



THE  
**CEYLON GOVERNMENT  
 GAZETTE**

---

No. 8,425 – FRIDAY, JANUARY 6, 1939.

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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. 65 of 1938.

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

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 Ceylon Post Office Amendment Ordinance, No. 65 of 1938.

**Amendment of section 4 of Ordinance No. 11 of 1908.**                      2 Section 4 of the Ceylon Post Office Ordinance, 1908, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the addition at the end thereof of the following:—

“(1) The expression “aircraft” includes all balloons, whether fixed or free, kites, gliders, airships, airplanes and other flying machines”.

**Amendment of section 6 of the principal Ordinance.**                      3 Section 6 of the principal Ordinance is hereby amended in paragraph (c) of sub-section (1) of that section, by the substitution for the words “either by sea or by land”, of the words “by sea, land or air”.

**Amendment of section 7 of the principal Ordinance.**                      4 Section 7 of the principal Ordinance is hereby amended as follows:—

(a) in paragraph (a) of that section, by the substitution for the words “carts or carriages;” of the words “carts, carriages or other vehicles;” ; and

(b) in paragraph (b) of that section, by the substitution for the words “and their servants or agents,” of the words “owners, pilots or other persons in charge of aircraft flying between any places in Ceylon, and the servants or agents of such owners, masters, pilots or other persons,”.

**Substitution of new heading for heading above section 42 of the principal Ordinance.**                      5 The principal Ordinance is hereby amended by the substitution for the heading “*Ship Letters.*” immediately above section 42 of that Ordinance, of the heading “*Postal Articles on Ships and Aircraft.*”.

**Replacement of section 42 of the principal Ordinance.**                      6 Section 42 of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

**Postal articles on ships or aircraft.**

42. (1) The master of every ship arriving at any port in Ceylon and the pilot or other person in charge of every aircraft arriving at any place in Ceylon shall without delay cause every postal article or mail bag on board such ship or aircraft, as the case may be, which is directed to that port or place and is within the exclusive privilege conferred on the Government by section 6, to be delivered either at the post office of that port or place, or to some officer of the post office authorised in this behalf by the Postmaster-General.

(2) If there is on board any ship or aircraft, referred to in sub-section (1), any postal article or mail bag which is directed to any place within Ceylon, other than the port or place of arrival, and which is within the exclusive privilege conferred by section 6, the master of such ship or the pilot or other person in charge of such aircraft shall without delay report the fact to the officer in charge of the post office of the port or place of arrival, as the case may be, and shall act according to any directions issued by that officer; and the receipt of that officer shall discharge such master, pilot or other person from any further responsibility in respect of the postal article or mail bag referred to in the

respect of postal articles received by such masters, pilots or other persons for conveyance on behalf of the post office; and the master of any such ship, or the pilot or other person in charge of any such aircraft, which is about to leave any port or place in Ceylon, who receives on board his ship or aircraft a mail bag for conveyance, shall be entitled to demand and obtain immediately the amount of the gratuity payable in respect of the mail bag and its contents.

9 Section 76 of the principal Ordinance is hereby repealed and the following section is substituted therefor:—

76. Whoever—

- (a) being the master of a ship, fails to comply with the provisions of section 45; or
- (b) being the master of a ship, or the pilot or other person in charge of an aircraft, without reasonable excuse, the burden of proving which shall lie on him, fails to deliver any postal article or mail bag or to make a report to, or to comply with the directions of, the officer in charge of the post office at a port or place of arrival as required by section 42,

shall be punishable with a fine which may extend to five hundred rupees.

10 Section 77 of the principal Ordinance is hereby amended as follows:—

(a) by the substitution for sub-section (1) of the following:—

“(1) Whoever, being the master of any ship arriving at any port in Ceylon, or the pilot or other person in charge of any aircraft arriving at any place in Ceylon, or being a person on board any such ship or aircraft, knowingly has in his baggage or in his possession or custody, after all or any of the postal articles on board such ship or aircraft have been sent to the post office at the port or place of arrival, any postal article which is within the exclusive privilege conferred on the Government by section 6, shall be punishable with a fine which may extend to fifty rupees for every such postal article as aforesaid.”

(b) in sub-section (2), by the substitution for the words “such master or other person”, of the words “such master, pilot or other person”.

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.

(Continued on page 7.)

Replacement of section 76 of the principal Ordinance.

Offences by masters of ships and pilots, &c., in charge of aircraft.

Amendment of section 77 of the principal Ordinance.

## DISTRICT AND MINOR COURTS NOTICES.

### Destruction of Valueless Records.

IN terms of section 6 of Ordinance No. 12 of 1894, it is hereby notified for general information that three months hence the valueless records of criminal cases decided in the Police Court, Kandy, during the period of April 22, 1912, to August 28, 1929, will be destroyed.

Any person interested in any record referred to above may, personally or by Proctor, or by duly authenticated petition, claim upon good cause shown that such record may not be destroyed.

Police Court,  
Kandy, December 23, 1938.

M. C. SANSONI,  
Police Magistrate.

### NOTICES OF INSOLVENCY.

In the District Court of Kandy.

No. 1,901. In the matter of the insolvency of Kobbekaduwa Ihala Walawwe Loku Banda Kobbekaduwa of Kobbekaduwa in Ganga-palata of Yatinuwara.

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 examine the insolvent.

By order of court, R. B. RATNAIKE,  
December 20, 1938. Secretary.

In the District Court of Kandy.

No. I. 14. In the matter of the insolvency of H. A. Alwis Perera of Mahaiyawa in Kandy.

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

By order of court, R. B. RATNAIKE,  
December 20, 1938. Secretary.

### NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

P. R. W. R. M. Ramanathan Chettiar of Sea street, Colombo 16, Plaintiff.

No. 1,087. Vs.

(1) A. Abdul Karim Marikkar of Kalutara, (2) Ahamadu Lebbe Marikar Zainambu Natchia, executrix of the last will of the late Asan Meera Lebbe Marikar Abdul Latiff of Panadure Defendants.

NOTICE is hereby given that on Friday, February 3, 1939, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the

said defendants in the following property for the recovery of Rs. 807.25, with interest thereon at 9 per cent. per annum from May 31, 1934, till payment in full, viz. :—

All that land called Dodangahawatta, together with the house standing thereon, bearing assessment No. 444, situated at Katukurunda in Kalutarabadda of the Kalutara totamune in the District of Kalutara, Western Province; and bounded on the north by portion of this land belonging to M. S. Lebbe Omeru Lebbe and others, east by the high road, south by the irawella of this land belonging to S. M. I. Rasain Lebbe Marikkar and others, and on the west by Kalu-ganga; and containing in extent 1 acre 2 roods and 10  $\frac{24}{100}$  perches.

Deputy Fiscal's Office, H. SAMERESINGHA,  
Kalutara, December 22, 1938. Deputy Fiscal.

### Southern Province.

28/ In the District Court of Colombo.

Lokubadu Jayasuriya Patabendige Sarnelis Silva of Raksawa Estate, Nawalapitiya ..... Plaintiff.

No. 4,319.

Charles Ratnawera of Weligama in the District of Matara ..... Defendant.

NOTICE is hereby given that on Friday, February 3, 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 plaintiff in the following property for the recovery of a sum of Rs. 316.86, to wit, Rs. 188.20 being costs already incurred, and Rs. 128.66 being costs prospective, less a sum of Rs. 88.50, viz. :—

*The following property will be sold at the risk of the defaulting purchaser at the previous sale.*

All that undivided  $\frac{1}{20}$  share of soil and paraveni fruit trees and buildings Nos. 2 and 9 in plan of survey No. 975 made by S. E. Ferdinand, Surveyor, and filed of record in case No. 9,175, D. C., Matara, of the land called Lokubadu Jayasuriya Patabendige Wellewatta, situated at Weligama in Weligam korale of Matara District, Southern Province; and bounded on the north by a path and Muhandiramgawatta, east by seabeach, south by Jayaweerakoratuwa, and on the west by Julgahakoratuwa and Sudirikkubadugawatta; and containing in extent about 2 roods and 27 perches.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,  
Matara, December 23, 1938. Additional Deputy Fiscal.

41/ In the District Court of Matara.

M. K. M. P. R. Ramanathan Chettiar of Matara .. Plaintiff.

No. 11,930.

(1) Carolis Henry Gunawardene of Meddewatta, administrator of the estate of the deceased, D. C. Gunawardene (2) W. P. G. Peter Appuhamy of Meddewatta ..... Defendants.

NOTICE is hereby given that on Tuesday, February 7, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of a sum of Rs. 484.90, with legal interest from December 1, 1938, till payment in full, plus costs, viz. :—

3. All that undivided  $\frac{5}{6}$  parts of the soil and trees and the entirety of all the buildings standing thereon of the land called Kongahawatta, situated at Moddawatta aforesaid; and bounded on the north by high road, east by Eskisigewatta, south by Araliyawatta, and on the west by Thalawahatta; and containing in extent about 1 acre.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,  
Matara, December 23, 1938. Additional Deputy Fiscal.

28/ In the District Court of Matara.

Ediriweera Jayawickrema Patabendige PUNCHINONA of Kapparatota in Weligama, and others ..... Substituted plaintiffs.

No. 12,421.

(1) Surendra Acharige Sinnohamy of Watigederamulla in Weligama (for himself and as legal representative over the estate of Surendra Acharige) Kaluappuralla and James Danthanarayana respectively) and others ..... Defendants.

NOTICE is hereby given that on Thursday, February 9, 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 mortgaged property for the recovery of a sum of Rs. 620, viz. :—

All those undivided  $\frac{3}{4}$  part of the soil and of the remaining fruit trees together with the planter's half share of the second plantation planted by Surendra Acharige Kaluappuralla and the planter's half share of the third plantation and the fifteen-cubit masonry tiled house standing thereon of the land called Upasakagewatta alias Pulungahakoratuwa situate at Watigederamulla in Weligam korale, Matara District, Southern Province; and bounded on the north by Kalebewewita, east by Kekiriwatta, south by Pelawatta, and on the west by Modimigekoratuwa; and containing in extent about 1 acre.

Deputy Fiscal's Office, H. V. F. ABAYAKOON,  
Matara, December 23, 1938. Additional Deputy Fiscal.

51/ In the District Court of Tangalla.

Don Chas. Abeygunawardane of Nakulugamuwa .. Plaintiff.

No. 4,074. Vs.

(1) Gamage Don Migel (deceased) (2) Gamage Don Peneris, and (3) Gamage Don Sadiris, all of Nakulugamuwa ..... Defendants.

NOTICE is hereby given that on Saturday, February 4, 1939, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of Rs. 3,974.90 with legal interest on Rs. 3,482.16 from June 20, 1938, till payment in full and poundage, to wit:—Rs. 2,666.49 with legal interest on Rs. 2,400 from June 20, 1938, till payment, from substituted defendants and Rs. 717.99 with legal interest on Rs. 600 from June 20, 1938, till payment from second defendant and Rs. 590.42 with legal interest on Rs. 482.16 from June 20, 1938, till payment from the third defendant above named, viz. :—

*At Nakulugamuwa.*

(1) The planters share of the fruit trees of the 2nd plantation planted by the 1st defendant above named and an undivided half of the soil and of the remaining fruit trees and the 13 cubits tiled house built by the said 1st

(4) An undivided  $\frac{1}{4}$  share of the soil and of the fruit trees of the land Gallegewatta, situated at Nakulugamuwa aforesaid; and bounded on the north by Godalimuduna, east by Polkoratuwa, south by Giruwage-ruppa, and west by Mahagallegewatta and Pelawatta, containing in extent about 6 kurunies of kurakkan sowing.

Deputy Fiscal's Office, P. D. WEERAMAN,  
Tangalla, December 19, 1938. Additional Deputy Fiscal.

21  
In the Court of Requests of Tangalla.

K. W. James Silva of Middaniya 39 Plaintiff.  
No. 15,558. Rs. 16 Vs.

(1) Nedungodage Samudhamy, (2) Nedungodage Maddumahamy, both of Ulahitiyawa 39 Defendants.

NOTICE is hereby given that on Thursday, January 26, 1939, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st and 2nd defendants in the following property for the recovery of Rs. 59.70, and poundage, viz. :—

At Ulahitiyawa.

All that soil and plantation standing thereon of the land called Indiketiyeewatta, situated at Ulahitiyawa in East Giruwa pattu of the Hambantota District; and bounded on the west by the land described in plan No. 242,086 and lot No. 37 described in preliminary plan No. 390, and on all other sides by the lot No. 37 described in the aforesaid preliminary plan, containing in extent 2 acres 1 rood and 8 perches.

Deputy Fiscal's Office, P. D. WEERAMAN,  
Tangalla, December 19, 1938. Additional Deputy Fiscal.

In the District Court of Tangalla.

Hector Dias Seneviratna of Calle ..... Plaintiff.  
No. 4,107. 41 Vs.

Usuph Deen Thassim of Hambantota 20 Defendant.

NOTICE is hereby given that on Monday, January 30, 1939, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 428.92, with legal interest on Rs. 298.78 from November 7, 1938, till payment and poundage, viz. :—

At Hambantota.

(1) All that undivided one-half ( $\frac{1}{2}$ ) share of the soil and the entirety of the boutique bearing assessment No. 34 (now No. 77) of the allotment of land whereon stand the five boutique buildings bearing assessment Nos. 130, 131, 132, 133, and 134, situated at Jail street, now called Bazaar street, within the Four Gravets of Hambantota in Magam pattu of the Hambantota District; bounded on the north by Crown land, east by Jail street (now Bazaar street), south by Mahavidaneralahamigegeya, west by Mammatgegeya; containing in extent about 20 perches.

(2) The divided western portion of the allotment of land called Ahamatagaligewatta (registered in E 9/256), together with the nine cubits tiled house standing thereon bearing assessment No. 245 (now No. 76), situated at Wilmot street in Hambantota aforesaid; bounded on the north by A. Abanchi Appu's property, east by Abdul Rahim's property, south by Wilmot street, and west by S. A. Mowlana's property; containing in extent 6.79 perches.

(3) An undivided one-half share ( $\frac{1}{2}$ ) of the land bearing assessment No. 402 (now No. 28), situated at Walker street in Hambantota aforesaid, together with the buildings standing thereon; bounded on the north-east by land appearing in T. P. 53,005, south-east by Walker street, south-west by land appearing in T. P. 53,002, and north-west by Philip street; containing in extent 11 perches.

Valuation: (1) Rs. 1,500. (2) Rs. 750. (3) Rs. 500.

Deputy Fiscal's Office, V. L. WIRASINHA,  
Hambantota, December 20, 1938. Additional Deputy Fiscal.

32 Northern Province.

In the District Court of Jaffna.

(1) Andy Kathiravelu and (2) Simachechy, daughter of Andy, both of Maviddapuram ..... Plaintiffs.  
No. 2,293. Rs. 16 Vs.

The Inhabitants of the subdivision of Tellippalai ..... Defendants.

NOTICE is hereby given that on Friday, January 27, 1939, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said plaintiffs for the recovery of Rs. 383.41, being the taxed costs payable by the plaintiffs to the defendants (less Rs. 99.92 being the taxed costs of the plaintiffs), and poundage and charges in the following property, viz. :—

1. An undivided  $6\frac{1}{2}$  lachams varagu culture with its appurtenances of a piece of land, situated at Maviddapuram in Tellippalai parish, Valikamam North division of the Jaffna District, Northern Province, called Navandalavaththai, in extent 50 lachams varagu culture and 10 kulies with cultivated and spontaneous plantations and well; and bounded on the east by lane, north by the village of Tellippalai West and by lane, west and south by lane.

2. An undivided 44 lachams varagu culture and 5 $\frac{1}{2}$  kulies with its appurtenances of a piece of land, situated at Maviddapuram in ditto called Navandalavaththai, in extent 50 lachams varagu culture and 10 kulies with cultivated and spontaneous plantations and well; and bounded on the east by lane, north by village of Tellippalai West and by lane, and west and south by lane.

Fiscal's Office,  
Jaffna, December 23, 1938.

S. TURAIYAPPAH,  
for Fiscal.

In the District Court of Jaffna.

Murugesar Suppiah of Vaddukkoddai West ..... Plaintiff.  
No. 9,014. 45 Vs.

(1) Sithamparappillai Thambirajah and wife (2) Ponnammah (dead), both of Vaddukkoddai ..... Defendants.

(2) (a) Thambirajah Vaitilingam and 3 others, minors, by their guardian *ad litem*, the 1st defendant ..... Substantiated defendants. Rs. 20

NOTICE is hereby given that on Saturday, January 28, 1939, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd deceased defendant, for the recovery of Rs. 1,446, with interest thereon at the rate of 9 per cent. per annum from November 20, 1935, until payment in full, and costs Rs. 202.03 and poundage and charges, less Rs. 770, in the following property, viz. :—

1. All that piece of land situated at Vaddukkoddai East in Vaddukkoddai parish, Valikamam West division of the Jaffna District, Northern Province, called Akkaranavai, in extent 16 $\frac{1}{2}$  lachams p. c.; and bounded on the east by Sivanayagam, widow of Sabaratnam, and Kathiresar Kanagasabai, north by lane and by Sinnappu Thillaiampalam and shareholders, west by Sinnappu Thillaiampalam and Vinayar Sithamparappillai and Sivanayagam, widow of Sabaratnam, and on the south by Kathiresu Ambalavaner.

2. An undivided  $\frac{1}{4}$  share with its appurtenances of a piece of land, situated at Vaddukkoddai East in ditto called Nimittinaveli, in extent 11 lachams p. c. and 1 $\frac{1}{2}$  kulies; and bounded on the east by lane, north by Nagammah, widow of Chellappah and by the property belonging to Muttumari Amman temple, west by Ambalavaner Sellathurai, and south by water channel.

3. An undivided 7 $\frac{1}{2}$  lachams varagu culture with its appurtenances of a piece of land situated at Vaddukkoddai East in ditto called Thekiravudai, in extent 10 $\frac{1}{2}$  lachams varagu culture with house, kitchen, portico, hut and well, and cultivated and spontaneous plantations; and bounded on the east by lane, north by Velauther Thambippillai and shareholders and Theivanai, daughter of Nagesu, west by Vaitilingam Rasa and shareholders and by by-lane leading to this land, and south by by-lane leading from the eastern boundary lane to the western boundary land belonging to Vaitilingam Rasa and shareholders.

Fiscal's Office,  
Jaffna, December 23, 1938.

S. TURAIYAPPAH,  
for Fiscal.

## Eastern Province.

In the District Court of Trincomalee.

(1) Veluppillai Sivasubramaniam, and (2) Sellamuttu, widow of Veluppillai of Division No. 1, Trincomalee. . . . . Plaintiffs.

No. 2,173. Vs.

Gunasakara Balasooriya of Nilaveli . . . . . Defendant.

NOTICE is hereby given that on Saturday, January 28, 1939, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the following properties mortgaged with the plaintiffs by bond No. 5,700 dated March 2, 1932, attested by Mr. M. M. Subramaniam of Trincomalee, Notary Public, and declared specially bound and executable under the decree entered in the above case and ordered to be sold by order of court dated August 11, 1938, for the recovery of the sum of Rs. 2,140, with interest on Rs. 2,000 at 12 per cent. per annum from February 12, 1938, till March 8, 1938, and thereafter at 9 per cent. per annum on the aggregate amount until payment in full, and costs Rs. 113-13½, Fiscal's fees and charges and poundage, viz. :—

1. All that allotment of land bearing assessment Nos. 167 and 168, situated at No. 11, Trincomalee District, Eastern Province, with an ola thatched house, coconut trees and plants, palmyra trees, well, wellsweep and posts and all other plantations thereon and all other rights relating thereto; bounded on the north by seashore, west by the land of Akilasapillai Rasanone, south by road leading to Nilaveli, east by the land of Vengadasala Chettiar Sinniah Mudaliyar; in extent 8 acres 2 roods and 33 3/25 square perches. Registered A 8/189.

2. All that piece of land in Division No. 10, Trincomalee aforesaid bearing assessment No. 100 with all rights relating thereto; bounded on the north-east by seashore, south-east by lane, south-west by the land of S. Ponnuswamy and others, and on the north-west by the land of Velayuther Chinnatamby; in extent 15.3 perches. Registered A 9/18.

3. An undivided 3/4 share of a piece of land bearing assessment No. 197 and all other rights relating thereto, situated at Division No. 10, Trincomalee aforesaid; bounded on its entirety on the north-east and south-east by lanes, north-west by the land of Ponnambalam Sellappa and others, and on the south-west by the house and ground of Arunasalam Thambiah; in extent 2 30/100 square perches. Registered A 7/357.

Deputy Fiscal's Office, B. V. SETHUKAVALAR,  
Trincomalee, December 22, 1938. Additional Deputy Fiscal.

I, Noel Edward Ernst, Fiscal for the North-Western Province, do hereby appoint S. M. Marikkar to act as Marshal from December 24, 1938, till January 3, 1939, for the divisions of Dambadeni Uducaha North and West and Mairawathi korales of Dambadeni hatpattu, Giratalana, Baladora, and Angomu korales of Dewameddi hatpattu, Karandapattu, Meddeketiya, Yaticaha, Yagampattu, Kinyama, Katugampola Medapattu East and West, Katugampola North and South and Pitigal korales of Katugampola hatpattu, in the District of Kurunegala, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Kurunegala, this 22nd day of December, 1938.

N. E. ERNST,  
Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

38/ In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Panchikkadavath Kalaiaravide No. S. 670. A late of Maho in Malabar, South India, deceased.

Parambath Puthiyapurayil Kunjipattu alias Uppathu of Malabar aforesaid by her attorney Parambath Pudiapurayil Moidoo, presently of Bankshall street, Colombo . . . . . Petitioner.

And

(1) Panchikkadavath Kalaiaravide Kathija, (2) Parambath Pudiapurayil Kunjipacki, (3) Parambath Pudiapurayil Nafeeza, all of Maho aforesaid; 2nd and 3rd respondents are minors appearing by their guardian *ad litem* (4) Panchikkadavath Kalaiaravide Abdul Razzak of 31, St. John's road, Pettah, Colombo . . . . . Respondents.

THIS matter coming on for final disposal before W. Sausoni, Esq., District Judge of Colombo, on December

16, 1938, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 16, 1938, the Supreme Court order dated November 30, 1938, and power of attorney dated August 30, 1938, having been read:

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 2nd and 3rd respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as attorney of the widow of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before February 16, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 22, 1938. C. NAGALINGAM,  
District Judge.

33/ In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Veeyanna Rana Chena Kandasamy No. T. 73. Chettiar, deceased, of Pitchamalwatta of Gurudeniya.

THIS matter coming on for disposal before George Crossette Thambyah, Esq., District Judge, Kandy, on November 30, 1938, in the presence of Messrs. Liesching & Lee, Proctors, on the part of the petitioner, Vaithialingam Chettiar's daughter Karupai Ammal, and the affidavit of the said petitioner dated November 30, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents—(1) Kandasamy Chettiar's son Karunanandam Chettiar, (2) Kandasamy Chettiar's son Paramanandam Chettiar, (3) Kandasamy Chettiar's daughter Ponnamani Ammal, (4) Kandasamy Chettiar's daughter Paruwatham Ammal, (5) Kandasamy Chettiar's daughter Kanni Ammal, (6) Kandasamy Chettiar's son Rajasundaram Chettiar, (7) Kandasamy Chettiar's son Kurunathan Chettiar, (8) Kandasamy Chettiar's granddaughter Theivany Ammal, (9) Kandasamy Chettiar's granddaughter Rajambal Ammal, (10) Kandasamy Chettiar's granddaughter Kamalam Ammal, and (11) Nana Kuna Veeyanna Rana Kandasamy Chettiar—or any other person interested shall, on or before January 16, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 30, 1938. G. C. THAMBYAH,  
District Judge.

26/ In the District Court of Kandy.

Order Nisi.

No. T. 74. In the Matter of the Estate of the late Meegahagedera Panchirala, deceased, of Udawela in Palis pattu of Pata Dumbara.

Meegahagedera Ram Menika of Udawela aforesaid . . . . . Petitioner.

(1) Udagedera Kiri Etana, (2) Meegahagedera Muttu Menika, and (3) Meegahagedera Heen Menika, all of Udawela aforesaid . . . . . Respondents.

THIS matter coming on for disposal before George Crossette Thambyah, Esq., District Judge, Kandy, on November 30, 1938, in the presence of Mr. E. J. Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 27, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the heir of the above-named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents above named or any other person or persons interested shall, on or before January 16, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 30, 1938. G. C. THAMBYAH,  
District Judge.

In the District Court of Badulla. 28  
*Order Absolute in the First Instance.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the Rev. William John Perrett No. B 1,013. Waltham of the Vicarage, Bandarawela, in the Island of Ceylon, deceased.

THIS matter coming on for disposal before R. R. Selvadurai, Esq., District Judge of Badulla, on December 17, 1938, in the presence of Messrs. H. J. & W. L. Pinto, Proctors, on the part of the petitioner, the Ven. Francis Lorenz Beven; and (1) the affidavit of the said petitioner dated November 22, 1938, and (2) the affidavit of the attesting notary of the will also dated December 4, 1938, having been read: It is ordered that the last will and

testament of the said the Rev. William John Perrett Waltham, deceased, bearing No. 4918 dated August 23, 1936, and attested by Kotavile Pathiramage Don Elias Kodagoda of Bandarawela, Notary Public, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved:

And it is further declared that the said the Ven. Francis Lorenz Beven is one of the executors named in the said will and that he is entitled to have probate thereof issued to him accordingly, with power reserved to the remaining executors to come in and obtain at any time hereafter a similar grant.

R. R. SELVADURAI,  
 District Judge.

## PASSED ORDINANCES.

(Continued from page 3.)

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

### No. 76 of 1938.

L. D.—O 61/38

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

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 Estate Duty Amendment Ordinance, No. 76 of 1938.

Short title.

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

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

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

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

Provided, however, that—

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

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

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

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

3 Section 49 of the principal Ordinance is hereby amended—

Amendment of section 49 of the principal Ordinance.

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

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

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

Amendment of section 52 of the principal Ordinance.

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

Replacement of section 73 of the principal Ordinance.

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

Hindu undivided families.

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

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

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

E. R. SUDBURY,  
Secretary to the Governor.



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