chena of Kotuwegedarahena Kalugahahena ima and limit of Mapadeniyehena, south by ditch of Punchagewatta, fence of Delgahamullekumbura, and ditch of Asweddunewatta, west by Kumbureweilla and the limit of the chena of Pihillagammeddehena, and north by limit of Natawukelewatta belonging to Mr. Siel, with a like share of the buildings, plantations and everything thereon.

(2) The land called Getakosgahamudunehena of about 1 amunam paddy sowing extent, situate at Giddawa aforesaid; and bounded on the east by the limit of the chena of Kotuwegedarahena, south by ditch and fence, west by ditch of Seyedo's garden and Kumbureweilla, and north by limit of Natawukelewatta save and except however therefrom 1 pela paddy sowing in extent towards the east sold to Batagollegedera Pasindu and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,  
Kandy, April 19, 1938.

H. C. WIJESINHA,  
Deputy Fiscal.

In the District Court of Kandy.

K. L. P. R. M. Ramen Chettyiar by his attorney K. L. P. R. M. Siwanadiyan Chettyiar of Trincomalee street, Kandy ..... Plaintiff.  
No. 47,764. Vs. 39

(1) Aliya Marikar's daughter Asiya Beebee, (2) Sana Cassim, (3) Packeer Chamy, (4) Namado Lebbe's daughter Sleha Umma, all of Peradeniya, (4) Samarasinghe Samarakoon Mudiyansele Dingiri Banda Abeykoon, (5) Cassim Lebbe's daughter Sara Beebee of Peradeniya ..... Defendants.

NOTICE is hereby given that on Saturday, May 21, 1938, at 2 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 1,568 dated December 21, 1925, and attested by S. A. Wijayatilleke, Notary Public of Kandy, 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 October 21, 1937, for the recovery of the sum of Rs. 1,162, with further interest on Rs. 700 at 15 cents per Rs. 10 per month from July 21, 1936, till September 15, 1936, and thereafter at 9 per cent. per annum on the aggregate amount till payment in full and costs and poundage, viz. :—

The middle portion of about 1 laha paddy sowing in extent from and out of all that land called Hewanewallewatta of 5 lahas paddy sowing extent in the whole situate at Peradeniya in Gangawata korale of Yatinuwera in the District of Kandy, Central Province; which said middle portion is bounded on the east by the river, south by the limit of the remaining portion of this land, west by high road, and north by the limit of the remaining portion of this land allotted to Marian Beebee together with the tiled upstairs building, plantations and everything thereon. Registered in B.95/58 and all the right, title, interest and claim whatsoever of the defendants in, to, upon, or out of the said several premises mortgaged by the 1st and 3rd defendants.

Fiscal's Office,  
Kandy, April 19, 1938.

H. C. WIJESINHA,  
Deputy Fiscal.

### Southern Province.

In the District Court of Galle.

In the matter of the intestate estate of the late Nugaduwevitanage Lewis de Silva, deceased, of Andugoda, Galle ..... Plaintiff.

No. 6,670 T. Vs.

Mr. L. B. Caspersz, Secretary, District Court, Galle ..... Official Administrator.

NOTICE is hereby given that on Monday, May 16, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said estate in the following property, viz. :—

Undivided  $\frac{1}{4}$  part of Delgahawatta at Andugoda in Talpe pattu of Galle District, Southern Province; and bounded on the north by Telambugahawatta, east by Pangalhenewatta and Bogahawatta, south by Bogahawatta, and west by Wileowita, and in extent about 3 acres.

2. Undivided one bag of paddy sowing extent of Widanelaikumbura at Andugoda aforesaid; and bounded on the north by Kajjugahakumbura and Ralahamiladeniya, east by Addarageowita, south by Teahena, west by Gamageikumbura, and in extent 1 amunam of paddy.

3. Undivided 5 kurunies extent of Hitigedeniyewatta and owita, situated at Andugoda aforesaid; and bounded on the north by Hitigewatta, on the east by Radagedeniya, south by Nakandedeniya, and west by Jambugahawita, and in extent about 4 acres.

4. Undivided 2 $\frac{3}{4}$  bags paddy sowing extent of Delgahakumbura at Andugoda aforesaid; and bounded on the north by Nakandedeniya, east by Gamageikumbura, south by Teahena, and west by Ambalamagawahena, and in extent 1 amunam of paddy.

5. Undivided 10 kurunies paddy sowing extent of Wellawalakumbura alias Ralahamilaikumbura, situated at Andugoda aforesaid; and bounded on the north by Pallewalakumbura, east by Disanayakageiowita, south by Widanelaikumbura, west by Kajjugahakumbura, and in extent 6 pelas of paddy.

6. Undivided 8 kurunies paddy sowing extent of Munasingeikumbura at Andugoda aforesaid; bounded on the north by Wallagaha-addarawatta, east by Alutgedarawatta and field, south by Paragaha-addarawatta, west by Munasingewatta, and in extent 4 pelas of paddy.

7. Undivided 1/5 of Munasingewatta at Andugoda aforesaid; bounded on the north by Lokugewatta, east by Munasingeikumbura, south by Munasingeipittaniya, west by Wattakgodagewatta and Kapparagewatta, and in extent about 2 acres.

8. Undivided one bag of paddy sowing extent of Dodangodakumbura at Kodagoda in Talpe pattu of Galle District; and bounded on the north by Attanaliyadda and Tanipperuwatta, east by Dedunna, south by Dedunna Delkumpawa and Telpeliya, west by Depela and Pattiniwatta, and in extent 6 bags of paddy.

Writ amount Rs. 240·20 plus Rs. 32·39 minus Rs. 6·34.

Fiscal's Office,  
Galle, April 11, 1938.

T. D. S. DHARMASENA,  
Deputy Fiscal.

In the District Court of Galle.

Lokuge Leelawathie de Silva of Ambalangoda . . . Plaintiff.

No. 35,830.

Vs.

Pulwansa Dharmadara of Andadola . . . Defendant.

NOTICE is hereby given that on Monday, May 23, 1938, 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 defendant in the following property, viz. :—

1. All that undivided  $\frac{1}{4}$  part of the soil and trees with the bungalow house and kitchen standing thereon of the southern 15 acres block of the land called Kohilawagurewattekebella called Panapitigalakanda, situated at Karandeniya in the Wellaboda pattu of Galle District; and bounded on the north by waste land, east by road to Bentota, south by a portion of the same land, and west by a portion of the same land belonging to Mr. Laiford; and containing in extent about 30-acres.

2. All that undivided  $\frac{1}{4}$  part of the soil and trees of the contiguous lands called Godellewatta and Delgahawatta, situated at Karandeniya; and bounded on the north by kumbura, east by Crown land, south by field, and west by Sepenchipadinchiwauwatta in extent 5 acres 2 roods and 16 perches or the lot that may be allotted to the judgment debtor in case No. 34,226, D. C., Galle.

Writ amount Rs. 1,000 a year from January 23, 1935, till the possession is restored as damages and Rs. 51·35 as writ costs.

Fiscal's Office,  
Galle, April 12, 1938.

T. D. S. DHARMASENA,  
Deputy Fiscal.

In the District Court of Galle.

Lokuge Leelawathie de Silva of Ambalangoda . . . Plaintiff.

No. 35,830.

Vs.

Pulwansa Dharmadara of Andadola . . . Defendant.

NOTICE is hereby given that on Saturday, May 21, 1938, 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 defendant in the following property, viz. :—

1. An undivided  $\frac{1}{3}$  of  $(\frac{1}{560} + \frac{1}{6})$  part of the soil and soil share trees together with an undivided  $\frac{1}{14}$  part of the planter's share of the 1st and 2nd plantations made by P. Arnolis on the eastern side of the road, and  $\frac{1}{14}$  part of the planter's share of the 3rd plantation towards the west of the road of the land called Warakanattewatta, situated at Randoembe in Wellaboda pattu of Galle District; and bounded on the north by land improved by Juwanis Arachchi, east by Godelleudawatta, south by Mahawatta, and west by seashore; in extent about 2 acres.

2. An undivided  $\frac{1}{14}$  of  $(\frac{1}{360} + \frac{1}{520} + \frac{1}{240} + \frac{1}{360} + \frac{1}{480})$  part of the soil and soil share trees, together with  $\frac{1}{4}$  part of all the plantations standing thereon of the land called Dikwellewatta, situated at Randoembe; and bounded on the north by Hunnowagakalawatta and Edirisinghe Pines Pandinchi Palihewatta, Balahetti Eboris Padinchiwatta and Sillahendegewatta, east by Unguwadurala Padinchiwatta, south by Obinamuni Pines Padinchiwatta, Galpottewatta and Galbokkewatta, and west by seashore; and containing in extent about 6 acres.

3. An undivided  $\frac{1}{14}$  part of the land called Pahaliyawatta, situated at Randoembe aforesaid; and bounded on

the north by Pinathagewatta, east by Balahetti Eboris Padinchiwatta, south by Dikwellewatta, and west by high road; in extent about 3 roods.

4. All that undivided  $\frac{1}{16}$  part of the soil and trees together with  $\frac{1}{4}$  part of the planter's share and  $\frac{1}{4}$  part of the 2 houses standing thereon of the land called Kohilawagurebedda appearing in T. P. No. 2,370, situated at Wadumulla in Wellaboda pattu aforesaid; and bounded on the north by empty land and forest, east by lot 2 appearing in plan No. 2,858, south by footpath, and west by empty land; in extent 3 acres 1 rood and 27·4 perches (excluding the portion required by the railway).

5. An undivided  $\frac{1}{4}$  part of the soil and trees together with an undivided  $\frac{1}{4}$  part of the planter's share and  $\frac{1}{4}$  part of the 15 cubits tiled house standing thereon of the land called Kohilawagurebedda appearing in T. P. No. 2,371, situated at Wadumulla aforesaid; and bounded on the north by ganga, east by lot 3 appearing in plan No. 285 alias land in plan No. 2,858, south by footpath, and west by a portion of the same land or land in plan No. 2,858; and containing in extent 3 acres 1 rood and 27·4 perches.

6. All that undivided  $\frac{1}{4}$  of  $\frac{3}{28}$  parts of the soil and trees together with an undivided  $\frac{1}{4}$  of  $\frac{1}{4}$  of the cinnamon plantation of the land called Sudumuni Arambewatta and the wela, situated at Mahakarawa in Wellaboda pattu; and bounded on the north by Agampodiwatta and Pahala-watta, east by Kurunduwatta, south by Marakkalagewatta and wela, and west by Kospelawatta and Godaudawatta; in extent about  $1\frac{1}{2}$  acres.

7. An undivided  $\frac{1}{16}$  part of the soil and trees of the defined lot 1 and the adjoining welbima appearing in plan No. 12,314 of the land called Kohilawagura, situated at Wadumulla aforesaid; and bounded on the north by Crown land and forest, east by the land appearing in plan No. 2,858, south by footpath, and west by forest; in extent 1 acre and 5 perches.

Writ amount Rs. 1,000 a year from January 23, 1935, till the possession is restored as damages and Rs. 51·35 as writ costs.

Fiscal's Office,  
Galle, April 12, 1938.

T. D. S. DHARMASENA,  
Deputy Fiscal.

**North-Western Province.**

In the District Court of Negombo

Seena Thana Kana Nana Sana Ravanna Mana Ramathan Chettiyar by his attorney Suni Pana Muna Suppiah Pulle of Negombo . . . Plaintiff.  
No. 7,653.

Kuruppuatchiappuhamilage Don Alhanu Appuhamy of Irabadagama, 3rd defendant . . . Defendant.

NOTICE is hereby given that on Wednesday, May 25, 1938, commencing from the first land at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 3rd defendant in the following property for the recovery of Rs. 1,346·44 $\frac{1}{2}$  with interest on Rs. 850 at 30 per cent. per annum from June 19, 1933, till November 16, 1933, and thereafter at 9 per cent. per annum till payment and poundage :—

1. The land appearing in plan No. 58,199, situate at Singakkuliya in Otara palata of Pitigal korale, in the District of Chilaw, North-Western Province; and bounded on the north by lot No 27 now claimed by C. A. Corea, east by portion of land bearing No. 16, south by land of S. Appu Singho and land of Charles Pathiratne and land of Ranasinghe Aratchige Samei Appuhamy, and west by land of Ranasinghe Aratchige Samei Appuhamy, containing in extent about 7 acres together with the buildings and plantations standing thereon.

2. An undivided  $\frac{1}{4}$  share of the field called Munamalgahakumbura, situate at Mellawa in Otara palata aforesaid; and bounded on the north by fence of the garden of Tegis Appu, east by the field of Peiris Appuhamy, south by the ditch of the garden of Juwanis Appu, and west by the liminary dam of the field of Sinnappu, containing in extent about 6 parrahs of paddy sowing extent.

3. An undivided 1 rood and an undivided  $\frac{1}{4}$  share of the northern  $\frac{1}{4}$  share of the land called Siyambalagahawatta, situate at Mellawa aforesaid; and bounded on the north by Gorakagahawatta, east by village limit of the District, south by portion of this land of M. Abilinahamy, and west by land in plan No. 159,143 belonging to Rowel Mudaliyar, containing in extent 2 acres 2 roods and 6 perches together with the buildings and plantations standing thereon.

Deputy Fiscal's Office,  
Chilaw, April 12, 1938.

I. L. M. SHERIFF,  
Deputy Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Edward Henry Vander Wall of Linton, No. 8,380. Kalutar, deceased.

Euphemia Beatrice Vander Wall of Linton, Kalutara ..... Petitioner.

Harold Melchers Vander Wall, presently of 21, Palace Court, Hyde Park, London W. 2, England ..... Respondent.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on March 31, 1938, in presence of Messrs. Gratiaen & De Rooy, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 22, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondent above named or any other person or persons interested shall, on or before May 19, 1938, show sufficient cause to the satisfaction of the court to the contrary.

March 31, 1938.

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

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Charles Henry Hood of No. 8,383. Woodfield Burgess Hill in the County of Sussex and of Kelaniya estate, Maskeliya in the Island of Ceylon, deceased.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 1, 1938, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Horace Edward Towner of Colombo; and the affidavit of the said petitioner dated March 26, 1938, a certified copy of probate, a certified copy of the will of the above-named deceased, a certified copy of power of attorney in favour of the petitioner and Supreme Court's order dated March 16, 1938, having been read: It is ordered that the will of the said deceased dated August 28, 1935, of which a certified copy 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 petitioner is the attorney of the executors and trustees named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before May 19, 1938, show sufficient cause to the satisfaction of this court to the contrary.

April 1, 1938.

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

In the District Court of Colombo.

*Order Nisi declaring Will proved.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Mary Eliza Thomson (with a codicil) of Mary Eliza Thomson of Burch House, Forres, Morayshire, Scotland, widow, deceased.

THIS matter coming on for disposal before M. W. H. de Silva, Esq., District Judge of Colombo, on April 11, 1938, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner Hugh Webster Urquhart of Colombo, and (1) the affidavit of the said petitioner dated April 4, 1938, (2) the power of attorney dated February 19, 1938, and (3) the order of the Supreme Court dated April 1, 1938, having been read: It is ordered that the will of the said Mary Eliza Thomson, deceased, dated January 17, 1935, (and a codicil thereto dated February 18, 1937), a certified copy of which under the seal of the Lords of Council and Session at Edinburgh, 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 Hugh Webster Urquhart is the attorney in Ceylon of the executors 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 May 19, 1938, show sufficient cause to the satisfaction of this court to the contrary.

April 11, 1938.

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

In the District Court of Kandy.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Estate of the late Sakra Pedigedera Bilinda, ex Vidane, No. T 28, deceased, of Kadawathgama in Kaduwana.

Sakra Pedigedera Dingithu of Kadawathgama aforesaid ..... Petitioner.

(1) Sakra Pedigedera Gunasena of Kadawathgama aforesaid, (2) Sakra Pedigedera Andris of Kadawathgama aforesaid, (3) Sakra Pedigedera Puchi Ukku of Danture in Medapalata of Yatinuwara, (4) Sakra Pedigedera Meniki of Mamudawala in Kandupalata of Yatinuwara, (5) Sakra Pedigedera Bilindu of Mamudawala aforesaid, (6) Sakrapedigedera Horatali of Kotabogoda in Medapalata of Yatinuwara, (7) Sakra Pedigedera Sumanasena of Kadawathgama aforesaid, (8) Sakra Pedigedera Ango of Kadawathgama aforesaid, (9) Sakra Pedigedera Poola Upasakaya of Kadawathgama aforesaid; the 7th and 8th by their guardian *ad litem* the 9th ..... Respondents.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on March 24, 1938, in the presence of Mr. V. M. Guruswamy, Proctor, on the part of the petitioner Sakra Pedigedera Dingithu; and the affidavit of the petitioner dated March 22, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents or any other person or persons interested shall, on or before April 28, 1938, show sufficient cause to the satisfaction of this court to the contrary.

March 24, 1938.

R. F. DIAS,  
District Judge.

In the District Court of Tangalla.

Testamentary Case. In the Matter of the Intestate Estate of the deceased Kodippila Hetti Aratchige No. 1,268. Alice Nona late of Ihala Beligalla.

Ariyawansa Jayawardenapala Bandaranayake of Bedigama ..... Petitioner.

Don Hendrick Bandaranayake of Bedigama ..... Respondent.

THIS matter coming on for disposal before W. Olagasegram, Esq., District Judge of Tangalla, on November 2, 1937, in the presence of Mr. L. G. Poulier on the part of the petitioner above named; and the affidavit of the petitioner dated October 9, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled to, as uncle of the deceased, to have letters of administration issued to him, unless any person or persons interested shall, on or before January 13, 1938, show sufficient cause to the contrary.

Tangalla, November 2, 1937.

W. OLAGASEGRAM,  
District Judge.

Extend and issue February 14, 1938.

January 13, 1938.

W. OLAGASEGRAM,  
District Judge.

*Order Nisi* extended for March 3, 1938.

February 14, 1938.

W. OLAGASEGRAM,  
District Judge.

*Order Nisi* extended for April 27, 1938.

March 3, 1938.

W. OLAGASEGRAM,  
District Judge.