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PART II.--LEGAL.

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

	PAGE		PAGE
Passed Ordinances	844	District and Minor Courts Notices	857
List of Jurors and Assessors	854	Notices in Insolvency Cases	857
List of Notaries	—	Notices of Fiscals' Sales	858
Draft Ordinances	—	Notices in Testamentary Actions	862
Supreme Court Notices	—	Council of Legal Education Notices	—
Notifications of Criminal Sessions of the Supreme Court	—	Miscellaneous	—

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PASSED ORDINANCES.

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

No. 23 of 1938.

An Ordinance to provide for the establishment of a Court of Criminal Appeal.

A CALDECOTT.

TABLE OF SECTIONS.

Section.

1. Short title and date of operation.

Court of Criminal Appeal.

2. Constitution of Court of Criminal Appeal.
3. Registrar and Deputy Registrars of Court of Criminal Appeal.

Right of appeal and determination of appeals.

4. Right of appeal in criminal cases.
5. Determination of appeals in ordinary cases.
6. Powers of court in special cases.
7. Disposal of property on conviction.

Procedure.

8. Time for appealing.
9. Judge's notes and reports to be furnished on appeal.
10. Supplemental powers of Court of Appeal.
11. Legal assistance to appellant.
12. Right of appellant to be present.
13. Crown to be represented on appeals.
14. Costs of appeal.
15. Admission of appellant to bail, and custody when attending court.
16. Duties of Registrar with respect to notices of appeal, &c.
17. Shorthand notes of trial.
18. Powers which may be exercised by a judge of the court.
19. Rules of court.

Supplemental provisions.

20. Prerogative of mercy.
21. Questions reserved under section 355 of the Criminal Procedure Code, 1898.
22. Interpretation.
23. Appeals to His Majesty.

An Ordinance to provide for the establishment of a Court of Criminal Appeal.

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

Short title and date of operation.

1 This Ordinance may be cited as the Court of Criminal Appeal Ordinance, No. 23 of 1938, and shall come into operation on such date as the Governor shall appoint by proclamation in the Gazette.

Court of Criminal Appeal.

Constitution of Court of Criminal Appeal.

2 (1) There shall be a Court of Criminal Appeal, and the Chief Justice of the Island of Ceylon and the Puisne Justices of the Supreme Court shall be the judges of that court.

(2) For the purpose of hearing and determining appeals under this Ordinance, and for the purpose of any other proceedings under this Ordinance, the Court of Criminal Appeal shall be summoned in accordance with directions given by the Chief Justice, and the court shall be duly constituted if it consists of not less than three judges and of an uneven number of judges. If the Chief Justice so directs, the court may sit in two divisions. The court shall sit in Colombo except in cases where the Chief Justice gives special directions that it shall sit at some other place.

(3) The Chief Justice, if present, and in his absence the senior member of the court, shall be president of the court.

(4) A judge of the Court of Criminal Appeal shall not sit as a judge on the hearing of any appeal, or on the hearing of any application for leave to appeal, against a verdict given or sentence passed at a trial heard before him or before a bench of judges of which he was a member, or on the consideration of any point reserved by him under the provisions of section 355 of the Criminal Procedure Code, 1898.

No. 15 of 1898.

(5) The determination of any question before the court shall be according to the opinion of the majority of the members of the court hearing the case.

(6) Unless the court direct to the contrary in cases where, in the opinion of the court, the question is a question of law on which it would be convenient that separate judgments should be pronounced by the members of the court, the judgment of the court shall be pronounced by the president of the court or such other member of the court hearing the case as the president of the court directs, and no judgment with respect to the determination of any question shall be separately pronounced by any other member of the court.

(7) The Court of Criminal Appeal shall be a superior court of record, and shall, for the purposes and subject to the provisions of this Ordinance, have full power to determine, in accordance with this Ordinance, any questions necessary to be determined for the purpose of doing justice in the case before the court.

(8) Rules of court shall provide for securing sittings of the Court of Criminal Appeal, if necessary, during the periods required to be observed as vacations of the Supreme Court under the Supreme Court (Vacation) Ordinance, 1905.

No. 1 of 1906.

(9) Any direction which may be given by the Chief Justice under this section may, in the event of any vacancy in that office, or in the event of the incapacity of the Chief Justice to act for any reason, be given by the senior judge of the Court of Criminal Appeal.

(10) For the purpose of taking cognizance of and punishing in a summary manner any offence of contempt committed against or in disrespect of its authority, the Court of Criminal Appeal shall have and be entitled to exercise all powers and authority conferred on the Supreme Court by section 51 of the Courts Ordinance, 1889.

No. 1 of 1889.

3 The Registrar and the Deputy Registrars of the Supreme Court shall respectively be the Registrar and the Deputy Registrars of the Court of Criminal Appeal.

Registrar and
Deputy
Registrars of
Court of
Criminal Appeal.

Right of appeal and determination of appeals.

4 Any person who, on or after the date appointed by the Governor under section 1, is convicted on a trial held before the Supreme Court under Chapter XX or section 440A of the Criminal Procedure Code, 1898, or in pursuance of an order made by the Chief Justice under section 31 of the Courts Ordinance, 1889, may appeal under this Ordinance to the Court of Criminal Appeal—

Right of appeal
in criminal
cases.

No. 15 of 1898.

(a) against his conviction on any ground of appeal which involves a question of law alone; and

(b) with the leave of the Court of Criminal Appeal or upon the certificate of the judge who tried him that it is a fit case for appeal, against his conviction on any ground of appeal which involves a question of fact alone, or a question of mixed law and fact, or any other ground which appears to the court to be sufficient ground of appeal; and

(c) with the leave of the Court of Criminal Appeal, against the sentence passed on his conviction, unless the sentence is one fixed by law.

11

5 (1) The Court of Criminal Appeal on any such appeal against conviction shall allow the appeal if they think that the verdict of the jury should be set aside on the ground that it is unreasonable or cannot be supported having regard to the evidence, or that the judgment of the court before which the appellant was convicted should be set aside on the ground of a wrong decision of any question of law or that on any ground there was a miscarriage of justice, and in any other case shall dismiss the appeal:

Determination
of appeals in
ordinary cases.

Provided that the court may, notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred.

(2) Subject to the special provisions of this Ordinance, the Court of Criminal Appeal shall, if they allow an appeal against conviction, quash the conviction and direct a judgment of acquittal to be entered :

Provided that the Court of Criminal Appeal may order a new trial if they are of opinion that there was evidence before the jury or the judges, as the case may be, upon which the accused might reasonably have been convicted but for the irregularity upon which the appeal was allowed.

(3) On an appeal against sentence the Court of Criminal Appeal shall, if they think that a different sentence should have been passed, quash the sentence passed at the trial, and pass such other sentence warranted in law by the verdict (whether more or less severe) in substitution therefor as they think ought to have been passed, and in any other case shall dismiss the appeal.

(4) Nothing in this section shall affect the power (which is hereby declared) of the Court of Criminal Appeal to order a new trial when the trial at which the conviction was had was a nullity by reason of any defect in the constitution of the court or otherwise.

Powers of
court in special
cases.

6 (1) If it appears to the Court of Criminal Appeal that an appellant, though not properly convicted on some charge or part of the indictment, has been properly convicted on some other charge or part of the indictment, the court may either affirm the sentence passed on the appellant at the trial or pass such sentence in substitution therefor as they think proper and as may be warranted in law by the verdict on the charge or part of the indictment on which the court consider that the appellant has been properly convicted.

(2) Where an appellant has been convicted of an offence and the jury could on the indictment have found him guilty of some other offence, and on the verdict of the jury it appears to the Court of Criminal Appeal that the jury must have been satisfied of facts which proved him guilty of that other offence, the court may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty of that other offence, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law for that other offence, not being a sentence of greater severity.

(3) Where on the conviction of the appellant the jury have found a special verdict, and the Court of Criminal Appeal consider that a wrong conclusion has been arrived at by the court before which the appellant has been convicted on the effect of that verdict, the Court of Criminal Appeal may, instead of allowing the appeal, order such conclusion to be recorded as appears to the court to be in law required by the verdict, and pass such sentence in substitution for the sentence passed at the trial as may be warranted in law.

(4) If on any appeal it appears to the Court of Criminal Appeal that, although the appellant was guilty of the act or omission charged against him, he was, at the time the act was done or omission made, incapable by reason of unsoundness of mind of knowing the nature of the act or that it was wrong or contrary to law, the court may quash the sentence passed at the trial and order that the appellant be kept in safe custody in such place and manner as the court think fit, and shall report the case for the orders of the Governor. Upon such report, the appellant shall, for the purposes of Chapter XXXIII of the Criminal Procedure Code, 1898, be deemed to be an accused whose case has been reported for the orders of the Governor under sub-section (1) of section 374 of that Code.

No. 15 of 1898.

Disposal of
property on
conviction.

7 (1) The operation of any order for the disposal of property made by the Supreme Court under Chapter XL of the Criminal Procedure Code, 1898, on the conviction of any person on indictment, and the operation in case of any such conviction of the provisions of sub-section (1) of section 23 of the Sale of Goods Ordinance, 1896, as to the revesting of the property in stolen goods on conviction, shall (unless the court before which the conviction takes place directs to the contrary in any case in which, in its opinion, the title to the property is not in dispute) be suspended—

No. 11 of 1896.

(a) in any case until the expiration of fourteen days after the date of the conviction ; and

(b) in cases where notice of appeal or leave to appeal is given within fourteen days after the date of conviction, until the determination of the appeal ;

and in cases where the operation of any such order, or the operation of the said provisions, is suspended until the

determination of the appeal, the order shall not take effect as to the property in question if the conviction is quashed on appeal. Provision may be made by rules of court for securing the safe custody of any property pending the suspension of the operation of any such order or of the said provisions.

(2) The Court of Criminal Appeal may by order annul or vary any order made on a trial for the disposal of any property, although the conviction is not quashed; and the order, if annulled, shall not take effect, and, if varied, shall take effect as so varied.

Procedure.

8 (1) Where a person convicted desires to appeal under this Ordinance to the Court of Criminal Appeal, or to obtain the leave of that court to appeal, he shall give notice of appeal or notice of his application for leave to appeal, in such manner as may be directed by rules of court, within fourteen days of the date of conviction. Such rules shall enable any convicted person to present his case and his argument in writing instead of by oral argument if he so desires. Any case or argument so presented shall be considered by the court.

Time for
appealing.

Except in the case of a conviction involving sentence of death, the time within which notice of appeal or notice of an application for leave to appeal may be given may be extended at any time by the Court of Criminal Appeal.

(2) In the case of a conviction involving sentence of death or corporal punishment—

- (a) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal or of an application for leave to appeal may be given under this section; and
- (b) if notice is so given, the appeal or application shall be heard and determined with as much expedition as practicable, and the sentence shall not be executed until after the determination of the appeal, or, in cases where an application for leave to appeal is finally refused, of the application.

9 The judge or the Bench of Judges before whom a person is convicted shall, in the case of an appeal under this Ordinance against the conviction or against the sentence, or in the case of an application for leave to appeal under this Ordinance, furnish to the Registrar, in accordance with rules of court, the notes of the trial, and shall also furnish to the Registrar, in accordance with rules of court, a report giving his or their opinion upon the case or upon any point arising in the case.

Judge's notes
and report to be
furnished on
appeal.

10 (1) For the purposes of this Ordinance, the Court of Criminal Appeal may, if they think it necessary or expedient in the interests of justice—

Supplementary
powers of
court.

- (a) order the production of any document, exhibit, or other thing connected with the proceedings, the production of which appears to them necessary for the determination of the case; and
- (b) order any witnesses who would have been compellable witnesses at the trial to attend and be examined before the court, whether they were or were not called at the trial, or order the examination of any such witnesses to be conducted in manner provided by rules of court before any judge of the court or before any officer of the court or any District Judge, Police Magistrate or other person appointed by the court for the purpose, and allow the admission of any depositions so taken as evidence before the court; and
- (c) receive the evidence, if tendered, of any witness (including the appellant) who is a competent but not compellable witness; and
- (d) where any question arising on the appeal involves prolonged examination of documents or accounts, or any scientific or local investigation, which cannot in the opinion of the court conveniently be conducted before the court, order the reference of the question in manner provided by rules of court for inquiry and report to a special commissioner appointed by the court, and act upon the report of any such commissioner so far as they think fit to adopt it; and

(e) appoint any person with special expert knowledge to act as assessor to the court in any case where it appears to the court that such special knowledge is required for the proper determination of the case ;

and exercise in relation to the proceedings of the court any other powers which may for the time being be exercised by the Supreme Court on appeals in civil matters, and issue any warrants necessary for enforcing the orders or sentences of the court :

Provided that in no case shall any sentence be increased by reason of or in consideration of any evidence that was not given at the trial.

(2) If a witness who is examined before the Court of Criminal Appeal gives evidence which, in the opinion of the court, is false evidence within the meaning of section 188 of the Ceylon Penal Code, it shall be lawful for the court summarily to sentence that witness as for a contempt of court to imprisonment, either simple or rigorous, for any period not exceeding three months or to fine such witness in any sum not exceeding two hundred rupees.

Legal assistance to appellant.

11 The Court of Criminal Appeal may at any time assign to an appellant an advocate and proctor or an advocate only in any appeal or proceedings preliminary or incidental to an appeal in which, in the opinion of the court, it appears desirable in the interests of justice that the appellant should have legal aid, and that he has not sufficient means to enable him to obtain that aid.

Right of appellant to be present.

12 (1) An appellant, notwithstanding that he is in custody, shall be entitled to be present, if he desires it, on the hearing of his appeal, except where the appeal is on some ground involving a question of law alone, but in that case and on an application for leave to appeal and on any proceedings preliminary or incidental to an appeal he shall not be entitled to be present, except where rules of court provide that he shall have the right to be present or where the court gives him leave to be present.

(2) The power of the court to pass any sentence under this Ordinance may be exercised notwithstanding that the appellant is for any reason not present.

Crown to be represented on appeals.

13 (1) Subject to the provisions of sub-section (2), the Attorney-General shall appear for the Crown on every appeal to the Court of Criminal Appeal under this Ordinance, and provision shall be made by rules of court for the transmission to the Attorney-General of all such documents, exhibits, and other things connected with the proceedings as he may require for the purpose of his duties under this section.

(2) The Solicitor-General, a Crown Counsel, or an advocate specially authorised by the Attorney-General in that behalf shall be entitled to appear for the Crown in place of the Attorney-General on every appeal to the Court of Criminal Appeal under this Ordinance.

Costs of appeal.

14 (1) On the hearing and determination of an appeal or any proceedings preliminary or incidental thereto under this Ordinance no costs shall be allowed on either side.

(2) The expenses of any advocate or proctor assigned to an appellant under this Ordinance, and the expenses of any witnesses attending on the order of the court or examined in any proceedings incidental to the appeal, and of the appearance of an appellant on the hearing of his appeal on any proceedings preliminary or incidental to the appeal, and all expenses of and incidental to any examination of witnesses conducted by any person appointed by the court for the purpose, or any reference of a question to a special commissioner appointed by the court, or of any person appointed as assessor to the court, shall be defrayed, up to an amount allowed by the court, but subject to such rates and scales of payment as may be prescribed by rules of court, in the same manner as the expenses of a prosecution before the Supreme Court.

Admission of appellant to bail, and custody when attending court.

15 (1) The Court of Criminal Appeal may, if they think fit, on the application of an appellant, admit the appellant to bail pending the determination of his appeal.

(2) An appellant who is not admitted to bail shall, pending the determination of his appeal, be treated in such manner as may be prescribed by rules made under the Prisons Ordinance, 1877.

No. 16 of 1877.

(3) The time during which an appellant, pending the determination of his appeal, is admitted to bail, and (subject to any directions which the Court of Criminal Appeal may give to the contrary on any appeal) the time during which the appellant, if in custody, is specially treated as an appellant

under this section, shall not count as part of any term of imprisonment under his sentence; and, in the case of an appeal under this Ordinance, any imprisonment under the sentence of the appellant, whether it is the sentence passed by the court of trial or the sentence passed by the Court of Criminal Appeal, shall, subject to any directions which may be given by the court as aforesaid, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is determined, and, if he is not in custody, as from the day on which he is received into prison under the sentence.

(4) Provision shall be made by rules under the Prisons Ordinance, 1877, for the manner in which an appellant, when in custody is to be brought to any place at which he is entitled to be present for the purposes of this Ordinance, or to any place to which the Court of Criminal Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that court, and for the manner in which he is to be kept in custody while absent from prison for the purpose; and an appellant whilst in custody in accordance with those rules shall be deemed to be in legal custody. *No. 16 of 1877.*

(5) In order to enable rules to be made under the Prisons Ordinance, 1877, for the purposes mentioned in sub-sections (2) and (4), such purposes are hereby added to the purposes enumerated in section 76 of that Ordinance. *No. 16 of 1877.*

16 (1) The Registrar shall take all necessary steps for obtaining a hearing under this Ordinance of any appeal or application, notice of which is given to him under this Ordinance, and shall obtain and lay before the court in proper form all documents, exhibits, and other things relating to the proceedings in the court before which the appellant or applicant was tried which appear necessary for the proper determination of the appeal or application.

Duties of Registrar with respect to notices of appeal, &c.

(2) If it appears to the Registrar that any notice of an appeal against a conviction, purporting to be on a ground of appeal which involves a question of law alone, does not show any substantial ground of appeal, the Registrar may refer the appeal to the court for summary determination, and, where the case is so referred, the court may, if they consider that the appeal is frivolous or vexatious, and can be determined without adjourning the same for a full hearing, dismiss the appeal summarily, without calling on any persons to attend the hearing or to appear for the Crown thereon.

(3) Any documents, exhibits, or other things connected with the proceedings on the trial of any person before the Supreme Court, who, if convicted, is entitled or may be authorised to appeal under this Ordinance, shall be kept in the custody of the court of trial in accordance with rules of court made for the purpose, for such time as may be provided by the rules, and subject to such power as may be given by the rules for the conditional release of any such documents, exhibits, or things from that custody.

(4) The Registrar shall furnish the necessary forms and instructions in relation to notices of appeal or notices of applications under this Ordinance to any person who demands the same, and to Superintendents of prisons, and to such other officers or persons as he thinks fit, and the Superintendent of a prison shall cause those forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this Ordinance, and shall cause any such notice given by a prisoner in his custody to be forwarded on behalf of the prisoner to the Registrar.

(5) The Registrar shall report to the court or to some judge thereof any case in which it appears to him that, although no application has been made for the purpose, an advocate and proctor or an advocate only ought to be assigned to an appellant under the powers given to the court by this Ordinance.

17 (1) Shorthand notes shall be taken of the proceedings at the trial of any person before the Supreme Court who, if convicted, is entitled or may be authorised to appeal under this Ordinance, and on any appeal or application for leave to appeal a transcript of the notes shall be made if the Registrar so directs, and furnished to the Registrar for the use of the Court of Criminal Appeal or any judge thereof:

Shorthand notes of trial.

Provided that a transcript shall be furnished to any party interested upon the payment of such charges as may be fixed by rules of court.

(2) The Legal Secretary may, if he thinks fit in any case, direct a transcript of the shorthand notes to be made and furnished to him for his use and such transcript shall be made and furnished free of charge.

(3) Rules of court may make such provision as is necessary for securing the accuracy of the notes to be taken and for the verification of the transcript.

Powers which may be exercised by a judge of the court.

18 The powers of the Court of Criminal Appeal under this Ordinance to give leave to appeal, to extend the time within which notice of appeal or of an application for leave to appeal may be given, to assign legal aid to an appellant, to allow the appellant to be present at any proceedings in cases where he is not entitled to be present without leave, and to admit an appellant to bail, may be exercised by any judge of the Court of Criminal Appeal in the same manner as they may be exercised by the court, and subject to the same provisions; but, if the judge refuses an application on the part of the appellant to exercise any such power in his favour, the appellant shall be entitled to have the application determined by the Court of Criminal Appeal as duly constituted for the hearing and determining of appeals under this Ordinance.

Rules of court.

19 (1) Rules of court for the purposes of this Ordinance shall be made, subject to the approval of the Governor, by the judges of the Court of Criminal Appeal, or by any three of such judges of whom the president shall be one, with the advice and assistance of the Committee hereinafter mentioned. Rules so made may make provision with respect to any matter for which provision is to be made under this Ordinance by rules of court, and may regulate generally the practice and procedure under this Ordinance; and the officers of any court before which an appellant has been convicted, and the Superintendent and other officers of any prison or other officer having the custody of an appellant, and any other officers or persons, shall comply with any requirements of those rules so far as they affect that Superintendent or those officers or persons, and compliance with those rules may be enforced by order of the Court of Criminal Appeal.

(2) The Committee hereinbefore referred to shall consist of—

- (a) the Legal Secretary, or an officer deputed by him to act on his behalf;
- (b) the Minister for Home Affairs or an officer deputed by him to act on his behalf;
- (c) an advocate of the Supreme Court appointed by the Legal Secretary;
- (d) a proctor of the Supreme Court appointed by the Legal Secretary; and
- (e) the Registrar.

An advocate or a proctor of the Supreme Court who is appointed by the Legal Secretary as a member of the Committee shall hold office on that Committee for such period as may be specified in his letter of appointment.

(3) All rules made under this section shall be laid as soon as conveniently may be before the State Council if then in session, and if not then in session, then so soon as possible after the commencement of the next ensuing session; and if a resolution of the State Council is passed within the period of forty days next succeeding the date on which any such rule is so laid to the effect that any such rule shall be annulled, such rule shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

Supplemental Provisions.

Prerogative of mercy.

20 Nothing in this Ordinance shall affect the prerogative of mercy, but the Governor on the consideration of any petition for the exercise of His Majesty's mercy, having reference to the conviction of a person before the Supreme Court or to the sentence (other than sentence of death) passed on a person so convicted, may, if he thinks fit, at any time either—

- (a) refer the whole case to the Court of Criminal Appeal, and the case shall then be heard and determined by the Court of Criminal Appeal as in the case of an appeal by a person convicted; or

(b) if he desires the assistance of the Court of Criminal Appeal on any point arising in the case with a view to the determination of the petition, refer that point to the Court of Criminal Appeal for their opinion thereon, and the court shall consider the point so referred and furnish the Governor with their opinion thereon accordingly.

21 All jurisdiction and authority vested in the Supreme Court under section 355 of the Criminal Procedure Code, 1898, in relation to questions of law arising in trials before a judge of the Supreme Court, shall be transferred to and shall vest in the Court of Criminal Appeal under this Ordinance.

Questions reserved under section 355 of the Criminal Procedure Code, 1898.

22 (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

“appellant” includes a person who has been convicted and desires to appeal under this Ordinance;

“Registrar” means the Registrar of the Court of Criminal Appeal and includes a Deputy Registrar of that court;

“rules of court” means the rules made under section 19;

“sentence” includes a sentence of police supervision or preventive detention;

“verdict” or “verdict of a jury” in the case of a trial before a bench of three judges without a jury under section 440A of the Criminal Procedure Code, 1898, means the finding of that bench of judges.

(2) Where any judicial or public officer is referred to in this Ordinance by the title or designation of his office, any person for the time being acting in that office shall be deemed to be included in that reference.

23 Nothing in this Ordinance contained may or shall take away or abridge the undoubted right and authority of His Majesty to admit or receive any appeal from any judgment, decree, sentence or order of the Court of Criminal Appeal or the Supreme Court on behalf of His Majesty or of any person aggrieved thereby, in any case in which, and subject to any conditions or restrictions upon or under which, His Majesty may be graciously pleased to admit or receive any such appeal.

Appeals to His Majesty.

Passed in Council the Twelfth day of July, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-first day of July, One thousand Nine hundred and Thirty-eight.

E. R. SUDBURY,
Secretary to the Governor.

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

No. 25 of 1938.

L. D.—O 63/36

**An Ordinance further to amend the Excise Ordinance,
No. 8 of 1912.**

No. 8 of 1912.

A. CALDECOTT.

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 Excise (Amendment) Ordinance, No. 25 of 1938.

Short title.

2 Section 3 of the Excise Ordinance, No. 8 of 1912, (hereinafter referred to as “the principal Ordinance”), is hereby amended in paragraph (1) by the omission of the words “or intoxicating drugs” at the end of that paragraph.

Amendment of section 3 of Ordinance No. 8 of 1912.

3 Section 14 of the principal Ordinance is hereby amended in paragraph (e) by the substitution for the words “shall be worked;” at the end of that paragraph, of the words “shall be established or worked;”.

Amendment of section 14 of the principal Ordinance.

Amendment of section 17 of the principal Ordinance.

4 Section 17 of the principal Ordinance as amended by section 77 (2) of the Poisons, Opium and Dangerous Drugs Ordinance, 1929, is hereby further amended by the substitution for the words "No excisable article shall be sold without a licence from the Government Agent;" of the words "No excisable article shall be sold, or kept or exposed for sale, without a licence from the Government Agent;".

Insertion of new section 36A in the principal Ordinance.

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

Power to cut spadices of trees tapped without licence in Tree Tax Areas.

36A. (1) Where in any Tree Tax Area an authorised officer at any time finds fermented toddy in any pot hanging under a spadix from any tree, he may, if he is satisfied that no licence is in force authorising the manufacture of fermented toddy from that tree, cut such spadix or cause such spadix to be cut in his presence and under his supervision:

Provided that such spadix shall not be cut, if at that time—

- (a) a tapper is found upon such tree; or
- (b) any person agrees in writing to pay within twenty-four hours the duty or fee, as the case may be, for a licence authorising the manufacture of fermented toddy from that tree together with the penalty imposed under sub-section (4).

(2) Where the officer who at any time finds fermented toddy in the circumstances specified in sub-section (1) is an Excise Inspector, he shall not cut the spadix or cause such spadix to be cut, unless he was at that time accompanied by—

- (a) an officer of the Excise Department whose rank is higher than that of an Excise Inspector;
- (b) an authorised officer who is an officer of the Revenue Department; or
- (c) the Mayor or Chairman, as the case may be, of the local authority within the limits of which the fermented toddy is found; or
- (d) the member of the local authority for the ward or division, as the case may be, within the limits of which the fermented toddy is found;
- (e) a person (other than an officer in the service of the Government) appointed under paragraph (c) of section 7; or
- (f) a Justice of the Peace.

(3) Where the officer who at any time finds fermented toddy in the circumstances specified in sub-section (1), is an officer of the Revenue Department of a rank below that of Chief Headman or Muhandiram, he shall not cut the spadix or cause such spadix to be cut, unless he was at that time accompanied by—

- (a) an officer of the Revenue Department of a rank not below that of Chief Headman or Muhandiram; or
- (b) an authorised officer who is an officer of the Excise Department; or
- (c) any one of the persons specified in paragraphs (c), (d), (e) and (f) of sub-section (2).

(4) The Excise Commissioner is hereby empowered to prescribe by notification the penalty required to be paid under paragraph (b) of the proviso to sub-section (1) in addition to the duty or fee for the licence referred to in that paragraph:

Provided that the amount of such penalty shall not exceed half the amount of such duty or fee, as the case may be.

(5) The agreement in writing referred to in paragraph (b) of the proviso to sub-section (1) shall be free of stamp duty.

(6) No prosecution shall be instituted or maintained against any authorised officer or against any of the persons specified in paragraphs (c), (d), (e) and (f) of sub-section (2) in respect of any act *bona fide* done or ordered to be done by any such officer or person in pursuance or supposed pursuance of the powers conferred by this section.

The provisions of this sub-section shall be read and construed as supplemental to the provisions of section 58.

(7) In this section—

“ authorised officer ” means—

- (a) an Excise Inspector or any other officer of the Excise Department whose rank is higher than that of an Excise Inspector or
- (b) a Police Vidane or any other Village Headman of rank equal to that of a Police Vidane though otherwise designated, or any other officer of the Revenue Department whose rank is higher than that of such Police Vidane or Village Headman ;

“ local authority ” means any Municipal Council, Urban District Council or Village Committee ;

“ Tree Tax Area ” means any area in which the duties for the time being imposed by resolution under section 21, or the fees the payment of which may for the time being be directed by the Governor under section 24, in respect of any licence authorising the manufacture of fermented toddy from any trees, are to be determined by reference to the number of trees to be tapped under such licence.

6 Section 40 of the principal Ordinance is hereby amended by the omission of the words “ or the unlawful cultivation or collection of any plants from which an intoxicating drug can be produced,”.

Amendment of section 40 of the principal Ordinance.

7 Section 42 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Replacement of section 42 of the principal Ordinance.

42. (1) The Government Agent may, by notice in writing addressed to any person to whom a licence has been issued authorising the sale of any excisable article at any premises, order such person to close such premises and to refrain from selling or supplying any excisable article from such premises at such time or for such period as may be specified in the notice—

Closure of licensed premises.

- (a) if any detachment or any larger unit of soldiers or sailors is passing through or is encamped within the area supplied by such premises ;
- (b) if any riot, unlawful assembly, civil disturbance or breach of the peace exists, occurs or is apprehended within the area supplied by such premises ;
- (c) if a poll for any election, or any local option poll, is to be held within the area supplied by such premises ; or
- (d) if such premises are situated within or in the vicinity of any area for the time being declared to be a diseased locality under the provisions of any written law ;

Provided that in any case falling under paragraph (b), the powers conferred on a Government Agent by this sub-section may be exercised by a Police Magistrate, or by a Chief Headman, or by an officer of the Police Department of a rank not below that of Sub-Inspector.

(2) Every person, to whom a licence has been issued authorising the sale of any excisable article on any premises, shall close such premises during such time as any riot or civil disturbance occurs within the area supplied by such premises.

(3) Where any person closes any premises in accordance with the provisions of this section, the Excise Commissioner may, in his discretion, direct—

- (a) that such part as the Commissioner may think fit of any amount paid in advance to the Government by such person as fee, tax, duty or rent in respect of such premises, shall be refunded ; or
- (b) that payment of such part as the Commissioner may think fit of any amount due to the Government from such person as fee, tax, duty or rent in respect of such premises, shall be waived.

8 The following section is hereby added at the end of the principal Ordinance, and shall have effect as section 59 of that Ordinance :—

Addition of new section 59 to principal Ordinance.

59. (1) Every excise notification shall be published in the Government Gazette.

(2) A court shall take judicial notice of every excise notification.

Excise notifications to be judicially noticed.

(3) Where an excise notification is printed—

- (a) in any Excise Manual or other book or document purporting to be printed by authority or on the orders of Government or by the Government Printer or at the Ceylon Government Press; or
 (b) in any document purporting to be an extract from any issue of the Government Gazette,

it shall be presumed, until the contrary is proved, that an excise notification in identical terms was published in the Government Gazette.

(4) In this section—

“ excise notification ” means a notification made or issued under this Ordinance or for the purpose thereof ;
 “ court ” has the same meaning as in the Ceylon Evidence Ordinance, 1895.

No. 14 of 1895.

Passed in Council the Twelfth day of July, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
 Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-first day of July, One thousand Nine hundred and Thirty-eight.

E. R. SUDBURY,
 Secretary to the Governor.

LIST OF JURORS AND ASSESSORS.

SOUTHERN PROVINCE—Matara District.

LIST of Persons in the Matara District, Southern Province, qualified to serve as Jurors and Assessors under the provisions of “ The Criminal Procedure Code, 1898 ”, as amended by Ordinance No. 1 of 1910, for the year July 1, 1938, to June 30, 1939.

N.B.—The Jurors against whose names a separate series of numbers is placed, in addition to the Roman numbers, are qualified to serve as Special Jurors.

The mark (*) prefixed to a name denotes that it is a new name added.

ENGLISH-SPEAKING JURORS.

- 1 Abeyawardena, T. A., planter, Urubokka
- 2 Abeydira, Sam, landed proprietor, Kottegoda
- 1.. 3 Abeygunawardene, D. S. merchant, Walpola, Matara
- 2.. 4 Abeygunawardene, T. D. C., surveyor, Matara
- 3.. 5 Abeywardene, S. A., planter, Urubokka
- 4.. 6 Akbar, M. A., landed proprietor and merchant, Matara
- 7 Alles, Henry, planter, Telijjawila
- 5.. 8
- 9 Amerasekara, J. G., clerk, Kachcheri, Matara
- 6.. 10
- 7.. 11
- 8.. 12 Ariyatilaka, C. A., merchant, Matara
- 13 14
- 9.. 15 Brodie, R., planter, Pitabeddera, Hulandawa
- 16
- 10.. 17 Buultjens, B. G., planter, Matara
- 18 Buultjens, J. W., Matara
- 11.. 19 Burns, Thomas Alexander, district engineer, Public Works Department, Matara
- 12.. 20 Chunchie, S. A., landed proprietor, Matara
- 21 Coomaswamy, A., shroff, Kachcheri, Matara
- 13.. 22 Coopman, J., teacher, Matara
- 23
- 24 De Almeida, J. R. S., planter, Horadola, Akuressa
- 25 De Alwis, V. W. W., Wasala Walawwa, Palolpitiya, Thihagoda
- 26 De Alwis, C. W., Walpola, Matara
- 27 De Alwis, D. R. C., superintendent, Power Station, Urban District Council, Matara
- 28
- 14.. 29 De Neise, J. D., surveyor, Matara
- 30 De Silva, A. E., planter, Talaramba, Kamburugamuwa
- 31 De Silva, A. J. E., landed proprietor, Weligama
- 32 De Silva, B. D. P., teacher, Weligama
- 33 De Silva, C. S., clerk, Kachcheri, Matara
- 34 De Silva, Edwin Henry, secretary, Urban District Council, Weligama
- 35 De Silva, G. Edwin, teamaker, Ensalwatta estate, Deniyaya
- 15.. 36 De Silva, J. S., planter, Semidale Group, Akuressa
- 37 38 39 40
- 41 Dewendra, B. A., clerk, District Road Committee Office, Matara

- 16.. 42 Dharmapala, C. A., merchant, Matara
- 17.. 43 Domenico, A. N. de, planter, Matara
- 44 45
- 46 Doole, B. R., sanitary inspector, Akuressa
- 47
- 18.. 48 Ekanayake, H. M. D'orta, landed proprietor, Matara
- 49 50
- 19.. 51 Ferdinand, S. E., surveyor, Matara
- 52 Fernando, Hilton M., teacher, St. Servatius College, Matara
- 53 54
- 55 Goonesekera, Albert, secretary, Urban District Council, Matara
- 56 Goonetilleke, J. E., clerk, Kachcheri, Matara
- 20.. 57 Goonewardene, D. S., manager, Messrs. Hayley & Co., Matara
- 58 Goonewardena, D. W., Matara
- 59 Grenier, H. W., inspector, Urban District Council, Matara
- 60 61
- 62 Gunawardene, Fred, clerk, Kachcheri, Matara
- 63
- 21.. 64 Harischandra, C. A., merchant, Oil Mills, Matara
- 22.. 65 Hart, A. M., planter, Matara
- 66 Hewawisenti, G. S., teacher, Denepitiya
- 67 Hudson, W. P., Matugoba division, Kurulugalla Group, Deniyaya
- 23.. 68
- 24.. 69 Jayasekera, A. B. W., The Walawwa, Waralla, Kotapola
- 70 Jayasekera, B. D., teacher, St. Thomas' College, Matara
- 71
- 72 Jayasinghe, Edmund, contractor, Makawita, Matara
- 73 Jayasinghe, Felix, clerk, Kachcheri, Matara
- 74 Jayasinghe, W. J. V., sanitary inspector, Urban District Council, Matara
- 75 Jayasuriya, C. L., landed proprietor, Mudugamuwa Weligama
- 25.. 76 77
- 78 Jayawardena, S. P., teacher, Matara
- 79 Jayawardena, W. P., clerk, Kachcheri, Matara
- 80 Jayawickrama, Montague, estate visiting agent, Weligama
- 81 Jayawickrama, T. A., planter, Rose Mount estate, Telijjawila
- 82
- 83 Jinasena, Rajawasan Wellala Hettige Porolis, sanitary inspector, Health Unit, Matara
- 84 Johnpulle, C. W., head clerk, Urban District Council, Matara
- 26.. 85 Kannangara, R. C., planter, Deniyaya
- 27.. 86 Karunanayake, J. E., merchant, Matara
- 87 Kulasuriya, J., planter, Viharahena, Deniyaya
- 28.. 88 Kulatunga, S. D., planter, Kamburugamuwa
- 89 Kuriacose, C. T., teacher, Matara
- 90 Livera, J. A., storekeeper, Messrs. C. P. Hayley & Co., Deniyaya
- 29.. 91 Lloyd Jones, H., planter, Aningkanda, Deniyaya
- 92 Loos, P. C., superintendent of minor roads, Matara
- 93 MacMahon, James, planter, Ensalwatta estate, Deniyaya
- 94 Marikar, U. L. M. N. A. Kuddus, landed proprietor, Dickwella
- 30.. 95
- 31.. 96 Mawlana, Saiyid Mohamed, Dhaman, landed proprietor, Weligama

- 32.. 97 98
 33.. 99 Motha, A. H., merchant, Matara
 34.. 100, 101
 102 Nair, K. B. P., teacher, Rahula Vidyalaya, Matara
 103 Nanayakkara, J. G., clerk, Kachcheri, Matara
 104 Nanayakkara, M. James, clerk, Kachcheri, Matara
 105
 35.. 106 Northway, C., planter, Hulandawa
 36.. 107
 108 Olivell, T., teacher, Pallimulla, Matara
 109 Perera, C. B., contractor, Kottegoda
 110 Perera, M. P. M. H., planter, Mudugamuwa, Weligama
 111
 112 Pillai, S. K., head clerk, Beverley estate, Deniyaya
 113 114
 115 Rajapakse, S. H., sanitary inspector, Health Unit, Matara
 116 Rajaratnam, S., accountant, Messrs. Hayley & Co., Matara
 117
 118 Ranasuriya, J. R. P., notary public, Meddewatta
 119
 120 Reginald, R. C., teacher, St. Thomas' College, Matara
 121
 37.. 122 Roberts, J. L., planter, Diyadawa, Deniyaya
 123 Samarasekera, A., Weligama
 38.. 124 Samarasekera, B. E., planter, Matara
 39.. 125 Samaraweera, B., planter, Weligama
 40.. 126 Samaraweera, D. F., surveyor, Matara
 127 Samaraweera, D. S., Walpola, Matara
 128
 41.. 129
 130 Selvadurai, K. S., teacher, Matara
 42.. 131 Senaratne, Edward B., planter, Denepitiya
 43.. 132 Senaratne, W. T. F., merchant, Meddewatta, Matara
 133 Seneviratne, A. B., teacher, Denepitiya
 134
 44.. 135 Siriwardena, D. E., planter, Kotawila
 136 Siriwardena, Suwaris, clerk, Kachcheri, Matara
 137
 138 Sumanasekera, N. P. S., planter, Mirissa
 139
 140 Vander Hover, G. F., teacher, Matara
 141 Vanderputt, H. L. F., clerk, Kachcheri, Matara
 142 Viswasam, A. B., Dankoluwa estate, Morawaka
 45.. 143
 46.. 144
 47.. 145 Wanigasekera, D. M., planter, Walgama
 48.. 146 Weerakoon, Arthur, planter, Kotawila
 49.. 147 Weerakoon, Charles, Kotawila
 148
 149 Wickramaratne, E. V., planter, Matara
 150 Wickramaratne, R. F., planter, Parawahera
 151 Wickramasinghe, D. S., Matara
 152 Wickramasinghe, W. P., contractor, Walpola
 50.. 153 Wijeratne, B., planter, Beralapanatara
 154 Wijeratne, E. R. W., superintendent, Galagawa estate, Akuressa
 155 Wijesekera, G. V., planter, Beralapanatara
 156 Wijesekera, T. D. S., chena surveyor muhandiram, Akuressa
 51.. 157 Wijesekera, W. A., planter, Wilpita
 52.. 158
 53.. 159 Wijesinghe, C., planter, Kamburupitiya
 54.. 160 Wijesinghe, E. A., planter, Meddewatta
 161
 162 Wijesinghe, H. C. B., clerk, Kachcheri, Matara
 163 164
 165 Wijetunga, F. P., planter, Atuola, Gorakawela
 166 Willis, V. E., superintendent of village works, Matara
 167 Wimalagunaratne, S. G., Matara
 168
 55.. 169 Yapa, M. D., planter, Anderadeniya estate, Deniyaya
 170
 171 Almis, M. A., clerk, Land Registry, Matara
 172 173
 56.. 174 Dias, E. C., landed proprietor, Matara
 175 Fernando, W. J. T. S., clerk, Land Registry, Matara
 57.. 176
 58.. 177 Gooneratne, H. C., pensioner and landed proprietor, Matara
 178 Gunatilleke, H. J., superintendent, Mahendra estate
 179
 180 Handy, J. C., principal, St. Thomas' College, Matara
 59.. 181 Hay, C. J., superintendent, Deniyaya estate, Deniyaya
 182
 183 Jacob, R. F., assistant superintendent, Hulandawa estate
 184
 185 Jinadasa, P. L., Anderadeniya Group
 186 Karunaratne, P. D., chief clerk, District Road Committee, Matara
 187 Kotalawala, S., Kirinda
 188 Maddock, E. G., conductor, Handford, Deniyaya
 189 Nonis, P. B., clerk, Land Registry, Matara
 190 Panditharatne, W. H., superintendent, Ratnayake Group, Deniyaya
 191
 192 Ranasinghe, G. L., Kachcheri, Matara
 193 Rodrigo, W. S. C. P., head clerk, Urban District Council, Weligama
 194
 195 Vengappuli, C., clerk, Land Registry, Matara
 196 Weeraratne, D. F., clerk, Land Registry, Matara
 197
 198 De Fonseka, G. V., sanitary inspector, Denepitiya
 199 De Silva, K. G. F., clerk, Kachcheri, Matara
 200
 201 Dewasurondra, M. D. C., sub-inspector, Public Works Department, Matara
 202 Eyhianghert, C. H. B., inspector, Urban District Council, Matara
 203 Gunasekera, B. P. W., Land Registry, Matara
 204 Jayakuru, H. S., registrar of lands, Matara
 205 Jayasuriya, A. D. F., Uyanwatta, Matara
 206 Kumarage, D. J., Rahulavidyalaya
 207 Moonasinghe, C., clerk, Kachcheri, Matara
 208 Perera, B. L., sanitary inspector, Mirissa
 209 Ponniah, P. T. K., teamaker, Hulandawa
 210 Rodrigo, C. S., landed proprietor, Dondra
 211 Wijenayake, R. C., Nupe, Matara
 212 Wijewardena, C. J., Rahulavidyalaya
 213* Appiah, Velupillai, chief clerk, Public Works Department, Matara
 60.. 214* De Costa, D. A., land clerk, Kachcheri, Matara
 215* De Silva, Richard, clerk, Kachcheri, Matara
 61.. 216* Dewasurendra, E. D., Pallimulla
 217* Geddes, C. R., superintendent, Mahendra estate
 218* Gunasekera, E. F., clerk, Kachcheri, Matara
 219* Gunasekera, G. A., planter, Mahendra estate
 220* Gunasekera, L. B., Rahula College, Matara
 221* Kuruppe, B. A., Rahula College, Matara
 222* Jayawardena, D. S., Nupe
 62.. 223* Karunaratne, H. B. D., Tibbotuwawa
 224* Nagalingam, Thiyagarajah, sub-inspector, Public Works Department
 225* Sinniah, S., superintendent, Tennehena estate
 226* Thamby, S., chief clerk, Kachcheri, Matara
 227* Thuraisingham, K., assistant, veterinary surgeon, Kamburupitiya
 63.. 228* Weerasinghe, S. C. P., sanitary inspector, Dondra
 229* Wickremasinghe, G. A., clerk, Land Registry, Matara

SINHALESE-SPEAKING JURORS.

- 1 Abeygunaratne, D. D., landed proprietor and contractor, Malimboda
 2
 3 Abeysurriya, K. C. G., planter, Telijjawila
 4 Abeywickrema, D., landed proprietor, Morawaka
 5 Abeywickrema, Don Carolis, cultivator, Kongala
 6 Abeywickrema, Liyana Arachchige Don Andris, cultivator, Kongala
 7 Abeywickrema, P. F., landed proprietor, Kotapola
 8 Appuhamy, K. W. K. Don Juwanis, Makandura
 9 Appuhamy, Nanayakkara Haddagodage Don Elias, landed proprietor, Kadawedduwa
 10 Appusingho, A. B., head teacher, Godagama, Matara
 11 Arnolis, Ukwattaliyanage, landed proprietor, Pallimulla, Matara
 12
 13 Boralessa, Don James de Silva, landed proprietor, Atureliya
 14 Cornelis, H. G. H., head teacher, Pamburana, Matara
 15 Dahanayake, D. D., Diddenipota, Makandura
 16 17
 18 Dahanayake, H. D. A., landed proprietor, Udowita, Maliduwa
 19 Danny, H. G., overseer, Public Works Department, Telijjawila
 20 Danoris, Vidano Patiranage, trader, Welive
 21 David, Lokusathuhewage, teacher, Matara
 22 De Silva, B. B., Kebiliyapola
 23 De Silva, B. G. D., merchant, Dickwella
 24 De Silva, C. A. Edwin, merchant, Matara
 25 De Silva, Don Cornelis S. N. P., landed proprietor, Akuressa
 26 De Silva, Don Samuel G. E., teacher, Midigama
 27 De Silva, G. H. Charles, trader, Matara
 28 De Silva, H. G. Marshall, landed proprietor, Akuressa
 29 De Silva, H. G. A., Liyanagewatta estate, Viharahenna
 30 De Silva, H. L. A., Viharahenna, Deniyaya
 31 De Silva, H. W. D. A., teacher, Midigama
 32 De Silva, Kandauda-arachchige Simon, trader, Kadeweediya, Matara
 33 De Silva, M. K. Elpenis, Murutamure
 34 De Silva, W. A., merchant, Kottegoda
 35 Dharmawardene, H. A. P., principal, Siddharta School, Weligama
 36 Dias, D. G., head teacher, Nupe, Matara
 37
 38 Dissanayake, Don Carolis, Weerabaddana, Pallawela, Radawela
 39
 40 Don Diyonis, Abeywickrema Vidanapathiranage, landed proprietor, Welive
 41 Don Dinoris, Epitakaduwegamage landed proprietor, Karagoda-Uyangoda
 42 Don Siyadoris, Samarasinghe Gunasekera, veda arachchi, Wepotaira
 43
 44 Eddoris Appu, Wickrema Kalutotage, Karawa, Matara
 45 Edwin, R. A., overseer, District Road Committee, Uyanwatta
 46 Edwin, V. G. Don Deonis, cultivator, Ganegama
 47 Fredrick, A. K., head teacher, Gabadaweediya, Matara
 48 Gamage, Don Carolis, Meepawita, Kamburupitiya
 49 Gautamadasa, C. A., trader, Palimulla
 50 Gunasekera, A. W., planter, Dondra
 51 Gunasekera, Don Cornelis Wickremaratne, landed proprietor, Higgoda
 52 Gunasekera, D. D. S., Kebiliyapola

- 53 Gunasekera, Howa-alutsalago Don Sardiell, overseer, District Road Committee, Mawaralla
- 54
- 55 Gunawardena, Chandrasena, head teacher, Palatuwa School, Weliveriya, Matara
- 56 Gunawardana, D. C. M., landed proprietor, Urubokka
- 57
- 58 Hendrick, E. M. Don, overseer arachchi, Denepitiya
- 59 Hendrick Appuhamy, Vidana Pathiranage, trader, Rambukkana
- 60
- 61 Jayasinghe, Gunasekera Francis de S., landed proprietor, Talalla
- 62 Jayawardena, B. H. P., notary public, Akuressa
- 63 Jayawardene, S. P., landed proprietor, Pottewela
- 64
- 65 Jceris Appu, Amerasinghe, veda arachchi, landed proprietor, Mirissa
- 66 Jinadasa, P. P. G. B., trader, Meddewatta
- 67 Kalansuriya, C., Broadway Stores, Matara
- 68 Kalupahana, A. E., Galagama estate, Akuressa
- 69
- 70 Kulatilleke, A. M., trader, Kottagoda
- 71 Kulatilleke, K. D., head teacher, Walgama
- 72 Kulatunga, Andreas Senoviratne Yapa, Pallawela, Radawala
- 73 Kumasar, Don Andrayas, landed proprietor, Ranchagoda
- 74 Kumasar, Don Cornelis, landed proprietor, Horapawita
- 75
- 76 Muhandirange, J. D., veda arachchi, Dondra
- 77 Munasinghe, Abraham, landed proprietor, Walgama
- 78 Munasinghe, D. C., trader, Matara
- 79 Munasinghe, James, landed proprietor, Walgama
- 80 Nanayakkara, D. R. C., merchant, Weligama
- 81 Nanayakkara, M. John, merchant, Matara
- 82 Nanayakkara, T. M. P., teacher, Walpola
- 83 Pabiris Appu, Mirissehewage, trader, Dondra
- 84 Palihakkara, Don Hendrick, head teacher, Godauda Government Sinhalese School, Kottegoda
- 85 Pandithasekera, Methias, landed proprietor, Ganderagoda, Matara
- 86 Pinidiya, D. M. S., trader, Matara
- 87 Piyadasa, Y. K. D., Oil Mills, Matara
- 88 Podisingho, H. G., landed proprietor, Akuressa
- 89 Rajapakse, D. C., Pallegama
- 90 Ramachandra, C., registrar, Beralapanatara
- 91 Ramanayake, D. D. de Silva, clerk, Messrs. Chas. P. Hayley & Co., Matara
- 92 Ranatunga, D. J. J., teacher, Godapitiya
- 93 Ranawake, A. R., proprietary planter, Campdon Hill, Deniyaya
- 94 Ranaweera, D. J., veda arachchi, Matara
- 95 Ranaweera, Hewagamage Don Andrayas, planter, Yatiyana
- 96 Ratnayake, A. A. W., planter, Pallegama
- 97 Ratnayake, A. L. W., planter, Pallegama
- 98 Ratnayake, D. W. S., landed proprietor, Bengamuwa
- 99 Ratnayake, Karandagoda Kankanange Don Davith, landed proprietor, Akuressa
- 100
- 101 Samaranyake, D. A. A., Kongala
- 102 Samaranyake, T. D. N., teacher, Kamburupitiya
- 103 Samarasekera, N. W., merchant, Matara
- 104 Samarasinghe, D. A. A., Diddenipota
- 105 Samarasinghe, D. C., overseer arachchi, Nupe
- 106 Samarasinghe, D. L. A., cultivator, Beragama
- 107 Samarasinghe, John W., planter, Udukawa
- 108 Samaraweera, W. K. M., overseer, District Road Committee, Kamburupitiya
- 109 Samarawickrama, D. A., teacher, Weligama
- 110 Samarawickrama, D. P., overseer, District Road Committee, Akuressa
- 111 Samarawickrama, H. W. D. M., trader, Denepitiya
- 112 Senoviratne, K. J. P., notary public, Matara
- 113 Sepala, Dahanayake Dharmawansa, landed proprietor, Godapitiya, Akuressa
- 114 Silva, Gardiye Punchihewage Abraham, trader, Mirissa
- 115 Silva, Liyanage Owis, trader, Kottegoda
- 116 Silva, W. A. R., planter, Deniyaya
- 117 Silva, W. M., Hendrick, proprietary planter, Deniyaya
- 118 Sirigunawardana, N. J., notary public, Dickwella
- 119 Sirisena, H. A., landed proprietor, Pitakatuvana
- 120 Solomon, S. W., landed proprietor, Matara
- 121 122
- 123 Weerakoon, D. T., planter, Deniyaya
- 124
- 125 Weerasinghe, D. A., Hittetiya, Matara
- 126 Weeratunga, D. S., planter, Madiha
- 127 Wellapuli, Don Deyonis Samarawickrama, landed proprietor, Ranchagoda
- 128 Wellapuli, D. T. de Silva, landed proprietor, Narandeniya
- 129 Wickramaratne, A. D. S., landed proprietor, Kamburupitiya
- 130
- 131 Wickramasinghe, Don Abraham, Abeywardene, trader, Kirinda
- 132 Wickramasinghe, D. C., planter, Puhulhena estate, Kamburupitiya
- 133 Wickramasinghe, M. A., planter, Puhulwella
- 134 Wickramasooriya, P. A., merchant, Matara
- 135 Wickramasekera, D. C. P., liyana arachchi, Kongala
- 136
- 137 Wickramasekera, G., Overseer, District Road Committee, Weraduwa, Matara
- 138 Wickramasekera, R., overseer, District Road Committee, Weraduwa
- 139 Wickramasinghe, B. W., landed proprietor, Kirinda
- 140 Wickramasinghe, D. H. A., storekeeper, Southern Province Transport Co., Ltd., Matara
- 141 Wijeratne, G. E. W., Ranchagoda
- 142 Wijetunga, C., planter, Elgiriya
- 143 Wijetunga, R. J., planter, Elgiriya
- 144
- 145 William, K. G., teacher, Walpola, Matara
- 146 Wimalagunaratne, C., Ranchagoda
- 147 Wimalagunaratne, Don Cornelis, landed proprietor, Bengamuwa
- 148 Wimalagunaratne, D. D., Meepawita
- 149 Wimalagunaratne, F., Mahalpe
- 150 Wirasinghe, K. G. J., trader, Wehelgoda, Matara
- 151 152
- 153 Alfred, D. L., estate dispenser, Handford
- 154 De Silva, D. H., teacher, Thihagoda
- 155 De Silva, M. W. S., conductor, Kurulugalle Group
- 156 De Silva, L. S., Lalpe
- 157 Gunasekera, D. A. S., Kohiliadda
- 158 Gunasekera, J. S., Wepotaira
- 159 John, K. H. G., conductor, Aningkanda
- 160 Jayasekera, A., teamaker, Deniyaya
- 161 Jayawardana, D. D. U., Gangodagama
- 162 Kandanby, G., clerk, Ratnayake Group, Deniyaya
- 163 Weerasinghe, G. F. S., clerk, Kurulugalle Group
- 164 Weeratunga, D. G., clerk, Aningkanda, Deniyaya
- 165 Abeywardena, D. F., landed proprietor, Gaudera
- 166 David, D. G., teacher, Rahulavidyalaya
- 167 De Silva, A. L. C., veda arachchi, Gaudera
- 168 De Silva, head teacher, Koramburuwana Vernacular Mixed School
- 169 De Silva, D. M., landed proprietor, Ranchagoda
- 170 De Silva, S. A., teacher, Rahulavidyalaya
- 171 James, H. W. K., binder, Land Registry, Matara
- 172 Jayawardana, T. W., landed proprietor, Ranchagoda
- 173 Kumasar, D. D., landed proprietor, Horapawita
- 174 Peries, M. T., teacher, Rahulavidyalaya
- 175 Senarat, L. J. S., Kebaliyapola, Hakmana
- 176 Wimalagunaratne, A., landed proprietor, Meepawita
- 177 Wimalasuriya, clerk, Public Works Department, Matara
- 178 Ubesekeera, D. L., Pottewela, Hakmana
- 179* Ariyadasa, H. V. E., native physician, Deniyaya
- 180* Awneris, L. G., trader, Deniyaya
- 181* De Silva, R. K. J., Rahula College
- 182* De Zoysa, R. Baby Singho, Government Contractor, Makawita
- 183* Martin, B. P., Athureliya
- 184* Soysa, W. B. E., teacher, Rahula College
- 185* Wijesekere, D. F. R., landed proprietor, Deniyaya
- 186* Wijesekera, D. W. R., landed proprietor, Deniyaya
- 187* Wijewardena, D. E., teacher, Rahula College
- 188* Yapa, E. D., Andaradeniya estate, Pitabeddera

TAMIL-SPEAKING JURORS.

- 1 Abdul Asseesu, Ahamadu Lebbe Marikkar, landed proprietor, Matara
- 2
- 3 Abdul Latibu, Ahamadu Lebbe Marikkar, Notaris, trader, Matara
- 4
- 5 Abdul Rahim, Uduma Lebbe Marikkar, trader, Dickwella
- 6
- 7 Asirvathan, D., planter, Deniyaya
- 8 Cader Meera, O. S., general merchant, Denepitiya
- 9 Haniffa, A. M. M., landed proprietor, Kadeweediya, Matara
- 10
- 11 Idroos Hadjiar, I. L. M., merchant, Kadeweediya, Matara
- 12 Isadeen, Segu, Abdul Cader, Kadeweediya, Matara
- 13 Ismail, M. C. A., merchant, Matara
- 14
- 15 Mohammed, I. L. M. M., landed proprietor, Welipitiya
- 16 Mahamed Casim, Segu Meera Lebbe, Kadeweediya, Matara
- 17 Mohamadu, Ibrahim, Ahamadu Lebbe Marikkar, trader, Puhulwella
- 18 Mohamamadu Ibrahim, Pawalakkodi Bawa, trader, Kadeweediya
- 18a Mohamed Shihabuddeen, Hadjiar, merchant, Kotuwegoda
- 19
- 20 Murseen, M. O. M., trader, Kadeweediya, Matara
- 21 Muzney, P. M., merchant, Matara
- 22
- 23
- 24 Saibu Lebbe, Omarau Lebbe Marikkar Mohallan, trader, Galbokka
- 25 26 27
- 28 Thaha, A. R. M. M., trader, Kadeweediya
- 29 Velupillai, V. M., merchant, Deniyaya
- 30
- 31 Kalimuttoo, V., kanakapillai, Hulandawa
- 32 Ponniah, P. C., teamaker, Hulandawa
- 33 Selvanayagam, D. S., Hulandawa
- 34 Sabaratnem, P., clerk, Public Works Department, Matara
- 35 Soosapillai, G., clerk, Public Works Department, Matara
- 36* Ahmed Hajjiar Mohamadu Abdulla Alim Saibo, landed proprietor, Dickwella
- 37* Mohamed Abubakkar, clerk, Public Works Department, Matara

Deputy Fiscal's Office, H. V. F. ABAYAKOON,
Matara, July 18, 1938. Additional Deputy Fiscal.

**DISTRICT AND MINOR COURTS
NOTICES.****List of Uncertified Insolvents for the Half-year ended
June 30, 1938.**

In the District Court of Avissawella.

No. of case : 7—Name of Insolvent : Meemanage Gabriel Pieris of Avissawella—Remarks : Protection withdrawn.

No. of case : 8—Name of insolvent : Weliwita Vithanage Don Juan Appuhamy of Kosgama Ihala—Remarks : Protection withdrawn.

District Court, S. S. J. GUNASEKARA,
Avissawella, July 11, 1938. District Judge.

In the District Court of Hatton.

Nil.

District Court, HERBERT S. ROBERTS,
Hatton, July 23, 1938. District Judge.

In the District Court of Mannar.

Nil.

District Court, C. SITTAMPALAM,
Mannar, July 1, 1938. District Judge.

In the District Court of Nuwara Eliya.

Nil.

District Court, HERBERT S. ROBERTS,
Nuwara Eliya, July 21, 1938. District Judge.

In the District Court of Puttalam.

Nil.

District Court, C. J. OORLOFF,
Puttalam, July 7, 1938. Additional District Judge.

In the District Court of Ratnapura.

Nil.

District Court, L. H. DE ALWIS,
Ratnapura, July 6, 1938. District Judge.

In the District Court of Trincomalee.

Nil.

District Court, J. WILMOT PERERA,
Trincomalee, July 6, 1938. District Judge.**Return of Testamentary cases under Official Administration
for the Half-Year ended June 30, 1938.**

In the District Court of Hatton.

No. of case : 161—Name of deceased : Batuwitige Hendrick Silva of Dikoya—Name of Official Administrator : E. de S. Gunawardane, Secretary, District Court, Hatton.

No. of case : 245—Name of deceased : Weeragampita Kirimadina Arachchige Charles of Bogawantalawa—Name of Official Administrator : E. de S. Gunawardane, Secretary, District Court, Hatton.

District Court, HERBERT S. ROBERTS,
Hatton, July 25, 1938. District Judge.

In the District Court of Nuwara Eliya.

No. of case : 221—Name of deceased : Arthur Fredrick Burn Smeaton, late of Mount Pleasant, Wakwala, Galle—Name of Official Administrator : Edmund de Silva Gunewardene, Secretary, District Court, Nuwara Eliya.

District Court, HERBERT S. ROBERTS,
Nuwara Eliya, July 21, 1938. District Judge.

In the District Court of Ratnapura.

No. of case : 987—Whose estate : Jayatunga Mudiyanse-lage Podisingho of Hindurangala.

District Court, L. H. DE ALWIS,
Ratnapura, July 6, 1938. District Judge.

In the District Court of Trincomalee.

Nil.

District Court, J. WILMOT PERERA,
Trincomalee, July 6, 1938. District Judge.**List of Moneys received and paid on account of Estates
under Official Administration for the Half-Year
ended June 30, 1938.**

In the District Court of Trincomalee.

Nil.

District Court, J. WILMOT PERERA,
Trincomalee, July 6, 1938. District Judge.**NOTICES OF INSOLVENCY.**

In the District Court of Colombo.

Insolvency. In the matter of the insolvency M. Abdul No. 4,669. Rawoof of 4th cross street, in Colombo, insolvent. 20

THE insolvent became entitled to an undivided half share of the land and premises bearing Nos. 94 and 98, Second Cross street, in Colombo, on September 20, 1937, on the death of one Pitchai Ammal.

The insolvent has disclaimed title to it and the property is the subject matter of a Partition Action in case No. 1073L of the District Court of Colombo.

The sale of the right, title, and interest of the insolvent in and over the said land and premises, advertised for July 18, 1938, was stayed by the order of court.

A meeting of the creditors of the insolvent will again be held on August 23, 1938, to discuss whether it is desirable to advertise for sale the right, title, and interest of the insolvent in and over the said land and premises.

By order of court, A. C. BELING,
Colombo, July 30, 1938. Secretary.

In the District Court of Colombo.

No. 5,250 In the matter of the insolvency of Vernon Henley Joseph of Norris Canal road, Colombo.

WHEREAS the above named V. H. Joseph has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. L. Blacker of Kew lane, Slave Island, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said V. A. Joseph insolvent accordingly ; and that two public sittings of the court, to wit, on September 6, 1938, and on September 20, 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, A. C. BELING,
July 27, 1938. Secretary.

In the District Court of Colombo.

No. 5,251. In the matter of the insolvency of M. H. W. Fernando of 104/21, Skinners road south, Maradana, Colombo.

WHEREAS the above named M. H. W. Fernando has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Amaris Fernando of 39, Nelson lane, Colpetty, Colombo, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said M. H. W. Fernando insolvent accordingly ; and that two public sittings of the court, to wit, on September 6, 1938, and on October 11, 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, A. C. BELING,
July 29, 1938. Secretary.

In the District Court of Colombo.

No. 5,252. In the matter of the insolvency of Mahawattage Peter Richard Mendis of Mayfield, Moratumulla, Moratuwa.

WHEREAS the above-named M. P. R. Mendis has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. R. Perera of Maharagama in the Palle pattu of Salpiti korale, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. P. R. Mendis insolvent accordingly; and that two public sittings of the court, to wit, on September 6, 1938, and on October 11, 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.

July 30, 1938. By order of court, A. C. BELING,
Secretary.

In the District Court of Colombo.

No. 5,253. In the matter of the insolvency of Santiago Fernando of 91/3, Gintupitiya street, Colombo.

WHEREAS the above named S. Fernando has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by J. N. Carwallio of 18/6, Andival street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said S. Fernando insolvent accordingly; and that two public sittings of the court, to wit, on September 6, 1938, and on October 11, 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.

July 30, 1938. By order of court, A. C. Beling,
Secretary.

In the District Court of Kalutara.

No. 299. In the matter of the insolvency of Mohamadu Lebbe Hadjiar Abdul Rahim of Totawatta in Panadure.

NOTICE is hereby given that at a meeting of the creditors of the above-named insolvent held on July 29, 1938, a certificate of conformity of the second class was issued to the above-named insolvent.

July 29, 1938. By order of court, B. J. ARASARATNAM,
Secretary.

In the District Court of Kandy.

No. 2,141. In the matter of the insolvency of V. S. Durairajah Candiya of Aththaragalle in Digane.

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 September 9, 1938, to consider the granting of a certificate of conformity to the above-named insolvent.

August 2, 1938. By order of court, R. MALALGODA,
Secretary.

In the District Court of Galle.

No. 712. In the matter of the insolvency of Abdul Rahiman Ibrahim Julaya of 99, Main street, Galle.

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 September 1, 1938, for the examination of insolvent.

July 21, 1938. By order of court, M. N. PEIRIS,
Secretary.

In the District Court of Matara.

No. 130. In the matter of the insolvency of Pilane Lokuge Piyadasa Dias of Viharahena.

WHEREAS the above-named Pilane Lokuge Piyadasa Dias has filed a declaration of insolvency and a petition for the sequestration of his estate has been filed by Don Siyadoris Dahanayake Yapa of Akuressa, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Pilane Lokuge Piyadasa Dias insolvent accordingly; and that two public sittings of

the court, to wit, on September 20, 1938, and on October 25, 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.

July 28, 1938. By order of court, R. S. GUNASEKERA,
Secretary.

NOTICES OF FISCALS' SALES.

37 Western Province.

In the District Court of Colombo.

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

No. 5,828/M. Vs. 39

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

NOTICE is hereby given that on Monday, August 29, 1938, at 3 P.M., will be sold by public auction at 36, Greenpath, Colpetty, Colombo, the following movable property for the recovery of the sum of Rs. 1,820, less Rs. 400, plus Rs. 200, viz. :—

4 nadun loungers, 4 teakwood low chairs, 1 small chair, 3 teakwood round 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 Abeysundera cup, 1 flower pot stand (silver colour), 1 dish (silver colour), 8 small flower vases (silver colour), 4 nadun chairs, 1 jak almirah, 1 jak toilet table, 2 teakwood loungers, 1 ditto round lounge, 1 ditto almirah fixed with mirror, 1 ditto table, 1 ditto sideboard fixed with mirror, 1 teakwood glass almirah, 1 ditto cabinet, 1 jak stand, 1 teakwood dining table, 2 ditto arm chairs, 6 ditto chairs, 1 jak ice box, 1 teakwood whatnot with marble top, 1 ditto table with marble top, 1 ditto 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,
Colombo, August 3, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

42 In the District Court of Colombo.

(1) Ettige Mary Selbina Silva of Ragama, executrix of the last will and testament of Conganige Barlam Anthony, late of Ragama aforesaid (dead), (2) Ettige Peter Rose de Silva of Wattala, (3) Conganige Pabilis Anthony of Ragama, administrators de bonis non of the estate of C. B. Anthony, substituted in the place of 1st plaintiff, deceased Plaintiffs.

No. 6,006. Vs. 39

(1) Hitawakage Jornis Saram of Nagoda in the Ragam pattu of Alutkuru korale (dead), (2) Kuruppu Aratchige Engeltina Rodrigo Ranasinghe, legal representative of the estate of 1st defendant, deceased Defendants.

NOTICE is hereby given that on Wednesday, August 31, 1938, at 3 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 1,149 dated August 27, 1932, attested by P. M. de S. Seneviratne of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated July 5, 1938, for the recovery of the sum of Rs. 1,591.40, with interest on Rs. 1,050 at 12½ per cent. per annum from October 13, 1936, till date of decree (December 4, 1936), and thereafter on the aggregate amount of the decreet 9 per cent. per annum till payment in full, viz. :—

All that land called and known as Maragahawatta, together with the buildings, trees, and plantations standing thereon presently bearing assessment No. 85, situated at Hapugoda in the Ragam pattu of Alutkuru korale in the District of Colombo, Western Province; bounded on the

north by the limit of the land of J. Don Carolis, Police Officer, east by the cart road from Kandana to Makewita and the limit of a portion of this land of J. Don Gabriel Appu, south by the limit of a portion of this land of Don Rapiel and others, and on the west by a limit of a portion of this land of J. Don Elaris and others; containing in extent 3 acres 3 roods and 4 perches. Prior registration B 281/118.

Fiscal's Office,
Colombo, August 3, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

Udawattage Don Paulis Appuhamy of Suwarapola,
in the Palle Pattu of Salpiti korale Plaintiff.
No. 6,153/M.

(1) Moona Savanna Seyado, Mohammed of Buhari Hotel, Panchikawatta, Colombo now of Campbellabad, Thintiripan in South India, (2) The Secretary, District Court, Colombo, representative of the Estate of 1st defendant, dead, substituted in his place Defendants.

NOTICE is hereby given that on Tuesday, August 30, 1938, at 4 p.m., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 90 dated August 5, 1932, attested by B. James St. V. Perera of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of Court dated July 6, 1938, for the recovery of the sum of Rs. 7,437.50, with interest on Rs. 5,000, at 15 per cent. per annum from December 6, 1936, to January 21, 1938, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit taxed at Rs. 236.80, and Rs. 61.93 prospective costs, viz. :—

All that allotment of land marked lot B in the plan thereof hereinafter referred to bearing assessment No. 1,453A/12 from and out of the land called and known as Brandy together with the buildings standing thereon, situated at Albert road, in Colpetty, within the Municipality and District of Colombo, Western Province; which lot B is bounded on the north by lot marked A, on the east by the land of R. Isabella Fernando, on the south by the land of M. Samuel Fernando, and on the west by Albert road; containing in extent 10 square perches according to the plan thereof dated July 29, 1912, made by L. de Silva, Licensed Surveyor, and which said premises have been held and possessed by the defendant under and by virtue of deed of transfer No. 297 dated June 11, 1929, attested by K. Namasivayam of Colombo, Notary Public. Registered under title A 209/45 at the Colombo District Land Registry.

Fiscal's Office,
Colombo, August 3, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Kalutara.

M. A. Ismail Lebbe, of Alutgam Weediya Plaintiff.
No. 18,985.

(1) Pettagam Missi Nona de Silva, (2) T. L. D. S. Karunaratne, (3) T. E. D. Karunaratne, (4) T. N. S. G. Karunaratne, all of Kaluwamodera, (5) T. Ansi Nona de Silva Karunaratne, (6) Jane Nona de Silva Karunaratne, (7) M. T. Mendis . . . Defendants.

NOTICE is hereby given that on Friday, August 26, 1938, at 3.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 833.70, with legal interest thereon from October 31, 1934, till payment in full, less Rs. 250, viz. :—

An undivided western $\frac{1}{2}$ part or share of the land called Messabendahena, situated at Bondupitiya in Iddagoda Pattu of Pasdun korle west in the District of Kalutara, Western Province, together with the rubber and cinnamon plantations standing thereon; and bounded on the north by the land described in plan No. 74,019 and Crown land, north-east by Crown lands and lands belonging to Kostantinu and others, south-east by land described in plan No. 103,745, south by the land belonging to Hendrick and Crown land, south-west by the Crown land and land described in plan No. 74,017, west by land described in plan Nos. 74,017, 74,018, and on the north-west by land described in plan No. 74,029; and containing in extent 82 acres and 1 rood.

H. SAMERESINGHA,
Deputy Fiscal.

Deputy Fiscal's Office,
Kalutara, July 27, 1938.

Southern Province.

In the District Court of Matara.

In the matter of the last will and testament of the late Paranagama Don Hendrick de Silva, Public Officer of Padilikokmaduwa and Wickremasinghe, Vitana Ceciliaana of Padilikokmaduwa.

No. 3,786 Testy.

Wickremasinghe Vitana Don Uberis de Silva of Penetiya Administrator.

NOTICE is hereby given that on Tuesday, September 6, 1938, commencing at 3 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said estate in the following property for the recovery of a sum of Rs. 25.80, viz. :—

1. All that the soil and fruit trees of the land called Gedawalahena, situated at Padilikokmaduwa in Weligam korale of Matara District, Southern Province; and bounded on the north by Patabendihena, east by Welehena, south by Yaddessannewatta, and on the west by Paragodagewatta; and containing in extent 7 acres 2 roods and 30 perches.

2. All that the soil, fruit trees, and all the buildings standing thereon of the land called Palihakkarakoratuwa, situated at Padilikokmaduwa aforesaid; and bounded on the north by Gamagekanatta, east by Panselegala, south by Kasivinnegekumbura, and on the west by Maliduwagewatta; and containing in extent about 3 acres.

Deputy Fiscal's Office,
Matara, August 1, 1938.

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

In the District Court of Matara.

In the matter of the late Palawinnege Don Bastian alias Baronis Mutucumarana late of Dickwella.

No. 3,938 Testy.

Palawinnege Don Marthenis Mutucumarana of Dickwella Administrator.

NOTICE is hereby given that on Thursday, September 1, 1938, commencing at 2.30 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 for the recovery of a sum of Rs. 67.20, viz. :—

All that the soil, fruit trees, with 15 cubit tiled house exclusive of planter's $\frac{1}{2}$ share of the 2nd plantation of the land called Kosgahakoratuwa, Bogahakoratuwa, and Godellehena, lying contiguous to each other forming one property, situated at Dickwella in Wellaboda pattu of Matara District, Southern Province; and bounded on the north by Janispadinchiwatteweta and Marakkalayagewatteweta, east by old road, south by Kalukapugewatteweta, Dissanayakakankamgawatteweta, and Panseleheweta, and on the west by high road, Kosgahakoratuwa, and Bogahakoratuwa; and containing in extent about 6 acres.

Deputy Fiscal's Office,
Matara, July 30, 1938.

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

In the District Court of Matara.

Mendis Dias Abeywardane Wickremasinghe of Atureliya Plaintiff.

No. 11,549.

(1) Emanis Dias Senanayaka, Vidana Arachchi of Tissamaharama, (2) Sesiwathie Senanayaka, (3) Upasena Senanayaka, (4) Gunaseeli Senanayaka, and (5) Gunasena Senanayaka, all of Tissamaharama, minors, by their guardian *ad litem* the 1st defendant Defendants.

NOTICE is hereby given that on Friday, September 2, 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 1st to 5th defendants in the following property for the recovery of a sum of Rs. 647.58, viz. :—

All that the entirety of the soil and plantations together with all the buildings standing thereon of the divided and separated lot B of the land called Gorakagahawatta alias Konpannawatta bearing assessment No. 2115, situated at Weragampita within the Urban District Council area of Matara, Matara District, Southern Province; and bounded on the north by lot A of the same land, east by Uyanwatta Circular road, and lot A of the same land, south by Uyanwatta Circular road, and on the west by Puhuliruwewatta, Lokuralagewatta alias Alutgedera; and containing in extent 1 rood and 35.75 perches.

Deputy Fiscal's Office,
Matara, July 30, 1938.

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

In the Additional Court of Requests of Matara.

Atapattuhewa Kahakandage Jamisappu of Kohunugamuwa Plaintiff.

No. 20,143.

(1) Welandagodaliyana Aratchige Arnolihamy, and husband (2) Walgama Wellalage Charlesappu, both of Walliwala Defendants.

NOTICE is hereby given that on Monday, August 29, 1938, commencing at 2:30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants, in the following property, for the recovery of a sum of Rs. 318.63, with legal interest from July 12, 1938, till payment in full, viz. :—

All that undivided 896/1456 shares of the soil and trees, together with the entirety of the buildings standing thereon of the defined lot No. 1 of the land called Pelawatta, situated at Kumbalgama in Weligama, in Weligam korale of Matara District, Southern Province; and bounded on the north by railway line, east by lot No. 2 of the same land, south by high road, and on the west by Dampatha alias Pelawatkebella; and containing in extent 19.87 perches.

Deputy Fiscal's Office,
Matara, August 2, 1938.

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

In the District Court of Galle.

Suna Pana Sinnaiyah Pillai of Kaluwella, Galle, administrator of the estate of Sinnanan Alagu of India, deceased Plaintiff.

No. 35,434.

Nimrod Nonis Wijeratne Abeyesundara of Digaradda in Ahangama Defendant.

NOTICE is hereby given that on Wednesday, August 31, 1938, 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 mortgaged property for the recovery of a sum of Rs. 4,691.25, with interest thereon at the rate of 9 per cent. per annum from January 6, 1937, till payment in full, and costs of suit, less Rs. 950, viz. :—

1. An undivided one half part of all those four contiguous allotments of land called Kalawiya or Indurehena or Rukgahahena or Moragahahena or Talduwahenawatta fully depicted in T. P. 314,297 dated July 30, 1915, Talduwahenaowita fully depicted in T. P. 316,640 dated November 13, 1915, Kalaviyadeniya fully depicted in T. P. 316,641 dated November 13, 1915; Kalawiya or Indurehena or Rukgahahena or Moragahahena fully depicted in T. P. 315,631 dated October 2, 1915, all adjoining each other and together forming one land and can be included in one figure of survey, together with the entirety of all the buildings thereon, situated at Midigama in Weligam korale in Matara District, Southern Province; and together are bounded on the north by land claimed by villagers lot No. 4408 in P. P. 10,039 and lands depicted in T. P. 137,043 and in T. P. 280,726, east by land claimed by villagers and Crown land, south by Crown land, and on the west by Crown land and land claimed by villagers; the whole containing in extent 21 acres 1 rood and 37 perches.

2. An undivided one half part of the soil and trees and the entirety of the buildings standing thereon of an allotment of land called Kahatagahahena, situated at Midigama aforesaid; and bounded on the north by lot Q 192 in P. P. 585 and reservation along the footpath, east by T. P. 174,878 and land claimed by natives, south by Crown land, and on the west by T. Ps. 137,045, 270,538, and 97,888; and containing in extent 7 acres 3 roods and 32 perches.

Deputy Fiscal's Office,
Matara, July 28, 1938.

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

In the District Court of Tangalla.

Hector Dias Seneviratne of Kurunegala, presently of Galle Plaintiff.

No. 4,082.

Kahandawe Geegana Aechhige Don Carolis of Tissa Defendant.

NOTICE is hereby given that on Saturday, September 3, 1938, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the

recovery of Rs. 2,386.51, with further legal interest on Rs. 2,107.82 from June 10, 1938, till payment in full, and poundage, viz. :—

At Wirawila.

All those eight allotments of lands depicted in title plans Nos. 369,481, 369,540, 369,541, 369,539, 369,543, 369,542, 369,544 and 369,545, lying contiguous to each other and capable of being included in one and the same survey plan, called and known as Molakeputanauwilagodana; containing in aggregate extent of 39 acres 2 roods and 19 perches, situated at Wirawila in Medawalakada in Magam pattu of the Hambantota District, Southern Province; bounded on the north by title plans No. 354,763, and 266,562, on the east by lots 232, 252, 263, and 261, on the south by lots 261 and 298, and on the west by lots 298, 187, 256, 187, and T. P. 366,541.

Valuation Rs. 4,000.

Deputy Fiscal's Office,
Hambantota, July 29, 1938.

V. L. WIRASINGHE,
Additional Deputy Fiscal.

Eastern Province.

In the District Court of Trincomalee.

S. Thamotharampillai of Kuddampuli Plaintiff.

No. 2,166.

V. Gopalu of Paddimedu, legal representative of the estate of the deceased, V. Vairamuttu of Kallimedu Defendant.

NOTICE is hereby given that on Saturday, August 27, 1938, at 2 o'clock in the afternoon, will be sold by public auction at the spot the following property mortgaged with the plaintiff by bond No. 480 dated November 22, 1936, and attested by Mr. E. Visviah of Trincomalee, Notary Public, and declared specially bound and executable under the decree entered in the above case and ordered to be sold by order of court dated June 29, 1938, for the recovery of the sum of Rs. 988.80, with further interest on Rs. 900 at 12 per cent. per annum from February 3, 1938, till February 17, 1938, and thereafter at 9 per cent. per annum on the aggregate sum till payment in full provided such interest does not exceed Rs. 811.20 and costs Rs. 146.32½, Fiscal's fees and charges and poundage, viz. :—

All that allotment of land called "Kallimeduthotam bearing lot No. 283, situated at Kallimedu, Tampalakamam, Trincomalee District, Eastern Province, together with the tiled house of two rooms, cadjan roofed house and well thereon; bounded on the east by the field called "Thil-laiyadivayal", south by the field called "Thalaiyadi-kudavayal", west by land belonging to the heirs of Kappakam, widow of Murugapper, and on the north by road, in extent 1 rood and 20 perches. Registered D 4/224.

Deputy Fiscal's Office,
Trincomalee, July 28, 1938.

B. VRASPILLAI,
Additional Deputy Fiscal.

North-Western Province.

In the District Court of Colombo.

D. C. A. Talayaratne of Gangodawila Plaintiff.

No. 7,336 (M).

J. D. Dharmasena of Messrs J. D. Fernando and Sons, Booksellers, Dam street, in Colombo... Defendant.

NOTICE is hereby given that on Saturday, September 3, 1938, commencing at 4.30 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 the sum of Rs. 500 together with interest thereon at 9 per cent. per annum from August 26, 1937, till payment in full, viz. :—

1. All that land called Maragahahena, situated at Diganwela in Yagampattu korale of Katugampola hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by reservation for a road and reservation along the road, east by reservation along the road, south by lot 67, and west by lot 64D; containing in extent 1 acre 3 roods and 9 perches together with the plantations thereon and registered in C 557/108.

2. All that land called Maragahahena lot 64D in survey plan No. 2,013, situated at Diganwela aforesaid; and bounded on the north by reservation for a road, east by

lot 64E, south by lot 67, and west by lot 64C; containing in extent 1 acre 1 rood and 28 perches together with the plantations thereon, and registered in C 553/234.

3. All that land called Kahatagahenyaya, situated at Diganwela aforesaid; and bounded on the north by land of Elaris Fernando, Peace Officer, now by land called Maragahena, east by chena of Tikira now by reservation for a road and land belonging to the Crown, south by chena of Tikira now by land of Mr. Dias, land of Badie and land of Bandiya, and west by Mainpara now by land leased by Crown to Meniki and the land called Maragahena; containing in extent 24 acres but now about 20 acres together with the plantations thereon and registered in C 395/222.

Fiscal's Office,
Kurunegala, August 2, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

49 In the District Court of Colombo.

(1) Kasivisuvanathan Chettiar, son of Somasundaram Chettiar and (2) Narayanan Chettiar, son of Somasundaram Chettiar, both carrying on business under the name, style, and firm of V. K. R. S. T. at 255, Sea street, in Colombo Plaintiffs.
No. 6,034. Vs. 39

(1) I. M. Y. M. Valliammal Achy, wife of Meyappa Chettiar, (2) M. Y. M. Letchimy Achy and (3) M. Y. M. Valliammai Achy, all of Karaikudi, presently of Puttalam Defendants.

NOTICE is hereby given that on Saturday, August 27, 1938, commencing from the 1st land at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

(1) The garden called and known as Sembattayantotam, situate at Sembette in Puttalam pattu in the District of Puttalam, North-Western Province; and containing in extent 69 acres 3 roods and 37 perches; and bounded on the north by the common boundary of the land belonging to Mena Pana Lana Palaniappa Chettiar, east by the land lot bearing No. 6492, south by the common boundary of the land belonging to Joseph Kaitan Fernando Kirtisinghe Mudaliyar, and west by the salt river belonging to the Crown the entirety within these boundaries.

2. The garden called and known as Amaikuli Kado, situate at Amaikuli in the aforesaid pattu; containing in extent 40 acres; and bounded on the north by the land belonging to Mena Yana Navenna Narayanan Chettiar and others, east by the land belonging to the Crown, south by the land belonging to Joseph Kaitan Fernando Kirtisinghe Mudaliyar, and west by land belonging to Mena Pana Lana Palaniappa Chettiar and to the estate of Mena Yana Mena. The entirety of the contents within these boundaries.

3. All that building and premises bearing assessment No. 14, situate in the Second Cross street within the Urban District Council limits of Puttalam; and containing in extent about $\frac{1}{4}$ acre; and bounded on the north by Second Cross street, east by St. Andrew's School, south by premises belonging to Abass Marikar, and west by premises belonging to P. M. Mohamado Ossen and others.

For the recovery of the sum of Rs. 10,541, with interest thereon at 6 per centum per annum from July 10, 1936, till June 22, 1938, and thereafter on the aggregate amount at 9 per centum per annum till payment in full.

Deputy Fiscal's Office,
Puttalam, July 27, 1938.

J. P. KANTHYAH,
Additional Deputy Fiscal.

22 Province of Sabaragamuwa.

In the District Court of Kegalla.

J. W. Udagama of Kegalla Plaintiff.
No. 10,330. Vs. 39

A. Francis Molamure of Kegalla, presently of Horton place, Cinnamon Gardens, Colombo Defendant.

NOTICE is hereby given that on Tuesday, August 30, 1938, 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 for the recovery of the sum of Rs. 2,450.82, with interest on Rs. 2,965 at 9 per cent. per annum from February 2, 1933, till payment in full and poundage less Rs. 170.01 at the risk of the original purchaser, M. P. Hemachandra of Rakwana, viz. :—

All that land called Meegaswatta alias Walauwatta, situate at Rakwana in Meda pattu of Atakalan korale,

in the District of Ratnapura of the Province of Sabaragamuwa; bounded on the north by Meegaswatta, east by land belonging to Government Hospital, south by cart road, west by Roman Catholic burial ground; and containing in extent about 3 acres with the house standing thereon.

Fiscal's Office,
Ratnapura, July 30, 1938.

N. SWAMINATHA IYER,
Additional Deputy Fiscal.

In the District Court of Colombo.

P. K. N. Kadappa Chettiar of Sea street in Colombo Plaintiff.

Thenappa Chettiar, son of Murugappa Chettiar administrator of estate of the plaintiff of Sea street in Colombo Substituted Plaintiff.

(1) Nagappa Chettiar, son of Periyacaruppen Chettiar and 4 others, all of Ramachandrapuram in Pudukotai State, South India, carrying on business in partnership under the name, style, and firm or Vilasam of Peena Koonanavanna also known as P. K. N. of 197, Sea street, in Colombo Substituted Plaintiffs.
No. 49,485. Vs. 36

(1) R. Pabilis Ramanayaka of 170, Baseline Road in Colombo, and 2 others Defendants.

NOTICE is hereby given that on August 30, 1938, commencing at the hours specified below will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property mortgaged with the plaintiff by bond No. 1,101 dated November 4, 1929, and attested by C. Perumalpillai of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above-named action and ordered to be sold by the order of court dated May 28, 1938, for the recovery of the sum of Rs. 21,350 with interest thereon at 6 per cent. per annum from the date hereof (June 1, 1937), till payment in full without costs of action but with costs of execution if any on the footing of the said mortgage bond, viz. :—

Sale on August 30, 1938, commencing at 1 P.M. at the respective premises.

1. All that land called Kurukosgahamullawatta, situated at Kehelwatugoda, Gandolaha pattu of Beligal korale, in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the north by the limit of Kiuldeniyehitinauwawatta, on the east by ditch, on the south by endaru fence of Epagewatta, and on the west by ela; containing in extent 2 pelus of paddy sowing.

2. All that land called Yakambeheha, situated at Kehelwatugoda aforesaid; and bounded on the north by Galenda, on the east by the limit of Vedaralagehena, on the south by the limit of Bandiyalagehena, and on the west by the limit of Vedaralagehena; and containing in extent 3 amunams of paddy sowing.

3. All that land called and known as Moragollehena, situated at Kehelwatugoda aforesaid; and bounded on the north by Galinda, on the east by Millapandura, on the south by gala (rock), and on the west by binhumbaha ant-hill; and containing in extent one amunam of paddy sowing.

4. All that land called and known as Etinnawetichagalagawahena, situated at Kehelwatugoda aforesaid; and bounded on the north by the ditch, on the east by galenda, on the south by ketakela tree, and on the west by binhumbaha ant-hill; containing in extent one amunam of paddy sowing.

5. All that land called and known as Ambagahamulahena, situated at Kehelwatugoda aforesaid; and bounded on the north by the ditch, on the east by galenda, on the south by humbaha ant hill, and on the west by Mala-ela; and containing in extent one amunam and 2 pelus of paddy sowing.

All of which lands adjoin each other and now form one property called and known as Yakebehenyaya estate, situated at Kehelwatugoda aforesaid; and bounded on the north by land claimed by natives, on the east by ela, on the south by a fence rock and land claimed by natives, Mala-ela and Walauwewatta, and on the west by a part of the lands forming the southern boundary and by land claimed by natives; containing in extent 49 acres and 2 roods according to the plan and survey made by C. D. Jayasingha, Special Licensed Surveyor, dated May 24, 1923, and registered in E 296/145.

6. All that land called and known as Amunutuduwakumbura, situated at Kehelwatugoda aforesaid; and bounded on the north by Elawella, on the east by limitary ridge of Wewalayadde, on the south by limitary ridge of

Lankariakiyanakumbura, and on the west by limitary ridge of Palpela; and containing in extent one amunam of paddy sowing and registered in E 306/215.

7. The field called and known as Irawella, situated at Kehelwatugoda aforesaid; and bounded on the north by the limitary ridge of Lankariakiyanakumbura, on the east by the endaru fence of the pillewa, on the south by the limitary ridge of Wagalamadakumbura, and on the west by ela; and containing in extent 3 pelas of paddy sowing, and registered in E 296/147.

Sale on August 30, 1938, commencing at 3 P.M. at the respective premises.

8. An undivided $\frac{3}{4}$ parts or shares of that land called Badahelayahena, situated at Batuwatta in Gandolaha pattu of Beligal korale as aforesaid; and bounded on the north by Kaluoluwewawatta claimed by Hetuwa Duraya and Boraluwehena claimed by A. Punchirala, on the east by Boraluwewatta claimed by Harmanis Appu and B. Unga, on the south by the land described in survey plan No. 17,836, Alagoddayawatta claimed by Undiya and Badahelagewatta claimed by Kiri Menika, and on the west by Hitinawatta claimed by Hetuwa Duraya; and containing in extent 2 acres 3 roods and 33 perches, and registered in E 312/154.

9. An undivided $\frac{1}{2}$ share from and out of all that land called Boraluwehena, situated at Batuwatta aforesaid; and containing in extent about 7 pelas of paddy sowing; and bounded on the east by village boundary of Jeewana, on the south by the limit of Polkandehena and Badahelayagēhena, on the west by the stone placed at Aratchigehena and Nekethgehena, and on the north by the wela and kon tree excluding therefrom an acre of about 2 kurunies of paddy sowing and registered in E 298/232.

10. All that land called and known as Boraluwewatta, situated at Batuwatta aforesaid; and bounded on the east, south, and west and north by endaru fence; containing in extent 12 lahas of paddy sowing, and registered in E 225/84.

11. An undivided $\frac{7}{8}$ parts or shares from and out of all that land called Boraluwehena in extent about 8 lahas paddy sowing, situated at Batuwatta aforesaid; and bounded on the east by galwetiya, on the south by the ditch, on the west by the boundary of the Crown land, and on the north by the limit of chena of Kira; and containing in extent about 8 lahas paddy sowing and registered in E 295/278.

All of which allotments of land adjoin each other and now form one property depicted in plan and figure of survey dated May 14, 1923, and made by C. B. Jayasingha of Kandy, Licensed Surveyor, situated at Batuwatta aforesaid; and bounded on the north by the field claimed by natives, on the east by the land claimed by natives, oya, and Jeewana village, on the south by Jeewana village and Badahelayawatta, and on the west by Badahelayawatta Aratchigehena and Nekatigehena; containing in extent 11 acres and 20 perches, according to the survey plan and figure of survey.

12. An undivided $\frac{1}{4}$ part or share from and out of all that allotment of land called Kekunakanda marked lot "C" coloured pink in the plan thereof and made by Edmund A. Jayawickrama, Licensed Surveyor (the same being defined $\frac{1}{4}$ part or share of the land comprised and described in title plan No. 221,648, situated in the village of Batuwatta aforesaid; and bounded on the north by the defined portion of Kekunakanda marked B allotted to Charles Pieris, on the east by Crown land and land claimed by natives, on the south by land claimed by natives and a road, and on the west by land claimed by natives and lots C 519 and B 519 in preliminary plan No. 4,028 and a water-course; containing in extent 31 acres 2 roods and 17.33 perches according to the plan made by the said Edmund A. Jayawickrama with full and free rights and liberty of way and passage over the portions marked B and C, and registered in E 306/214.

Sale on August 30, 1938, at 5 P.M. at the spot.

13. All that land called and known as Kurukeppitiya-mukalana, situated at Pitawala in Beligal korale in Gandolaha pattu aforesaid; and bounded on the north by ela, on the east by ela and land claimed by natives and land depicted in T. P. 194,112, on the south by land depicted in T. P. 194,112 and land claimed by natives, on the west by land claimed by natives; containing in extent 8 acres and 34 perches, and registered in E 296/148.

Deputy Fiscal's Office,
Kegalla, July 30, 1938.

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

I, Thomas Arthur Hodson, Fiscal for the Central Province, do hereby appoint Mr. Dingiri Banda Navaratne to act as Fiscal's Marshal for the Judicial Division of Hatton with effect from July 31, 1938, until the return of Mr. W. B. Herat from leave, under Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,
Kandy, July 30, 1938.

T. A. HODSON,
Fiscal.

I, Reginald Young Daniel, Fiscal, for the North-Western Province, do hereby appoint S. M. Marikkar, to be Marshal for July 28 and 29, 1938, for the divisions of Dambadeni Udukaha north and west, and Mairawathi korales of Dambadeni hatpattu, Giratalana, Baladora, and Angomu korales of Dewamedi hatpattu, Karandapattu, Meddeketiya, Yatikaha, Yagampattu, Kiniyama, Katugampola Medapattu east and west, Katugampola north and south, and pitigal korales of Katugampola hatpattu in the District of Kurunegala, under the provisions of the Fiscal's Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Kurunegala, this 27th day of July, 1938.

R. Y. DANIEL,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi declaring Will proved.

30 /
Testamentary In the Matter of the Last Will and Testament of Mary Ann Christoffelsz (also known as Annie Christoffelsz) of 13, N. T. Summer place, off Kanatta road, Borella, Colombo, in the Island of Ceylon, widow deceased.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on July 30, 1938, in the presence of Messrs. E. J. & G. de Saram, Proctors, on the part of the petitioners, Doctor Hermann Sperling Christoffelsz and Durand Victor Altendorff, both of Colombo; and (1) the affidavit of the said petitioners dated June 15 and 17, 1938, and (2) the affidavit of the attesting Notary of the said last will and testament having been read: It is ordered that the will of the said Mary Ann Christoffelsz, deceased, No. 2194 dated June 16, 1937, and attested by James Aubrey Martensz of Colombo, aforesaid, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Doctor Hermann Sperling Christoffelsz and Durand Victor Altendorff are the executors named in the said will, and that they are entitled to have probate issued to them accordingly, unless any person or persons interested shall, on or before August 18, 1938, show sufficient cause to the satisfaction of this court to the contrary.

July 30, 1938.

W. SANSONI,
District Judge.

25 / In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Kapugamage Gilbert Karunaratne of No. 8,497, 15, Mary's road, Bambalapitiya, Colombo, deceased.

Kapugamage Daniel Karunaratne of "Sunil", Thimbirigasyaya road, Colombo Petitioner.

And

Dona Caroline Karunaratne-of Thimbirigasyaya road, Colombo Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on July 22, 1938, in the presence of Mr. W. P. Jayasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 21, 1938, 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 respondent above named or any other person or persons interested shall, on or before August 18, 1938, show sufficient cause to the satisfaction of the court to the contrary.

July 22, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

37
Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction of James Chelvanayagam Chinnappa, No. 8,498, late of Vapery, Madras, British India, deceased.

A. A. Virasinghe of "Claverley House", Turret road, Colombo, an Attorney of Lucia Navamani Virasinghe Chinnappa of Madras Petitioner.

And

(1) Chandrasekaram James, (2) Malathi, both of Vapery, Madras, British India, both minors appearing by their guardian *ad litem* (3) A. S. Williams, Head Master, Christian College, Kotte Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on July 22, 1938, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above-named; and the affidavit of the said petitioner dated July 20, 1938, Power of Attorney dated December 4, 1937, and the Supreme Court order dated May 16, 1938, having been read:

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd 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 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 August 18, 1938, show sufficient cause to the satisfaction of the court to the contrary.

July 22, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the within mentioned Order Nisi is hereby extended to September 1, 1938.

July 30, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

33
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction Benjamin Mathew, late of Mayyanad, No. 8,502, Quilon, South India, deceased.

Mariamamma Benjamin of Mayyanad, Quilon, South India, presently of Havelock road, Colombo Petitioner.

Vs.

(1) Benjamin Jimmy Thomas, (2) Johnson Benjamin, (3) Mathew Benjamin, (4) Jacob Benjamin, (5) Abraham Benjamin, all of Mayyanad, Quilon, South India; the 2nd, 3rd, 4th, and 5th respondents minors appearing by their proposed guardian *ad litem* (6) David Job Johns of 14/100, Havelock road, Bambalapitiya, Colombo Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on July 27, 1938, in the presence of Mr. U. T. Bartlett, Proctor, on the part of the petitioner above-named; and the affidavit of the said petitioner dated July 26, 1938, and the Supreme Court order dated July 13, 1938, having been read:

It is ordered (a) that the 6th respondent be and he is hereby appointed guardian *ad litem* of the minors the 2nd, 3rd, 4th, and 5th respondents above-named to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before August 18, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 1, 1938.

W. SANSONI,
District Judge.

26
In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction Effects of the late Georgiana Manukularatne of Colpetty in Colombo (widow of the late S. A. Manukularatne of Nawalapitiya), deceased. No. 8,508.

Dr. Walter Francis Jayasuriya of "Windsor", Kynsey road in Colombo Petitioner.

And

Soma Jayasuriya of "Windsor", Kynsey road in Colombo Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on July 29, 1938, in the presence of Mr. N. J. S. Cooray, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 2, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son-in-law of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before August 18, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 1, 1938.

W. SANSONI,
District Judge.

In the District Court of Kalutara.

40
Order Nisi declaring Will proved.

In the Matter of the Estate of the late Tuse No. 2,813. Cooray Mohotti Gurunahanselage Potensia Cooray (deceased), of Marakkalahawatta in Maggona.

W. B. Reginald Fernando of Marakkalahawatta, Maggona Petitioner.

Vs.

(1) W. B. Apolonia de Mel of Kotahena, Colombo, (2) W. B. Dionysius Fernando, and (3) W. B. Stephen Fernando, both of Marakkalahawatta in Maggona Respondents.

THIS matter coming on for disposal before F. J. C. Roberts, Esq., Additional District Judge of Kalutara, on May 3, 1938, in the presence of Mr. A. R. Seneviratne, Proctor, on the part of the petitioner, W. B. Reginald Fernando of Marakkalahawatta; and the affidavit of the said petitioner dated May 2, 1938, having been read:

It is ordered that the will of Tuse Cooray Mohotti Gurunahanselage Potensia Cooray, deceased, dated February 3, 1938, and bearing No. 980 and now deposited in this court, be and the same is hereby declared proved, unless the respondents or any other person or persons interested shall, on or before June 16, 1938, show sufficient cause to the satisfaction of the court to the contrary.

It is further declared that the said W. B. Reginald Fernando of Marakkalahawatta is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before June 16, 1938, show sufficient cause to the satisfaction of this court to the contrary.

F. J. C. ROBERTS,
Additional District Judge.

May 3, 1938.

The date for showing cause has been extended to August 11, 1938.

T. F. C. ROBERTS,
Additional District Judge.

24
In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Jurisdiction Morawakkoralage Dona Johana Hamine, No. 2,815, deceased, of Wandurebba.

THIS matter coming on for disposal before T. F. C. Roberts, Esq., Additional District Judge of Kalutara, on May 19, 1938, in the presence of Messrs. Obeyesekere & de Silva, Proctors, on the part of the petitioners; Don James Dedduwa Kumara and (2) Don Leyaris Dedduwa Kumara, both of Wandurebba, and the affidavit of the said petitioners dated May 19, 1938, having been read.

It is ordered that the petitioners abovenamed be and they are hereby declared entitled, as sons of the abovenamed deceased, to have letters of administration to her estate issued to them, unless any person or persons interested shall, on or before June 30, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 19, 1938. E. O. C. VANDER GERT,
District Judge.

Showing cause of this *Order Nisi* is extended till August 18, 1938.

E. O. C. VANDER GERT,
District Judge.

22/ In the District Court of Kandy.
Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Mookapillai Nallathamby, deceased, of
No. T. 46. Kirimetiya Estate, Galaha.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on June 8, 1938, in the presence of Mr. L. B. Ramayake, Proctor, on the part of the petitioner, Nallathamby's son, Karuppanam Pillai, and the affidavit of the said petitioner dated June 1, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless any person or persons interested shall, on or before July 11, 1938, show sufficient cause to the satisfaction of this court to the contrary.

June 8/14, 1938. R. F. DIAS,
District Judge.

Publication extended to August 15, 1938.

July 11, 1938. R. F. DIAS,
District Judge.

28/ In the District Court of Kandy.
Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Ambagaspitiye Walawwe Loku
No. T. 53. Banda Ekanayake, deceased, of Wen-
daruwa, in Pata Dumbara.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on July 7, 1938, in the presence of Mr. P. Mapalagama, Proctor, on the part of the petitioner, Ambagaspitiye Walawwe Abeyratne Banda Ekanayake; and the affidavits of the said petitioner dated July 7, 1938, and of the attesting witnesses dated July 4 and 7, 1938, having been read:

It is ordered that the last will of the above-named deceased, dated January 28, 1936, and now deposited in this court, be and the same is hereby declared proved, unless the respondent, Haliela Wetaketiye Walawwe Kumarihamy of Wendaruwa or any other person or persons interested shall, on or before August 18, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless the said respondent or any other person or persons interested shall on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

July 7, 1938. R. F. DIAS,
District Judge.

25/ In the District Court of Kandy.
Order Nisi.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Tikiri Bandara, Mam-
No. T. 54. No. T. 54. deceased, of Giragama.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on July 12, 1938, in the presence of Mr. B. H. Dunwille, Proctor, on the part of the petitioner, Cuda Banda Rambukpotha; and the affidavit of the said petitioner dated July 11, 1938, and of the attesting notary dated July 11, 1938, having been read:

It is ordered that the last will of the above-named deceased, dated July 12, 1936, and now deposited in this

court, be and the same is hereby declared proved, unless any person or persons interested shall on or before August 25, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the said respondent or any other person or persons interested shall on or before the said date show sufficient cause to the satisfaction of this court to the contrary.

July 12, 1938.

R. F. DIAS,
District Judge.

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

Testamentary In the Matter of the Estate of the late
Jurisdiction. Watawalage Ondiris of Yalgama,
No. 7,816. deceased.

Between
Watawalage Maggie Nona of Yalgama in
Induruwa Petitioner.
Vs.

(1) Watawalage Subaneris, (2) ditto William *alias* Noris, (3) ditto Lediris, all of Yalgama, (4) D. J. Gunawardena, (5) Belinnona Gunawardena, (6) Leelawathie Gunawardena, 5th and 6th by their guardian the 4th respondent Respondents.

THIS matter coming on for disposal before C. L. Wickramasingha, Esq., District Judge of Galle, on May 5, 1938, in the presence of Mr. N. de Alwis, Proctor, on the part of the said petitioner; and the affidavit of the said petitioner dated May 4, 1938, having been read:

It is ordered that the said 4th respondent be appointed guardian *ad litem* over the 5th and the 6th respondents, unless the said respondents or any person or persons interested shall, on or before June 23, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the petitioner above named is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the said respondents or any person or persons interested shall, on or before June 23, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 5, 1938.

N. M. BHARUCHA,
District Judge.

Since extended to August 18, 1938.

N. M. BHARUCHA,
District Judge.

33/ In the District Court of Galle.
Order Nisi.

No. 7,831. In the Matter of the Intestate Estate of the
late Kasturi Aratchige William de Silva
Warnakulasuriya of Dodanduwa,
deceased.

Between
Alice Chandrawathie Warnakulasuriya of Dodan-
duwa Petitioner.
And

(1) Nimala Sundera Warnakulasuriya, (2) Padmawathie Warnakulasuriya, (3) Mahanama Warnakulasuriya, (4) Gardiye Punchihewage Victor de Silva, all of Dodanduwa Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on July 22, 1938, in the presence of Mr. K. R. Alson de Silva, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated July 21, 1938, having been read:

It is ordered that the said 4th respondent be appointed guardian *ad litem* over the said 1st to 3rd minor respondents, unless the said respondents or any person or persons interested shall, on or before August 15, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the petitioner above named is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the said respondents or any person or persons interested shall, on or before August 15, 1938, show sufficient cause to the satisfaction of this court to the contrary.

July 30, 1938.

N. M. BHARUCHA,
District Judge.

24 In the District Court of Matara.
Order Nisi declaring Will proved.

Testamentary In the Matter of the Joint Last Will and Jurisdiction. Testament of Edirachcharige Podiya No. 4,002. and Emanis Vidyaratne, deceased, both of Weliveriya in Matara.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara, on May 5, 1938, in the presence of Mr. C. V. Samarasinghe, Proctor, on the part of the petitioner, Edirachcharige Podiya; and the affidavit of the said petitioner dated April 28, 1938, having been read:

It is ordered that the joint last will and testament of Emanis Vidyaratne, deceased, dated December 5, 1930, be and the same is hereby declared proved, unless any person or persons interested shall, on or before July 4, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Edirachcharige Podiya is the executrix named in the said will, and she is entitled to have probate of the same issued to her accordingly, unless any person or persons interested shall, on or before July 4, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 5, 1938.

JAMES JOSEPH,
District Judge.

Date for showing cause extended to August 22, 1938.

JAMES JOSEPH,
District Judge.

24 In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of the late Ramanather Suppiah No. 2,218. of Thambarawila in Chilaw District, deceased.

Ramanather Suppiah Conesar of Thambarawila. Petitioner.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Chilaw, on June 21,

1938, in the presence of Mr. A. S. Goonesekera, Proctor, on the part of the petitioner, Ramanather Suppiah Conesar of Thambarawila; and the affidavit of the said petitioner dated June 17, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son and only heir of the above-named deceased, to have letters of administration to his estate issued to him, unless any person or persons interested shall, on or before July 21, 1938, show sufficient cause to the satisfaction of this court to the contrary.

July 21, 1938.

M. A. SAMARAKOON,
District Judge.

Extended to August 17, 1938.

M. A. SAMARAKOON,
District Judge.

33 In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of James Pagnani Samarasingha of No. 1,609. Kegalla, Proctor, deceased.

Kuda Banda Nugapitiya of Kegalla. Petitioner.

Vs.

(1) Agnes Engelina Perera Samarasingha, (2) Katharine Margaret Perera Samarasingha, (3) Adeline Maud Perera Samarasingha, (4) Helen Mabel Perera Samarasingha, (5) Roseline Maria Angelina Perera Samarasingha, all of Kegalla, (6) Jane Alexandra Glendoline Karunaratne, wife of Denzil Karunaratne of Kandy, (7) The Right Rev. Dr. N. M. Laudadio, S.J., Bishop of Galle, (8) The Trustees of Deaf and Blind School at Ratmalana. Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kegalla, on June 7, 1938, in the presence of Mr. W. O. Herat, Proctor, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated May 31, 1938, and (2) of the attesting notary dated June 2, 1938, having been read:

It is ordered that the last will of James Pagnani Samarasingha, 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 therein issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 17, 1938, show sufficient cause to the satisfaction of this court to the contrary.

June 7, 1938.

H. A. DE SILVA,
District Judge.