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**GAZETTE**

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**PART II.—LEGAL.**

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

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

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

L.D.—O 3/38

**An Ordinance to amend the Cheetu Ordinance,  
No. 61 of 1935.**

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 Cheetu Amendment Ordinance, No. of 1938.

Amendment of section 6 of Ordinance No. 61 of 1935.

2 Section 6 of the Cheetu Ordinance, No. 61 of 1935, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (3) thereof, by the substitution for the words "fifty rupees.", of the words "fifty rupees, if the person conducting that cheetu does not, during the period for which that cheetu continues, promote or conduct, or aid or assist or take any part in the promotion or conduct of any other cheetu whatsoever."

Substitution of new section for section 18 of the principal Ordinance.

3 Section 18 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Security to be given by purchaser of cheetu amount.

18. (1) Every subscriber who is declared the purchaser of a cheetu amount shall, as a condition precedent to the payment of the prize amount to him by the manager, give security to the manager for the payment of the instalments due from him for the remainder of that cheetu period.

(2) Where any terms or conditions as to the security to be given by a subscriber upon his being declared the purchaser of a cheetu amount, have been included in the agreement relating to that cheetu or agreed upon at any duly convened meeting of the subscribers, the security required by sub-section (1) shall be given in accordance with such terms or conditions; and in every other case, the security shall be given to the satisfaction of the manager.

(3) Where the manager refuses to accept the security tendered by a subscriber on the ground that it is not in accordance with the terms and conditions referred to in sub-section (2), or, where such terms and conditions have not been agreed upon, on the ground that it is not suitable or sufficient, the subscriber shall be entitled to appeal to the Registrar against the refusal of the manager to accept the security. Every such appeal shall be preferred within such time and in such manner as may be prescribed by regulations.

(4) On any appeal preferred under sub-section (3), the Registrar may make order declaring that the security to which the appeal relates is in accordance with the terms and conditions referred to in sub-section (2), or that it is suitable and sufficient, as the case may be, or directing the subscriber by whom the appeal is preferred to give such other security as may be specified in the order. Every order of the Registrar under this sub-section shall be final and conclusive for all the purposes of this Ordinance.

(5) On security being furnished by the subscriber as provided in sub-section (2), or, in any case where there has been an appeal, in accordance with the order of the Registrar, the manager shall forthwith pay the prize amount to the subscriber.

Amendment of section 36 of the principal Ordinance.

4 Section 36 of the principal Ordinance is hereby amended in sub-section (1) thereof, by the substitution, for the words "ten times", of the words "twenty times".

*Objects and Reasons.*

As the intention of the Cheetu Ordinance, No. 61 of 1935, was only to provide for the supervision and control of cheetus conducted as business ventures by companies and professional promoters, the smaller cheetus not exceeding fifty rupees in value, which are ordinarily carried on by the poorer classes as aids to thrift, were expressly exempted by section 6 (3) from the requirements of the Ordinance. It appears, however, that in order to evade those requirements, the cheetu companies and the professional promoters are now resorting to the

device of conducting large operations by forming a series of small cheetus, each not exceeding fifty rupees in value. To make this system of evasion impossible in future, it is proposed in the amendment set out in Clause 2 of this Bill to limit the exemption given by section 6 (3) to cases where a cheetu not exceeding fifty rupees in value is the sole cheetu conducted by its promoters at any given time.

2. The provisions of section 18, that the purchaser of a cheetu amount should, before he receives the prize amount from the manager of the cheetu, give security of twice the value of the instalments payable by him, have been found to be too stringent in practice. It is therefore proposed in Clause 3 of this Bill to replace the existing section 18 by a new section which will leave it to the discretion of the manager of each cheetu to determine the nature and value of the security which he will accept, and give the subscribers the right to appeal to the Registrar against any unreasonable demands that may be made by the manager.

3. The object of the amendment set out in Clause 4 of this Bill is to extend the scope of the operations that may be carried on by companies or other promoters who have been registered under the Ordinance. At present section 36 sets a limit to the number of cheetus that may be conducted at any one time by a registered company or promoter by providing that the aggregate value of such cheetus shall not exceed ten times the paid up capital of that company or promoter. It is proposed that in future this limit should be twenty times the paid up capital of each company or promoter.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, October 19, 1938.

#### MINUTE.

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

L. D.—O 51/38

**An Ordinance to amend the Ceylon Penal Code.**

No. 2 of 1883.

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

1 This Ordinance may be cited as the Ceylon Penal Code Amendment Ordinance, No. of 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 5 of the Ceylon Penal Code (hereinafter referred to as "the principal Ordinance"), is hereby amended in *illustration (a)* by the substitution for the words "seven years", wherever they occur collectively therein, of the words "eight years".

Amendment of section 5 of the Ceylon Penal Code.

3 Section 58 of the principal Ordinance is hereby repealed.

Repeal of section 58 of the principal Ordinance.

4 Sections 75 and 76 of the principal Ordinance are hereby amended by the substitution in each of those sections, for the words "seven years", of the words "eight years".

Amendment of sections 75 and 76 of the principal Ordinance.

*Objects and Reasons.*

Section 50 of the Children and Young Persons Act, 1933, of the Imperial Parliament fixes the minimum age of criminal responsibility at eight years; in Ceylon this age limit is fixed at seven years by section 75 of the Ceylon Penal Code. The object of clauses 2 and 4 of this Bill is to amend section 75 so as to provide that nothing is an offence which is done by a child under eight years of age, and to effect consequential amendments in the Code.

2. Clause 29 of the draft Children and Young Persons Ordinance which was published in the Gazette of December 3, 1937, contains provisions limiting the power of courts to make orders imposing corporal punishment on male children or young persons. One of the limitations referred to is that an order for whipping cannot be made unless another order under clauses 25 to 28 is also made by the court.

The provisions relating to the whipping of offenders under the age of sixteen years which are at present contained in section 58 of the Penal Code will be unnecessary when the new law comes into force. The object of clause 3 of this Bill is to repeal that section.

Legal Secretary's Office,  
Colombo, October 24, 1938.

J. C. HOWARD,  
Legal Secretary.

### MINUTE.

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

	L. D.—O 51/38
No. 15 of 1898.	<b>An Ordinance to amend the Criminal Procedure Code, 1898.</b>
	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.	<b>1</b> This Ordinance may be cited as the Criminal Procedure Code Amendment Ordinance, No. of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.
Amendment of section 315 of the Criminal Procedure Code, 1898.	<b>2</b> Section 315 of the Criminal Procedure Code, 1898, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (2) by the substitution for the words "Penal Code," of the words "Penal Code on persons above sixteen years of age,".
Replacement of section 319 of the principal Ordinance.	<b>3</b> Section 319 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—
Whipping of juvenile offenders under sixteen years of age.	<b>319.</b> Whenever a male offender under sixteen years of age is sentenced by any court to whipping, such whipping shall not exceed six strokes with a light cane or rattan, and shall be inflicted forthwith in the presence of the court, and if the parent of the offender desires to be present, in his presence.  A medical officer need not be present, but such whipping shall not be inflicted unless it appears to the court that the offender is in a fit state of health to undergo the same.
Repeal of section 322 of the principal Ordinance.	<b>4</b> Section 322 of the principal Ordinance is hereby repealed.

#### *Objects and Reasons.*

Clause 29 of the draft Children and Young Persons Ordinance which was published in the Gazette of December 3, 1937, limits the power of courts to make orders imposing corporal punishment in the case of children and young persons, and contains provisions which restrict the number of strokes that may be inflicted in such cases and which relate to the manner in which such orders must be carried out.

Sections 315 (2) and 319 of the Criminal Procedure Code, 1898, contain provisions which will be inconsistent with clause 29 of the draft Ordinance referred to. The object of clauses 2 and 3 of this Bill is to amend section 315 (2) and to substitute a new section for section 319, so that the provisions as to whipping which are contained in those sections will be in accordance with the new law.

2. Clause 86 of the draft Ordinance referred to repeals the Youthful Offenders Ordinance, 1886 ; clause 4 of this Bill will therefore repeal section 322 of the Criminal Procedure Code, which provides that the Youthful Offenders Ordinance is in operation throughout the whole Island.

Legal Secretary's Office,  
Colombo, October 24, 1938.

J. C. HOWARD,  
Legal Secretary.

## MINUTE.

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

L. D.—O 51/38

**An Ordinance to amend the Flogging Regulation Ordinance, 1904.**

No. 3 of 1904.

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 Flogging Regulation Amendment Ordinance, No. 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 Sections 3 and 4 of the Flogging Regulation Ordinance, 1904, (hereinafter referred to as "the principal Ordinance"), are hereby amended by the substitution, in each of those sections, for the words "six strokes with a rattan in the case of a boy below the age of twelve, or of twelve strokes with a rattan in the case of a boy above the age of twelve and below the age of sixteen", of the following :—

Amendment of sections 3 and 4 of Ordinance No. 3 of 1904.

"six strokes with a light cane or rattan in the case of a boy below the age of sixteen".

3 Section 5 of the principal Ordinance is hereby amended by the substitution for the words "six strokes with a rattan in the case of a boy below the age of twelve, twelve strokes with a rattan in the case of a boy above the age of twelve", of the following :—

Amendment of section 5 of the principal Ordinance.

"twelve strokes with a rattan cane in the case of a boy above the age of fourteen".

*Objects and Reasons.*

Clause 29 of the draft Children and Young Persons Ordinance, which was published in the Gazette of December 3, 1937, contains provisions limiting the power of courts to make orders imposing corporal punishment on male children or young persons, and under this clause the maximum number of strokes which may be inflicted shall not exceed six.

The provisions of sections 3 and 4 of the Flogging Regulation Ordinance, 1904, impose a limit of six strokes in the case of a boy under twelve and of twelve strokes in the case of a boy under sixteen.

The object of clause 2 of this Bill is to amend those sections so as to bring them into conformity with the new provisions proposed to be enacted in the draft Children and Young Persons Ordinance.

2. Clause 23 of the draft Ordinance referred to provides that no child shall be ordered to be imprisoned for any offence; "child" is defined in Clause 85 to mean a person under the age of fourteen years.

Section 5 of the Flogging Regulation Ordinance, 1904, contemplates the punishment of prisoners under fourteen years of age. The object of Clause 3 of the Bill is to amend section 5 by omitting the reference in that section to the case of boys below the age of fourteen.

Legal Secretary's Office,  
Colombo, October 24, 1938.

J. C. HOWARD,  
Legal Secretary.

## MINUTE.

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

L. D.—O 41/38

**An Ordinance to amend the Criminal Procedure Code, 1898.**

No. 15 of 1898.

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 Criminal Procedure Code (Amendment) Ordinance, No. of 1938.

Short title.

Amendment of section 3 (1) of Ordinance No. 15 of 1898.

2 Section 3 of the Criminal Procedure Code, 1898, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) of that section by the insertion of the following immediately after the definition of "Registrar" :—

"Fiscal" "Fiscal" includes any person authorised either generally or specially by the Fiscal to exercise, perform or discharge any power, duty or function of the Fiscal under this Code.

Amendment of section 309(f)(1) of the principal Ordinance.

3 Section 309 of the principal Ordinance is hereby amended in paragraph (f) (1) of that section by the substitution for the words "the Fiscal or his deputy," of the words "the Fiscal,".

Insertion of new section 407A in the principal Ordinance.

4 The following new section is hereby inserted immediately after section 407 of the principal Ordinance, and shall have effect as section 407A of that Ordinance :—

Depositions of Magistrates and Interpreters receivable in evidence in certain cases.

407A. Where, for the purpose of proving any statement made by a deceased person, the Magistrate by whom the statement was recorded and the person, if any, by whom it was interpreted are examined in the course of an inquiry into any offence, the deposition of such Magistrate or of such person, taken and attested by any other Magistrate in the presence of the accused, may be given in evidence at the trial of the accused, although the deponent is not called as a witness :

Provided that—

- (1) where the Magistrate who commits the accused for trial is of opinion that it is necessary or expedient, or where either party in the case requests, that any such deponent should be present to give evidence at the trial, such deponent shall be summoned as a witness for the purpose of giving evidence in the same manner as the other witnesses for the prosecution ; and
- (2) nothing in this section shall affect or be deemed to affect the power of the court of trial to summon and examine such deponent as a witness at any time.

#### *Objects and Reasons.*

The object of this Bill is to amend the Criminal Procedure Code, 1898, in order—

- (1) to remove certain administrative difficulties that arise where a person convicted by a court is, on conviction, committed to the custody of the Fiscal of the province in which the court is situated, and the sentence imposed by the court has to be carried out by the Fiscal of another province ; and
- (2) to obviate the attendance of Magistrates at trials in the higher courts for the purpose only of proving dying depositions recorded by them.

2. Clause 2 secures the first object referred to above by inserting in the principal Ordinance a definition of "Fiscal". Under the new law it will be possible for the Fiscal of one province to authorise the Fiscal of another province to receive any prisoner on his behalf. It will then be unnecessary for the court to make out more than one warrant of commitment in cases where the sentence imposed has to be carried out by the Fiscal of a province other than that in which the convicting court is situated.

3. Clause 4 inserts in the principal Ordinance a new section 407A, under which the deposition of a Magistrate who has given evidence in the lower court to prove a statement made to him by a deceased person, can be read in the higher court without it being necessary for the Magistrate himself to give evidence. Where, however, the committing Magistrate thinks it necessary, or where either the prosecution or the defence in any case desire, that the Magistrate should be present in the higher court to give evidence, it will be possible to have the Magistrate summoned in the same manner as other witnesses for the prosecution.

## MINUTE.

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

L. D.—O 61/38

**An Ordinance to amend the Estate Duty Ordinance,  
No. 1 of 1938.**

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 Estate Duty Amendment Ordinance, No. of 1938.

Short title.

2 (1) Section 5 of the Estate Duty Ordinance, No. 1 of 1938, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of section 5 of Ordinance No. 1 of 1938.

(a) by the substitution, for sub-section (2), of the following sub-section :—

"(2) For the purpose of determining the value of the Ceylon estate or the total estate of any deceased person, all property forming part of the Ceylon estate or the total estate, as the case may be, shall be aggregated so as to form one estate :

Provided, however, that—

- (a) any property which forms part of the Ceylon estate and on which no estate duty is payable shall not be so aggregated for the purpose of determining the value of the Ceylon estate or the total estate ;
- (b) any property on which no estate duty would have been payable if it had formed part of the Ceylon estate shall not be so aggregated for the purpose of determining the value of the total estate." ;

(b) by the addition, at the end thereof, of the following new sub-section :—

"(4) The rate of estate duty to be paid on any property forming part of the Ceylon estate of any deceased person shall be the rate determined under sub-section (1) in respect of that estate."

(2) Section 5 of the principal Ordinance shall, from the seventh day of January, 1938, (being the date of the commencement of the principal Ordinance), have effect and be deemed to have had effect as though the amendments set out in sub-section (1) had been inserted in that section on that date.

3 Section 49 of the principal Ordinance is hereby amended—

Amendment of section 49 of the principal Ordinance.

(a) by the re-numbering of that section as sub-section (1); and

(b) by the addition, after the re-numbered sub-section (1), of the following new sub-section :—

"(2) Where the Commissioner is satisfied that any executor is not liable to pay estate duty under this Ordinance, the Commissioner shall issue a certificate to that effect to which shall be attached a copy of the declaration of property in respect of which estate duty is not payable."

4 Section 52 of the principal Ordinance is hereby amended in paragraph (a) by the substitution for the words "secured ; and", of the words "secured, or that the executor is not liable to pay estate duty under this Ordinance ; and".

Amendment of section 52 of the principal Ordinance.

5 Section 73 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Replacement of section 73 of the principal Ordinance.

73. Where a member of a Hindu undivided family dies, no estate duty shall be payable—

Hindu undivided families.

- (a) on any movable property which is proved to the satisfaction of the Commissioner to have been the joint property of that family ; or
- (b) on any immovable property, where it is proved to the satisfaction of the Commissioner that such property, if it had been movable property, would have been the joint property of that family.

*Objects and Reasons.*

The purpose of Clause 2 (1) of this Bill is to amend section 5 of the Estate Duty Ordinance, No. 1 of 1938, so as to provide that there shall be an aggregation of the property comprising both the Ceylon estate and the total estate of a deceased person, and to make it clear that the rate of duty ascertained in accordance with the provisions of sub-section (1) of section 5 shall be the rate applicable on all property constituting the Ceylon estate.

The practice has been to exclude from such aggregation property in respect of which estate duty is not payable under the Ordinance. The purpose of the proviso to new sub-section (2) is to grant necessary legal authority for the exclusion from the total estate, as well as from the Ceylon estate, of any property which is not liable to estate duty in Ceylon or would not be so liable if it formed part of the Ceylon estate.

Clause 2 (2) makes these necessary amendments retrospective in effect to the date on which the principal Ordinance came into operation.

2. Where an executor pays or secures the payment of all estate duty to which he is liable, the Commissioner issues a certificate to that effect under section 49; and section 52 provides that a Court shall not grant probate or letters of administration unless such a certificate has been issued by the Commissioner and filed in Court.

No provision has been included in these sections for cases where the executor is not liable to pay estate duty at all. The object of Clauses 3 and 4 of the Bill is to amend both those sections in order to provide for the issue of a certificate to the effect that the executor is not liable to pay estate duty, and for the grant of probate or letters of administration when such a certificate is filed in Court in any such case.

3. Section 73 of the principal Ordinance provides that where a member of a Hindu undivided family dies, no estate duty shall be payable on any property which is proved to the satisfaction of the Commissioner to be the joint property of that family. Any immovable property in Ceylon which is held in the name of a member of such a family cannot, under the law of Ceylon, be said to be the joint property of the family, and the Commissioner would consequently be unable to exempt any immovable property from the liability to estate duty.

Under section 20 (6A) of the Income Tax Ordinance, 1932, as amended by Ordinance No. 3 of 1938, a special rate of tax is prescribed in respect of the taxable income of a Hindu undivided family; and there are cases in which the income derived from immovable property held in the name of an individual is treated as the income of a Hindu undivided family. It is, therefore, necessary that there should be some provision in section 73 of the Estate Duty Ordinance under which such immovable property may be exempted from the liability to estate duty in special circumstances.

The object of Clause 5 of this Bill is to repeal section 73 and to substitute a new section containing provisions which will enable the Commissioner to grant an exemption in the case of immovable property where he is satisfied that such property, if movable, would be the joint property of a Hindu undivided family.

H. J. HUXHAM,  
Financial Secretary.

Colombo, October 26, 1938.

**NOTICES OF INSOLVENCY.**

In the District Court of Colombo.

No. 5,222. In the matter of the insolvency of Mudugamuwahewawasam Peiris Karunaratna of 339, 2nd Division, Maradana.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 29, 1938, for the grant of a certificate of conformity to the insolvent.

October 18, 1938. By order of court, A. C. BELING,  
Secretary.

In the District Court of Colombo.

No. 5,226. In the matter of the insolvency of Hallupathirago Geeris Caldera of Cotta road, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 22, 1938, for the grant of a certificate of conformity to the insolvent.

October 18, 1938. By order of court, A. C. BELING,  
Secretary.



In the District Court of Colombo.

No. 5,231. In the matter of the insolvency of Sapugodage Nomis Perera of 93, Norris road, Pettah, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 22, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,  
Secretary.  
October 18, 1938.

In the District Court of Colombo.

No. 5,241. In the matter of the insolvency of Laurie Barnes de Silva Abayanayake of Kalubowila.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 22, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, A. C. BELING,  
Secretary.  
October 18, 1938.

In the District Court of Colombo.

No. 5,288. In the matter of the insolvency of Mohamed Jameel Marikar Lebbe of 121/180, Grandpass, Colombo.

WHEREAS the above-named M. J. Marikar Lebbe has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. R. M. Thahir of Hulftsdorp street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. J. Marikar Lebbe insolvent accordingly; and that two public sittings of the court, to wit, on November 15, 1938, and on December 13, 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,  
Secretary.  
October 19, 1938.

In the District Court of Colombo.

No. 5,289. In the Matter of the insolvency of Abdul Razzak Mohamed Salih of 40, Stace road, Grandpass, Colombo.

WHEREAS the above-named A. R. M. Salih, has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. C. M. Hasheem of Messenger street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. R. M. Salih insolvent accordingly; and that two public sittings of the court, to wit, on November 22, 1938, and on December 13, 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,  
Secretary.  
October 19, 1938.

In the District Court of Colombo.

No. 5,289. In the matter of the insolvency of A. R. M. Insolvency. Salih of 40, Stace road, Grandpass, Colombo.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at a sitting of this court fixed for November 8, 1938, to approve conditions of sale.

By order of court, A. C. BELING,  
Secretary.  
October 25, 1938.

In the District Court of Colombo.

No. 5,291. In the matter of the insolvency of (1) Mohamed Fareed Mohamed Buhary, and (2) Mohamed Faleed Mohamed Shouket who have carried on business in partnership under the name of Fareed & Sons at 361, 2nd Division, Maradana, Colombo.

WHEREAS the above-named (1) Mohamed Fareed Mohamed Buhary, and (2) Mohamed Fareed Mohamed

Shouket have filed a declaration of insolvency, and a petition for the sequestration of their estate has been filed by S. C. Vidyasekere of Slave Island, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said (1) Mohamed Fareed Mohamed Buhary and (2) Mohamed Faleed Mohamed Shouket insolvents accordingly; and that two public sittings of the court, to wit, on November 15, 1938, and on December 13, 1938, will take place for the said insolvents 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,  
Secretary.  
October 21, 1938.

In the District Court of Nuvvara Eliya holden at Hatton.

Case No. 34. In the matter of the insolvency of Mylvaganam Sivapragasam of Hornsey estate, Dikoya.

WHEREAS the above-named Mylvaganam Sivapragasam of Hornsey estate, Dikoya, has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. Supramaniam of Rickarton estate, under the Ordinance No. 7 of 1853: Notice is hereby given, that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on November 8 and December 6, 1938, will take place for the insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, P. SUBRAMANIAM,  
Secretary.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Colombo.

Walter Edward Keell of Colombo ... Plaintiff.

No. 1,561c. G/7,882. Vs.

William Church Brodie of Brodie & Co.,  
Colombo, as legal representative of the estate of  
Charles Bertram Brodie, late of Kelaniya, deceased,  
appointed under section 7 (1) of Ordinance No. 21  
of 1927 ... Defendant.

NOTICE is hereby given that on Tuesday, November 22, 1938, at 4.30 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond or obligation and mortgage No. 524, dated December 19, 1927, attested by G. E. G. Weerasinghe of Colombo, Notary Public, and declared specially bound and executable under the decree dated January 19, 1938, and ordered to be sold by the order of court dated September 29, 1938, for the recovery of the sum of Rs. 8,000, together with interest thereon at 9 per cent. per annum from the date of the said decree till payment in full, viz. :—

An undivided  $\frac{1}{2}$  part of all that eastern half part of the land called Telambughawatta together with the buildings, plantations, and trees thereon, situated at Peliyagoda in Ragam pattu of Alutkuru korale, in the District of Colombo, Western Province; which said eastern half part is bounded on the north by the high road, on the east by land belonging to Juan Rodrigo Adrian Pulle, on the south by a one-third portion of this land, and on the west by the remaining half part of this same land; containing in extent 27  $\frac{30}{100}$  square perches as per deed No. 743 dated February 24, 1914, attested by D. C. Wickramasinghe of Colombo, Notary Public, which premises are now decreed as an allotment of land called Telambughawatta with the buildings thereon, situated at Peliyagoda in Ragam pattu of Alutkuru korale, in the District of Colombo, Western Province; and bounded on the north by the road from Colombo to Kelaniya, on the east by the property of Juan Rodrigo Adrian Pulle now of Mr. C. B. Brodie, on the south by one-third part of this land now of Mr. C. B. Brodie, and on the west by the remaining half of this land now of H. D. Lobus; containing in extent 32  $\frac{50}{100}$  square perches as per figure of survey No. 573 dated February 23, 1922, made by Geo. L. Schokman, Licensed Surveyor and Leveller, together with all rights, privileges, easements,

servitudes and appurtenances thereunto belonging and all the estate, right, title, and interest therein of the said Charles Bertram Brodie, deceased. Prior registration B 325/290.

Fiscal's Office,  
Colombo, October 26, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

20  
In the District Court of Colombo.  
Karuppan Chettiar, son of Raman Chettiar of 234, Sea street, Colombo ..... Plaintiff.

No. S/923. Vs.

Wavanna Pana Mana Serrado Hadado and 7 others carrying on business under the name, style, and firm of W. P. Cader Meera Saibo, at 161, Prince street, Colombo ..... Defendants.

NOTICE is hereby given that on Monday, November 21, 1938, at 10 A.M., will be sold by public auction at this office the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 12,618.79 with interest thereon at 6 per cent. per annum from September 1, 1936, less a sum of Rs. 3,699.83, viz. :—

One promissory note dated April 19, 1936, for Rs. 22,272 by S. O. V. Varusa Ahamado & Bros. of Kandy, in favour of W. P. Cader Meera Saibo.

Fiscal's Office,  
Colombo, October 26, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

47  
In the District Court of Avissawella.  
Don Senanon Wijesinghe Appuhamy of Bope .... Plaintiff.  
No. 985.

Don Ponthenis Rupesinghe Gopawardene Appuhamy of Kaluwagga ..... Defendant.

NOTICE is hereby given that on Saturday, November 19, 1938, commencing at 10 A.M. will be sold by public auction at respective premises in their respective order the following property mortgaged by bond No. 18,339 dated August 6, 1921, and attested by D. J. Gunasekera, Notary Public, and assigned by deed No. 883 dated June 25, 1922, and ordered to be sold by the order of court dated February 6/23, 1935, and August 19, 1938, for the recovery of the sum of Rs. 1,000 with legal interest from September 29, 1930, till payment in full and costs Rs. 103.68, and subsequent costs Rs. 11.70, viz. :—

1. All that undivided 6/10 part or shares of and from the land called and known as Meegahakumbura, situated at Bope, in the Meda pattu of Hewagam korale, in the District of Colombo, Western Province; and bounded on the north by high land belonging to the Crown and Asweddumakumbura, on the east by high land belonging to the Crown and high land purchased by Don Charles Pathmaperuma, Notary, from the Crown, on the south and west by the high land belonging to the Crown; containing in extent 12 acres 2 roods and 24 perches.

2. All that land called and known as Asweddumdeniya, situated at Bope aforesaid; and bounded on the north by land belonging to the Crown and land appearing in plan No. 62,873, on the east by land appearing in plan No. 197277 and land belonging to the Crown, on the south and west by land belonging to the Crown; and containing in extent 3 roods and 7 perches.

3. All that undivided 1/3 part or share of and from the land called and known as Ellaudalanda, situated at Udagama, in the Meda pattu of Hewagam korale, in the District of Colombo, Western Province; and bounded on the north by land mentioned in title plan No. 224,922 and Ellaudadola, on the east and south by land belonging to the Crown, and on the west by land surveyed and marked No. 15,497 in original plan No. 12,242 excluding the Ellaudadola running through the centre of the land; containing in extent 5 acres 3 roods and 29 perches and excluding therefrom an undivided portion of land in extent 5 perches. Prior registration H 12/56, 41/106, and 27/196.

Fiscal's Office,  
Colombo, October 26, 1938.

J. R. TOUSSAINT,  
Deputy Fiscal.

### Central Province.

29  
In the Court of Requests of Kandy.

Unga Mandadige John Simon Fernando of Pattiya-gama in Deltota ..... Plaintiff.

Wattoru Tantirige Peter Fernando of Mount Lavinia ..... Substituted Plaintiff.

No. 13,274. Vs.

Unga Mandadige Marthelis Fernando of Kirimetiya in Lower Hewaheta ..... Defendant.

NOTICE is hereby given that on Saturday, November 19, 1938, at 2.30 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 1/3 acres out of Kirindiwelgollewatta, Kirindiwelgollehena, Badahelayehena, Badahelayekumburehena (two allotments), and Medakumburehena (two allotments), all forming one property of 20 acres 1 rood and 3 perches in extent, situate at Nugaliyadde and Haputale in Gandahaye korale of Pata Hewaheta in the District of Kandy, Central Province; and bounded on the north by maditta of Henewalagederahena, road and Crown land, east by Crown land, road to Kandy and drain, south by Gorokgahakandura and portion of above lands planted with tea, and on the west by Crown land, kandura and Ambalamana estate (exclusive of Kirindiwelgollewatta of 3 acres and 33 perches), registered in G 126/198.

Amount of writ Rs. 348 interest and poundage.

Fiscal's Office,  
Kandy, October 25, 1938.

H. C. WIJESINHA,  
Deputy Fiscal.

### Southern Province.

26  
In the District Court of Colombo.

No. 5,258 Insolvency.

In the matter of the insolvency of A. H. M. Khalid of 180-182, Main street, Colombo.

NOTICE is hereby given that on Tuesday, November 1, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at 70, Kaluwella, Galle, the right, title, and interest of the said insolvent in the following property, viz. :—

1 lot imitation stones (glass); 1 lot copper coins; 1 lot agates, koral and gold stones; 1 pair plumbago elephants; 1 lot tusks for ornamental elephants; 1 lot silver hair-pins assorted; 1 lot bangles, silver (assorted); 1 lot silver rings (assorted); 1 lot incomplete silver jewelry; 1 lot Bangalee bangles; 1 lot ivory flowers; 3 koral necklaces; 3 brass flower vases; 1 lot implements assorted; 5 scales assorted; 1 lot Ceylon stones (uncut); 1 lot imitation ivory letters; 1 lot silver pendants with chains assorted; 2 imitation pearl bangles and one imitation pearl necklace; 1 lot silver earrings (assorted); 1 lot silver pins and earrings (karabu assorted); 1 lot brushes; 1 lot beads; 1 lot copper amulets and kawdies (shells); 4 glass almirahs; 4 show cases; 2 writing tables; 1 table; 2 bentwood chairs; 4 benches.

Fiscal's Office,  
Galle, October 19, 1938.

T. D. S. DHARMASENA,  
Deputy Fiscal.

33  
In the District Court of Tangalla.

Babasinno Jayawickrama of Gandara ..... Plaintiff.  
No. 3,520. Vs.

(1) Don Hendrick Kalasin Dissanayaka ex Vidane Arachchi of Beminiyanwila, (2) Hatagala Gamage Don Davith Wijesuriya of Welipatanwila (dead) ..... Defendants.

(2A) Abeysuriya Gunawickrama Karonchihamy of Welipatanwila ..... Substituted Defendant.

NOTICE is hereby given that on Saturday, November 19, 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 defendants and substituted defendant in the following mortgaged property for the recovery of Rs. 1,710.60, together with further 12 annuams of paddy or its value Rs. 120 per crop from yala 1937, till payment in full and poundage, viz. :—

At Beminiyanwila.

(1) All that undivided 1/3 share of the land called Bangalawa-addarahena, situated at Beminiyanwila in East Giruwa pattu of the Hambantota District; and bounded

on the north by lots 23 and 24, east by a stream, south by stream and lot 50 o, and west by lot 50 o and 52; containing in extent 23 acres 3 roods and 16 perches.

(2) All that undivided  $\frac{1}{4}$  share of the land called Bangaladdarahena, situated at Beminiyanwila aforesaid; and bounded on the north by lot 50q, in P. P. 465, east by reservation along the road and the village limit of Tawaluwila, south by the village limit of Tawaluwila and lot 50 o in P. P. 465, and west by lot 50r in P. P. 465; containing in extent 17 acres 1 rood and 24 perches.

Deputy Fiscal's Office, P. D. WEERAMAN,  
Tangalla, October 18, 1938. Additional Deputy Fiscal.

### 31 North-Western Province.

In the Additional Court of Requests of Kurunegala.

Wilfred Fransikuge Francis Sovis of Wilakatu-pooha ..... Plaintiff.

No. 10,169.

Huruggomuwe Tennakoon Herath Mudiyansele Kumarihamy of Mamuruwa in Dewamede Meda-gandahe korale ..... Defendant.

NOTICE is hereby given that on Saturday, November 26, 1938, at 4 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 mortgaged with the plaintiff by bond No. 41267 dated January 12, 1932, and attested by Mr. J. P. S. Jayawardena, Notary Public; and declared specially bound and executable under decree dated December 2, 1937, and ordered to be sold by order of court dated July 8, 1938, for the recovery of the sum of Rs. 111, with legal interest on Rs. 137 from December 2, 1937, till payment in full and poundage, viz. :-

An undivided  $\frac{1}{4}$  share of the land called Mamunewatta, situated at Mamune and Ratmale in Dewamede korale of Dewamede hatpattu in Kurunegala District, North-Western Province; and bounded on the north by land belonging to villagers, Palugaswewa and webema, east by a portion of this land belonging to C. W. Tennakoon Kumarihamy, south by the land belonging to villagers, a Crown land and lot T 1181 in preliminary plan bearing No. 2433, and west by the strip of land reserved along the road; containing in extent 20 acres and of the plantations and everything thereon.

Fiscal's Office,  
Kurunegala, October 24, 1938.

CHARLES DE SILVA,  
Deputy Fiscal.

I, Noel Edward Ernst, Fiscal for the North-Western Province, do hereby appoint Bertram Eriyawa, to be Marshal for the divisions of Dambadeni Udukaha North and West and Mairawathie korales of Dambadeni hatpattu, Giratalana, Baladora, and Angomu korales of Dewamede hatpattu, Karandapattu, Meddeketiya, Yatikaha, Yagampattu, Kiniyama, Katugampola, Medapattu East and West, Katugampola North and South and Pitigal korales of Katugampola hatpattu, in the District of Kurunegala, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal for which this shall be his warrant.

Given under my hand at Kurunegala, this 18th day of October, 1938.

N. E. ERNST,  
Fiscal.

I, Noel Edward Ernst, Fiscal for the North-Western Province, do hereby appoint Y. J. Samarakkody to be Marshal for the Puttalam District under the provisions of the Fiscal's Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Kurunegala, this 18th day of October, 1938.

N. E. ERNST,  
Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

29 In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Walpolage Amaris Perera of Weniwelkola, deceased. No. 8,551.

Subaweerage Christina Dias of Weniwelkola .. Petitioner.

(1) Walpolage Jimpona Perera of Weligampitiya, (2) Walpolage Narada Perera of Weniwelkola, (3) Walpolage James Perera of Weniwelkola, (4) Walpolage Omis Perera of Weniwelkola ..... Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on September 2, 1938, in the presence of Mr. E. L. W. Aponso, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 22, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before October 6, 1938, show sufficient cause to the satisfaction of this court to the contrary.

September 3, 1938. W. SANSONI,  
District Judge.

The date for showing cause against within mentioned Order Nisi is hereby extended to November 3, 1938.

October 6, 1938. W. SANSONI,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Thillampalam Thambyah, late of Perivilan, Illavalai, in Jaffna, deceased. No. 8,594.

S. Swaminathar Nagalingam of Perivilan, Illavalai, in Jaffna ..... Petitioner.

(1) Thambyah Masivayana, a minor, appearing by his guardian (2) Thevanai, wife of Kandappillai Rasaratnam, (3) Kandappillai Rasaratnam, all of Perivilan, Illavalai, in Jaffna ..... Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on October 7, 1938, in the presence of Messrs. Ramachandra & Somanathan, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 6, 1938, having been read:

It is ordered (a) that the 2nd respondent be and she is hereby appointed guardian *ad litem* of the minor, the 1st respondent above named, to represent him for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as uncle of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 3, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 10, 1938. W. SANSONI,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Don Paulu Silva Jayasekera of Dompe, deceased. No. 8,595.

Dona Helena Silva Jayasekera of Dompe ..... Petitioner.

Wasara Jayawardene of Mount Lavinia, Colombo ..... Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on October 7, 1938, in the presence of Mr. J. Rowland Perera, Proctor on the part of the petitioner above named; and the affidavit of the said petitioner dated October 7, 1938, having been read:

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

unless the respondent above named or any other person or persons interested shall, on or before November 3, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 10, 1938.

W. SANSONI,  
District Judge.

In the District Court of Colombo.  
*Order Nisi.*

36  
Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Xavier Ignatius Croos *alias* No. 8,607. Ponnuthamby Silva of Tuticorin, South India, deceased.

John Britto Anthony Cruz Silva, of 1st Cross street, Pettah, Colombo ..... Petitioner.

(1) Maria Angeli Messiammal Devotta of Tuticorin, (2) Joseph Ladinas Silva of 7th New Moor street, Colombo, (3) Maria Soosey Therasammal Silva, (4) Maria Xavier N. N. Pikkal Raviammal Silva, and (5) Antony Albert Augustin Silva, all of Tuticorin; the 3rd, 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 October 14, 1938, in the presence of Mr. G. R. Motha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 12, 1938, the power of attorney dated September 10, 1938, and the Supreme Court order dated October 7, 1938, having been read:

It is ordered (a) that the 2nd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 3rd, 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 the attorney of the 1st respondent, widow of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 3, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 17, 1938.

W. SANSONI,  
District Judge.

In the District Court of Colombo.  
*Order Nisi.*

24  
Testamentary In the Matter of the Intestate Estate Jurisdiction. of Pattu Muttu of Grandpass, Colombo, No. 8,604. deceased.

Abdul Majeed Mohamed Lameer of "Villa D'Or", Deans road, Colombo ..... Petitioner.

Abdul Majeed Mohamed Saheed Grandpass, Colombo ..... Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on October 12, 1938, in the presence of Mr. A. R. M. Razeen, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 3, 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 November 3, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 17, 1938.

W. SANSONI,  
District Judge.

22  
In the District Court of Colombo.  
*Order Absolute in the First Instance.*

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of the late Peter Hamelge Michael No. 8,603. Peter Wijesundera Dalugama, Kelaniya, deceased.

THIS matter coming on for final determination before W. Sansoni, Esq., District Judge of Colombo, on October 12, 1938, in the presence of Mr. D. B. B. Gomes, Proctor, on the part of the petitioners, (1) Dona Mary Perera Wijesundera of Dalugama, Kelaniya, (2) Mary Samaratinga of Kotahena in Colombo, and (3) Edmund Wilfred Perera of

Kotahena in Colombo; and the affidavits of the said petitioners dated January 19 and 31, 1938, and of the attesting notary dated October 5, 1938, having been read:

And it appearing to this court that the said petitioners have established their right thereto, it is ordered that probate of the will of the said deceased be issued to (1) Dona Mary Perera Wijesundera, (2) Mary Samaratinga, and (3) Edmund Wilfred Perera, accordingly.

October 18, 1938.

W. SANSONI,  
District Judge.

33  
In the District Court of Colombo.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Maria Margaret Fernando No. 8,602. also known as Margiruthan Fernando of Alanthalai, Tinnevelly District, South India, deceased.

Anthony Mathavadian Rodrigo of Rifle street, Slave Island, in Colombo ..... Petitioner.

And (1) Arunkanji Dawson de Rose and (2) Francisca de Rose, both of Alanthalai, Tinnevelly District, South India, 1st and 2nd respondents minors; appearing by their guardian *ad litem* (3) Xavier de Rose of 31, Fifth Cross street, Pettah, Colombo .. Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on October 12, 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 October 10, 1938, and the Supreme Court order dated October 7, 1938, having been read:

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minors, 1st and 2nd respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as second cousin 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 November 3, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 19, 1938.

W. SANSONI,  
District Judge.

34  
In the District Court of Colombo.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Francis Manuel Anthony de No. 8,601. Rose also known as Dharma de Rose of Alanthalai, Tinnevelly District, South India, deceased.

Anthony Mathavadian Rodrigo of Rifle street, Slave Island, Colombo ..... Petitioner.

And (1) Arunkanji Dawson de Rose and (2) Francisca de Rose, both of Alanthalai, Tinnevelly District, South India; 1st and 2nd respondents are minors, appearing by their guardian *ad litem* (3) Xavier de Rose of 61, Fifth Cross street, Pettah, Colombo ..... Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on October 12, 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 October 10, 1938, and the Supreme Court order dated October 7, 1938, having been read:

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as second cousin of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before November 3, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 19, 1938.

W. SANSONI,  
District Judge.

In the District Court of Colombo.

35  
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Henry Jonathan Perera Kalpage, District No. 8,579. Engineer, Katumbola, deceased.

Alice Sophia Kalpage of Kawdana road, Dehiwala ..... Petitioner.

And

(1) Cuthbert Noel Kalpage, (2) Cynthia Amybelle Kalpage, (3) Aubrey Mark Kalpage, all of Kawdana road, Dehiwala, 2nd and 3rd respondents are minors appearing by their guardian *ad litem* the (4) A. C. P. Kalpage of Dehiwala ..... Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on September 22, 1938, in the presence of Mr. G. E. Weerakody, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 20, 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 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 October 13, 1938, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI,  
District Judge.

September 29, 1938.

The date for showing cause against the above Order Nisi is hereby extended to November 3, 1938.

W. SANSONI,  
District Judge.

October 21, 1938.

In the District Court of Kandy.

Testamentary In the Matter of the Intestate Estate and Case No. T. 33. Effects of Wijesinghe Mudiyansele Mullegamagedera Mudiyanse, deceased.

Wijesinghe Mudiyansele Mullegamagedera Loku-Banda Kumburegama of Kumburegama in Meda-siyapattu of Harisapattu ..... Administrator.

And

(1) Wijesinghe Mudiyansele Mullegamagedera Tikiri Banda Karunaratne, (2) Wijesinghe Mudiyansele Mullegamagedera Samarakoon, (3) Wijesinghe Mudiyansele Mullegamagedera Abeyrante, all of Kumburegama aforesaid ..... Respondents.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on May 5, 1938, in the presence of Mr. B. H. Dunuwille, Proctor, on the part of the petitioner, Wijesinghe Mudiyansele Mullegamagedera Loku Banda Kumburegama; and the affidavit of the said petitioner dated March 28, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before June 16, 1938, show sufficient cause to the satisfaction of this court to the contrary.

R. F. DIAS,  
District Judge.

May 5, 1938.

Date for showing cause is extended for July 21, 1938.

R. F. DIAS,  
District Judge.

June 16, 1938.

Date for showing cause is extended for August 25, 1938.

R. F. DIAS,  
District Judge.

July 21, 1938.

Date for showing cause is extended for November 17, 1938.

R. F. DIAS,  
District Judge.

September 29, 1938.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Wahalamunigedara Kaluwa alias Kalu Appu, deceased, of Haladivala in Medapalata of Udunuwara.

THIS matter coming on for disposal before Reginald Felix Dias, Esq., District Judge, Kandy, on September 22,

1938, in the presence of Mr. M. B. E. Seneviratne, Proctor, on the part of the petitioner, Wahalamunigedara Dinappu; and the affidavit of the said petitioner dated September 5, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the brother of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents, viz.:—(1) Wahalamunigedara Arachchiamy, (2) Wahalamunigedara Kathiamy, (3) Wahalamunigedara Ukkumunigedara Ukkumunigedara Menikhamy, (4) Wahalamunigedara Jothiamy, (5) Wahalamunigedara Elisahamy, (6) Wahalamunigedara Siyadorishamy, and (7) Golegama Nattamuni Arachchillegedara Puchiamy, residing at Wahalamunigedara, all of Haladivala in Medapalata of Udunuwara, or any other person or persons interested shall, on or before November 10, 1938, show sufficient cause to the satisfaction of this court to the contrary.

B. F. DIAS,  
District Judge.

September 22, 1938.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Don Davith Dissanayake Kodituwakku No. 3,985. of Urugamuwa, deceased.

Between

Don Carolis Dissanayake Kodituwakku of Urugamuwa ..... Petitioner.

(1) Madduma Idanage Puchiamy, (2) Dona Luciamy Dissanayake Kodituwakku, (3) Beedin Dissanayake Kodituwakku, all of Urugamuwa, minors, by the proposed guardian *ad litem* the 4th respondent (4) Diyas Merenchi Abeyssekera, (5) David Merenchi Abeyssekera, minors, by their guardian *ad litem* the respondent, (6) Don Andrayas Merenchi Abeyssekera, all of Pathegama ..... Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara, on January 17, 1938, in the presence of Mr. J. W. Wickremasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 16, 1937, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as son, to have letters of administration to the estate of the deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before February 25, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that 1st respondent above named be and she is hereby appointed guardian *ad litem* over the third minor respondent for all the purposes of this action, unless the respondents above named or any other person or persons interested shall, on or before February 25, 1938, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the 6th respondent above named be and he is hereby appointed guardian *ad litem* over the 4th and 5th minor respondents for all the purposes of this action, unless the respondents above named or any person or persons interested shall, on or before February 25, 1938, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH,  
District Judge.

January 17, 1938.

The foregoing Order Nisi is extended till October 31, 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 the late Johannes de Silva No. 4,006. Jayawickrama Wijesekera, deceased, of Wataraka.

William Ubeysekera Weerasinghe, Vidana Aratchi of Denepitiya ..... Petitioner.

(1) Kalyanawati de Silva Jayawickrama, (2) Leelawati de Silva Jayawickrama, (3) Chandananda Silva Jayawickrama, all of Denepitiya, (4) Talgasduwege Janus of Wataraka, (5) Ahangamage David Dias of Dehiwala ..... Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara, on June 28, 1938, in the presence of Mr. Alfred Gunaratna, Proctor, on the

part of the petitioner, William Ubeysekera Weerasingha, Vidana Aratchi of Denepitiya; and the affidavit of the said petitioner and of the attesting Notary dated February 16, 1938, and June 17, 1938, having been read:

It is ordered that the will of the above-named deceased, dated September 25, 1936, No. 669 be and the same is hereby declared proved; unless the respondents or any other person or persons interested shall, on or before August 22, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said William Ubeysekera Weerasingha is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless the said respondents or any other persons interested shall, on or before August 22, 1938, show sufficient cause to the satisfaction of this court to the contrary.

And it is further declared that the 5th respondent be and he is hereby appointed guardian *ad litem* over the 1st to 3rd minor respondents, for all the purpose of this action, unless the said respondents or any other person or persons interested shall, on or before August 22, 1938, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH,  
District Judge.

June 28, 1938.

The above *Order Nisi* is extended till October 31, 1938.

JAMES JOSEPH,  
District Judge.

August 22, 1938.

35/ In the District Court of Tangalla.  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the deceased, Kulasin Arachchige Don Davith, Police Officer of Palle Julampitiya. No. 1,286.

Kulasin Arachchige Don Davith of Palle Julampitiya ..... Petitioner.  
Vs.

(1) Pallikkondu Dona Gimerahaine, (2) Kulasin Arachchige Padmanie (minor), (3) Kulasin Arachchige Harry (minor), all of Palle Julampitiya ..... Respondents.

THIS action coming on for disposal before H. J. V. S. Jayawickrama, Esq., District Judge of Tangalla, on August 4, 1938, in the presence of Mr. D. P. Atapattu, Proctor, on the part of the petitioner above named; the affidavit of the above-named petitioner dated July 13, 1938, having been read:

It is ordered and adjudged that the petitioner is entitled as such to administer the estate of the said intestate and directing that letters of administration of the said estate be granted to him, unless any person or persons interested shall, on or before September 8, 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 and 3rd respondents who are minors, unless any person or persons interested shall, on or before September 8, 1938, show sufficient cause to the contrary.

V. S. JAYAWICKRAMA,  
District Judge.

August 4, 1938.

The above *Order Nisi* is extended for November 10, 1938.

V. S. JAYAWICKRAMA,  
District Judge.

October 10, 1938.

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

Testamentary In the Matter of the Estate of the late No. 515, Ramanather Vaitilingam of Vannarponnai East, late of Kayts, deceased.

Ramanather Nagalingam of Vannarponnai East. Petitioner.  
Vs.

(1) Ramanathan Ponnampalam, (2) Ramanather Chinniah, (3) Maniava Gnanambikai, (4) Arumugam Aiyampillai, (5) Mungar Ramanather and (6) wife, Annasathy, all of ditto ..... Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, on October 20, 1937, in the presence of Mr. S. Patanjali, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the 4th respondent be appointed guardian *ad litem* over the minors the 3rd respondent and the petitioner be declared entitled to have letters of

administration to the estate of the said intestate, as one of his brothers, unless the respondents or any other person or persons interested shall appear before this court on November 17, 1937, and state objection or show cause to the contrary.

C. COOMARASWAMY,  
District Judge.

November 6, 1937.

Extended to May 11, 1938.

C. COOMARASWAMY,  
District Judge.

Extended to November 2, 1938.

C. COOMARASWAMY,  
District Judge.

29/ In the District Court of Jaffna.  
*Order Nisi.*

No. 657 In the Matter of the Intestate Estate of the Testamentary. late Kuppaimuttu *alias* Kuppaitambo Murugesu of Chulipuram, deceased.

Yokamma, widow of Kuppaimuttu *alias* Kuppaitambo Murugesu of Chulipuram ..... Petitioner.  
Vs.

(1) Murugesu Saraswathy, (2) Murugesu Pakiam, (3) Kuppaimuttu *alias* Kuppaitambo Vythilingam, all of Chulipuram ..... Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on October 8, 1938, in the presence of Mr. W. Muttukumaraswamy, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 27, 1938, having been read:

It is ordered that the 3rd respondent be and he is hereby appointed guardian *ad litem* over the 1st and 2nd respondents to represent their interest in the testamentary proceedings, (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration issued to her, unless the respondents above named or any other person or persons interested shall, on or before November 21, 1938, show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY,  
District Judge.

October 17, 1938.

37/ In the District Court of Jaffna (held at Point Pedro).  
*Order Nisi.*

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of the late Maniccam, wife of No. 76/P. Kander Murugesoe of Imyanan, deceased.

Kander Murugesoe of Imyanan presently of Sebak, Barnam in the Federated Malay States by his attorney, Kandiah Mailvaganam of Karavanai North ..... Petitioner.  
Vs.

(1) Panumammamma, daughter of Kander Murugesoe, (2) Murugesoe Pasumpasingam and (3) Sethupillai, widow of Kandiah, all of Imyanan, the 1st and 2nd respondents are minors appearing by their guardian *ad litem* the 3rd respondent ..... Respondents.

THIS matter coming on for disposal before C. E. A. Samarakkody, Esq., Additional District Judge, Jaffna, on August 26, 1938, in the presence of Mr. P. Kanapadhipillai, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner, having been read:

It is ordered that the 3rd respondent be and she is hereby appointed guardian *ad litem* over the minors the 1st and 2nd respondents, that the petitioner be and he is hereby declared entitled to take out letters of administration to the intestate estate as husband of the deceased and that letters of administration be issued to him accordingly, unless the respondents above named or any other person, shall on or before September 15, 1938, show sufficient cause to the contrary.

C. E. A. SAMARAKKODY,  
Additional District Judge.

August 26, 1938.

Extended and reissued for October 14, 1938.

C. E. A. SAMARAKKODY,  
Additional District Judge.

September 15, 1938.

Extended and reissued for November 4, 1938.

C. E. A. SAMARAKKODY,  
Additional District Judge.

October 14, 1938.