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PART II.—LEGAL.

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

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PASSED ORDINANCES.

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

No. 31 of 1938.

M. L. A.—B. 1396/L. D.—O. 34/36

An Ordinance to enable the Municipal Council of Galle to make and assess Differential Rates for the Municipal town of Galle, and to validate certain acts of that Council.

G. S. WODEMAN.

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 Galle Municipal Council (Differential Rates) Ordinance, No. 31 of 1938, and shall come into operation on such date (hereinafter referred to as "the appointed date") as the Governor may appoint by Proclamation published in the Gazette.

Power of Council to make and assess differential rates.

2 (1) Anything in any written law to the contrary notwithstanding, it shall be lawful for the Council, in making and assessing any rate or rates under section 115 of The Municipal Councils Ordinance, 1910, to make and assess, in respect of any particular area or areas within the town, any rate or rates differing from the rate or rates made and assessed in respect of any other area or areas within the town.

(2) Subsection (1) shall cease to be in operation after the thirty-first day of December, 1942.

Validation of rates assessed and levied by the Council before the appointed date.

3 All rates made and assessed by the Council and all rates levied by the Council in purported pursuance of the powers conferred by The Municipal Councils Ordinance, 1910, during the period commencing on the twelfth day of November, nineteen hundred and ten and ending on the appointed date, shall at all times and for all purposes be deemed to be and to have been made, assessed, and levied as if the provisions of section 2 (1) had been in force during that period.

Interpretation.

4 In this Ordinance, unless the context otherwise requires—

"Council" means the Municipal Council of Galle;

"town" means the area for the time being within the limits of the Municipality of Galle.

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Twenty-seventh day of August, 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. 32 of 1938.

M. L. A.—B 1554/L. D.—O 57/37

No. 18 of 1892.

An Ordinance to amend the Small Towns Sanitary Ordinance, 1892.

G. S. WODEMAN.

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 Small Towns Sanitary (Amendment) Ordinance, No. 32 of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

2 Section 5 of the Small Towns Sanitary Ordinance, 1892, is hereby amended in sub-section (2) thereof, by the substitution, for the words "receive for such fund", of the words "receive for such fund all sums and all sources of revenue from time to time appropriated or made over to the Board by the State Council, whether by resolution or otherwise, and".

Amendment of
section 5 of
Ordinance
No. 18 of 1892.

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Twenty-seventh day of August, 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. 33 of 1938.

M. L. A.—B 1553/L. D.—O 57/37

An Ordinance to amend the Municipal Councils Ordinance, 1910.

No. 6 of 1910.

G. S. WODEMAN.

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 Municipal Councils Amendment Ordinance, No. 33 of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Short title and
date of
operation.

2 Section 73 of the Municipal Councils Ordinance, 1910, is hereby amended, by the substitution for the words "or which may be made over by the Ceylon Government at any time to the Council for the purposes of this Ordinance" of the words "and all sums and all sources of revenue which may from time to time be appropriated or made over to the Council by the State Council, whether by resolution or otherwise".

Amendment of
section 73 of
Ordinance No. 6
of 1910.

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Twenty-seventh day of August, 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. 34 of 1938.

M. L. A.—B 1555/L. D.—O 57/37

An Ordinance to amend the Local Boards' Ordinance, 1898.

No. 13 of 1898.

G. S. WODEMAN.

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 Local Boards Amendment Ordinance, No. 34 of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Short title and
date of
operation.

Amendment of
section 28 of
Ordinance
No. 13 of 1898.

2 Section 28 of the Local Boards' Ordinance, 1898, is hereby amended by the substitution for all the words from "or which may be made over" to "for the purposes of this Ordinance" of the words "and all sums and all sources of revenue which may from time to time be appropriated or made over to any board by the State Council, whether by resolution or otherwise".

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Twenty-seventh day of August, 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. 35 of 1938.

L. D.—O 68/38

No. 26 of 1927. **An Ordinance to amend the Medical Ordinance, 1927.**

G. S. WODEMAN.

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

Short title. **1** This Ordinance may be cited as the Medical (Amendment) Ordinance, No. 35 of 1938.

Amendment of section 12 of Ordinance No. 26 of 1927. **2** Section 12 of the Medical Ordinance, 1927, (hereinafter referred to as "the principal Ordinance"), is hereby amended in paragraph (a) thereof by the substitution, for the word "surgery" of the words "surgery or in dental surgery";

Amendment of section 45 of the principal Ordinance. **3** Section 45 of the principal Ordinance is hereby amended in paragraph (b) of sub-section (1) of that section by the substitution, for the words "a diploma of efficiency in dentistry", of the words "a diploma as a licentiate in dental surgery or a diploma of efficiency in dentistry".

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Twenty-seventh day of August, 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. 37 of 1938.

L. D.—O. 45/36

No. 11 of 1908. **An Ordinance to amend the Ceylon Post Office Ordinance, 1908.**

G. S. WODEMAN.

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

Short title. **1** This Ordinance may be cited as the Ceylon Post Office (Amendment) Ordinance, No. 37 of 1938.

2 Section 47 (2) of the Ceylon Post Office Ordinance, 1908, is hereby amended by the addition immediately after paragraph (d) thereof of the following paragraph :—

Amendment of section 47 (2) of Ordinance No. 11 of 1908.

“(e) prescribe the procedure for the recovery of money over-paid or erroneously paid to a banker in respect of any money order and provide for the deduction from any money payable to a banker in respect of any money order of any money paid to that banker in excess of what ought to have been paid to him in respect of any other money order.”

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Twenty-seventh day of August, 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. 38 of 1938.

L.D.C.F. 7/38

An Ordinance to provide for the allocation and distribution of the rights to plant new areas in rubber.

G. S. WODEMAN.

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 Rubber (New-planting) Ordinance, No. 38 of 1938.

Short title.

2 Subject to—

- (a) the general or special directions of the Executive Committee,
- (b) regulations dealing with new-planting, the allocation and distribution of new areas, and
- (c) the provisions of any Ordinance hereafter to be enacted for the regulation of the production and export of rubber on and after the first day of January, 1939,

Controller authorised to issue permits for new-planting.

the Controller may, in his discretion, issue permits for the exercise of new-planting rights, provided that in the issue of such permits preference be given to peasants and middle-class Ceylonese.

3 Applications for permits to exercise new-planting rights shall be made to the Controller on the prescribed form before the prescribed date.

Applications for permits.

4 (1) A permit shall authorise the person named therein (hereinafter referred to as the “permit-holder”) to exercise new-planting rights in a specified area of land described in that permit.

Rights of permit-holder.

(a) A permit shall not be negotiable or transferable.

5 The total area of land in which new-planting rights may be exercised shall not exceed thirty thousand two hundred and sixty acres.

Total area for new-planting.

6 No person shall exercise new-planting rights at any time before January 1, 1939, and no person shall, on or after that date, exercise such rights except under a permit issued to that person and in accordance with the terms and conditions of that permit :

New-planting not to commence till January 1, 1939.

Provided that nothing herein contained shall be deemed or construed in any way to affect or restrict the right of any person to clear, prepare or open any land at any time before January 1, 1939, for the purpose of the exercise of new-planting rights.

7 The Controller or any person authorised by him in writing may at any time during the day enter and inspect any land for the purposes of this Ordinance or the new-planting regulations.

Right of Controller to enter and inspect lands.

Offences.

8 (1) Any person who—

- (a) acts in contravention of any provision of this Ordinance or of any new-planting regulation ;
- (b) exercises new-planting rights in an area of land in excess of that specified in his permit or in a land other than that described in his permit ;
- (c) obstructs the Controller or any other person authorised by the Controller in the exercise of the powers or the discharge of the duties of the Controller or such other person under section 6,

shall be guilty of an offence and shall, on conviction after summary trial before a Police Magistrate, be liable to a fine not exceeding three hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

(2) Where a permit-holder is convicted of an offence under this Ordinance, the Court may order the cancellation of his permit in addition to any other penalty to which he may be liable.

New-planting regulations.

9 (1) The Executive Committee may make new-planting regulations for the purposes of this Ordinance, and such regulations may contain such incidental, consequential and supplementary provisions as may appear to the Executive Committee to be necessary or proper for giving full effect to this Ordinance.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), new-planting regulations may provide for any or all of the following matters :—

- (a) all matters stated or required by this Ordinance to be prescribed ;
- (b) the forms to be used for the purposes of this Ordinance and the particulars to be inserted therein ;
- (c) the conditions to be attached to a permit ;
- (d) the time within which and the manner in which new-planting rights shall be exercised ;
- (e) the issue of new permits on the death of a permit-holder or in the event of the legal incapacity of the permit-holder by reason of insolvency, lunacy or otherwise ;
- (f) the issue of permits to trustees or minors.

(3) No regulation shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Gazette.

(4) A regulation made by the Executive Committee when approved by the State Council and ratified by the Governor shall, upon the notification of such approval and ratification in the Gazette, be as valid and effectual as if it were herein enacted.

Interpretation.

10 In this Ordinance, unless the context otherwise requires—

- “ exercise ”, when used with reference to new-planting rights, means any planting of rubber seeds or rubber plants which constitutes “ new-planting ” under this Ordinance ;
- “ Middle-class Ceylonese ”, shall have the meaning given to this term in the Land Development Ordinance, No. 19 of 1935 ;
- “ new-planting ” means the planting of rubber seeds or rubber plants on any area of land which has not carried rubber plants since the seventh day of May, 1934, and includes, in a case where any area of land carries or has carried rubber plants planted together with any other cultivation, the planting of rubber seeds or rubber plants in substitution or part substitution for such other cultivation ;
- “ new-planting regulations ” means regulations made by the Executive Committee under this Ordinance ;
- “ new-planting rights ” means rights of new planting exercisable under this Ordinance in respect of any specified area in Ceylon ;
- “ permit ” means a permit granted by the Controller under this Ordinance ;
- “ permit-holder ” means the person named in the permit as a person to whom that permit is granted ;
- “ prescribed ” means prescribed by new-planting regulations.

(2) This Ordinance shall, so far as is consistent with the tenor thereof, be read and construed as one with the Rubber Control Ordinance, No. 6 of 1934, and the provisions of section 18 of that Ordinance shall apply accordingly in the interpretation of this Ordinance.

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Officer Administering the Government the Thirty-first day of August, 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. 39 of 1938.

An Ordinance to declare and amend the Kandyan Law in certain respects.

[Assented to by His Majesty the King : See Proclamation dated September 8, 1938, published in Government Gazette No. 8,392 of September 9, 1938.]

G. S. WODEMAN.

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

1 (1) This Ordinance may be cited as the Kandyan Law Declaration and Amendment Ordinance, No. 39 of 1938, and shall come into operation on such date (hereinafter referred to as "the commencement of this Ordinance") as the Governor may appoint by Proclamation published in the Gazette.

Short title,
date of
operation, and
application of
Ordinance.

(2) This Ordinance shall apply to persons subject to the Kandyan Law.

2 In this Ordinance, unless the context otherwise requires—

Interpretation.

(a) "gift" means a voluntary transfer, assignment, grant, conveyance, settlement, or other disposition *inter vivos* of immovable property, made otherwise than for consideration in money or money's worth ;

(b) "donor" means a person who has made a gift ;

(c) "donee" means a person in whose favour a gift has been made.

I. Transfer of Property.

3 Any deed or instrument, executed after the commencement of this Ordinance, whereby any property, movable or immovable, is transferred, assigned, granted, conveyed, settled, or otherwise disposed of, shall be of full force and effect according to the tenor of such deed or writing, notwithstanding the absence therein of any clause providing, expressly or otherwise, for the disinheritance of the heirs of the person executing such deed or instrument.

Validity of
deeds of
disposition not
to be affected
by absence of
clause of
disinheritance.

4 (1) Subject to the provisions and exceptions hereinafter contained, a donor may, during his lifetime and without the consent of the donee or of any other person, cancel or revoke in whole or in part any gift, whether made before or after the commencement of this Ordinance, and such gift and any instrument effecting the same shall thereupon become void and of no effect to the extent set forth in the instrument of cancellation or revocation : Provided that the right, title, or interest of any person in any immovable property shall not, if such right, title, or interest has accrued before the commencement of this Ordinance, be affected or prejudiced by reason of the cancellation or revocation of the gift to any greater extent than it might have been if this Ordinance had not been enacted.

Revocation of
deeds of gift.

(2) No such cancellation or revocation of a gift effected after the commencement of this Ordinance shall be of force or avail in law unless it shall be effected by an instrument in writing declaring that such gift is cancelled or revoked and signed and executed by the donor or by some person lawfully authorised by him in accordance with the provisions of Ordinance No. 7 of 1840 or of Ordinance No. 17 of 1852.

Method of
revocation.

- Deeds of gift which cannot be revoked. 5 (1) Notwithstanding the provisions of section 4 (1), it shall not be lawful for a donor to cancel or revoke any of the following gifts where any such gift is made after the commencement of this Ordinance :—
- Gift to a temple. (a) any gift by virtue of which the property which is the subject of that gift shall vest in the trustee or the controlling viharadhipati for the time being of a temple under the provisions of section 20 of the Buddhist Temporalities Ordinance, 1931, or in any bhikshu with succession to his sacerdotal pupil or pupils or otherwise than as pudgalika for the benefit of himself and his heirs, executors, administrators or assigns ;
- Gift in consideration of marriage. (b) any gift in consideration of and expressed to be in consideration of a future marriage, which marriage has subsequently taken place ;
- Gift effecting a charitable trust. (c) any gift creating or effecting a charitable trust as defined by section 99 of the Trusts Ordinance, No. 9 of 1917 ;
- Gift where right to revoke is renounced. (d) any gift, the right to cancel or revoke which shall have been expressly renounced by the donor, either in the instrument effecting that gift or in any subsequent instrument, by a declaration containing the words "I renounce the right to revoke" or words of substantially the same meaning or, if the language of the instrument be not English; the equivalent of those words in the language of the instrument :
 Provided that a declaration so made in any such subsequent instrument shall be of no force or effect unless such instrument bears stamps to the value of five rupees and is executed in accordance with the provisions of Ordinance No. 7 of 1840 or of Ordinance No. 17 of 1852.

(2) Nothing in this section shall affect or be deemed to affect the revocability of any gift made before the commencement of this Ordinance.

- Compensation for revocation. 6 (1) Upon the cancellation or revocation of any gift, the donor shall be liable to pay to the donee compensation in such sum as shall represent the cost of any improvements to the property effected by the donee, after deducting the rents and profits received by him, and the expenses incurred in the fulfilment of the conditions, if any, attached to the gift, provided that if the donee has made default in the fulfilment of any such conditions, no compensation shall be payable to him in respect of the improvements or otherwise.
- (2) Such compensation shall be payable to any donee otherwise entitled thereto whether or not he would be an heir at law of the donor in the event of such donor dying intestate.
- (3) In this section "donee" includes any person who has succeeded to the title of the donee under the gift.

II. Adoption.

- Method of adoption. 7 (1) No adoption effected after the commencement of this Ordinance shall avail in law to create any right or liability unless it be evidenced by an instrument in writing with the consent of the person adopted expressed in the instrument and signed by both the adoptor and the person adopted, in the presence of—

- (a) a District Judge, a Commissioner of Requests, or the President of a Village Tribunal ; or
 (b) a licensed notary and two witnesses :

Provided that if the person adopted be a minor, such consent may be given and such instrument signed on his behalf by his parents or, if only one parent is alive, by that parent ; but if there is no surviving parent or if either of his parents cannot be found or is incapable of acting in this behalf by reason of unsoundness of mind, ill-health, or other incapacity, the District Court or Court of Requests having local jurisdiction over the place where the minor ordinarily resides may, upon petition made to such court by any person interested and after such inquiry as the court may deem necessary, appoint any person or persons to give such consent and to sign such instrument.

For the purposes of the Civil Procedure Code, 1889, and of the Stamp Ordinance, 1909, an application to the District Court under this section shall be deemed to be an action of the value of one hundred rupees.

(2) No stamp duty shall be payable or chargeable in respect of any instrument of adoption executed in accordance with the provisions of sub-section (1) or of any application to a court made under that sub-section.

8 (1) On the death of the adoptor intestate, a person duly adopted, whether before or after the commencement of this Ordinance, shall have such right of succession to his estate as if he were a legitimate child of the adoptor, that is to say, if the adoptor leave him surviving no child or descendant of a deceased child, then as an only child, or if the adoptor leave a child or children or a descendant of a deceased child, then to the same extent and in like manner as a child, and if married in binna or in diga as the case may be, then as a child so married; but the person adopted shall, by virtue of the adoption, have no right of succession to any person other than the adoptor.

Rights of person adopted.

(2) The adoptor shall not, by virtue of the adoption, acquire any right to succeed to the estate or any part thereof of the person adopted on his death intestate.

Adoptor not to succeed.

(3) Notwithstanding the adoption, the person adopted shall continue to have such right of succession to his or her own parent or parents, or any other person, as he or she would have had if the adoption had not been effected.

Person adopted succeeds to own parents or relations.

(4) A duly effected adoption shall not be cancelled or revoked, and no cancellation or revocation shall affect any right or liability arising out of the adoption.

Adoption not to be revoked.

III. *Marriage.*

9 (1) A marriage contracted after the commencement of this Ordinance in binna or in diga shall be and until dissolved shall continue to be, for all purposes of the law governing the succession to the estates of deceased persons, a binna or a diga marriage, as the case may be, and shall have full effect as such; and no change after any such marriage in the residence of either party to that marriage and no conduct after any such marriage of either party to that marriage or of any other person shall convert or be deemed to convert a binna marriage into a diga marriage or a diga marriage into a binna marriage or cause or be deemed to cause a person married in diga to have the rights of succession of a person married in binna, or a person married in binna to have the rights of succession of a person married in diga.

Binna and diga marriages.

(2) Where after the commencement of this Ordinance a woman leaves the house of her parents and goes out in diga with a man, but does not contract with that man a marriage which is valid according to law, she shall not by reason only of such departure or going out forfeit or lose or be deemed to have forfeited or to have lost any right of succession to which she is or was otherwise entitled on the death of any person intestate.

IV. *Inheritance: Immovable Property.*

10 (1) The expressions "paraveni property" or "ancestral property" or "inherited property" and equivalent expressions shall mean immovable property to which a deceased person was entitled—

Paraveni property.

- (a) by succession to any other person who has died intestate, or
- (b) under a deed of gift executed by a donor to whose estate or a share thereof the deceased would have been entitled to succeed if the donor had died intestate immediately prior to the execution of the deed, or
- (c) under the last will of a testator to whose estate or a share thereof the deceased would have been entitled to succeed had the testator died intestate:

Provided, however, that if the deceased shall not have left him surviving any child or descendant, property which had been the acquired property of the person from whom it passed to the deceased shall be deemed acquired property of the deceased.

(2) Where the paraveni property of any person includes a share in any immovable property of which that person is a co-owner, any divided part of or interest in that property which may be assigned or allotted to that person by any deed of partition executed, or by any decree for partition entered by a court, after the commencement of this Ordinance, shall for all purposes be and be regarded as paraveni property of that person.

Partition of paraveni property.

(3) Except as in this section provided, all property of a deceased person shall be deemed to be acquired property.

Acquired property.

- Paternal paraveni ;
maternal paraveni.
- (4) The expressions "paternal paraveni" and "maternal paraveni" and similar or equivalent expressions shall be deemed to mean paraveni property as hereinbefore described derived from or through the father or from or through the mother, as the case may be.
- Widow.
- 11 (1) When a man shall die intestate after the commencement of this Ordinance leaving a spouse him surviving, then—
- (a) the surviving spouse shall be entitled to an estate for life in the acquired property of the deceased intestate, and, if there be no acquired property, or if such property be insufficient for her maintenance, then to maintenance out of the paraveni property: provided that if the deceased intestate shall have left a child or descendant by a former marriage, the surviving spouse's life estate shall extend to only one half of the acquired property:
- Provided, further, that the surviving spouse shall out of her estate for life in the acquired property be bound to maintain the legitimate children of the deceased—
- (i) if such children are minors and in need of maintenance; and
- (ii) if the deceased left no paraveni property or if such paraveni property is insufficient for the maintenance of such children;
- Re-marriage of widow.
- (b) if the surviving spouse shall contract a diga marriage, she shall cease to be entitled to maintenance out of the paraveni property of the deceased but shall not by reason of such re-marriage forfeit her aforesaid life estate in the acquired property;
- Widow an ewessa cousin.
- (c) should the surviving spouse be an ewessa cousin of the deceased intestate, she shall not thereby become entitled to any share in the estate larger than that to which she would otherwise have become entitled;
- When widow succeeds to paraveni.
- (d) in the event of the deceased leaving him surviving no other heir, the surviving spouse shall succeed to all his property both paraveni and acquired.
- (2) In this section "maintenance" when used with reference to any property, whether paraveni or acquired, means maintenance out of the income of such property.
- Daughter married in diga after father's death.
- 12 (1) The diga marriage of a daughter after the death of her father shall not affect or deprive her of any share of his estate to which she shall have become entitled upon his death, provided that if within a period of one year after the date of such marriage the brothers and binna-married sisters of such daughter or any one or more of them, but if more than one then jointly and not severally, shall tender to her the fair market value of the immovable property constituting the aforesaid share or any part thereof, and shall call upon her to convey the same to him or her or them, such daughter shall so convey and shall be compellable by action so to do.
- (2) In this section "marriage" means a marriage contracted after the commencement of this Ordinance.
- Issue of two marriages :
per capita.
- 13 When a man shall die intestate after the commencement of this Ordinance leaving him surviving issue by two or more marriages, such issue and the descendants of any pre-deceased child or children shall inherit *inter se* in all respects as if there had been but one marriage and the estate of the deceased shall not descend *per stirpes* to the issue of each marriage according to the number of marriages.
- Legitimate and illegitimate.
- 14 For the purposes of succession to the estate of any person who shall die intestate after the commencement of this Ordinance the term "legitimate" shall mean born of parents married according to law and the term "illegitimate" shall mean born of parents not married according to law: provided that a legal marriage between any parties shall have the effect of rendering legitimate any children who may have been procreated between the same parties before the marriage, unless such children shall have been procreated in adultery.
- Illegitimate children.
- 15 When a man shall die intestate after the commencement of this Ordinance leaving an illegitimate child or illegitimate children—
- (a) such child or children shall have no right of inheritance in respect of the paraveni property of the deceased;

- (b) such child or children shall, subject to the interests of the surviving spouse, if any, be entitled to succeed to the acquired property of the deceased in the event of there being no legitimate child or the descendant of a legitimate child of the deceased ;
- (c) any such child shall, subject to the interests of the surviving spouse, if any, be entitled to succeed to the acquired property of the deceased equally with a legitimate child or the legitimate children, as the case may be—
- (i) if the deceased intestate had registered himself as the father of that child when registering the birth of that child ; or
- (ii) if the deceased intestate had in his lifetime been adjudged by any competent court to be the father of that child.

16 If a person shall die intestate after the commencement of this Ordinance leaving him or her surviving parents, whether married in binna or in diga, or a parent, but no child or descendant of a child and no surviving spouse, then—

Succession to person dying intestate leaving no surviving spouse or descendant.

- (a) the parents in equal shares, or if one only be alive, then that one shall, if there be surviving any brother or sister of the deceased or the descendant of a brother or sister, be entitled to a life estate in the acquired property of the deceased. The right of a sole surviving parent shall arise and continue whether or not the other parent shall have died before the deceased intestate ;

Father and mother.

- (b) on the death of the surviving parent, the acquired property shall, subject to the provisions of section 17, devolve upon the brother or sister or brothers and sisters, or the descendant or descendants of any deceased brother or sister by representation ;

Brothers and sisters.

- (c) if there be no brother or sister or descendant of a deceased brother or sister, the parents in equal shares, or the surviving parent as the case may be, shall become entitled to the property ;

When no surviving brother or sister.

- (d) the father, or if the father be dead the next heir or heirs on the father's side, shall inherit the paternal paraveni, and the mother, or if the mother be dead the next heir or heirs on the mother's side, shall inherit the maternal paraveni. The mother shall not inherit paternal paraveni unless there be surviving no heir on the father's side, and in like manner the father shall not inherit maternal paraveni unless there be surviving no heir on the mother's side.

Paternal paraveni and maternal paraveni.

17 In the devolution of the estate of any person who shall die intestate after the commencement of this Ordinance,

Brothers and sisters *inter se* always inherit as sons and daughters.

- (a) whenever the estate or any part thereof shall devolve upon heirs other than a child or the descendant of a child, and such heirs are in relation to one another brothers or sisters, or brothers and sisters, or the descendants of any deceased brother or sister, such heirs shall inherit *inter se* the like shares and in like manner as they would have done had they been the children or descendants of the deceased intestate ;

- (b) whenever the estate or any share thereof shall devolve upon heirs who in relation to one another are of the half-blood, such heirs *inter se* shall inherit *per capita* and the estate shall not descend to them *per stirpes*.

The half-blood *per capita*.

18 (1) When a woman unmarried, or married in diga, or married in binna on her mother's property, shall die intestate after the commencement of this Ordinance leaving children or the descendants of a child or children, the estate of the deceased shall devolve in equal shares upon all such children, (the descendant or descendants of any deceased child being entitled to his or their parent's share by representation) whether male or female, legitimate or illegitimate, married or unmarried and, if married, whether the marriage be in binna or in diga :

Succession to woman married in diga or married in binna on mother's property.

Provided that if the deceased was married in binna as aforesaid, an illegitimate child or children shall not be entitled to succeed to the paraveni property of the deceased :

Provided further that the descendant of a deceased child shall be entitled to that child's share by representation whether or not he or she has been kept apart from the deceased intestate.

Woman married in binna on father's property.

(2) When a woman married in binna on her father's property shall die intestate after the commencement of this Ordinance leaving children or the descendants of a child or children, such child or children, and his or their descendant by representation, shall be entitled to succeed *inter se* in like manner and to the like shares as they would have become entitled out of the estate of their father :

Provided that if the deceased was married in binna as aforesaid an illegitimate child or children shall not be entitled to succeed to the paraveni property of the deceased.

V. Inheritance : Movable Property.

Heirlooms and movables appertaining to paraveni.

19 Heirlooms and live and dead stock appertaining to immovable property to which a person has become entitled as paraveni property as defined by section 10 shall, on his dying intestate after the commencement of this Ordinance, devolve in like manner as immovable property and the following provisions of this Ordinance shall not apply thereto.

The widow's paraphernalia.

20 When a man shall die intestate after the commencement of this Ordinance leaving a surviving spouse she shall be entitled to all wearing apparel, jewellery and ornaments used by her or provided for her use by her deceased husband.

The widow or widower.

21 When any person shall die intestate after the commencement of this Ordinance leaving a surviving spouse and a child or children, or the descendant of any deceased child entitled to represent his or her parent, the surviving spouse, whether the marriage was in binna or in diga, shall succeed in like manner and to a like share of all the movable property of the deceased whenever obtained, as if he or she had been a legitimate child of the deceased.

All children inherit equally.

22 Subject to the aforesaid right of the surviving spouse, if any, the movable property of any person who shall die intestate after the commencement of this Ordinance shall devolve in equal shares upon all his or her surviving children (the descendant or descendants of any deceased child being entitled to his or her or their parent's share by representation) whether male or female, legitimate or illegitimate, married or unmarried, and, if married, whether the marriage be in binna or in diga : provided that if the deceased was a male person an illegitimate child shall not succeed if there be surviving any legitimate child or the descendant of a legitimate child : provided further that the issue of a legitimate child *inter se* shall succeed in like manner.

When there is no surviving child or descendant.

23 When any person shall die intestate after the commencement of this Ordinance leaving no child or descendant of any deceased child, the surviving spouse, if any, shall succeed to all the movable property of the deceased.

VI. General.

Assistance and support not to affect rights of succession.

24 A person who has rendered assistance and support or any other benefit to a person who has subsequently died intestate, shall not by reason of such assistance, support, or benefit, become entitled to succeed to any interest in the estate of such deceased intestate to which he would not have become entitled had such assistance, support or benefit not been rendered.

Saving existing judgments, decrees or orders.

25 Nothing in this Ordinance shall be deemed to affect or render invalid any existing judgment, decree, or order of a court of competent jurisdiction in respect of any property or the right, title or interest of any person in respect of property the subject matter of the action in which such judgment, decree, or order was given, passed, or made.

Ordinance not to have retrospective effect unless expressly so provided.

26 The provisions of this Ordinance shall not have, and shall not be deemed or construed to have, any retrospective effect except in such cases where express provision is made to the contrary.

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

E. W. KANNANGARA,
Clerk of the Council.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 64/36

An Ordinance to regulate the rates of interest chargeable upon loans of money.

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 Rates of Interest Ordinance, No. of 1938, and shall come into operation on such date (hereinafter referred to as "the appointed date") as the Governor may appoint by Proclamation published in the Gazette.

Short title and date of operation.

2 No person shall upon any loan made or given after the appointed date take, receive or accept, or agree to take, receive or accept, interest at a rate exceeding the permitted rate.

Rates of interest which are prohibited.

3 (1) Where an action is brought in any court in respect of any loan made or given after the appointed date, the court may in the decree order that interest be paid—

Interest decreed by court.

- (a) in respect of any period prior to the institution of the action, on the capital sum borrowed, at the rate agreed upon between the parties or, where no rate is agreed upon between the parties, at the rate of six per centum per annum ;
- (b) in respect of the period from the institution of the action to the date of the decree, on the capital sum borrowed at the rate agreed upon between the parties or where no rate is agreed upon between the parties, at the rate of six per centum per annum ;
- (c) in respect of the period from the date of the decree to the date of payment or to such earlier date as the court thinks fit, on the aggregate sum adjudged in the decree, at the rate of six per centum per annum :

Provided that—

- (i) in no case shall interest at a rate exceeding the permitted rate be decreed under paragraph (a) or paragraph (b) ;
- (ii) where the aggregate sum adjudged in the decree includes as interest any sum in excess of one half of the capital sum borrowed, no interest shall be decreed on the amount of such excess ; and
- (iii) the aggregate of the amounts decreed under paragraphs (a) and (b) on account of interest shall in no case exceed the capital sum borrowed.

(2) Where no order for the payment of interest under paragraph (c) of sub-section (1) is made in any decree, the court shall be deemed to have refused such interest and a separate action therefor shall not lie.

4 (1) Every instrument of debt executed within Ceylon on or after the appointed date in respect of a loan shall separately and distinctly set forth—

Instruments of debt.

- (a) that it is executed for money lent ;
- (b) the capital sum actually borrowed ; and
- (c) the rate of interest per annum which is to be charged in respect of the loan.

(2) No loan which is made or given on or after the appointed date shall be recoverable at law unless that loan has been made or given on an instrument of debt executed in compliance with the provisions of sub-section (1) :

Provided that in any case in which the court is satisfied—

- (a) that the non-compliance with the provisions of sub-section (1) was due to inadvertence and not to any intention to evade the provisions of this Ordinance ; and
- (b) that the receipt of the loan, the amount thereof, the capital sum actually borrowed, and the rate of interest satisfactorily appear by other evidence,

the court may give relief against the effect of this section on such terms as it may deem just.

(3) A registrar may, if he thinks fit, refuse to register under the Registration of Documents Ordinance, No. 23 of 1927, any instrument of debt which does not comply with the provisions of sub-section (1).

In this sub-section, "registrar" has the same meaning as in the Registration of Documents Ordinance, No. 23 of 1927.

Offences.

5 Any person who—

- (1) in respect of any loan made or given on or after the appointed date takes, receives or accepts, or agrees to take, receive or accept, interest at a rate exceeding the permitted rate ; or
- (2) is a party to any agreement in respect of any loan made or given on or after the appointed date with regard to which at or about the time of the loan any payment was made or any collateral transaction entered into with a view to disguising the actual amount of the capital sum borrowed or the rate of interest payable in respect thereof ; or
- (3) on or after the appointed date makes or executes or is a party to the making or execution of any instrument of debt which does not comply with the requirements of section 4 (1) ; or
- (4) wilfully makes or executes or is knowingly a party to the making or execution of an instrument of debt which contains a statement which is false as to particulars required to be inserted therein by section 4 (1), or utters any such instrument of debt knowing that it contains any such false statement as aforesaid,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment.

Laws and documents to which the Ordinance does not apply. No. 8 of 1893.

6 (1) Nothing in this Ordinance shall affect or be deemed to effect any provision of the Pawnbrokers Ordinance, 1893, or the Co-operative Societies Ordinance, No. 14 of 1936, or of any other written law relating to pawnbrokers or to co-operative societies.

(2) Nothing in this Ordinance shall apply to or in respect of any *bona fide* bottomry or respondentia bond.

Savings.

7 Save as provided in section 6, the provisions of this Ordinance shall have effect notwithstanding anything to the contrary in Ordinance No. 5 of 1852, the Civil Procedure Code, 1889, the Moneylending Ordinance, No. 2 of 1918, or any other written law ; but such provisions of that Code and of those Ordinances and of such other law as are not inconsistent with the provisions of this Ordinance shall continue to have force and effect as heretofore.

Interpretation.

8 In this Ordinance, unless the context otherwise requires—

"instrument of debt" includes a negotiable instrument, bond, written contract or agreement or other document containing the terms of any contract or agreement in respect of any loan, but does not include any *bona fide* covering bond in so far as it purports to convey security for future advances ;

"interest" includes any sum of money, by whatsoever name called, in excess of the capital sum borrowed, which is paid or payable in consideration of, or otherwise in respect of, a loan ;

"loan" means a loan of money and includes any transaction relating to money which is, in the opinion of the court, in substance a loan of money ;

"permitted rate" means a rate of interest not exceeding—

(a) nine per centum per annum in the case of a loan secured by a mortgage or charge of or over any property whatsoever ; and

(b) twelve per centum per annum in the case of any other loan.

Consequential amendments of written law.

9 The Ordinances specified in the first column of the Schedule are hereby amended to the extent specified in the second column of that Schedule.

SCHEDULE.

(Section 9).

Ordinance.	Nature of amendment.
The Civil Procedure Code, 1889	In sections 192, 196 and 213, the words "six per centum" are substituted for the words "nine per cent."
Ordinance No. 5 of 1852	In section 3, the words "six per centum" are substituted for the words "nine per cent."

Objects and Reasons.

The object of this Bill is to regulate the rates of interest which may be charged and the amount of interest which may be recovered on loans of money. On a loan secured by a mortgage of property, whether movable or immovable, the maximum permitted rate of interest will be nine per centum per annum; on all other loans the maximum rate will be twelve per centum. The legal rate of interest will be reduced from nine to six per centum; and where the aggregate amount of a decree entered by a court of law includes as interest any sum in excess of half the capital sum borrowed, no interest will be allowed on the amount of such excess.

2. The new law will not apply to pawnbrokers or co-operative societies or to bottomry and respondentia bonds; but the provisions of the Civil Procedure Code and of the Moneylending Ordinance, No. 2 of 1918, will hereafter be read subject to the reduction in the maximum permitted rates of interest.

3. Clause 4 prescribes the legal requirements of instruments of debt. An action founded on an instrument which does not comply with the requirements of the new law cannot be maintained, though a court is empowered to grant equitable relief in appropriate cases. In addition, a Registrar is vested with the discretion to refuse to register an instrument of debt which does not comply with the new requirements.

G. C. S. COREA,
Minister for Labour, Industry and Commerce.
Colombo, September 6, 1938.

MINUTE.

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

G 17a/L. D.—CF 3/38

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

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

1 This Ordinance may be cited as the Village Communities (Second Amendment) Ordinance, No. of 1938.

Short title.

2 In the event of the Bill intituled " An Ordinance to amend the Village Communities Ordinance, No. 9 of 1924 ", receiving the assent of His Majesty and taking effect as an Ordinance (hereinafter referred to as " the First Amendment Ordinance ") upon the signification of such assent by Proclamation published in the *Government Gazette*, the First Amendment Ordinance shall, with effect from the date of the publication of such Proclamation, be amended in section 4 thereof by the substitution for the new section 12 of the Village Communities Ordinance, No. 9 of 1924, (hereinafter referred to as " the principal Ordinance "), of the following :—

Clause 4 of the Village Communities Amendment Bill to be amended in the event of that Bill becoming law.

" 12. At the election of a member for any ward of a village area, every person of either sex shall be qualified to vote, who—

Qualification of voter.

(a) is a British subject; and

(b) is not less than twenty-one years of age on the first day of May of the year in which the election is held; and

(c) is resident in that ward, and has been so resident for a continuous period of not less than six months during the eighteen months immediately preceding the date of the election :

Provided, however, that no person otherwise qualified under this section to vote at such election shall be entitled or permitted to vote, if such person—

- (i) is a labourer, or an overseer or kangany in charge of labourers, employed on any plantation and in occupation of any building on the plantation provided by the employer for the accommodation of any such labourer, overseer or kangany, or is the spouse or a child or a dependant of any such labourer, overseer or kangany and living with him in any such building on any such plantation ; or
- (ii) has been adjudged by a competent court to be of unsound mind ; or
- (iii) is at the date of the election disqualified by the operation of any order made by a court under section 18.” :

Provided that section 12 of the principal Ordinance as set out in this section shall not come into operation until the date on which the First Amendment Ordinance is brought into operation by Proclamation of the Governor under section 1 of that Ordinance.

Objects and Reasons.

The Bill intituled “ An Ordinance to amend the Village Communities Ordinance ” was passed by the State Council on December 10, 1937, and has been reserved for the signification of His Majesty’s pleasure. Clause 4 of that Bill made provision for the insertion in the Village Communities Ordinance, No. 9 of 1924, of a new section 12 which sets out the qualifications of voters entitled to exercise the franchise under the amended law. Under new section 12 an excepted person as defined in the Bill is not entitled to vote at any election in any ward of a village area provided that after the date on which a land tax is imposed in that area such person can vote if the owner of land within that area on which the land tax is payable.

2. The purpose of this Bill is to substitute a new section 12 for section 12 as set out in the Bill which has been reserved for the Royal Assent and to remove any discrimination against excepted persons in respect of the right to exercise the franchise under the amended law.

New section 12 as set out in this Bill provides that any person who has attained majority and has been resident in a ward for the prescribed period shall be qualified to vote, unless such person is a labourer, overseer or kangany employed on a plantation as defined in the principal Ordinance and in occupation of a building provided for his accommodation on that plantation. The disqualification of residence on a plantation in a building provided for a labourer, overseer or kangany by his employer will attach equally to all persons who are subject to the provisions of the Village Communities Ordinance.

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

Colombo, September 7, 1938.

DISTRICT AND MINOR COURTS NOTICES.

In the District Court of Colombo.

No. 2,605. In the Matter of an application for winding
Special up The Travancore National and Quilon
Bank, Ltd. and for the appointment of a
Provisional Liquidator.

Arthur Pinto Jayawarddana of Nugegoda Petitioner.
The Travancore National and Quilon Bank, Ltd.
Respondent.

WHEREAS an application dated August 29, 1938, has been made in these proceedings by the Petitioner above named (1) to have the affairs of the Respondent Company wound up by Court and, (2) to have Henry Legh Pope, of Messrs. H. L. Pope & Co., appointed Liquidator or Receiver to take charge of the assets and property of the Respondent Company and to collect all monies and other debts due to the said Company on promissory notes, mortgages, bills, or otherwise howsoever pending the winding up order.

This is to give notice to all persons interested in these proceedings that the inquiry into the said application will be held on September 12, 1938.

By order of court, S. W. DE SILVA,
September 6, 1938. Secretary.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,213. In the matter of the insolvency of Victor Ernest Nugar of Kelaniya.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 4, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,
August 31, 1938. Secretary.

In the District Court of Colombo.

No. 5,217. In the matter of the insolvency of Don Samuel Lambert Colombage of Moratuwella, Moratuwa.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 27, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,
August 31, 1938. Secretary.

In the District Court of Colombo.

No. 5,217. In the matter of the insolvency of D. S. L. Insolvency. Colombage of 259, Uswatta road, in Moratuwa, insolvent.

P. R. Subbarayaloo of 29, Riffe street, Slave Island, Colombo, Opposing-creditor.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 11, 1938, to prove the claim of P. R. Subbarayaloo of 29, Riffe street, Slave Island, Colombo.

By order of court, A. C. BELING,
August 31, 1938. Secretary.

In the District Court of Colombo.

No. 5,263. In the matter of the insolvency of Mataramba Kanattagamage Jackson de Silva of 14, Skinner's road south, Colombo.

WHEREAS the above-named M. K. J. de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by U. William Fernando of Moratuwa, under the Ordinance, No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. K. J. de Silva insolvent accordingly; and that two public sittings of the court, to wit, on October 4, 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.

By order of court, A. C. BELING,
August, 31, 1938. Secretary.

In the District Court of Colombo.

No. 5,264. In the matter of the insolvency of Tantirimudalige Don Andrew of Hendala.

WHEREAS the above-named T. Don Andrew has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. J. G. Fernando of Hekitta, Wattala, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said T. Don Andrew insolvent accordingly; and that two public sittings of the court, to wit, on October 4, 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.

By order of court, A. C. BELING,
September 1, 1938. Secretary.

In the District Court of Colombo.

No. 5,265. In the matter of the insolvency of Royston Hendrick Perera of 75/4, Pickering's road, Kotahena, Colombo.

WHEREAS the above-named R. H. Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by J. S. Dawson of 163, New Moor street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said R. H. Perera insolvent accordingly; and that two public sittings of the court, to wit, on October 4, 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.

By order of court, A. C. BELING,
September 1, 1938. Secretary.

B 3

In the District Court of Kandy.

No. 2,131. In the matter of the insolvency of Austin Hewavita of Trincomalee street, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 14, 1938, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. MALALGODA,
September 5, 1938. Secretary.

In the District Court of Galle.

No. 708. In the matter of the insolvency of John George Abeydeera of Sirikandura estate in Dodanduwa.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 7, 1938, for grant of certificate of conformity.

By order of court, M. N. PEIRIS,
August 16, 1938. Secretary.

In the District Court of Galle.

No. 709. In the matter of the insolvency of Sheik Hamid Mohamed Mashoor of Dangedera, 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 October 10, 1938, to consider the issue of certificate of conformity to the insolvent.

By order of court, M. N. PEIRIS,
August 29, 1938. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Mary de Soysa *nee* Knight, presently of the Walawwa, Moratuwa, now of Wijita, Laxapathiya, Moratuwa Plaintiff.

No. 113/D. Vs.

Victor C. de Soysa, presently of Moratuwa . . . Defendant.

NOTICE is hereby given that on Thursday, October 6, 1938, at 3 p.m., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 2,933.52 being arrears of alimony from May 25, 1936, to July 18, 1938, and further alimony at Rs. 150 per month from July 19, 1938, viz. :—

All that divided lot marked B in plan No. 2,411 dated November 21, 1936, made by H. Don David, Licensed Surveyor and Commissioner, duly appointed by court in partition proceedings No. 519/L of the District Court of Colombo, from and out of all that land and premises known as Kutteriyawala estate, situated at Laxapathiya in Moratuwa, in the Urban District Council limits of Moratuwa, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; which said lot B is bounded on the north-west by Station road, on the north-east by Ambalama grounds and Colombo-Galle main road, on the south-east by part of the same land of Mr. E. L. F. de Soysa, and on the south-west by lot A and contains in extent 12 acres and 21.5 perches according to the said plan No. 2,411, which said lot B is a defined and divided portion from and out of the said Kutteriyawala estate, which according to plan No. 2,374 dated August 21, 1936, made by the said H. Don David is bounded on the north by Station road, on the east by the Ambalama grounds and Colombo-Galle main road, on the south by part of the same land of Mr. E. L. F. de Soysa and property of S. Sarnelis Appu and the heirs of N. D. Aponsu, and on the west by part of the same land of Walter de Soysa; and contains in extent 23 acres and 15.5 perches and according to plan No. 4,376 dated September 30, 1920, made by G. P. Weeraratne, Licensed Surveyor is marked lot E and bounded on the north by the Angulana road, on the east by the wall and ditch of the Ambalama premises and the high road leading from Colombo to Galle, on the south by the lot marked F of the same estate and the property of Nicho Nona, J. D. Aponsu, and P. de Mel, and on the west by lot marked G of the same estate and contains in extent 23 acres 2 roods and 10½ perches.

Registered M 366/71 in the Colombo District Land Registry Office.

Fiscal's Office,
Colombo, September 7, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

- (1) Aboobucker Lebbe Mohamed Issadeen of 375, 2nd Division, Maradana in Colombo, (2) Aboobucker Lebbe Aysha Umma of 357, 2nd Division, Maradana, (3) Aboobucker Lebbe Hamza Umma, and (4) Mohamed Sheriff Noor Umma of Wellawatta in Colombo..... Plaintiffs.

No. 596L. Vs.

Don Franciscoge Paulus Perera of Welikada in Colombo Defendant.

NOTICE is hereby given that on Monday, October 10, 1938, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties for the recovery of the sum of Rs. 1,087, to wit, Rs. 667 being taxed costs Rs. 420 being damages at Rs. 20 a month, from March 1, 1936, till November 30, 1937, viz. :—

1. At 3.30 p.m.—All that allotment of land called Bulathpietotuwekumbura and its pillewa, situated at Kotuwegoda in the Palle pattu of Hewagám korale in the District of Colombo, Western Province; and bounded on the north by Gangaboda Pillewa of Vithanage people, on the east by Karatotuwakumbura of Welatantrige people and Bambuwattakumbura of Mr. D. F. P. Perera, on the south by Bambuwattakumbura of Mr. D. F. P. Perera, Helpothekumbura of Amarasinghage people and Mahatotuwakumbura of Welatantrige and Amarasinghage people, and on the west by Mahatotuwekumbura of Welatantrige and Amarasinghage people, and Depa-ela; and containing in extent 1 acre 2 roods and 17.5 perches as per plan No. 149 dated September 21, 1928, and made by Henry I. de Silva, Surveyor, held and possessed by the said defendant under and by virtue of deed No. 536 dated September 30, 1928, and attested by D. F. J. Perera, Notary Public, and registered in G 115/219.

2. At 3.45 p.m.—All that allotment of land called Delgahawatta, together with the buildings and plantations standing thereon, situated at Kotuwegoda *alias* Kalapaluwawa aforesaid; and bounded on the north by field belonging to Welatantrige people, on the east by the property belonging to Welatantrige Johanis Boteju Appuhamy, on the south by the field belonging to Hollupathirige people, and on the west by the field belonging to Hollupathirige people, and the field belonging to Welatantrige people; containing in extent about 2 bushels of paddy sowing, which land as otherwise described according to plan No. 2,325 dated June 28, 1922, and made by M. G. de Silva, Licensed Surveyor, is bounded on the north by the field belonging to Welatantrige people, on the east by the property formerly of Welatantrige Johanis Boteju, presently of Welatantrige Francis Boteju and others, and the land presently belonging to Amarasinghage Peter Silva, on the south by the field formerly of Hollupathirige people, presently of W. J. Fernando, and on the west by the field formerly belonging to Hollupathirige people now of M. J. Fernando and the field belonging to Welatantrige people; containing in extent 3 roods and 36.40/100 perches, held and possessed by the said defendant under and by virtue of deed No. 7,760 dated July 15, 1922, and attested by Cornelis de Silva, Notary Public and registered in G 115/220-221.

Fiscal's Office,
Colombo, September 7, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

- (1) Ian Lewis Cameron, (2) Lawrence Potter Samson, (3) Hugh Webster Urquhart, all of Colombo... Plaintiffs.

No. 8,369. Vs.

- (1) James Ernest Reginald Perera Seneviratne Gunatilleke of Avondale House, Maradana, Colombo, (2) Ferdinand Kurt Heller carrying on business under the name, style, and firm of Heller & Co., at Protos House, Steuart place, Colpetty Defendants.

NOTICE is hereby given that on Friday, October 7, 1938, will be sold by public auction at the respective premises the following properties mortgaged with the plaintiffs by bond No. 1374 dated September 1, 1928, attested by J. A. Martensz of Colombo, Notary Public, and declared specially bound and executable under the decree dated June 3, 1938, and ordered to be sold by the order of court dated July 26/30, 1938, for the recovery of the sum of Rs. 219,413.98, with interest on Rs. 175,464.07 at the rate of 7½ per cent. per annum from March 1, 1938, till the date of the said decree and thereafter on the aggregate amount of the said decree at 9 per cent. per annum till date of payment in full and costs of suit taxed at Rs. 851.70, viz. :—

At 4.30 p.m.—All those allotments of land and premises bearing assessment Nos. 244, 246, and 252, Maradana road, and Nos. 1 (1-7) and 3, Kynsey road, situated between

Second Division, Maradana, and Kynsey road, Colombo; containing in extent 1 acre 2 roods and 22.19/100 perches.

At 5 p.m.—All that allotment of land and premises called and known as Ariston Garage, bearing assessment Nos. 26/240 (1-2), 27/240A, 28/240A, 29/240A, and 30/240A, Colpetty road, situated at Kollupitiya, Colombo; and containing in extent 2 roods and 21.70/100 perches. Prior registration Colombo A 187/31 and 187/32.

Fiscal's Office,
Colombo, September 7, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

- (1) Rajapaksa Kumaranhelage Carolis Alphonso of Peliyagoda in the Ragam pattu of Alutkuru korale (dead), (2) Rajapaksa Kumaranhelage George Edmund Alphonso of Peliyagoda aforesaid, administrator of the estate of 1st plaintiff, deceased, substituted in place of 1st plaintiff, deceased. Plaintiffs.

No. 54,340. Vs.

- (1) Adambarage Cecilia de Alwis and husband (2) Wanasinghearatchige Don Maththes, both of Galagedara in Dasia pattu of Alutkuru korale, (3) Gal-kissadewage Hamser Fernando of Peliyagoda aforesaid Defendants.

NOTICE is hereby given that on Wednesday, October 5, 1938, commencing at 3.30 p.m., will be sold by public auction at the respective premises in their respective order the following properties mortgaged with the plaintiff by bond No. 2,906 dated August 28, 1929, attested by N. J. S. Cooray, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated June 29, 1938, for the recovery of the sum of Rs. 2,190.62, with further interest on Rs. 1,250 at 18 per cent. per annum from November 3, 1933, to July 6, 1934, and thereafter legal interest on the aggregate amount of the decree at 9 per cent. per annum till payment in full and Rs. 299.07, being taxed costs, viz. :—

1. All that lot marked B in plan bearing No. 243 dated July 18, 1924, and made by P. B. Weerasinghe, Licensed Surveyor, and filed of record in partition action bearing No. 9,171 of the District Court of Colombo, of the land called Galagewatta, together with the buildings and everything standing thereon, situated at Peliyagoda in the Adicari pattu of Siyane korale now in the Ragam pattu of Alutkuru korale in the District of Colombo, Western Province; and which said lot marked B is bounded on the north by lot C in the said plan No. 243, on the east by the reservation of the high road from Colombo to Negombo, on the south by lot A in the said plan No. 243, and on the west by Neligahawatta formerly of Anthony Rodrigo and presently of R. K. Alphonso; containing in extent 9.83½ perches, and registered in B 263/162.

2. An undivided ¼ part or share from and out of all that field called Beruwekumbura, situated at Peliyagoda aforesaid; and bounded on the north by land appearing in plan No. 86,671, on the east by the land of D. J. Abeyasekera Mudiyanse and land appearing in plan No. 86,670, on the south by the land appearing in plan No. 78,280, and on the west by land appearing in plan No. 80,808; containing in extent 1 acre 3 roods and 21 perches, and registered in B 263/152.

3. An undivided ¼ part or share from and out of all that portion of land called Beruwekumbura, situated at Peliyagoda aforesaid; and bounded on the north-west and north-east by land belonging to Adambarage Theodoris Alwis, on the south-east by land appearing in plan No. 78,280, and the land of R. Johannes Alphonso, on the west by land of J. Perera Alphonso and A. Theodoris Alwis; containing in extent about 2 roods and 35 perches, and registered in B 263/153.

Fiscal's Office,
Colombo, September 7, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Avissawella.

Franklin Charles Gimson, Assistant Government Agent, Kegalla Defendant.

No. 1,887. Vs.

- (1) Ganagodage Aunerisa of Hinguralakanda, (2) Ganagodage Babaranchiya of Ambalampitiya. Claimants.

NOTICE is hereby given that on Monday, October 3, 1938, at 3 o'clock in the afternoon, will be sold by public

at the premises the right, title, and interest of the said claimants in the following property for the recovery of Rs. 563·88, viz. :—

1. The entirety of the land called Ihalapallekandewatta, situated at Ambalampitiya in Panawal korale of Three Korales in the District of Kegalla, Province of Sabaragamuwa; and bounded on the north by Galaudahenemukulana, east by Galaudahenemukulana and Atweltotewatta, south by Andonawe-dola, west by Maladola; and containing in extent 1 amunam and 2 pelas paddy sowing.

2. At 3.30 p.m.—The entirety of the land called Atweltotewatta, situated at Ambalampitiya aforesaid; and bounded on the north by high road, east by Hakuranne-dola, south by Andonawe-dola, west by Ihala Pallekandewatta; and containing 1 amunam of paddy sowing extent.

3. At 4 p.m.—The entirety of the land called Gongalewatta, situated at Ambalampitiya aforesaid; and bounded on the north by Pallekandewatta and ditch, east by rubber land, south by Heenela and Madugahawatta, west by Gomala-oya; and containing 8 kurunies paddy sowing extent.

Valuation Rs. 1,250.

Fiscal's Office, S. AMIRTHALINGAM,
Avissawella, September 2, 1938. Additional Deputy Fiscal.

Central Province.

In the District Court of Kandy.

The Commissioner of Income Tax Petitioner.
No. X 45. Vs.

Messrs. W. P. Cader Meera Saibo & Co.,
Kandy Respondents.

NOTICE is hereby given that on Monday, October 3, 1938, commencing at 2 P.M., will be sold by public auction at the respective premises the right, title, and interest of the said respondent for the recovery of the sum of Rs. 363·80 and poundage in the following property, viz. :—

1. All that allotment of land with the buildings standing thereon, bearing assessment No. 148/149, Colombo street, within the Municipality of Kandy, Central Province; containing in extent about 2·29 perches; and bounded on the east by passage of premises No. 150, Colombo street, south by Colombo street, west by premises Nos. 147, 147A, to 147D, Colombo street, and north by Municipal back lane.

2. All that allotment of land with the buildings standing thereon, bearing assessment No. 170, Colombo street, Kandy aforesaid; containing in extent about 17·72 perches; and bounded on the east by premises No. 171, Colombo street, and Municipal back lane, south by Colombo street, west by premises No. 169, Colombo street and Municipal back lane, and north by Municipal back lane.

3. All that allotment of land with the buildings standing thereon bearing assessment No. 43, King street, Kandy, aforesaid; containing in extent about 10½ perches; and bounded on the east by Municipal back lane, south by premises Nos. 24 and 25, Brownrigg street, west by Brownrigg street, and north by King street.

Fiscal's Office, H. C. WIJESINHA,
Kandy, September 6, 1938. Deputy Fiscal.

Southern Province.

In the District Court of Galle.

R. M. P. R. Sinnataruppan Chettiar and another
carrying on business at Galle, under the name, style,
and vilasam of M. C. Sinnacaruppan Chettiar. . . Plaintiff.
No. 36,118. Vs.

K. S. Tilakarathne of Ratgama and others . . . Defendants.

NOTICE is hereby given that on Thursday, September 29, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

An undivided 2/5 of ¾ part of all the soil and soil share trees of the land called Punchinaiduwa and of the houses standing thereon built by Don James de Silva Tilakarathne, deceased, situated at Ratgama, in Wellaboda pattu, Galle District; and bounded on the north by land claimed by natives, east by Panwilakumbura, south by land

belonging to Dadallage Arnolis, and west by Banduramullakumbura; containing in extent 56 acres and 17·33 perches.

Writ amount Rs. 400 with interest thereon at the rate of 9 per cent. per annum from June 17, 1937, till payment and Rs. 48·92 for costs.

Fiscal's Office, T. D. S. DHARMASENA,
Galle, September 6, 1938. Deputy Fiscal.

In the District Court of Matara.

Kanakkahewage Mendias de Silva of Talaramba. . . Plaintiff.
No. 10,868. Vs.

Sembu Kuttige Osmund Charles de Silva of Kamburugamuwa Defendant.

NOTICE is hereby given that on Tuesday, October 11, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of a sum of Rs. 1,166·70, with legal interest on Rs. 1,119·16 from August 16, 1938, till payment in full :—

1. All the soil and fruit trees of the divided lot A of the land called Talgashenewatta *alias* Elegodawatta, situated at Kamburugamuwa in Weligam korale of the Matara District, Southern Province; and which said lot A is bounded on the north by adipara, east by Medagodahena, south by Welikahagahawatta, and on the west by lot D of the same land; and containing in extent 3 roods and 23·4 perches.

2. All that the soil and trees of the divided lot D of the land called Talgashenewatta *alias* Egodawatta, situated at Kamburugamuwa aforesaid; and said lot D is bounded on the north by adipara, east by lot A of the same land and Welikahagahawatta, south and west by Dangahakumbura; and containing in extent 1 rood and 33 perches.

3. All the soil and fruit trees of the divided lot C of the land called Badulle Arachchiralawew Kongahawatta, situated at Kamburugamuwa aforesaid; and said lot C is bounded on the north by Kongahawatta, east by lots B, A, and E of same land, south by Gajanayakawila, and on the west by Welikahagahawatta; and containing in extent 1 acre and 6·804 perches.

4. All the soil and trees of the land called Watta-addarakumburaowita, situated at Garanduwa in Kamburugamuwa aforesaid; and bounded on the north by Mahawalawwe Mahatmainnewatteweta and Arachchigekumbura, east by Watta-addarakumbureagala, south by Sayakkargewatteweta, and on the west by Mahawalawwe Mahatmainnewatteweta; and containing in extent about 2 acres.

5. All the soil and trees of the land called Kongahawatta described in plan No. 591 made by Mr. H. S. Dias, situated at Kamburugamuwa aforesaid; and bounded on the north and north-east by Medagodahena and Kongahawatta, east by Kongahawatta, south by Gajanayakawila, and on the west by Welikahagahawatta; and containing in extent 2 acres and 22 perches.

6. All that undivided ¼ part of soil and trees and of the building, thereon (save and except the portion in length 8 yards and width 9 yards) of the land called Kurunduwatteowita, situated at Kamburugamuwa aforesaid; and bounded on the north by Ketakalagahawatta and Rajjuruwannewatta, east by para; south by Upasakagehena, and on the west by Rajadeniya and Ketakalagahawatta; and containing in extent 4 acres.

H. V. F. ABAYAKOON,
Deputy Fiscal's Office, Additional Deputy Fiscal.
Matara, September 5, 1938.

Northern Province.

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

Visuvanather Sabaratnam of Valvettiturai Plaintiff.
No. 480/P. Vs.

Sabapathy Sankarappillai of Siruppiddy Defendant.

NOTICE is hereby given that on Saturday, October 1, 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 for the recovery of Rs. 2,500, with interest thereon at the rate of 9 per cent. per annum from May 20, 1938, until payment in full and poundage and charges in the following property, viz. :—

All that undivided half share with its appurtenances of a divided extent of 50 lachams p.c., on the western side of a piece of land, situated at Chavakachcheri in Chavakachcheri

Parish, Thenmarudchey Division of the Jaffna District, Northern Province, called "Kadatkaraiikkiravayal", in extent 53 lachams p.c. and 4 kulies. The said 50 lachams p.c. is bounded on the east by road, north by rail road, west by Sivakkolunthu, widow of Sivaguru, and on the south by Kanagasabai Sivasambu.

Fiscal's Office,
Jaffna, September 5, 1938.

S. TURAIYAPPAH,
for Fiscal.

In the District Court of Jaffna.

(1) Arunasalam Selvanayagam and wife (2) Mahaledchumy, both of Thirunelveli Plaintiffs.
No. 7,824. Vs.

(1) Sabapathippillai Kanagaretnam of Kokkuvil,
(2) K. C. T. C. Chelliahpillai of Vannarponmai East Defendants.

NOTICE is hereby given that on Friday, September 30, 1938, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant for the recovery of Rs. 8,530, with legal interest thereon at the rate of 9 per cent. per annum from March 20, 1935, until payment in full and costs Rs. 220.22 (less a sum of Rs. 7,500 already recovered,) and poundage and charges in the following property, viz. :—

(1) All that undivided half share with its appurtenances of a piece of land, situated at Kokkuvil in Nallur Parish, Jaffna Division of the Jaffna District, Northern Province, called "Pirampady" and "Kadduppulam", in extent 9½ lachams varagu culture with cultivated and spontaneous plantations, share of water belonging hereto of the well lying in the eastern boundary land and right of way and water-course; and bounded on the east by Karthigesu Sivapirakasam, north by Kanapathippillai Vinayagamoorthy, west by Sabapathippillai Kanagaretnam, and on the south by Maniccam, wife of Arunasalam.

(2) All that undivided half share with its appurtenances of a piece of land, situated at Kokkuvil in ditto called "Navithankadu", in extent 14½ lachams varagu culture with cultivated and spontaneous plantations, share belonging hereto of the well lying in the western boundary; and bounded on the east by the above described first land belonging to Sabapathippillai Kanagaretnam, north by Kanapathippillai Vinayagamoorthy, front of bye-lane, and by Kanagam, widow of Arumugam, west by Kanagam, widow of Arumugam, Karthigesu Aiyadurai, and Sellammah, wife of Nalliah, and on the south by Maniccam, wife of Arunasalam.

The lands are also seized under writ No. 13,227 D. C., Jaffna.

Fiscal's Office,
Jaffna, September 5, 1938.

S. TURAIYAPPAH,
for Fiscal.

North-Western Province.

In the District Court of Colombo.

Patricia de Zoysa of Alut Walawwa, Ragama Plaintiff.
No. 4,157M. Vs.

D. P. A. Wijewardena Muhandiram, Fountain House,
Dean's road, Colombo, presently of Shipton,
Skelton road, Bambalapitiya Defendant.

NOTICE is hereby given that on Saturday, October 8, 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 defendant in the following property for the recovery of the sum of Rs. 950 with legal interest thereon from December 2, 1935, till payment in full and cost of suit, taxed at Rs. 511.74 to wit :—Rs. 423.54 being incurred costs and Rs. 88.20 being costs prospective and poundage, viz. :—

1. An allotment of land called Kanogama estate, Alutwewahenyaya, in Kanogama and Kitulvehera villages, in Dewamedikorale of Dewamedikorale hatpattu, in the District of Kurunegala, North-Western Province, together with all the appurtenances thereto belonging; and bounded on the north by the land claimed by natives, T. P. 240,368 and lot 12,631 in P. P. 2,792, east by lot No. 1,263 in P. P. 2,792, south by lot 12,631 in P. P. 2,792, T. P. 250,967, land claimed by natives and a road, west by land claimed by natives, lots 1,292, A 1,293, and Y 1,292, and X 1,292 in P. P. 3,669, and a bund containing in extent 90 acres and 32 perches and registered under title D 256/156 in the Land Registry of Kurunegala.

2. An allotment of land called Walabedipitiya, together with the appurtenances thereto belonging, situated at Kanogama aforesaid; and bounded on the north by T. P. 212,114, lot 12,255 in P. P. 2,704 a bund and lands claimed by natives, and on all other sides by land claimed by natives; containing in extent 16 acres 2 roods and 15 perches, and registered under title D 256/157 in the Land Registry of Kurunegala.

3. An allotment of land called Walabedipitiyakumbura, together with the appurtenances thereto belonging, situated at Kanogama aforesaid; and bounded on the north by land claimed by natives, east by Crown land, south by lot 12,255 in P. P. 2,704 and Crown land, west by land claimed by natives and a canal; containing in extent 3 acres and 32 perches and registered under title D 256/158 in the Land Registry of Kurunegala.

4. All that field called Dangaspitiyakumbura of the extent of 3 pelas paddy sowing, together with the appurtenances thereto belonging, situated at Kitulvehera aforesaid; and bounded on the north by the liminary dam of Pahala Dangaspitiya, east by Welroda, south by the liminary dam of Lindakumbura, west by Pillewa and registered under title D 256/179 in the Land Registry of Kurunegala.

Fiscal's Office,
Kurunegala, September 6, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

In the District Court of Kurunegala.

S. P. R. M. Ramanathan Chettiar, by his attorney Seena Ponnampalam of Narammala Plaintiff.
No. 18,947. Vs.

(1) J. D. John Fernando, (2) G. Nanso Fernando, both of Illukwehera in Ihawalawsideke korale Defendants.

Notice is hereby given that on Saturday, October 15, 1938, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 398.70, with interest on Rs. 310.30 at 9 per cent. per annum from August 3, 1937, till payment in full and poundage, viz. :—

An undivided ½ share of Illukweherakumbura, situated at Illukwehera, in Hetahaye korale of Hiriyala hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by Kumbukgaha on the limit of Thahanamgahawela-oya and Meegaha, east by lands of Punchirala, Ranhamy, Tikka, Mohota, Kudaya, Dingiriya, and Baiya of Pahalawewa and lands claimed by villagers, south by lands claimed by villagers, west by Meegaha of the land of Kirihamy, east of the field of villagers, and land of Pedrick Mendis; containing in extent 33 acres and 26 perches, together with the buildings and plantations thereon; and registered under B 182/113.

This property is under seizure under D. C., Kurunegala, writs Nos. 17,714, 15,628, and 18,275.

Fiscal's Office,
Kurunegala, September 6, 1938.

CHARLES DE SILVA,
Deputy Fiscal.

In the District Court of Chilaw.

Kana Nana Kana Runa Kana Kannappa Chettiyar of Negombo Plaintiff.
No. 10,163. Vs.

(1) Jayasuriya Kuranage Joseph Perera and 5 others of Wennappuwa Defendants.

NOTICE is hereby given that on Friday, September 30, 1938, at 9 o'clock in the forenoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 1,683, dated May 29, 1926, attested by O. S. P. Jayasinghe, Notary Public, and declared specially bound and executable under the decree in the above-named action for the recovery of Rs. 2,000, with interest on Rs. 2,000 at 5 per cent. per annum from September 8, 1930, and poundage, less a sum of Rs. 1,450, viz. :—

All that land formed of the four contiguous lands of Kahatagahawatta, Meellagahawatta, Kongahawatta, and Madangahawatta, situate at Wennappuwa, in Kammal pattu of Pitigal korale south, in the District of Chilaw, North-Western Province; and bounded on the north by garden belonging to Jusey Fernando and others, east by dewata road, south by the lands belonging to Jagariyas Fernando Muhuppu and others, and west by the lands belonging to Climentu Fernando; containing in extent about 2 acres and 2 roods, together with the soil, all trees and plantations and the buildings thereon.

Deputy Fiscal's Office,
Chilaw, September 5, 1938.

I. L. M. SHERIFF,
Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the Court of Requests of Colombo.

K. M. M. Aliyar of Ward place, Colombo Plaintiff.
No. 58,654. Vs.(1) Lionel Abeysekera and (2) E. G. Warnakula, both of
Colombo Defendants.

NOTICE is hereby given that on Friday, September 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 1st defendant in the following property, for the recovery of Rs. 341.90, with legal interest on Rs. 288.15 from January 28, 1930, till payment in full and poundage, viz. :—

All that undivided portion of land called Warakumbura-panguwahenyaya appertaining Warakumburewiyakkara-panguwa out of the land called Bibilegama Nindagama, situate at Nindagama in the Thambagam pattu of Atakalan korale in the District of Ratnapura, of the Province of Sabaragamuwa; and which divided unportion is bounded on the north by Karandahena Gan Ima, East by Dambattenekumbura and stone fence, south and west by Pattaldola; containing in extent 12 amunams and 3 pelas of paddy sowing or about 234 acres and 1 rood, together with the buildings and plantations thereon less a portion of 8 acres sold by the 1st defendant subject to a mortgage of Rs. 4,000, which premises are being held and possessed by the said defendant by deed No. 26 dated January 24, 1933, attested by Marshall Perera of Chilaw, Notary Public.

Fiscal's Office, N. SWAMINATHA IYER,
Ratnapura, September 3, 1938. Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Senaratne Mudalige Don Girigoris, late
No. 8,491. of Colombo, deceased.

Senaratne Mudalige Don Charles Dias of 3rd Division.
Maradana, in Colombo Petitioner.

And

Bammana Aratchige Dona Elizabeth Dias of 3rd
Division, Maradana, in Colombo Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on July 15, 1938, in the presence of Mr. C. H. de Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 15, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the 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 15, 1938.

W. SANSONI,
District Judge.

The date for showing cause is extended to September 15, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Hewa alias Henry Peter Weeraratne of
No. 8,512. formerly 15, and presently 75, Gotami
road, Borella, in Colombo, deceased.

Weeraratne Vedaratchige Harriet Weeraratne nee
Goonsekere of 75, Gotami road, Borella, in
Colombo Petitioner.

And

(1) Florence Weeraratne, (2) Muriel alias Irene Weeraratne, (3) Esme Weeraratne (1st to 3rd are minors appearing by their guardian *ad litem* the 4th), (4) Lankahaluge George Edward Fernando, all of 75, Gotami road, Borella, in Colombo Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 2, 1938, in

the presence of Mr. L. G. Motha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 25, 1938, having been read:

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, and 3rd 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 4, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the within mentioned *Order Nisi* is hereby extended to September 15, 1938.

August 18, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Hetti Karannagodage Vincent
No. 8,524. Perera of Gothami road, in Cotta road,
Colombo, deceased.

Kankanige Peman Perera also of Gothami road afore-
said Petitioner.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 11, 1938, in the presence of Mr. D. R. de S. Abhayanayake, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated August 2, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as mother of the above-named deceased, to have letters of administration to his estate issued to her, unless any person or persons interested shall, on or before September 1, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 17, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the above *Order Nisi* is hereby extended to September 15, 1938.

August 25, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Watutantrige Peter Alwis
No. 8,525. Waidiyaratne of 34, 66th lane,
Havelock road, Wellawatta, in Colombo,
deceased.

Watutantrige Henry de Alwis Waidiyaratne of 34,
66th lane, aforesaid Petitioner.

And

(1) Watutantrige Adelin de Alwis Waidiyaratne, (2) Watutantrige Samakin de Alwis Waidiyaratne, and her husband, (3) Nicholas Cornelis Senaratne and (4) Watutantrige Sucian de Alwis Waidiyaratne, all of aforesaid Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 11, 1938, in the presence of Mr. D. R. de S. Abhayanayake, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 17, 1937, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as brother 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 September, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 17, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to September 15, 1938.

August 25, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Sanpathawaduge Joseph Daniel
No. 8,531. de Silva of "Silvan Villa", Indibedda, in
Moratuwa, deceased.

Widanelage Agnes Elsie de Mel of Indibedda, presently
of Laxapathiya in Moratuwa Petitioner.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 18, 1938, in the presence of Messrs. Perera & Fernando, Proctors, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated August 13, 1938, and (2) of the attesting witnesses also dated August 13, 1938, having been read:

It is ordered that the last will of Sampathawaduge Joseph Daniel de Silva, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix in the said will and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before September 8, 1938, show sufficient cause to the satisfaction of the court to the contrary.

September 1, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the above *Order Nisi* is hereby extended to September 15, 1938.

September 2, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Egodawatte Aratchige Dona
No. 8,533. Welmina Gunasekera Hamine of Kera-
walapitiya in Hendala in the Ragam
pattu of Alutkuru korale, deceased.

Edippuliaratchige Don Theodore Gunasekera, Registrar
of Kerawalapitiya in Hendala aforesaid.... Petitioner.

And

(1) Edippuliaratchige Dona Charlotte Gunasekera of Peliyagoda, (2) Edippuliaratchige Dona Garlin Gunasekera Hamine, (3) Edippuliaratchige Don Albert Gunasekera Appuhamy, (4) Edippuliaratchige Don David Gunasekera Appuhamy (5) Edippuliaratchige Don Derbin Gunasekera Appuhamy, all of Kerawalapitiya in Hendala aforesaid Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge, of Colombo, on August 19, 1938, in the presence of Mr. W. L. P. Amaratunga, Proctor, on the part of the petitioner above named; and (1) the affidavits of the said petitioner dated August 12, 1938, and (2) of the attesting witnesses dated August 12, 1938, having been read:

It is ordered that the Last Will of Egodawatte Aratchige Dona Welmina Gunasekera Hamine, 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 in the said will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 8, 1938, show sufficient cause to the satisfaction of this court to the contrary.

August 24, 1938.

W. SANSONI,
District Judge.

The date for showing cause against within mentioned *Order Nisi* is hereby extended to September 22, 1938.

September 2, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction, Nissanga Aratchige Maud Irene Jaya-
No. 8,534. singhe *nee* de Silva of Mutwal, deceased.

Don Jerome Jayasinghe of Bloemendahl road, Mutwal,
in Colombo Petitioner.

And

(1) Don Bennet Stephen Jayasinghe, (2) Dona Stella Violet Jayasinghe, (3) Don Kingsley Herbert Jayasinghe, (4) Don Mervyn Hector Jayasinghe, (5) Dona Mary Colleta Jayasinghe; 1st to 5th are minors, appearing by their guardian *ad litem* (6) Nissanga Aratchige Wilmot de Silva, all of Bloemendahl road, Mutwal, Colombo Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 22, 1938, in the presence of Mr. S. M. C. de Soyza, Proctor, on the part of the petitioner above named and the affidavit of the said petitioner dated August 15, 1938, having been read:

It is ordered (a) that the 6th respondent be and he is hereby appointed guardian *ad litem* of the minors, 1st to 5th 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 husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 15, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 24, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Nellie Dayawathie Wickremesinghe
No. 8,539. (*nee* Dias Gunawardene) of Matara,
late of "Gunesthan", 40th lane, Wellawatta, in Colombo, deceased.

Walter Abraham Dias Gunewardene of "Gunesthan", 40th
lane, Wellawatta, in Colombo Petitioner.

Vs.

(1) Wilson Punnasoma Abeyewardene Wickremesinghe, Proctor of Galle, (2) Herbert Lucas Dias Gunawardene, (3) Victor Nathaniel Dias Gunawardene, (4) Edith Irene Dias Gunawardene, and (5) Lionel Petrick Dias Gunewardene, all of "Gunesthan", 40th lane, Wellawatta; the 4th and 5th respondents are minors, appearing by their guardian *ad litem* the 2nd respondent above named Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 25, 1938, in the presence of Mr. J. S. Paranavitana, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 18, 1938, having been read:

It is ordered (a) that to 2nd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 4th and 5th 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 father of the above named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 15, 1938, show sufficient cause to the satisfaction of the court to the contrary.

August 29, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Mohamed Cassim Marikar Mohamed
No. 8,542. Abdul Cader of Old road, Beruwala, in
the District of Kalutara, deceased.

Mohamed Cassim Marikar Abdul Razak of Old road,
Beruwala Petitioner.

- And

(1) Uduma Lebbe Marikar Kadija Umma, (2) Mohamed
Abdul Cader Thohufa, (3) Mohamed Abdul Cader
Raiha, (4) Mohamed Abdul Cader Nafeesathul
Misiriya, (5) Mohamed Abdul Cader Mohamed Razik,
(6) Mohamed Abdul Cader Maleeha; 2nd to 6th
respondents are minors, appearing by their guardian
ad litem (7) Uduma Lebbe Marikar Mohamed,
(8) Cader Marikar Notharis Ahamadu Umma, all
of Beruwala aforesaid Respondents.

THIS matter coming on for disposal before W. Sansoni,
Esq., District Judge of Colombo, on August 26, 1938, in
the presence of Mr. M. M. A. Raheem, Proctor, on the
part of the petitioner above named; and the affidavit of
the said petitioner dated August 10, 1938, having been
read :-

It is ordered (a) that the 7th respondent be and he is
hereby appointed guardian *ad litem* of the minors, the 2nd
to 6th respondents above named, to represent them for all
the purposes of this action, and (b) that the petitioner be
and he is hereby declared, entitled, as brother of the above-
named deceased to have letters of administration to his
estate issued to him, unless the respondents above named
or any other person or persons interested shall, on or before
September 15, 1938, show sufficient cause to the satisfac-
tion of the court to the contrary.

August 29, 1938.

W. SANSONI,
District Judge.

In the District Court of Negombo.

*Order Absolute in the First Instance declaring Will
proved.*

Testamentary. In the Matter of the Last Will and
Jurisdiction. Testament of Juliet Angelina Mendis
No. 3,076. Abeysekera, (nee de Silva Kumara-
singhe), deceased.

Walimuni Winter Mendis Abeysekera of Kochchi-
kade Petitioner.

THIS matter coming on for disposal before T. Weera-
ratne, Esq., District Judge of Negombo, on August 31, 1938,
in the presence of Messrs. Ranasinge & Raheeman,
Proctors, on the part of the petitioner and the petitioner's
petition and affidavit dated July 28, 1938, and July 23,
1938, respectively, and the affidavit dated July 17, 1938,
of Mr. T. L. W. Jayawardena, the attesting Notary Public,
having been read :

It is ordered that the above named last will and testa-
ment No. 186 dated July 19, 1931, attested by T. L. W.
Jayawardena, Notary Public, the original of which is
now deposited in this court, be and the same is hereby
declared proved.

It is further ordered that the petitioner be and he is
hereby declared entitled, as executor named in the said
last will, to have probate to same issued to him.

August 31, 1938.

T. WEERARATNE,
District Judge.

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 James Malcolm Drysdale
No. T. 47. Stevenson, deceased, of Craingilt estate,
Matale.

THIS matter coming on for disposal before Reginald
Felix Dias, Esq., District Judge, Kandy, on June 8, 1938,
in the presence of Mr. S. Kanagarajah, Proctor, on the part
of the petitioner, James Henry Fernando; and the affidavit
of the said petitioner dated April 28, 1938, and of attesting
notary dated May 6, 1938, having been read : It is ordered
that the last will of the above-named deceased dated May
13, 1921, and now deposited in this court, be and the same
is hereby declared proved, 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.

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
any person or persons interested shall, on or before the said
date show sufficient cause to the satisfaction of this court to
the contrary.

R. F. DIAS.

June 8, 1938.

In the District Court of Colombo.

Testamentary
Jurisdiction.
No. 8,487.

23-8-38. The date for showing cause against the within
named *Order Nisi* is hereby extended for September 15,
1938.

Colombo, August 26, 1938.

W. SANSONI,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Bopitiyo Vitanage Don Siyadoris of
No. 7,787. Maliduwa.

Between

Harmanis Dias Liyana Gunewardene of Mali-
duwa Petitioner.

And

(1) Telikada Palliye Guruge Charlina, (2) Vitanage
Leelawathie, (3) ditto Pemawathie, (4) ditto Cornelia,
(5) ditto Ariyabandu, (6) ditto Chintaratna, (7) ditto
Ariyaratna, all of Maliduwa Respondents.

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

It is ordered that the said 1st respondent be and he is
hereby appointed guardian *ad litem* over the said 4th to 7th
respondents, unless the said respondents or any person or
persons interested shall, on or before November 3, 1937,
show sufficient cause to the satisfaction of this court to the
contrary.

It is further declared that the said petitioner is entitled
to have letters of administration issued to him accordingly,
unless the said respondents or any person or persons
interested shall, on or before November 3, 1937, show
sufficient cause to the satisfaction of this court to the
contrary.

January 18, 1938.

N. M. BHARUCHA,
District Judge.

The date for showing cause is extended to February 22,
1938.

January 18, 1938.

N. M. BHARUCHA,
District Judge.

The date for showing cause is extended to May 9, 1938.

March 29, 1938.

N. M. BHARUCHA,
District Judge.

The date for showing cause is extended to September 19,
1938.

August 15, 1938.

N. M. BHARUCHA,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of Galap-
Jurisdiction. pattige Singho Appu de Silva *alias*
No. 7,424. Siman de Silva of Ahangama, deceased.

Koggala Marakkalage Samitchi de Silva, for himself
and as guardian *ad litem* over the minors, Koggala
Marakkalage Krishna Jayawathie de Silva, ditto
Ariyaratna de Silva, and ditto Ariyawathie de Silva,
all of Ahangama Petitioners.

Vs.

(1) Galappattige Nedlin Somawathie de Silva, (2)
ditto Francis de Silva, both of Ahangama .. Respondents.

THIS matter coming on for disposal before N. M.
Bharucha, Esq., District Judge of Galle, on July 29, 1938,
in the presence of Messrs. D. & R. Amarasuriya, Proctors,
on the part of the said petitioners; and the affidavit of
the said petitioners dated May 31, 1938, having been read :

It is declared that the said 1st respondent, Galappattige Nedlin Somawathie de Silva is entitled, to have letters of administration *de bonis non* issued to her accordingly, unless the said respondents or any other person interested shall, on or before August 30, 1938, show sufficient cause to the satisfaction of this court to the contrary.

July 29, 1938.

N. M. BHARUCHA,
District Judge.

The date for showing cause is extended to September 23, 1938.

August 30, 1938.

N. M. BHARUCHA,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Thomas Silva Kurukularatna Pandita-tilaka, deceased, of Weligama.

Baron de Silva Abeywickrema of Nupe, Matara. . Petitioner.
Vs.

(1) Gardiye Hewa Paththinige Dona Gimara, (2) Weligamage Susirivardena Kurukularatna, (3) ditto Agitis Silva Kurukularatna, (4) ditto Simon Silva Kurukularatna, (5) ditto Janis Silva Kurukularatna, (6) ditto Samson Silva Kurukularatna, (7) ditto Richard Silva Kurukularatna, (8) ditto Roslin Nona Kurukularatna, all of Walliwala Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara, on July 11, 1938, in the presence of Messrs. Balasuriya & Daluwatte, Proctors, on the part of the petitioner, Baron de Silva Abeywickrema of Nupe, Matara; and the affidavit of the said petitioner dated July 29, 1936, having been read :

It is ordered of consent that the above-named petitioner be and he is hereby declared entitled, as uncle, to have letters of administration to the estate of the said deceased issued to him, unless the respondents or any other person or persons interested shall, on or before September 15, 1938, show sufficient cause to the satisfaction of this court to the contrary.

July 11, 1938.

JAMES JOSEPH,
District Judge.

In the District Court of Matara.

Order Nisi declaring Will proved.

Testamentary In the matter of the Last Will and Testament of Geeganage Appu *alias* Appu Singho late of Bandaramulla.

Kuni Hennidige Karonchihamy of Bandaramulla Petitioner.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara on February 10, 1938, in the presence of Mr. S. Samarasinghe, Proctor, on the part of the Petitioner; and the affidavit of the said petitioner dated December 16, 1937, and the affidavit of (1) the Notary Public who attested the will and (2) one of the witnesses to the will having been read :

It is ordered that the will of Geeganage Appu *alias* Appu Singho, deceased, dated October 13, 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 March 4, 1938, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said petitioner is the executrix named in the said will and that she is entitled to have probate for the same issued to her accordingly unless any person or persons interested shall, on or before March 4, 1938, show sufficient cause to the satisfaction of this court to the contrary.

February 10, 1938.

J. JOSEPH,
District Judge.

Extended for May 9, 1938.

J. JOSEPH,
District Judge.

Extended for July 4, 1938.

J. JOSEPH,
District Judge.

Extended for September 12, 1938.

J. JOSEPH,
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Last Will and Testament of the late Daniel D. Serasinghe of Tibbotuwawa, in Akuressa, Gangaboda pattu of Matara District.

Richard Samarasinghe Gunasekera, The Secretary of the District Court of Matara Petitioner

And

(1) Mabel Alexandra Serasingha, (2) Henry Bertram Serasingha, (3) Cornelia Serasingha, (4) Cyril Joseph Serasingha, all of Fort, in Matara Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara, on August 8, 1938, in the presence of Mr. H. E. S. Wickremaratne, Proctor, on the part of the petitioner, Richard Samarasinghe Gunasekera, the Secretary of the District Court of Matara; and the affidavit of the said petitioner dated December 20, 1937, having been read :

It is ordered that the will of the above named deceased dated July 27, 1937, 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 September 12, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Richard Samarasinghe Gunasekera, Secretary, District Court, Matara, 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 September 12, 1938, show sufficient cause to the satisfaction of this court to the contrary, and it is further declared that the said first respondent be and she is hereby appointed guardian *ad litem* over the 2nd to 4th minor respondents for all the purposes of this action unless the respondents or any other person or persons interested shall on or before September 12, 1938, show sufficient cause to the satisfaction of this Court to the contrary.

August 8, 1938.

JAMES JOSEPH,
District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Estate of the late Don Case. Andrayas Dahanayake of Kanumuldeniya South.

Mendis Dahanayake of Kanumuldeniya North. . Petitioner.

Vs.

(1) Donalisa Abewardana Wickramasinghe of Kanumuldeniya South, (2) Alice Dahanayake of Mandaduwa, (3) Somawathie Dahanayake of Modarawana, (4) Wimalawathie Dahanayake of Kanumuldeniya South, (5) Charlotte Dahanayake of Danpahala, (6) Kusumawathie Dahanayake of Kanumuldeniya South Respondents.

THIS matter coming on for disposal before V. S. Jayawickreme, Esq., District Judge of Tangalla, on May 23, 1938, in the presence of Mr. H. Domingo on the part of the petitioner above named; and the affidavit of the petitioner above named dated May 23, 1938, having been read :

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

V. S. JAYAWICKREME,
District Judge.

The above *Order Nisi* is extended to September 19, 1938.

V. S. JAYAWICKREME,
District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Dona Cornelia Siriwardana, late of
No. 1,288. Puwakdandawa, deceased.

Kalyana Pala Wirasinha of Puwakdandawa ... Petitioner.
Vs.

- (1) Satyananda Buddhappasada Wirasinha (minor),
(2) Saddhapalini Wirasinha, both of Puwakdan-
dawa Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickreme, Esq., District Judge of Tangalla, on August 2, 1938, in the presence of Mr. K. P. Wirasinha, the petitioner above named; the affidavit of the above-named petitioner dated August 2, 1938, having been read:

It is ordered and adjudged that the petitioner K. P. Wirasinha is entitled, as the eldest son to the letters of administration of the said estate, unless any person or persons interested shall, on or before September 15, 1938, show sufficient cause to the contrary.

It is further ordered and adjudged that the 1st respondent be appointed guardian *ad litem* over the 2nd respondent, unless any person or persons interested shall, on or before September 15, 1938, show sufficient cause to the contrary.

August 2, 1938.

V. S. JAYAWICKREME,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
No. 636. Ampalavanar Arumugam of Karaidivu
West, deceased.

Meenadchipillai, widow of Ampalavanar Arumugam of
ditto Petitioner.

Vs.

- (1) Arumugam Kanapatipillai, (2) Arumugam Nada-
raja, and (3) Kandiah Muttukumaru, all of
ditto Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on August 11, 1938, in the presence of Mr. A. Kanagasabai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated July 13, 1938, having been read: It is ordered that the above-named 3rd respondent be appointed guardian *ad litem* over the minors, the 1st and 2nd respondents for the purpose of protecting their interest and of representing them in this case and that the petitioner be declared entitled, to have letters of administration to the estate of the said intestate as his lawful widow, unless the respondents or any person or persons interested shall, appear before this court on September 28, 1938, and state objection or show cause to the contrary.

August 29, 1938.

C. COOMARASWAMY,
District Judge.