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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. 62 of 1938.

L. D.—O 77/38

935/7/1 (FSO)

An Ordinance to amend the Tea Cess (Temporary Increase) Amendment Ordinance, No. 8 of 1934.

A. CALDECOTT.

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 Tea Cess (Temporary Increase) Amendment Ordinance, No. 62 of 1938.

Amendment of section 2 of Ordinance No. 8 of 1934.

2 The Tea Cess (Temporary Increase) Amendment Ordinance, No. 8 of 1934, is hereby amended in section 2 thereof by the substitution, for the words and figures "31st day of December, 1938" at the end of paragraphs (1) and (2) of that section, of the words and figures "31st day of December, 1943".

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

E. W. KANNANGARA,
Clerk of the Council.

Assented to by His Excellency the Governor the Fifteenth day of December, One thousand Nine hundred and Thirty-eight.

E. R. SUDBURY,
Secretary to the Governor.

(Continued on page 1761.)

DRAFT ORDINANCES.**MINUTE.**

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

L. D.—O 73/38

No. 1 of 1873.

An Ordinance to amend the Lunacy Ordinance, 1873.

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 Lunacy Amendment Ordinance, No. of 1938.

Amendment of section 4 of Ordinance No. 1 of 1873.

2 Section 4 of the Lunacy Ordinance, 1873, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution, for paragraph (2) thereof, of the following new paragraph :—

'(2) "house of observation" means a building or part of a building appointed by the Governor under section 6 as a place for the observation of the behaviour of persons suspected to be of unsound mind ;

'medical officer" means a medical practitioner who is an officer of the Department of Medical and Sanitary Services ;

No. 26 of 1927.

'medical practitioner" means a person registered as a medical practitioner under the Medical Ordinance, 1927.'

3 The following new section is hereby inserted immediately after section 6, and shall have effect as section 7, of the principal Ordinance :—

Insertion of new section 7 in the principal Ordinance.

7. (1) Where a District Court, holding an inquiry under section 6 into the state of mind of a suspected person, deems it necessary to subject such person to further observation, and no house of observation within the jurisdiction of the Court has been appointed by the Governor under that section, the Court (hereinafter referred to as the original Court) shall—

Continuation of inquiry after remand of a suspected person.

- (a) before remanding the suspected person for further observation, hear all such evidence as may at the time be available as to the state of mind of such person ; and
- (b) after remanding the suspected person, transmit the record of the inquiry to the District Court (hereinafter referred to as the examining Court) having jurisdiction over the place where the house of observation in which such person will be kept is situated.
- (2) The examining Court, on the expiration of the time fixed for the remand—
- (a) shall continue the inquiry and hear evidence relating to the further observation to which the suspected person was subjected, and may for the purposes of such inquiry further remand such person once or oftener for similar observation ; and
- (b) shall, after consideration of all the evidence recorded at all stages of the inquiry, adjudicate on the question whether the suspected person is of sound or of unsound mind.

(3) After the expiration of the time fixed for the remand, the inquiry into the state of mind of the suspected person shall not be continued, whether by the original Court under section 6 or by the examining Court under this section, except in the presence of such person :

Provided, however, that where the state of health or the behaviour of such person is such as to render either his presence or his participation in the proceedings in a court-house undesirable, the District Court by which the inquiry is continued may either dispense with the presence of such person at the inquiry or continue the inquiry at the house of observation where such person is kept.

(4) Where the examining Court, after inquiry continued under this section, adjudges the suspected person to be of unsound mind, the Court shall direct the further detention of such person until an order under section 8 is made in respect of that person by the original Court, and shall forthwith return the record of the inquiry to the original Court to enable that Court to make such order.

(5) Where the examining Court, after inquiry continued under this section, adjudges the suspected person to be of sound mind, that Court shall make order discharging such person.

(6) Any adjudication on the question whether the suspected person is of sound or unsound mind, and any order for the further detention or the discharge of the suspected person, made by the examining Court under this section, shall be deemed for all purposes to be an adjudication or an order, as the case may be, made by the original Court, and shall have effect accordingly.

4 Section 10 of the principal Ordinance is hereby re-numbered as section 11 thereof.

Renumbering of section 10 of the principal Ordinance.

5 The following section is hereby inserted immediately after section 9, and shall have effect as section 10, of the principal Ordinance :—

Insertion of new section 10 in the principal Ordinance.

10. (1) In any case where it appears to be necessary that a person suspected to be of unsound mind should, either for his own sake or that of the public, be forthwith placed under observation, an emergency order for the immediate removal of that person to a house of observation may be issued by any Justice of the Peace before whom he is produced.

Emergency orders.

(2) The application for an emergency order shall—

- (a) in the case of a suspected person found wandering at large, be made by the police officer or headman by whom he is so found ; and

(b) in every other case, be made by the parent, guardian, spouse, brother, sister, or child, of the suspected person: Provided, however, that where a suspected person has no parent, guardian, spouse, brother, sister, or child, able to make such application, it may be made by any other relative or by a friend or a person living with the suspected person.

(3) Every application for an emergency order shall be supported—

(a) by the sworn testimony or affidavit of the applicant, stating—

- (i) that the applicant has personally seen the suspected person within the forty-eight hours immediately preceding the time at which the application is made,
- (ii) that that person appears to be of unsound mind, and is violent or uncontrollable, and
- (iii) that the immediate removal of that person to a house of observation is necessary either for his own sake or that of the public; and

(b) by a certificate from each of two medical practitioners substantially in the form contained in the Schedule.

(4) The Justice of the Peace to whom an application for an emergency order is made, shall, before he issues the order, satisfy himself by questioning or observing the suspected person or by such other inquiry as he may deem necessary, and shall set out in the order that he is satisfied—

- (a) that there is reasonable cause for suspecting that person to be of unsound mind,
- (b) that that person is violent or uncontrollable, and
- (c) that the immediate removal of that person to a house of observation is necessary either for his own sake or that of the public.

(5) Every emergency order issued under this section shall specify the house of observation to which the suspected person is to be removed, and shall be sufficient authority for the Superintendent of that house of observation to admit the suspected person to that house of observation and to detain him therein for a period not exceeding two weeks.

(6) The Superintendent of a house of observation shall, within twenty-four hours of the admission of a suspected person into that house of observation on an emergency order, give information of the admission to the District Court having jurisdiction over the place where the house of observation is situated, and apply for an inquiry into the state of mind of the suspected person.

(7) The provisions of sections 6 and 7 shall apply to all proceedings upon an application made under sub-section (6), and the discharge or the further detention of the suspected person shall be in accordance with such order as may be made by the Court under those sections.

(8) (i) Nothing in this section shall be deemed to prohibit the Superintendent of a house of observation from refusing to admit into that house of observation on an emergency order any person whose admission or detention appears to him to be inadvisable or unnecessary, or from discharging at any time before the commencement of the inquiry under section 6 any person admitted on an emergency order.

(ii) Where any person admitted on an emergency order is discharged under paragraph (i) of this sub-section, it shall be the duty of the Superintendent to give within twenty-four hours information of the discharge to the District Court mentioned in sub-section (6).

6 Section 14 of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

14. (1) In all cases where a person of unsound mind is kept in custody and removed to a mental hospital under section 8, the Superintendent of that hospital shall forward forthwith the name of the person, and such other particulars as may be available, to the Government Agent of the Province or each of the Provinces in which that person previously resided or was found wandering.

Substitution of new section for section 14 of the principal Ordinance.

Inquiry as to property and circumstances in cases where no security is given.

(2) The Government Agent or Agents shall thereupon cause investigations to be made and shall report to the District Court, by which the person was ordered to be kept in custody, whether that person is possessed of any property which can be applied for his maintenance, or whether there is any relative or guardian who is able and legally bound to maintain that person.

(3) On receipt of the report or reports made under sub-section (2), the District Court shall hold an inquiry as to the property or such other circumstances of that person as may be referred to or set out in the report or reports.

7 The following new section is hereby inserted immediately after section 14, and shall have effect as section 15, of the principal Ordinance :—

Insertion of new section 15 in the principal Ordinance.

15. (1) If at the inquiry held under section 14, the District Court is satisfied that the person kept in custody in the mental hospital is possessed of property sufficient in value and capable of being applied for his maintenance, the Court shall—

Maintenance of persons in custody out of their own property,

(a) appoint a manager of the estate of such person or direct that the property be realised and dealt with, as provided in section 567 or section 577 of the Civil Procedure Code, 1889, as the case may be; and

No. 2 of 1889.

(b) order such portion of the property to be appropriated for the maintenance and care of that person, as may be necessary according to the allowance or rate fixed and declared to be payable under the general regulations made by the Governor for that mental hospital;

and the manager so appointed or, as the case may be, the person to whom any money or the proceeds of any property realised under the order of the Court has been paid, shall thereafter be responsible for the payment, at the rate specified in the order of the Court, of the expenses of the maintenance and care of that person while he is kept in custody in the mental hospital.

(2) Where the District Court is satisfied that the person kept in custody in the mental hospital is not possessed of any property but that there is a relative or guardian able and legally bound to maintain that person, the Court shall call upon such relative or guardian to show cause why he should not be ordered to pay the whole or any reasonable part of the expenses of the maintenance and care of that person, and if sufficient cause is not shown, the Court may make order accordingly; and every order so made shall, upon the application of the Superintendent of the mental hospital, be enforced in accordance with the provisions of section 9 of the Maintenance Ordinance, 1889, by any Police Magistrate having jurisdiction over the place of residence for the time being of the relative or guardian bound by the order.

or by persons able and legally bound to support them.

No. 19 of 1889.

8 The following Schedule shall be inserted at the end of the principal Ordinance :—

Insertion of a Schedule to the principal Ordinance.

SCHEDULE.

FORM.

Medical Certificate for the purposes of an Emergency Order under section 10 of the Lunacy Ordinance, 1873.

Date and hour of examination : ———.

Name of the suspected person : ———.

Age and sex : ———.

Address : ———.

Name and address of person producing the suspected person for medical examination : ———.

Relationship, if any, of that person to the suspected person : ———.

1. I, ——— (name) ——— (qualifications) of ——— (address), medical practitioner, do hereby certify that I have this day personally examined the suspected person above-named.

2. The following particulars relating to the suspected person were given to me at the time of the examination by ——— (name) of ——— (address) :—

(i) Previous occupation, if any : ———.

(ii) Whether married, single or widowed : ———.

(iii) Names and addresses of any near relatives now living : ———.

(iv) Whether this is the first attack : ———.

- (v) Age, if known, at time of first attack : _____.
- (vi) Whether previously treated for similar complaint, if so, when, where and by whom : _____.
- (vii) Duration of existing attack : _____.
- (viii) Supposed cause of attack : _____.
- (ix) Whether subject to epilepsy : _____.
- (x) Whether there are suicidal tendencies : _____.
- (xi) Whether known to be suffering from phthisis or any form of tubercular disease : _____.
- (xii) Whether dangerous to others and in what way : _____.
- (xiii) Whether there have been known cases of insanity in the family : _____.
- (xiv) Whether addicted to alcohol, opium, ganja, cocaine or other drug or intoxicant : _____.

3. I have myself observed the following facts indicating unsoundness of mind in the suspected person :—

- (i) _____.
- (ii) _____.
- (iii) _____.

4. I am of opinion that the suspected person is of unsound mind and is violent*/uncontrollable and that the immediate removal of that person to a house of observation is necessary for his own sake*/for the public safety.

Signature : _____.

Date : _____.

* Strike out that one of these expressions which is inapplicable.

Substitution of the expression "mental hospital" for "lunatic asylum" in the principal Ordinance and other written law.

9 Wherever in the principal Ordinance, or in any other written law which contains any provisions relating to a place for the detention or treatment of persons suspected or found to be of unsound mind, there occurs the expression "lunatic asylum", or "asylum" or other expression equivalent thereto in that context, the expression "mental hospital" is hereby substituted, and shall be deemed for all purposes to be substituted, for such first-mentioned expression.

Objects and Reasons.

Section 6 of the Lunacy Ordinance, 1873, requires a District Court, before which a person suspected to be of unsound mind is produced, to view and examine that person and to hear evidence as to his state of mind. It is clear from this that at this part of the inquiry the suspected person must always be present in Court. But where a Court thinks it necessary to remand the suspected person for further observation, the section provides that the Court shall hear evidence after the period of the remand, but does not expressly state that at that stage of the inquiry the suspected person should be present before the Court. In practice, however, the presence of the suspected person has been insisted upon even at the stage of the inquiry which follows the remand; and as a result, persons remanded from provincial Courts for observation at the asylum at Angoda have had to be conveyed to and from these Courts on each date of inquiry. In order to avoid the necessity for these journeys, which are sometimes long and seldom harmless to persons in such state of health, it is proposed in Clause 3 of this Bill, in accordance with the recommendations set out in Sessional Paper XIX of 1925, to insert a new section in the Ordinance which will enable the District Court having jurisdiction over the place to which a suspected person is remanded for observation, to continue the inquiry into the state of mind of that person at the place of observation, to dispense with his presence at the inquiry if his state of health or behaviour renders his presence undesirable, and to adjudicate on the question whether or not that person is of unsound mind. The Court by which the inquiry is so continued will also be given power by the new section to discharge a person whom it adjudges to be of sound mind, or to order the detention of any person whom it adjudges to be of unsound mind until an order as to the further detention of that person is made under section 8 by the Court before which the suspected person was originally produced and the inquiry was commenced.

2. The object of the new section 10 which is set out in Clause 5 is to provide, in the case of suspected persons whose behaviour makes immediate confinement and care in a mental hospital advisable either for their own safety or for that of the public—

- (a) for their admission into a house of observation on emergency orders issued by a Justice of the Peace; and

(b) for their further detention or discharge by order of a District Court after inquiry held in accordance with the existing provisions of the Lunacy Ordinance.

3. The new sections 14 and 15 which are set out in Clauses 6 and 7 are intended to relieve the public revenue of the liability for the care and the maintenance of lunatics who are themselves possessed of property or have relatives or guardians legally bound and able to support them.

4. It is proposed in Clause 9 to substitute the term "mental hospital" for the term "lunatic asylum" wherever the latter is used in the Lunacy Ordinance or in any other written law such as the Criminal Procedure Code.

Ministry of Health,
Colombo, December 15, 1938.

W. A. DE SILVA,
Minister for Health.

MINUTE.

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

An Ordinance to make provision for the establishment of Training Schools, for the detention, training and reformation of Youthful Offenders, and for purposes connected therewith.

1. Short title and date of operation.
2. Establishment of Training Schools.
3. Appointment of officers, &c.
4. Orders for detention in Training Schools.
5. Orders in respect of persons detained in approved or certified schools.
6. Warrant of commitment to Training School.
7. Application of Chapter XXX of Criminal Procedure Code to orders for detention.
8. Transfer of person from prison to Training School.
9. Release on licence of persons detained in Training Schools.
10. Supervision after term of detention in Training Schools.
11. Substitution of imprisonment for detention in Training Schools.
12. Payments to societies and persons assisting or supervising persons discharged from Training Schools.
13. Removal from one Training School to another.
14. Regulations.
15. Application of other written law.
16. Interpretation.

L. D.—O 1/36

An Ordinance to make provision for the establishment of Training Schools, for the detention, training and reformation of Youthful Offenders, and for purposes connected therewith.

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 Youthful Offenders (Training Schools) 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 (1) The Governor may by Proclamation published in the Gazette establish one or more Training Schools in which youthful offenders may be detained and be given such training and instruction and be subjected to such discipline and moral influences as will conduce to their reformation and to the repression of crime.

Establishment of Training Schools.

(2) Every Training School shall be under the general control and superintendence of the Inspector-General of Prisons.

3 (1) The Governor may appoint for every Training School a Superintendent, who shall, subject to the general direction and control of the Inspector-General, be responsible for the management of the School in accordance with the provisions of this Ordinance and of any regulations made thereunder.

Appointment of officers, &c.

(2) The Governor may appoint such other officers and servants as may be necessary for the purposes of this Ordinance.

Orders for
detention in
Training
Schools.

4 (1) Where any male person—

- (a) is convicted by any court of any offence which according to the Second Schedule to the Criminal Procedure Code, 1898, is triable only by the Supreme Court or by a District Court; or
- (b) is convicted by any court of any offence, and a previous conviction of any offence is proved against him; or
- (c) is found by any court to have failed to observe any condition of any probation order contained in a recognizance entered into by him under Chapter XXVI of the Criminal Procedure Code, 1898.

and it appears to the court—

- (i) that the person is a youthful person; and
- (ii) that by reason of his criminal habits or tendencies or association with persons of bad character, it is expedient that he should be subject to detention under such instruction, training and discipline as would be available in a Training School,

the court may, in lieu of making any order which it is empowered to make under the provisions of any other written law, and subject to the provisions of sub-section (2), order him to be detained in a Training School for a period of three years.

(2) (a) A Court, before making an order under sub-section (1) shall call for and consider a report from the Inspector-General as to the suitability of the case for treatment in a Training School and as to the accommodation available in any such School, and shall be satisfied that the character, state of health and mental and physical condition of the offender and the other circumstances of the case are such that the offender is likely to profit by detention in a Training School.

(b) The report required under paragraph (a) may be furnished by the Inspector-General or by any person authorised by him.

(3) For the purpose of enabling a report under sub-section (2) to be furnished in respect of any offender, a court may make order remanding him, for a period of not less than fourteen and not more than twenty-one days, to custody in such one of the prisons specified in the First Schedule as is nearest to the court.

Orders in
respect of
persons
detained in
approved or
certified schools.

5 (1) Where a male person who is convicted of any offence is, at the time of his conviction, detained in an approved or certified school under the provisions of any written law (otherwise than as being a person in need of care or protection), and it appears to the court that he is a youthful person, the court may order him to be detained in a Training School for a period of three years.

(2) Any order made under sub-section (1) for the detention of any person in a Training School shall supersede the order for the detention of that person in an approved or certified school.

Warrant of
commitment to
Training
School.

6 Where a court makes an order under section 4 or section 5 for the detention of a person in a Training School, a warrant of commitment, which shall be substantially in the form set out in the Second Schedule, shall be signed by the court and shall be delivered to the Fiscal of the province in which the court is situated.

Application of
Chapter XXX
of Criminal
Procedure Code
to orders for
detention.

7 Every order made under section 4 or section 5, by a District Court or a Police Court, for the detention of a person in a Training School, shall be deemed to be a judgment or final order pronounced by that court in a criminal case or matter within the meaning of section 338 of the Criminal Procedure Code, 1898; and the provisions of Chapter XXX of that Code shall apply accordingly.

Transfer of
person from
prison to
Training School.

8 Where the Governor is satisfied that a youthful person, who is undergoing imprisonment in consequence of a sentence passed before or after the date of the commencement of this Ordinance and who has still to undergo imprisonment for a further period of not less than two years, might with advantage be detained in a Training School, the Governor may by order authorise the Inspector-General to transfer him from prison to a Training School and to detain him in such School there to serve the whole or any part of the unexpired residue of his sentence, and whilst detained in, or placed out on licence from, such a School, the provisions of this Ordinance shall apply to him as if he had been originally ordered to be detained in a Training School.

9 (1) The Executive Committee may, at any time after the expiration of one year from the commencement of any term of detention, if satisfied that there is a reasonable probability that the person detained will abstain from crime and lead a useful and industrious life, by licence permit him to be discharged from a Training School on condition that he be placed under the supervision of any society or person named in the licence who may be willing to take charge of the case.

Release on licence of persons detained in Training Schools.

(2) A licence granted to any person under this section shall, subject to the provisions of sub-sections (3) and (4), be in force until the term for which that person was ordered to be detained has expired.

(3) The Executive Committee may at any time revoke a licence granted to any person under this section, and upon such revocation it shall be the duty of that person to return to the Training School and if he fails so to return, he may be arrested without warrant by any peace officer or prison officer and taken to the School.

(4) Where any person to whom a licence has been granted under this section escapes from or evades the supervision of the society or person in whose charge he is placed, or commits any breach of the conditions contained in the licence, that licence shall be forfeited.

(5) The Police Court of the division in which the Training School from which a person has been placed out on licence is situated or in which such a person is found may, on information on oath that the licence has been forfeited under sub-section (4) issue a warrant for his arrest, and he shall on arrest be brought before that court, and that court may, if satisfied that the licence has been forfeited, order him to be remitted to a Training School and remand him to the custody of the Fiscal of the province to be detained in the nearest prison until he can conveniently be removed to such School.

(6) The time during which a person is absent from a Training School under a licence granted under this section shall be treated as part of the term of his detention in the School:

Provided, however, that where that person has failed to return to the School on the licence being forfeited or revoked, the time which elapses after his failure so to return shall be excluded in computing the time of his detention in the School.

(7) A licence granted under this section shall be in such form and shall contain such conditions as may be prescribed by regulations.

10 (1) Every person ordered to be detained in a Training School shall, on the expiration of the period for which he was ordered to be detained, remain for a further period of one year under the supervision of the Executive Committee.

Supervision after term of detention in Training Schools.

(2) The Executive Committee may by licence discharge from its supervision any person who is under such supervision in accordance with sub-section (1), on condition that he be placed under the supervision of any society or person named in the licence who may be willing to take charge of the case.

(3) The Executive Committee may revoke a licence granted to any person under sub-section (2) and by order in the prescribed form recall him to a Training School, if it is of opinion that such recall is necessary for the protection and further training of such person, and may detain him in a Training School for a further period not exceeding six months.

Provided, however, that—

(a) every person so recalled shall again be discharged by licence under sub-section (2), so soon as the Executive Committee considers such discharge to be expedient; and

(b) no person so recalled shall be detained in a Training School after the expiration of the period of one year specified in sub-section (1).

(4) A licence granted to any person under section 9 before the expiration of his term of detention in a Training School shall, on his becoming liable to be under the supervision of the Executive Committee in accordance with sub-section (1), continue in force after the date of the expiration of that term, and every such licence shall after that date be deemed to be a licence granted under sub-section (2), and the provisions of sub-section (3) shall apply accordingly.

(5) The Executive Committee may at any time order that a person under supervision under this section shall cease to be under such supervision.

Substitution of imprisonment for detention in Training School.

11 Where a person detained in a Training School is reported to the Executive Committee by the Inspector-General to be incorrigible, or to be exercising a bad influence on other inmates of the School, the Governor may, with the advice of the Executive Committee, commute the unexpired residue of the term of detention to such term of imprisonment of either description as the Governor may determine, but in no case exceeding such unexpired residue.

Payments to societies and persons assisting or supervising persons discharged from Training Schools.

12 Where any society or person has undertaken the duty of assisting or supervising persons discharged from a Training School either absolutely or on licence, there may be paid to the society or person, as the case may be, out of funds voted by the State Council for the purpose, such sums on such conditions as the Executive Committee, may with the approval of the Governor, determine towards the expenses of the society or person incurred in connection with the persons so discharged.

Removal from one Training School to another.

13 Where a person has been ordered to be detained in any Training School, the Inspector-General may direct that person to be removed to and detained in any other Training School.

Regulations.

14 (1) The Executive Committee may make regulations for the purpose of carrying out the principles and provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Executive Committee may make regulations for or in respect of all or any of the following matters :—

- (a) the rule and management of Training Schools ;
- (b) the classification, treatment, training, instruction, employment, discipline and control of persons detained in Training Schools ;
- (c) the custody, pending inquiry or trial, of youthful persons accused of any offence ;
- (d) the custody of persons remanded under section 4 (3) ;
- (e) the temporary custody of persons ordered to be detained in Training Schools, until arrangements can be made for their removal thereto ;
- (f) the adaptation or modification of any provision of the Prisons Ordinance, 1877, or of any rule made thereunder, or of any other written law relating to prisons, in its application to Training Schools, to officers and servants employed therein, and to persons detained therein ;
- (g) all matters stated or required by this Ordinance to be prescribed.

No. 16 of 1877.

(3) Every regulation made by the Executive Committee shall be brought before the State Council by a motion that such regulation shall be approved, and if so approved shall be submitted to the Governor for ratification. No regulation made by the Executive Committee 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.

Application of other written law.

15 The provisions of the Prisons Ordinance, 1877, and of any rules made thereunder and of any other written law relating to prisons shall, in so far as such provisions are not inconsistent with any provision of this Ordinance or of any regulation, apply in the case of Training Schools, the officers and servants employed therein and the persons detained therein, in like manner as if such Schools were prisons established under the Prisons Ordinance, 1877.

Interpretation.

16 In this Ordinance, unless the context otherwise requires—

- “ court ” includes the court of a Municipal Magistrate ;
- “ Executive Committee ” means the Executive Committee of Home Affairs ;

- “Inspector-General” means the Inspector-General of Prisons ;
- “peace officer” has the same meaning as in the Criminal Procedure Code, 1898 ;
- “prescribed” means prescribed by regulation ;
- “prison” means a prison established under the Prisons Ordinance, 1877 ;
- “Prison officer” means any officer of the staff of any prison or of any Training School ;
- “regulation” means a regulation made by the Executive Committee under this Ordinance ;
- “Training School” means a Training School for youthful offenders established by the Governor under section 2 ;
- “youthful person” means a person who has attained the age of sixteen years and who has not attained the age of 22 years ; and “youthful offender” has a corresponding meaning.

FIRST SCHEDULE.

Prisons to which persons may be remanded under section 4 (3).

1. Welikade Prison, Colombo.
2. Bogambra Prison, Kandy.
3. Jaffna Prison.

SECOND SCHEDULE.

(Section 6.)

Form of Warrant of Commitment to a Training School.

In the Supreme Court of the Island of Ceylon,
(OR the District Court of _____
(OR the Police Court of _____).

Case No. _____.

WHEREAS ¹_____ was on the _____ day of _____, 19—, convicted before the above-named Court for that he did on the _____ day of _____, 19—, at _____, within the jurisdiction of this court ²_____ and thereby committed an offence punishable under ³_____, and was ordered to be detained in the Training School at _____ for a period of three years :

These are therefore to command you, the said Fiscal, to take the said ¹_____ and him safely to convey to the Training School at _____ aforesaid and there to deliver him to the Superintendent thereof together with a copy of this warrant certified under your hand.

And I do hereby command you the Superintendent of the said Training School to receive the said ¹_____ into your custody in the said Training School and there carry out the aforesaid order of detention into execution.

Given under my hand this _____ day of _____, 19—, at _____.

(Signed) _____,
Judge of the Supreme Court
(OR District Judge OR Police
Magistrate).

¹ Name in full of accused.

² State particulars of offence.

³ Specify provision of Ceylon Penal Code or of other law.

Objects and Reasons.

The object of this Bill is to provide for the establishment of Training Schools in which male offenders between the ages of sixteen and twenty-two years may be detained and subjected to similar discipline, training and influences as are

provided in the Borstal Institutions in England. The Bill gives effect to a recommendation made in Sessional Paper IX of 1935, by a Special Departmental Committee appointed to report on the administration of Prisons and the treatment of prisoners, and is modelled on the provisions of Part I of the Prevention of Crime Act, 1908, of the Imperial Parliament.

2. Clause 4 of the Bill provides that where a male person between the ages of sixteen and twenty-two years (referred to in the Bill as a "youthful person") is convicted of an indictable offence, or is upon conviction of any offence, proved to have been previously convicted, or is found to have committed a breach of any condition of a probation order, the court may, in lieu of making any order which it would otherwise be empowered to make, order the person to be detained in a Training School for a period of three years. Before such an order is made, the court is required to call for and consider a report from the Inspector-General of Prisons as to the suitability of the case for treatment in a Training School, and as to the accommodation available; provision is included in this clause for the remand of offenders for the purpose of enabling the necessary report to be furnished.

Under clause 5 a youthful male person who is detained in an approved or certified school by virtue of an order made under any other law, may if convicted of any offence be ordered to be detained in a Training School for a period of three years; and clause 8 provides for the transfer to a Training School, by order of the Governor, of a youthful male person who is serving a sentence of imprisonment and has still to undergo imprisonment for a period of not less than two years.

3. Clause 9 deals with the discharge on licence of persons detained in Training Schools. The power to release on licence will be vested in the Executive Committee of Home Affairs, and offenders so released will be placed under the supervision of persons or institutions willing to take charge of such cases. Provision is included for the forfeiture of licences and for the recall of offenders to Training Schools.

After the expiry of the period for which an offender is ordered to be detained in a Training School he will remain for a further period of one year under the supervision of the Executive Committee, unless he is discharged earlier on licence.

4. Clause 11 will enable the Governor with the advice of the Executive Committee to order the transfer to prison of a person detained in a Training School, if he is reported by the Inspector-General to be incorrigible or exercising a bad influence on other inmates of the School.

5. The power to make regulations for the purposes of the Ordinance, including the management of Training Schools and the classification, training and discipline of persons detained therein, will be vested in the Executive Committee of Home Affairs; and clause 15 provides that the provisions of the Prisons Ordinance, 1877, and of the prison rules will apply to Training Schools in so far as they are not inconsistent with the provisions of the new law or the regulations made thereunder.

D. B. JAYATILAKA,
Minister for Home Affairs.

Colombo, December 17, 1938.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Districts of Ratnapura and Avissawella, will be holden at the Court-house at Colombo, on Tuesday, January 10, 1939, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Ratnapura, December 14, 1938.

R. S. V. FOULIER,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,180. In the matter of the insolvency of Ahamadupulle Mohideen Shaikmohamedo Abdul Cader trading under the name, firm, and style of A. M. S. Abdul Cader & Co., at 124 & 128, Old Moor street, 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 February 21, 1939, for the grant of a certificate of conformity to the insolvent.

December 14, 1938.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,248. In the matter of the insolvency of Mavanna Sodalimuttu Thevar of 197, Armour street, 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 February 7, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
December 13, 1938. Secretary.

In the District Court of Colombo.

No. 5,260. In the matter of the insolvency of Savarier Tiruocodumba Dawson Fernando of 62, Kotahena street, 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 February 7, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
December 13, 1938. Secretary.

In the District Court of Colombo.

No. 5,266. In the matter of the insolvency of Abdul Samad Hamid of Station road, Humupitiya, Wattala.

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 February 7, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
December 13, 1938. Secretary.

In the District Court of Colombo.

No. 5,283. In the matter of the insolvency of Manana-dewar William Silva of 75, Pansala road, Kotahena.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at a sitting of this court fixed for January 31, 1939, to approve the conditions of sale of the immovable properties of the above-named insolvent.

By order of court, C. EMMANUEL,
December 19, 1938. Secretary.

In the District Court of Colombo.

No. 5,314. In the matter of the insolvency of Justin St. George Direkze of Pickering's road, Kotahena.

WHEREAS the above-named J. St. G. Direkze has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. A. Cooray of 73, Dewaas lane, Grandpass, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said J. St. G. Direkze, insolvent accordingly; and that two public sittings of the court, to wit, on January 31, 1939, and on February 28, 1939, 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, C. EMMANUEL,
December 12, 1938. Secretary.

In the District Court of Colombo.

No. 5,315. In the matter of the insolvency of Wincent James Cramer of 2/23, College street, Kotahena, Colombo.

WHEREAS the above-named W. J. Cramer has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by E. L. Eprahums of Madampitiya road, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said W. J. Cramer, insolvent accordingly; and that two public sittings of the court, to wit, on January 31, 1939, and on February 28, 1939, 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, C. EMMANUEL,
December 14, 1938. Secretary.

In the District Court of Kandy.

No. I 3. In the matter of the insolvency of Hubert Arthur Deutrom of Bournbrook estate, Peradeniya.

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 January 13, 1939, for the examination of the insolvent, and to approve the conditions of sale of the insolvent's land and house.

By order of court, R. B. RATNAIKE,
December 19, 1938. Secretary.

In the District Court of Kandy.

No. I 6. In the matter of the insolvency of Danuwattege Don Paul of 62, Colombo 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 February 3, 1939, to appoint an assignee.

By order of court, R. B. RATNAIKE,
December 19, 1938. Secretary.

In the District Court of Kandy.

No. I 7. In the matter of the insolvency of Gnam Navam David of Ambalamana estate, Galaha.

NOTICE is hereby given that a special meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 27, 1939, for proof of claims.

By order of court, R. B. RATNAIKE,
December 19, 1938. Secretary.

In the District Court of Kandy.

No. I 9. In the matter of the insolvency of A. K. Cader Saibo of Trincomalee street, Matale.

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 January 27, 1939, to examine the insolvent.

By order of court, R. B. RATNAIKE,
December 19, 1938. Secretary.

In the District Court of Kandy.

No. I 21. In the matter of the insolvency of Sitti Mohideen Adumai carrying on business under the name and style of S. M. Ahamadu & Sons, of 62, Public Market, 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 January 20, 1939, to appoint an assignee.

By order of court, R. B. RATNAIKE,
December 19, 1939. Secretary.

In the District Court of Kandy.

No. 2,101. In the matter of the insolvency of P. K. S. Wimalasooriya of Nawalapitiya.

NOTICE is hereby given that a special meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 27, 1939, for proof of claims.

By order of court, R. B. RATNAIKE,
December 19, 1938. Secretary.

In the District Court of Kandy.

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

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 20, 1939, for the examination of the insolvent.

By order of court, R. B. RATNAIKE,
December 13, 1938. Secretary.

In the District Court of Kandy.

No. 2,142. In the matter of the insolvency of A. R. A. Rahim of King street, Kandy, carrying on business under the name and style of Salma Stores, King 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 January 20, 1939, for the examination of the insolvent.

By order of court, R. B. RATNAIKE,
December 13, 1938. Secretary.

In the District Court of Jaffna.

Insolvency In the matter of the insolvency of R. E. Raja-Jurisdiction nayagam of Jaffna, insolvent.
No. 173.

K. V. Kirishnapillai of Nallur, Jaffna, Petitioning Creditor.

WHEREAS R. E. Rasanayagam has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. V. Kirishnapillai of Nallur, Jaffna, under Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said R. E. Rasanayagam insolvent accordingly; and that two public sittings of the court, to wit, on January 27, 1939, and February 28, 1939, 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 said other steps set forth within the said Ordinance, of which creditors are hereby required to take notice.

J. N. KULANTHAIVALU,
December 16, 1938. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

P. R. R. M. Muttupalaniappa Chettiar of Dematagoda road, Colombo Plaintiff.
No. 2,655/S. Vs.

(1) Mrs. Selestina Fernando and (2) W. Cornelis Silva, both of 17, De Vos avenue, Bambalapitiya, Colombo Defendants.

NOTICE is hereby given that on Tuesday, January 24, 1939, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 520, together with interest on Rs. 500 at 18 per cent. per annum from May 24, 1938, till July 29, 1938, thereafter on the aggregate amount at 9 per cent. per annum, till payment in full, viz. :—

At 3.45 p.m.—All that land called Kongahawatta *alias* Kiripellagahawatta and Kabaragahaowita, together with the buildings, plantations, and trees thereon bearing assessment Nos. 311, 311A, 311B, 311C forming one property bearing lot Nos. 199, 202, 202B, 202C and 205 marked lot A, situated at Dehiwala, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province (within the U. D. C. limits of Dehiwala and Mount Lavinia); and bounded on the north by lot 202A of J. W. Ratnayake bearing assessment No. 307 of W. E. Fernando bearing assessment Nos. 305 and 306, lot 196A of Mrs. S. S. Wickremesekera bearing assessment No. 308, lot No. 196 of B. G. P. Jayawardena bearing assessment No. 309, lot 197 of Mrs. J. N. Seneviratne bearing assessment No. 110, lot 198 of W. Kumarasinghe bearing assessment No. 310, and Waidya road, east by water-course, south by lot 207 of B. G. P. Jayawardena bearing assessment Nos. 279 and 282, and on the west by lot 201 of Rajasuriya bearing assessment No. 302, lot 204 of Dr. J. Peries bearing assessment No. 301 and lot 206 of C. H. de Silva bearing assessment No. 298: containing in extent 1 acre 1 rood and 8 25/100 perches, and registered under title Dehiwala 17/250 in the Colombo Land Registry Office.

At 4.30 p.m.—(2) All that land called Ambagahawatta, together with the buildings, trees, and plantations standing thereon formerly bearing assessment No. 783/D1 subsequently 783 131/115A (29) and presently bearing No. 17, situated at De Vos avenue in Bambalapitiya, within the Municipality and in the District of Colombo, Western Province; and bounded on the north by Dewata road, east by portion of same land marked lot 2B, south by De Vos lane, and west by lot No. 1; containing in extent 16 72/100 perches, and registered under title A 231/202 in Colombo Land Registry Office.

Fiscal's Office,
Colombo, December 21, 1938

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

V. E. S. P. L. Vaduganathan Chettiar of 210, Dean's road, Maradana, Colombo Plaintiff.
No. 2,715/S. 62 Vs.

G. D. G. Seneviratne of Hill House, Dematagoda, Colombo Defendant.

NOTICE is hereby given that on Wednesday, January 25, 1939, 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. 577.98, with interest on Rs. 570 at 12 per cent. per annum from July 16, 1938, till date of decree July 1, 1938, and thereafter at 9 per cent. per annum on the aggregate amount of the decree till payment in full or for two years whichever is shorter, less Rs. 207.92, viz. :—

1. At 11 a.m.—All those two contiguous allotments of land called Kosgahawatta and Dambugahawatta now known as Somitulawa, situated at Siyambalape in the Adicari pattu of Siyane korale in the District of Colombo, Western Province, and which said two contiguous allotments are bounded on the north by the said land of Yohanis Appu and a field, on the east by the land of Heeraluatchige Isan Perera and others, on the south by the garden of Maldeniya Don Pieris Appu and others and the land of Kariaperuma Atukorallage Cornis Appuhamy and others, on the west by the garden of Algamage Johanis Appuhamy, Ganegoda Appuhamillage Don Alisandiri Vel-Vidane and others; and containing in extent 17 acres, and 23 perches according to the plan dated August 12, 1865 together with the entirety of the buildings recently constructed and which said allotment of land is otherwise described as follows :—

All those contiguous allotments of land called Kosgahawatta, Diyaporagahakumbura, Kosgahawattethena, and Delgahawatta, situated at Siyambalape aforesaid and are together bounded on the north by the land claimed by natives and lot T 361 in P. P. 1,521, on the east by the land claimed by natives, on the south by the land claimed by the natives, lot 9899 in P. P. 10,888 and reservation along the road, and on the west by reservation along the road, a road and land claimed by natives; and containing in extent exclusive of the road and reservation passing through the land 13 acres and 36 perches according to the survey and description thereof bearing No. 196,020 dated February 13, 1902, and authenticated by P. D. Warren, Surveyor-General, and registered under title C 220/231, Colombo.

2. At 4 p.m.—An undivided 3/4 portion of all that and those the buildings and premises called The Tower Hall, bearing assessment No. 43 now No. 93, Panchikawatta road, situated between the roads called Skinner's road south and Piachaud's lane at Maradana within the Municipality and District of Colombo, Western Province; bounded on the north by a lane and the property of Zainudeen, east by the property of Zainudeen and Skinner's road south, on the south by premises bearing assessment No. 39, and on the west by Piachaud's lane; and containing in extent exclusive of the portion acquired by the Crown 1 rood and 28 perches according to the survey plan dated October 10, 1906, and made by Geo. C. de Saram, Licensed Surveyor, and registered under title A 91/159, Colombo.

Fiscal's Office,
Colombo, December 21, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

Talagallage Don Edwin Singho of Jahenawatta, Wellampitiya in Colombo Plaintiff.
No. 8,944/M. Vs.

Kapuwilage Davith Perera, Fish market, 2nd Division, Maradana, Colombo Defendant.

NOTICE is hereby given that on Monday, January 23, 1939, at 4 p.m., will be sold by public auction at the premises, the following property mortgaged with the plaintiff by bond No. 713 dated July 27, 1934, attested by G. E. Weerakody, 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 November 2/19, 1938, for the recovery of the sum of Rs. 990, together with interest on Rs. 750 at 16 per cent. per annum from August 26, 1936, to date of decree September 26, 1938, and thereafter legal interest on the aggregate amount of the decree at 9 per cent. per annum, till payment in full, and costs of suit, viz. :—

All that divided portion of land marked C from and out of all that marked A., B, C, called Ambagahawatta bearing assessment No. 237E, together with the buildings standing thereon situated at Dematagoda in Second

Division, Maradana, within the Municipality and District of Colombo, Western Province, which said divided portion marked C presently bears assessment No. 47/97-98, Floors' lane, Dematagoda aforesaid; and is bounded on the north by a part of Ambagahawatta, on the east by Ambagahawatta, on the south by lot B allotted to Madar Lebbe Saphia Umma, and on the west by a part of Ambagahawatta; containing in extent 2 19/100 perches, according to the figure of survey dated February 23, 1907, made by C. A. O. Buyzer, Licensed Surveyor and Leveller, together with the right of way and free ingress and egress to from and over the pathway or passage marked D in the said plan and together with the right of use of water closet standing on lot A also mentioned in the said plan which said premises are also described as all that divided portion of land marked C with the buildings thereon presently bearing Nos. 97 and 98 from and out of all that allotment of land called Ambagahawatta formerly bearing assessment No. 237E, situated at Dematagoda within the Municipality of Colombo, Western Province; bounded on the north by a part of Ambagahawatta presently bearing Nos. 93 to 96, on the east by a part of Ambagahawatta, on the south by lot B, presently bearing Nos. 99 to 101 belonging to Madar Lebbe Saphia Umma, and on the west by a part of Ambagahawatta; containing in extent 2 19/100 perches, according to the figure of survey dated October 22, 1924, made by C. H. Frida, Registered Licensed Surveyor, together with the right of way and free ingress and egress to from and over the pathway or passage marked D in the said plan and together with the right to use the water closet standing on lot A also mentioned in the said plan. Prior registration A 224/268.

Fiscal's Office,
Colombo, December 21, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

(2) Ranasinghe Aratchige Dona Baba Nona Hamine of Kottawa, in the Palle pattu of Hewagam korale..Plaintiff.

No. 19,590. Vs.

(1) Ranasinghe Aratchige Don William alias Aron Appuhamy of Kottawa, aforesaid, (3) ~~Auto~~ Don Theodoris of Kottawa, aforesaid Defendants.

NOTICE is hereby given that on Thursday, January 26, 1939, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said 2nd plaintiff, in the following property for the recovery of the sum of Rs. 1,586·21, less the sum of Rs. 284, viz. :-

An undivided 5/7 part or share from and out of the divided portion of the land called Alubogahawatta and the entirety of the buildings standing thereon (excluding, however, from the said land an undivided portion, in extent 1 acre along the eastern boundary), situated at Kottawa in the Palle pattu of Hewagam korale in the District of Colombo, Western Province; which said divided portion is bounded on the north by the land of Aratchige Coranis Appu and by the field of Bogoda Terunnanse, on the east by Ankendagahawatta, on the south by the Railway line separating a portion of this land belonging to Ranasinghe Aratchige Don William alias Aron, and on the west by the land belonging to Gamage Siman Perera, and containing in extent about 6 acres, the entire land of which the said premises is a divided portion being bounded on the north by the land of Aratchige Coranis Appu and by the field of Bogoda Terunnanse, on the east by Ankendagahawatta, on the south by the high road, and on the west by the high road and land of Gamage Siman Perera; containing in extent about 8 acres, and registered in G 49/359.

Fiscal's Office,
Colombo, December 21, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the Court of Requests of Colombo.

S. K. A. R. K. Somasundaram Chettiar of 202, Sea street, Colombo Plaintiff.

No. 46,022. Vs.

S. Nagendran of Laluma, Kynsey road, Colombo. Defendant.

NOTICE is hereby given that on Friday, January 20, 1939, at 4.30 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. 149·02 with interest thereon at 18 per cent. per annum from August 27, 1938, to date of decree September 17, 1938,

and thereafter legal interest on the aggregate amount till payment in full and costs of suit Rs. 31·75, to wit: Rs. 21·25 being incurred costs and Rs. 10·50 being prospective costs, viz. :-

All that undivided 1/5 part or share from and out of all that lot marked C in the plan bearing No. 486 dated April 3, 1908, made by H. G. Dias, Licensed Surveyor, formerly bearing assessment No. 41, Ward place and presently bearing assessment Nos. 117 and 121, Kynsey road, Cinnamon Gardens in Colombo, within the Municipality and District of Colombo, Western Province, and which said lot marked C is bounded on the north by lot B allotted to S. Thayalnayaghi, the 2nd defendant in case No. 25,764 of the District Court of Colombo, on the east by water-course, on the south by road known as Austin place, and on the south-west by Kynsey road; containing in extent 1 acre 1 rood and 9·75 perches according to the aforesaid plan.

Fiscal's Office,
Colombo, December 21, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

M. V. E. M. R. M. Periyannen Chettiyar, 263, Sea street, Colombo Plaintiff.
No. 3,497. Vs. ^{Rs. 36·00} ^{10·00}

Awanna Roona Peynaf ³⁵ ³⁹ Arunugampitiya ³⁹ Gampola Defendant.

NOTICE is hereby given that on Tuesday, February 14, 1939, commencing at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant for the recovery of the sum of Rs. 2,213·90, with interest on Rs. 2,044·55 at 12 per cent. per annum from July 4, 1935, till January 28, 1937, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, less a sum of Rs. 600 and poundage, viz. :-

1. All that estate called and known as Gertia Villa, situate at Polimalagama and Telihunna in Dolosbage in Ganga Ihala korale of Udapalata in the District of Kandy, Central Province; containing in extent 28 acres 2 roods and 2 perches according to the figure of survey and description thereof dated November 11, 1924, and made by O. V. Bartholomeusz, Licensed Surveyor, and comprising of the following allotments of land which adjoin each other.

(a) All that allotment of land called Paragahamulakele alias Kongahamullekelle, situate at in the village Polmullegama in Dolosbage aforesaid; and bounded on the south-east by land and Paraheenne and by land said to belong to the Crown, south by land called Paraheenne and on all other sides by land said to belong to the Crown; containing in extent 13 acres 3 roods and 12 perches according to the survey and description thereof No. 62,850 dated November 5, 1864, authenticated by Charles Simm, Surveyor-General.

(b) All that allotment of land called Paraheennekele, situate at Telihunna in Dolosbage aforesaid; bounded on all sides by Crown land; containing in extent 16 acres and 10 perches.

2. An allotment of land called Upasakayagekanda and Paraheenne, situate at Pallepitiya village in Ganga Ihala korale of Udapalata in the District of Kandy, Central, aforesaid; containing in extent exclusive of the Mala-dala 17 acres 3 roods and 16 perches; and bounded on the north by reservation along Landekumbura-ela, east by Paraheenne claimed by Mr. W. S. Blackett and Upasakayagekanda said to be the Crown, south by reservation along the Dangahakumbura-ela and T. P. 293,345, west by Upasakayagekanda said to be the Crown.

3. (a) An allotment of land called Dangahamaditta, situate at Pallepitiya in Ganga Ihala korale aforesaid; bounded on the east by Dangahakumbura-ela, south by reservation along Dangahakumbura-ela and lots 7535 and 7533 in P. P. 2,327, west by lot 7533 in P. P. 2,327, and north by lot 7535 in P. P. 2,327 reservation along Dambahakumbure-ela and Dangahakumbure-ela; containing in extent 3 acres 2 roods and 18 perches.

(b) All that allotment of land called Upasakayagekanda alias Pitakanda, situate at Pallepitiya aforesaid; and bounded on the east by Crown land reservation along Dangahakumbure-ela and T. P. 277,066, south by T. P. 277,066, west and north by Crown land; and containing in extent 5 acres and 33 perches the aforesaid 2 allotments of land adjoin each other from their situation as respects each other form one property and can be included in one survey.

4. All that land called Barandarakumburahena now watta described as of above 6 amunams in paddy sowing extent, situate at Telihunna in Dolosbage of Ganga Ihala korale aforesaid; and bounded on the east by Heenihulaha, south by Mala-ela, west and north by Digane-ela; containing in extent according to the survey 42 acres. (The above 4 lands are subject to the primary, secondary tertiary and fourth mortgages created by bonds Nos. 1,896, 213,817, and 4,662 dated May 16, 1938, October 30, 1934, May 28, 1937 and February 12, 1938.

5. All that divided middle $\frac{1}{4}$ part or share of about 1 acre and 3 roods in extent, together with the coconut trees and the other plantations and everything standing thereon from and out of all those contiguous lands called Atuwagawawatta Horagodayagewatta, Gangehotuwewatta, Doluwegederawatta and Hannatyagewatta; containing in the aggregate 7 acres, situate at Narañwita in Kandukara pahala korale of Udalapata aforesaid; and which said middle portion is bounded on the east by the boundary which separates Ismail Lebbe's portion, south by the Devata and Baiya's land, west by the fence in a straight line with the Tal tree which separates Mohammed Lebbe Hadjiyar's portion, and north by Mahaweli-ganga (exclusive of Crown rights, if any, to the above property.

Fiscal's Office,
Kandy, December 20, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

(1) Rev. James Gregory Newsam Seneviratne,
(2) Oliver Shelton Agar, and (3) Ernest Gholdstein
Jonklaas, all of Gampola, Trustees of St. Andrew's
Church Building Fund Plaintiffs.

No. 41,978.

Vs.

(1) Mohamado Lebbe Hadjiar Badoordeen, (2) Mohamado Lebbe Hadjiar Habeeb, (3) A. R. P. R. Arumugam Pillai, (4) A. R. R. M. A. Dorasamy Pillai, and M. P. M. Muttu Carpen Chettiyar all, of Gampola Defendants.

(1) M. P. M. Ramasamy Chettiyar and M. P. M. Narayanan Chettiyar, both of Gampola. Substituted defendants.

NOTICE is hereby given that on Saturday, February 11, 1939, commencing at 2 P.M., will be sold by public auction at the respective premises the following property mortgaged with the plaintiffs by bond No. 16 dated March 23, 1924, and attested by Mr. G. V. Scholman, Notary Public, of Gampola, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated March 29, 1938, for the recovery of a balance sum of Rs. 8,837.25, with further interest on the said sum at and after the rate of 6 per cent. per annum from October 1, 1935, till payment in full still due (less a sum of Rs. 250) and Rs. 500, and costs and poundage, viz. —

All those lands and premises, plantations with the buildings, factories, machinery, and all live and dead stock thereon which said several lands, premises, plantations adjoin each other and form one property called and known as Rosehill estate and are situated and bounded as follows; and registered in D 95/193 in the Kandy District, Land Registry Office.

1. All that allotment of land called Mahawelikanda formerly known as Kudawelikanda and called and described as such in Crown Grants situate at Niyangama in Kandukarapahala korale Udalapata, Kandy District, Central Province; and bounded on the north by the property of Kudaladeniya Suduhakurugedera and others, east by the property of Wadugederahena Inguruwatta Waduwa and others, south by the property of Ratnayake Mudiyanseleger Ranhamy and others, and west by the water-course, Galkotuwe-ella; containing in extent 12 acres 3 roods and 31 perches.

2. All that piece of land called Welikandehena, situate at Niyangama aforesaid; bounded on the north by Yatchigedera Upasekeya's hena, east by Bohappe paddy field, south by Wadugedera Menika's hena, and west by Welikandehena; containing in extent 3 acres 1 rood and 21 perches.

3. All that piece of land called Welikandehena, situate at Niyangama aforesaid; bounded on the east by demada or boundary drain and Yatchigedera Upaseke's hena, south by Bohappekumbure-ella, west by Sirimala's, and north by Oliyammullegedera Gunamala's hena; containing in extent 3 acres and 20 perches.

4. All that land called Galkotuwehena of about 3 amunams paddy sowing extent, situate at Niyangama aforesaid; and bounded on the east-ella or stream of Welikandewatta, south by ella or stream of Meragahadeniyewatta, west by a water-course, and north by Heenihulaha or rising ground; containing in extent 3 acres 2 roods and 33 perches.

5. All that land called Welikandehena *alias* Hawadiyadeniya, situate at Wewatenna in Kandukarapahala aforesaid; bounded on the east by Gangriyahena, south by an ela or stream, west by Kande Duraya's chena, and north by limit of Welikandewatta, in extent 1 acre 3 roods and 32 perches.

6. All that piece of chena land called Bohappewadugederahena, situate at Niyangama aforesaid; bounded on the north by Welikandehena, east by Bohappe-ella, south by Bohappe Habolaagederahena, and west by Welikande Palukopiewatta, in extent 1 acre and 23 perches.

7. All that piece of land called Bohappehalugederahena, situate at Niyangama aforesaid; bounded on the north by Bohappewadugederahena, east by Bohappe-ella, and west by Welitrandedennehena, in extent 2 acres 3 roods and 26 perches.

8. All that piece of chena land called Galkotuwa, situate at Niyangama aforesaid; bounded on the north by Kukuladeniya-ella, south by Moragahadeniyewatta, east by Moragahadeniyewatte-ella, and west by Kuda Moragahadeniye-ella, in extent 1 acre and 28 perches.

9. All that piece of land called Welikandehena, situate at Niyangama aforesaid; bounded on the north by Kande-gederahena, east by Welikande abandoned coffee estate, south by Welikandettenehena, and west by Waduwa-gederahena, in extent 1 acre 2 roods and 28 perches.

10. All that piece of chena land called Galkotuwehena, situate at Niyangama aforesaid; bounded on the north by Kuda Moragahadeniya, east by Galkotuwehena and Mahamoragahadeniye-ella, south by Kuda Moragahadeniya, and west by Moragahadeniye-ella, in extent 1 acre 2 roods and 10 perches.

11. All that land called Welikandehena, situate at Niyangama aforesaid; and bounded on the north-east by Oliyammullehena, south-east by Appallagodahena, south-west by an abandoned coffee estate, and north-west by Udawelagederahena *alias* Ganniyarahena, in extent 1 acre and 12 perches.

12. An undivided $\frac{1}{5}$ th part or share of Welikandehena of 3 amunams paddy sowing in extent, situate at Inguruwatta in Kandukarapahala korale aforesaid; and bounded on the north and east by Dampelagederahena, south by Yakdehigederahena and Orion estate, and west by Pallepitiyehena.

13. An undivided $\frac{1}{5}$ th share or part of Baduwetiya Arambehena of 1 amunam and 2 pelas paddy sowing extent, situate at Inguruwatta aforesaid; and bounded on the north by Muduneheriya, east by Dampelagederahena, south by Kandura, and west by Meewaturagederahena.

14. An undivided $\frac{1}{5}$ th part or share of all that land called Wewekandehena, situate at Inguruwatta aforesaid, in extent 1 acre and 20 perches; bounded on the east by Thampelegederahena and ant-hill, south by Bohappe estate, west by Pilapitiyehena, and north by Ukkuwage Thampelehena.

15. All that land called Welikandehena of one and half amunams paddy sowing extent, situate at Inguruwatta aforesaid; and bounded on the north by Udagedera Welikandehena belonging to Murugesu, east by Bohappekumbura, south by Orion estate, and west by Dampelagederahena. (b) All that land called Kadimullehena of one and half amunams paddy sowing situate at Inguruwatta aforesaid; and bounded on the north by Meewaturegederahena and Puruwayawatta, east by a large rock, south by Orion estate, and west by Meewaturegederahena.

16. The south-eastern moiety of $2\frac{1}{2}$ acres in extent of all that land called Bohappehena, situate at Inguruwatta aforesaid; and bounded on the north and west by the remaining portion of the land which belongs to Kitulpedigedera Dantuwa and sold by heirs to Murugahadeniya Kaluwa, south by Naranwita Welela, and east by Elakndura.

17. All that land called Hompalapitiyehena, situate at Wewatenna aforesaid; bounded on the east by the tree on the ant-hill standing on the property of Pinaduraya, south by ditch, west by Kirihenaya's land and water-course, in extent 2 acres 1 rood and 2 perches.

18. All that land called Welikandehena of about 4 acres in extent, situate at Inguruwatta aforesaid; and bounded on the north by Dampelagederahena, east by Bohappe-ella, south by land belonging to Murugesu Mudalai, and west by Muduneheriya.

19. All that field called Bohappekumbura of 6 lahas in extent, situate at Inguruwatta aforesaid; and bounded on the north by Rosehill estate, east by Muttetuwa-ella, south by Pilimullehena and Meewaturegedera Bohappehena, and west by Eriyagahamulahena.

20. All that land called Kande-gederahena, situate at Inguruwatta aforesaid; bounded on the north and east by Dampelagederahena, south by Rosehill estate, and west by Gangehena, in extent 2 roods and 32 perches.

21. All that land called Pansaladeniyehena of 2 pelas in extent, situate at Niyangama aforesaid; and bounded

on the east by the boundary of Uguressa tree of Crown land, south by ela, and west by the demada of Niyangama Durayalegederahena, and north by Pansaledeniyakumbura.

22. (a) All that land called Attessehena of about $\frac{3}{4}$ acre in extent, situate at Niyangama aforesaid; and bounded on the east by Rosehill estate, south by Kandederahena, west by Tisnakahena, and north by a kandura. (b) All that land called Kiriwanehena of about 1 acre in extent, situate at Niyangama aforesaid; and bounded on the north by Pallepelegederahena, east by hena belonging to Naida Duraya, west by deniya, and south by land belonging to Maduwegedera Handuwa.

23. All that land called Bodegiriyehehena of about 1 amunam paddy sowing extent, situate at Naranwita in Kandukarapahala korale aforesaid; and bounded on the east by Kodige, south by Thellepelegedera land, west by Crown land, and north by a water-course.

24. All that land called Batawature Ambehehena of about 1 amunam paddy sowing in extent, situate at Inguruwatta aforesaid; and bounded on the north and east by Meewaturehena, south by the property of Leon de Espagnac, and west by a ditch.

25. (a) All that land called Kalugohatennehena of 1 pela in extent, situate at Niyangama aforesaid; and bounded north by a demada, east by Tosnakawehena, south by Dilavuhena, and west by a demada and Pellepelegederahena and (b) all that land called Katukitulgoderahena of 1 amunam paddy sowing, situate at Niyangama aforesaid; and bounded on the north and east by the demada, south by Anibalapitiyehehena and a ridge of rocks, and west by Deltotagedera Upasakehena.

26. All that land called Badawetiya-arambehehena, situate at Inguruwatta aforesaid; and bounded on the north by the chena belonging to Oliyamulla Gunamala, east by Rosehill estate, south by Niyangahahena, and west by Kandupitiyehehena in extent 1 acre 2 roods and 39 perches.

27. (a) The garden called Baddewatta of about 12 lahas in extent in the whole; bounded on the east by stone fence, and south-west and north by the ditch, and (b) the field called Kukulandeniyekumbura of 7 lahas in extent; and bounded on the east by Kandederahena, south by the paddy field of Kiriwatuwa, and west and north by the ela, both the said garden and the said field within the said boundaries situate at Niyangama aforesaid.

28. All that land called Ganimahena of about 5 amunams in extent situate at Inguruwatta aforesaid; and bounded on the north by the demada of and ditch of Meewaturegederahena, east by the Demada Kandederahena, south by the land belonging to Lean De Espagnac, and west by gan ima and land belonging to Leon De Espagnac.

29. All that land called Badawature Ambehehena of about 5 amunams in extent, situate at Inguruwatta aforesaid; bounded on the north by an ela, east by Dampellegederahena, south by Kandederahena and Pallepitiyehehena, and west by Heenhulaha of Kandederahena.

30. All that land called Henegederatte Watagoderahena, in extent 2 pelas of paddy sowing situate at Niyangama aforesaid; and bounded on the east by the limit of the chena belonging to Suduhakurugedera Sirimalie, south by Kitulgammama, west by Bogete-ela, and north by the ditch of the Chena of Kirimahaduraya.

31. All that divided portion of the high land in extent 5 lahas paddy sowing out of all that land called Kukulandeniyekumbura, situate at Niyangama aforesaid; and which said divided portion is bounded on the east by Welikande Kopiewatta south and west by ela, and north by the remaining portion of this field.

32. All that land called Kukulandeniyehena of 1 amunam paddy sowing extent, situate at Niyangama aforesaid; and bounded on the east by the limit of Meewaturegederahena, west by Kukulandeniyekumbura, and north by the ridge of Lamorakpuyahena.

33. All that divided northern portion of 5 lahas paddy sowing in extent out of all that land called Kukulandeniyekumbura of 1 pela paddy sowing extent, situate at Niyangama aforesaid; and which said northern portion is bounded on the east by Kandederahena, south by tea estate and by the remaining portion, west by Pihilladeniyela, and north by land called Kukulandeniyekumbura belonging to Lean de Espagnac.

34. All that divided southern portion in extent 1 pela paddy sowing out of all that land called Badawature Arambehehena, in extent $1\frac{1}{2}$ acres, situate at Inguruwatta in Kandukarapahala korale aforesaid; which said southern portion is bounded on the north by the remaining portion, east by ella and Badawaturambekumbura, south by the limit of the chena belonging to Badawaturambe Gunamala, and west by village boundary.

35. All that divided northern portion in extent 1 pela paddy sowing or $\frac{1}{2}$ acre in extent out of all that land called Badawattiya-arambehehena of $1\frac{1}{2}$ acres in extent,

situate at Inguruwatta aforesaid; and which said northern portion is bounded on the north by the chena belonging to Kitulpegedera Dingiri, east by ella of Badawetiya-arambekumbura, south by the remaining portion of this land belonging to Lean De Espagnac, and west by the village boundary and all the right, title, interest, and claim whatsoever of the 1st and 2nd defendants in, to, upon, or out of the said several premises mortgaged by the 1st and 2nd defendants.

Fiscal's Office,
Kandy, December 20, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

45 In the District Court of Kandy.

H. D. J. Jayasinghe of Hatton now of Lady Torrington road in Kandy Plaintiff.

No. 48,677.

Vs.

(1) W. B. Senaratna, (2) J. Samaratinga, the 1st of Woodthorpe estate near Katugastota and the 2nd of Werellagama in Harispattu Defendants.

NOTICE is hereby given that on Saturday, January 28, 1939, commencing at 2 P.M. will be sold by public auction at the premises all the right, title, and interest of the said 1st defendant for the recovery of the sum of Rs. 1,500, with interest thereon at 9 per cent, per annum from March 12, 1935, till payment in full and costs Rs. 349.80 and poundage, in the following property, viz. :-

All that land called and known as Woodthorpe and Inveresk estates, situate at Alutgama in Pallegampaha of Pata Dumbara in the District of Kandy, Central Province; and bounded on the north by ela of Deegahawarura, east by ella of Galladeniyakumbura, fence of Saranahenaya, Gederawatta, Pussekotuwekumbura, Pussekotuwegederawatta, fence of Waduwegawatta, fence of Lensuwa Henayagawatta, Pussekotuwegederawatta, fence of Ambarapattiyekotuwa, Kotikawelakumbura, Gonigahamedillewatteweta, Dehielagederawatte fence of Ukkugewatta, fence of V. C. road of Asweddumewatta, and Muthukeliyawekumbura, south by the ela of Muthukeliyawekumbura, Dehielagederakumbura, Pinnagollekandaheeriya, Bandarawattakumbura, Tunkandurekumbura, Werelliyastennehena, Leemagahadeniyekumbura, fence of Watadeniyegederawatta, Maligastennehena, Katugastota estate, Tunkandura-ela, Tunkandurekumbura, and west by Pusseehenne-ela, Doolgollekumbura, fence of Uduma Lebbe's garden, fence of Galadeniyegederawatta, Bulathkotuwewatta, fence of Yatawaragedarawatte-ella of 4 acres block, Ella of 6 acres block, Ella and fence of Lekam Pallama, Heennekumbura, fence of Noarie's watta, fence of Alakolamadawatta, fence of Hurigollewatte-ella of Hurigollekumbura, fence of Hurimarapolawatta, Madawalakumbura, fence of Bopegederawatta, Pussekotuwegederawatta, fence of Thalagakandekumbura and Ella, Ella of Mudunegederakumbura and Leegahawatura-ela; and containing in extent about 340 acres; and registered under Title Kandy K 77/112 and 110/158 and 101.

Fiscal's Office,
Kandy, December 20, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

29 In the District Court of Kandy.

(1) Rawanna Kana Nana Nawanna Narayanan Chettiyar, (2) Kana Nana Nalla Caruppen Chettiyar by his attorney Soona Pana Vanchchinada Pillai of Matale Plaintiffs.

No. 47,594.

Idangedera, Sriwathana of Wariyapola in Matale Defendant.

NOTICE is hereby given that on Thursday, January 26, 1939, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 963.80, with further interest on Rs. 970 at 15 cents for Rs. 10 per month from May 19, 1936, till July 23, 1936, and thereafter legal interest on the aggregate amount till payment in full due in respect of mortgage bond No. 12,904 dated January 18, 1935, and attested by S. W. Wijetilaka, Notary Public, Matale :-

All that allotment of land called and known as Nagahamulawatta, containing in extent 2 roods and 30 perches, situated at Wariyapola in Medasiyapattu of Matale South

in the District of Matale, Central Province; and bounded on the east by the high road to Elkaduwa, south by the Udagedarahena and Welvidane's hena, west by wetaroda, and on the north by the limit of a portion of this land belonging to Tikirala, together with the tiled houses, plantations, and everything thereon, registered in B 39/163.

Deputy Fiscal's Office,
December 19, 1938.

IAN M. DE SILVA,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Matara.

M. K. M. P. R. Ramanathan Chettiar of Matara. Plaintiff.
No. 11,927. Vs.

(1) D. P. Dahanayaka Yapa of Akuressa, (2) A. Velanthan of Akuressa (dead), (3) Velanthan Ratnanbal of Norelly South, Manipay in Jaffna, legal representative of the estate of the 2nd defendant, deceased. Defendants.

NOTICE is hereby given that on Monday, January 23, 1939, commencing at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants, in the following property for the recovery of a sum of Rs. 27.90, with legal interest on Rs. 357 from November 10, 1935, till payment in full, viz. :—

All that undivided half share of the land called Deegalahena *alias* Kanduhena described as (W. L. O. 5.96 and A 1½), situated at Peddapitiya in Weligam korale of Matara District, Southern Province; and bounded on the north by Deegalahena *alias* Kanduhena, belonging to Don Davith Jayasinghe Siriwardene, east by Crown land called Galhena, south by Galhena sold by Crown to E. Balasuriya, and on the west by Crown land called Deegalahena *alias* Kanduhena, and containing in extent 26 acres and 1 rood, and duly registered in D 236/245.

Deputy Fiscal's Office,
Matara, December 16, 1938.

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

Northern Province.

In the Court of Requests of Jaffna.

Sinnathamby Kathiravelu of Neerveli Plaintiff.
No. 1,270/A. Vs.

Vaitiampillai Elaiyatamby of Naranthanai (dead) ... Defendant,

(1) Arulnesam Sarumanesammah, daughter of Elaiyatamby, (2) Gnana Basenthiram, son of Elaiyatamby, minors, appearing by their guardian *ad litem* (3) Elizabeth, widow of Elaiyatamby, all of Naranthanai Substituted Defendants.

NOTICE is hereby given that on Monday, January 16, 1939, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said substituted defendants, as heirs in possession of the defendant for the recovery of Rs. 90, and stamp costs of writ Rs. 5.75, and poundage and charges in the following property, viz. :—

All that piece of land, situated at Naranthanai in Kayts Parish, Islands Division of the Jaffna District, Northern Province, called Allilkulamvayal and Kaddaippetanallil and Uyara-allil, in extent 35 lachams p.c. with well; and bounded on the east by Magaret, wife of Philippaiah, north by Gerard Rasammah, wife of Philippupillai, west by water-channel and by Saveenam, wife of Joseph, and south by Saveenam, wife of Joseph, Victoriapillai, wife of Neskilappillai, and Ceciliappillai, wife of Ponniah.

The land is said to be under mortgage.

Fiscal's Office,
Jaffna, December 16, 1938.

S. TURAIYAPPAH,
for Fiscal.

Eastern Province.

In the District Court of Batticaloa.

Periathamby Upathiar of Ganeshapoopathy of Arapattai Plaintiff.
No. 4 Miscellaneous Vs.

Sinnathamby Kannappan of Arapattai Defendant.

NOTICE is hereby given that on Wednesday, January 18, 1939, at the under-mentioned hours, will be sold by public

auction at the spot the right, title, and interest of the said defendant in the following properties for the recovery of the sum of Rs. 4,727.85, with legal interest thereon from March 18, 1937, till payment in full, poundage, and other charges, viz. :—

(1) *At 10 a.m.*—The undivided ½rd share out of the undivided half share of the northern share of Sinnaveli in extent 20 acres; and bounded on the north by the boundary of Parankiraveli, south by Oddaiyanmadu and Valaikalai, east by Vaikal, and west by Oddaiyanmadu, situated at Salampaiveli in Malukkampuddi in Sarmanturair pattu, Batticaloa District, Eastern Province, and of all rights.

(2) *At 4 p.m.*—The undivided 1/6th share of Parayanvaddaipoomie, situated at the aforesaid Vaddai, in extent 14 acres and 2 roods; and bounded on the north by the land of Kathiramapodi Vannimai, south by Senkatpadairu, east by the land of K. Asanar, and west by the land of Uthumanpillai and others and of all rights.

(3) *At 11 a.m.*—The undivided ½rd share of the divided 22 acres of land on the west out of the 32 acres on the west of Salampaiveli, in extent 87 acres, situated at Malukkampuddyvaddai aforesaid; and bounded on the north by the other share of this belonging to Paikermuhaiyadeenlebbe, south by the land of P. Nagamani and others, east by the other share called Valaikalai, and west by the other share of this in extent 10 acres.

Fiscal's Office,
Batticaloa, December 15, 1938.

J. W. VALLIPURAM,
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Kandy.

(1) Dehiwela Liyanage Edward de Silva and (2) Dehiwela Liyanage Vincent de Silva, both of Pamankada, Wellawatta, Administrator of the Estate of Dehiwela Liyanage Abraham de Silva of Pamankada, deceased Plaintiffs.

No. 46,490. Vs.

(1) Robert Malalgoda Secretary, District Court of Kandy, Official Administrator of the Estate of Tuwan Yahiya Mahoor Jambury of Katukele in Kandy, deceased, (2) A. I. R. Aliyar Lebbe of 281, High Street, Wellawatta Defendants.

NOTICE is hereby given that on Tuesday, January 17, 1939, at 2 o'clock in the afternoon will be sold by public auction at the respective premises commencing from the 1st land the right, title, and interest of the said defendants in the following property for the recovery of Rs. 3,500, with interest at 9 per cent. per annum from December 4, 1935, till payment in full and poundage, less Rs. 2,500 already recovered, viz. :—

1. Allotment of land called and known as Galhetekmehenepaulakele in extent 2 acres 2 roods and 5 perches, situate at Dippitigala in Uda pattu of Nawadun korale in the District of Ratnapura of the Province of Sabaragamuwa; bounded on the north by high road, east by agala of Amaris Singho's garden, south by Galhetekmehenepaulakele, and on the west by Hettigodelelehena, together with the plantations and everything thereon.

2. Allotments of land depicted in registration plan No. 85314, situate at Dippitigala aforesaid; and bounded on the north-east by the lands depicted in registered plans Nos. 85313 and 86312, south-east by lands depicted in plan No. 85311, south-west by the land claimed by Heenhamy, north-west by the land depicted in plan No. 85316, containing in extent 1 acre 2 roods and 28 perches, together with the plantations and everything thereon.

3. Allotment of land depicted in registered plan No. 85316, situate at Dippitigala aforesaid; and bounded on the north-east by road, south-east by the lands depicted in plans Nos. 85313 and 85314, south-west by the land claimed by Heenhamy and on the north-west by the land claimed by B. T. Sinna Lebbe containing in extent 2 acres and 1 rood, together with the plantations and everything standing thereon.

4. Land called and known as Hettikandedolahena, containing in extent 2 acres 3 roods and 21 perches, situate at Dippitigala aforesaid; and bounded on the north-east by road, east by the land purchased by B. L. Sinna Lebbe, south-west by the land claimed by Heenhamy, and on the north-west by the land claimed by Mudalihamy, together with the plantations and everything thereon, and registered in B 220/137-139 and 215-154.

Fiscal's Office,
Ratnapura, December 20, 1938. Addl. Deputy Fiscal.

N. SWAMINATHA AYER,

I. Thomas Arthur Hodson, Fiscal for the Central Province, do hereby appoint Mr. D. W. Wickremasinghe to act as Fiscal's Marshal for the District of Matale, with effect from December 13, 1938 under Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,
Kandy, December 13, 1938.

T. A. HODSON,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction: In the Matter of the Intestate Estate of the late Rev. Mirihanage Pamaratana Therunnaase of the Wijesiriwardanaramaya also known as Duwe Pansala in Erawwala in the Palle pattu of Salpiti korale, deceased.

Rev. Madiwela Dhammatilake Therunnaase of Wijesiriwardanaramaya of Erawwala, aforesaid, Petitioner.

And

(1) Kalalgoda Dhammaratana, (2) Magammama Suman-gala, (3) Thalagama Dhammadinna, and (4) Kottawe Pematilake, all of Wijesiriwardanaramaya of Erawwala, aforesaid, 4th respondent, is a minor appearing by his guardian *ad litem* the 1st respondent, above named Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on December 10, 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 November 25, 1938, having been read:

It is ordered (a) that the 1st respondent be and he is hereby appointed guardian *ad litem* of the minor, the 4th 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 one of the pupils 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 February 9, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 12, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction: In the Matter of the Last Will and Testament of Raigam Korlage Juwanis de Silva, late of Mount Lavinia, deceased.

(1) Raigam Korlage Henry de Silva of Deniyaya, (2) Pieris Aaron Nagaasinghe of Dehivala Petitioner

Vs.

(1) Raigam Korlage Roslin Agnes de Silva, (2) Raigam Korlage Lilian Nandawathie de Silva, (3) Raigam Korlage Gratien Sugathapala de Silva, all of Station road, Matara, 1st to 3rd respondents are minors appearing by their guardian *ad litem* (4) Gunohamy Wickremasinghe of Station road, Matara Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on November 28, 1938, in the presence of Mr. T. C. P. Gunewardene, Proctor, on the part of the petitioners above named; and (1) the affidavits of the said petitioners dated November 4, 1938, and (2) of the attesting Notary dated November 6, 1938, having been read:

It is ordered that the last will of Raigam Korlage Juwanis 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 petitioners are the executors in the said will and

that they are entitled to have probate thereof issued to them accordingly, unless the respondents above named or any other person or persons interested shall, on or before January 19, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 4th respondent be and she is hereby appointed guardian *ad litem* of the minors, the 1st to 3rd respondents above named, to represent them for all the purposes of this action.

December 2, 1938.

W. SANSONI,
District Judge.

In the District Court of Negombo.

36. *Order Nisi declaring Will proved.*

Testamentary Jurisdiction: In the Matter of the Last Will and Testament of Sembukuttiaratchige Carolis Silva No. 3,088. Appuhamy of Katana, deceased.

Kumarasinghe Hettiaratchige Magilin Perera Hamine, widow of Sembukuttiaratchige Carolis Silva Appuhamy of Katana Petitioner.

(1) Sembukuttiaratchige Samawathie Ranasinghe, wife of Mr. Tudor Ranasinghe of Katana, (2) Sembukuttiaratchige Wimala Wijewardena, wife of Mr. D. C. Wijewardena of Siri Ramya, Colpetty, Colombo Respondents.

THIS matter coming on for disposal before S. S. Jayawickrama, Esquire, District Judge of Negombo, on December 14, 1938, in the presence of Messrs. Ranasinghe & Raheeman, Proctors, on the part of the petitioner, and the petition and affidavit of the petitioner and the affidavit of the attesting notary all dated December 14, 1938, having been read:

It is ordered that the last will and testament of the above-named deceased, bearing No. 1646 dated May 26, 1932, attested by S. M. A. Raheeman, Notary Public, of which the original has been produced, and is 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 January 20, 1939, show sufficient cause to the contrary to the satisfaction of this court.

It is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless the respondents or any other person or persons interested shall, on or before January 20, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 14, 1938.

S. S. JAYAWICKRAMA,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction: In the Matter of the Estate of the late Nainabaduge Charlis Fernando, deceased, of Beruwala. No. 2,844.

Mahawaduge Jane Nona Perera of Kalutara North Petitioner.

And

(1) Nainabaduge Pocha Nona Fernando of Beruwala, (2) ditto Missia Fernando of Wadduwa, (3) ditto Miththa Fernando of Alutagama, (4) ditto Albert Fernando, presently of Bogahakumbura in Borlanda in Ohiya, (5) Sinnaduwa Carlina Silva of Moratuwa Respondents.

THIS matter coming on for disposal before E. O. C. Vander Gart, Esq., District Judge of Kalutara, on November 25, 1938, in the presence of Messrs. De Abrew & Fernando, Proctors, on the part of the petitioner, Mahawaduge Jane Nona Perera of Kalutara North; and the affidavit of the said petitioner dated November 25, 1938, having been read:

It is ordered that the petitioner above named, be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to his estate issued to her, unless the respondents or any other person or persons interested shall, on or before January 17, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 25, 1938.

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

In the District Court of Kandy.

30
Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Kariyapperu Mudiyanselego Siambala-
No. T. 72. gamuwo Walauwe Tikiri Kumarihamy,
deceased, of Doranegama.

THIS matter coming on for disposal before George Crosette Thambyah, Esq., District Judge, Kandy, on November 23, 1938, in the presence of Mr. M. B. E. Seneviratna, Proctor, on the part of the petitioner, Kandure Bandaranayaka Walauwe Heen Banda Seneviratna; and the affidavit of the said petitioner dated November 12, 1938, having been read: It is ordered that the petitioner, be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Kandure Bandaranayaka Walauwe Chandrawathie Kumarihamy, (2) ditto Medduma Kumarihamy, (3) ditto R. B. Seneviratna, (4) ditto S. B. Seneviratna, (5) ditto Somawathie Kumarihamy, (6) ditto Punchi Kumarihamy, (7) ditto Rewathie Kumarihamy, (8) ditto Regina Kumarihamy, (9) ditto Tikiribanda Doranegama, (10) ditto Pinchi Kumarihamy, (11) T. B. K. Molagoda, all of Doranegama, the 3rd, 4th, 5th, 6th, 7th, 8th, 9th and 10th by their guardian *ad litem* the 11th respondent or any other person or persons interested shall, on or before January 9, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 28, 1938.

G. C. THAMBYAH,
District Judge.

22
In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the deceased, Lokugamage Don Juwanis,
No. 1,297. late of Tenagama.

Lokugamage Don Andris Appuhamy of Vitaranna-
deniya Petitioner.

Vs.

Lokugamage Hinhamy of Tenagama Respondent.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq. District Judge of Tangalla, on November 25, 1938, in the presence of the petitioner, who is appearing in person above named the affidavit of the above-named petitioner dated November 25, 1938, having been read:

It is ordered and adjudged that the petitioner, L. Don Andris Appuhamy, is entitled, as the brother of the deceased, to letters of administration of the said estate unless any person or persons interested shall, on or before January 9, 1939, show sufficient cause to the contrary.

November 25, 1938.

V. S. JAYAWICKRAMA,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Estate and Effects
Jurisdiction. of the late Arumugam Asari Velupillai
No. 462. of Saindamarudu, deceased.

Nagamany Annamma of Saindamarudu Petitioner

Vs.

(1) Velupillai Nagaretnam, (2) Velupillai Chelvanaesam,
(3) Velupillai Chellamma (minors), (4) Nagamany
Kanapathipillai, all of Saindamarudu Respondents.

THIS matter coming on for disposal before P. Vythialingam, Esquire, District Judge of Batticaloa, on May 7, 1938, in the presence of Mr. M. A. L. Kariapper, Proctor, on the part of the above-named petitioner, and the affidavit of the said petitioner dated March 31, 1938, having been read:

It is ordered that the 4th respondent above-named be and he is hereby appointed guardian *ad litem* of the minors; the 1st, 2nd, and 3rd respondents, unless the respondents above-named or any other person or persons interested shall, on or before June 7, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioner, be and she is hereby declared entitled, as the widow of the said deceased, to have letters of administration to his estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 7, 1938, show sufficient cause to the satisfaction of this court to the contrary.

May 7, 1938.

P. VYTHIALINGAM,
District Judge.

Order "Nisi" extended to August 2, 1938.

June 7, 1938.

P. VYTHIALINGAM,
District Judge.

Order "Nisi" extended to August 23, 1938.

August 2, 1938.

P. VYTHIALINGAM,
District Judge.

Order "Nisi" extended to September 6, 1938.

August 23, 1938.

P. VYTHIALINGAM,
District Judge.

Order "Nisi" extended to September 27, 1938.

September 6, 1938.

P. VYTHIALINGAM,
District Judge.

Order "Nisi" extended to October 11, 1938.

September 27, 1938.

P. VYTHIALINGAM,
District Judge.

Order Nisi extended to November 3, 1938.

October 11, 1938.

P. VYTHIALINGAM,
District Judge.

Order "Nisi" extended to November 22, 1938.

November 3, 1938.

P. VYTHIALINGAM,
D. J.

Order "Nisi" extended to December 8, 1938.

November 22, 1938.

P. VYTHIALINGAM,
D. J.

Order "Nisi" extended to January 10, 1939.

December 8, 1938.

P. VYTHIALINGAM,
D. J.

21
In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Palansooriya Mohottalage Jayatu-
No. 1,071. hamy, Vidane, deceased, of Panawenna.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge of Ratnapura, on December 5, 1938, in the presence of the petitioner, Palansooriya Mohottalage Subasinghe of Panawenna in person; and the affidavit of the said petitioner dated December 5, 1938, having been read:

It is further declared that the said petitioner above named is the nephew of the deceased above named and that he is entitled to have letters of administration to the estate of the said deceased, issued to him accordingly, unless the respondents, (1) Gamage Bandulahamy, (2) Wikirawita Mohottalage Punchimahatmaya, and (3) Palansooriya Mohottalage Kirimenike, all of Panawenna, shall on or before January 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 6, 1938.

L. H. DE ALWIS,
District Judge.

PASSED ORDINANCES.*(Continued from page 1742.)*

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

No. 73 of 1938.

M. L. A.—B 1599/L. D.—O 56/38

**An Ordinance to amend the Municipal Councils
Ordinance, 1910.**

A. CALDECOTT.

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

1 This Ordinance may be cited as the Municipal Councils
(Amendment) Ordinance, No. 73 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 The Municipal Councils Ordinance, 1910, is hereby
amended in Schedule D thereto—

Amendment of
Schedule D to
Ordinance
No. 6 of 1910.

(1) by the substitution for the item—

“ For every bicycle or tricycle, or bicycle
car or cart, or tricycle car or cart .. 3· 0 ”

of the following:—

“ For every bicycle or tricycle, or bicycle car or
cart, or tricycle car or cart—

(a) if used for trade purposes .. 5· 0
(b) if used for other than trade purposes .. 1· 0”;

(2) in the item “ For every horse, pony, or mule”, by the
substitution for the figures “ 2·50 ” of the figures
“ 5· 0 ”; and

(3) by the addition at the end of that Schedule of the
following:—

“ In this Schedule, “ trade purposes ” includes the
carriage or transport, in connexion with any business
or trade and whether for sale or otherwise, of any
articles or goods or of any written or printed matter. ”

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

E. W. KANNANGARA,
Clerk of the Council.

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

E. R. SUDBURY,
Secretary to the Governor.