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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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PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

PASSED ORDINANCES.

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

No. 69 of 1938.

L. D.—O 89/38

An Ordinance to amend the Prevention of Crimes Ordinance, No. 2 of 1926.

A. CALDECOTT.

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

Short title and date of operation.

1 This Ordinance may be cited as the Prevention of Crimes (Amendment) Ordinance, No. 69 of 1938, and shall come into operation on such date as the Governor may appoint by Proclamation published in the Gazette.

Amendment of section 5 of Ordinance No. 2 of 1926.

2 Section 5 of the Prevention of Crimes Ordinance, No. 2 of 1926, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

- (1) in sub-section (2) thereof, by the substitution for all the words from "substantially in the form" to the end of the sub-section, of the following :—
"in the prescribed form, stating whether or not the finger prints forwarded are identical with the finger prints of a registered criminal and setting out the prescribed particulars of each conviction for a crime entered against such criminal."; and
- (2) in paragraph (a) of sub-section (3) thereof, by the omission of the words "as described in sub-section (2)".

Replacement of section 6 of the principal Ordinance.

3 Section 6 of the principal Ordinance is hereby repealed and the following section is substituted therefor :—

Procedure where a person is convicted of a crime after summary trial.

6 (1) Where any accused person is found guilty of a crime after summary trial, the Magistrate shall, notwithstanding anything in section 190 of the Criminal Procedure Code, 1898, cause the finger prints of such person to be taken and forwarded in the manner provided in sub-section (1) of section 5, and the Registrar shall issue a certificate as required by sub-section (2) of that section.

(2) If the certificate so issued declares that the accused's finger prints are identical with those of a registered criminal, the Magistrate shall read such certificate to the accused and call upon him to admit or deny separately each of the convictions set forth therein.

(3) If the accused, on being called upon under sub-section (2)—

- (a) admits all the convictions set forth in the certificate, the Magistrate shall pass sentence on him according to law ;
- (b) declines to make any reply, or denies all or any of the convictions set forth in the certificate, the Magistrate shall, before passing sentence on him, proceed to take evidence in proof of such of the convictions as the accused does not admit.

(4) The Magistrate may, in his discretion, remand the accused or admit him to bail until the certificate issued under sub-section (1), or the evidence referred to in paragraph (b) of sub-section (3), is available to the court.

(5) In this section, "summary trial" includes a trial by a Magistrate under section 166 of the Criminal Procedure Code, 1898, or by a Magistrate, who is also a District Judge, under section 152 (3) of that Code.

Amendment of section 9 of the principal Ordinance.

4 Section 9 of the principal Ordinance is hereby amended by the substitution for the words "District Court," of the words "District Court or Magistrate's Court,".

Amendment of section 10 of the principal Ordinance.

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

- (1) in sub-section (3) thereof, by the substitution for the words "under sections 5 or 6," of the words "under section 5,"; and

(2) in sub-section (5) thereof, by the substitution for the words "under sections 5 (4) or 6 (2)." in the Proviso to that sub-section, of the words "under section 5 (4)."

6 Schedule B to the principal Ordinance is hereby repealed.

Repeal of Schedule B to the principal Ordinance.

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.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,319. In the matter of the insolvency of Attanayake James Fernando of 271/60, Mutwal street, Colombo.

WHEREAS A. J. Fernando has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by D. Marthinu Silva of Madampitiya road, Mutwal, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. J. Fernando, insolvent accordingly; and that two public sittings of the court, to wit, on February 21, 1939, and on March 7, 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,
January 16, 1939. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 30. In the matter of the insolvency of Kana Runa Muthucarpen, Kangany of Talawakelle.

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 28, 1939, for the grant of a certificate of conformity to the insolvent.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 32. In the matter of the insolvency of T. S. M. Sheriff of Agarapatana.

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 14, 1939, for the examination of the said insolvent.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

In the District Court of Jaffna.

Insolvency Jurisdiction. In the matter of the insolvency of Saravanamuttu Ponnampalam Veerasingam of Vannarponnai East, Jaffna.

NOTICE is hereby given that the meeting of the creditors of the above-named insolvent will take place at the sitting of this court on February 2, 1939.

By order of court, J. N. CULANTHAIVALU,
January 17, 1939. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

In the matter of the intestate estate of Sinniahpillai Somasunderam of Sea street, Colombo (deceased).

No. 33 Testy. Vs.

C. H. Somas of Polwatta estate, Kundasalai, Person-accountable.

NOTICE is hereby given that on Friday, February 10, 1939, at 3 P.M., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 2,168.04, with interest thereon at 4 per cent. per annum from October 8, 1937, to date of payment, together with a further sum of Rs. 52.22, Rs. 31.82 being accrued interest and Rs. 20.40 being costs of a citation and of a writ, viz. :—

The following property belonging to the intestate estate of the late Sinniahpillai Somasunderam of Sea street, Colombo, deceased, to wit :—

All that premises bearing assessment No. 279, situated at Sea street, within the Municipality and District of Colombo, Western Province; and bounded on the north by premises No. 285, Sea street, on the south by premises No. 277, Sea street, on the east by Sea street, and on the west by Reclamation road; containing in extent about 5 perches more or less.

Fiscal's Office,
Colombo, January 18, 1939.

H. E. PERIES,
Deputy Fiscal.

In the District Court of Colombo.

Walker Sons and Company, Limited of Colombo. Plaintiff.

No. 7,411. Vs.

K. G. Silva of 246, 2nd Division, Maradana . . . Defendant.

NOTICE is hereby given that on Saturday, February 11, 1939, at 11 A.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. 637.36, with legal interest on Rs. 613.09 from September 10, 1937, till date of decree November 15, 1937, and thereafter on the aggregate amount of the decree till payment in full, less a sum of Rs. 75, viz. :—

All that land formerly bearing assessment Nos. 86A, 120, 122, 124, 126, 128, 132, 132-1-5 at Deans road, Colombo, now described as follows :—

(An allotment of land bearing assessment Nos. 2346/613 now Nos. 244/1-50, 246/248, 250, 258, and 260, situated at Deans road, Maradana, in Colombo, within the Municipality of Colombo, in the District of Colombo, Western Province; bounded on the north by the property of A. A. D. M. Perera Jayawardene bearing assessment No. 2177/42 and M. D. M. Haniffa bearing assessment No. 2190H-2183/4, on the east by canal, on the south by the property of J. C. Kaldera bearing assessment No. 2345/61, and on the west by the property of C. H. de Silva bearing assessment No. 2198/5 and the property of Albina Umma bearing assessment No. 2199/30 and the property bearing assessment No. 2204/4A; containing in extent 3 acres and 32 50/100

perches as per plan No. 3860 dated March 6, 1937, made by M. B. de Silva, Licensed Surveyor, which said land prior to the making of the said plan is described as follows:—

All those four northern portions of land adjoining each other and forming one property bearing assessment 61A, with the buildings, trees, and grass plantations standing thereon, situated at Deans road, Maradana, in Colombo, within the Municipality and in the District of Colombo, Western Province; and bounded on the north by the canal and by the property of Sadin Marikar, on the east by high road and canal, on the south by the two portions of the same land belonging to Francis Caldera, and on the west by the property of Piche Thamby Saibo and others; containing in extent about 3 acres 3 roods and 6 perches.

Registered in A 85/221.

Fiscal's Office,
Colombo, January 18, 1939.

H. E. PERIES,
Deputy Fiscal.

In the District Court of Colombo.

Shahbandri Hajee Mohamed Meeram Saheb and three others, all carrying on business in partnership under the name, style, and firm of S. A. M. H. Abdul Cader Saheb and Company at 184/188, Second Cross street, Pettah, Colombo Plaintiffs.

No. 9,580/M. Vs.

Lena Mung Sahul Hameed (also known as L. M. Sahul Hameed) of 122, Second Cross street, Pettah, Colombo, carrying on business under the name of L. M. Sahul Hameed at 122, Second Cross street, Pettah, Colombo Defendants.

NOTICE is hereby given that on Monday, February 13, 1939, at 10 A.M., will be sold by public auction at 122, Second Cross street, Pettah, Colombo, the following movable property mortgaged with the plaintiff by bond No. 569 dated July 9, 1938, attested by M. M. A. Raheem of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated January 10, 1939, for the recovery of the sum of Rs. 2,210.97, with legal interest thereon at 9 per cent. per annum from the date of decree January 5, 1939, till payment in full, and costs of suit, viz. :—

In No. 1 Almirah.—275 sarongs, 48 banians, 15 cloth belts, 1 leather belt, 13 pairs socks, 6 jackets, 12 verties, 14 shawls, 5 silk handkerchiefs, 4 silk sarongs, 1 shirt.

In No. 2 Almirah.—220 sarongs, 4 cloth belts, 29 pairs socks, 6 pieces, chintz cloth, 6 pieces coat cloth.

In No. 3 Almirah.—28 sarongs, 15 pieces silk cloth, 43 pieces shirtings, 24 silk sarongs, 7 silk selas, 23 selas, 70 shawls, 7 silk sarongs, 17 pieces silk cloth, 23 pieces shirtings, 40 pieces silk cloth, 16 camboys, 19 pieces long cloth, 20 selas, 11 silk shawls, 4 silk sarongs, 3 pieces silk cloth, 4 sarongs, 7 belts, 11 handkerchiefs, 23 silk handkerchiefs 2 silk sarongs, 2 trousers, 5 gowns.

In No. 4 Almirah.—27 silk banians, 102 banians, 30 shirts, 39 pieces chintz cloth, 43 pieces madapalam chintz cloth, 7 pieces pyjama cloth, 10 pieces tussore, 24 handkerchiefs, 2 banians, 4 glass almirahs, 1 show case, 2 counters, 4 bentwood chairs, 4 brass poles.

Fiscal's Office,
Colombo, January 18, 1939.

H. E. PERIES,
Deputy Fiscal.

In the District Court of Kalutara.

M. D. J. Goonetilleke of Kitulwatta road, Borolla. Plaintiff.

No. 20,616. Vs.

A. de Silva of Kudawaskaduwa Defendant.

NOTICE is hereby given that on Thursday, February 16, 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 defendant in the following property for the recovery of Rs. 56 with further interest on Rs. 330 at 12 per cent. per annum from September 10, 1937, till April 8, 1938, and thereafter at 9 per cent. per annum on the aggregate till payment in full, and costs Rs. 100, less Rs. 38.68, viz. :—

The entirety of the soil, trees, and of the buildings thereon of the land called Delgahawatta, situated at Kudawaskaduwa in Waskadu badda of the Panadure Totamune in the District of Kalutara, Western Province; and bounded on the north

by Delgahawatta, east by the high road, south by the foot path leading from the high road to the railway line and on the west by Dehigahawatta; and containing in extent about 1½ acres.

Deputy Fiscal's Office,
Kalutara, January 16, 1939.

H. SAMERESINGHA,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Sivanathan Pillai's son Suppiah Pillai of Muttumari estate, Galaha Plaintiff.

No. M. B. 84. Vs.

(1) Mohideen Khan's son Dawoodu Khan, personally and as legal representative of the estate of Ana Ahamed's daughter, Jainambu, deceased, (2) Kadirappol Nayakker's daughter Natchiamma, both of Galaha in Lower Hewaheta Defendants.

NOTICE is hereby given that on Saturday, February 25, 1939, at 2 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 2,005 dated March 22, 1933, and attested by M. Ameen, 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 1, 1938, for the recovery of the sum of Rs. 1,753.69 with interest on Rs. 1,000 at 12½ cents per Rs. 10 per mensem from April 1, 1938, till June 21, 1938, and thereafter with interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full, and costs and poundage, viz. :—

All that portion of ground 35 feet in length and 40 feet in breadth along the road out of all that land called Ketagodawatta of 5 acres and 1 rood in extent in the whole, situate at Deltota in Gandaha korale of Lower Hewaheta; which said portion of ground is bounded on the east by the property of Podi Singho, south by the remaining portion of Ketagodawatta, and west and north by Nillernbe old road, together with the house and plantations thereon. Registered in G 133/8 and all the right, title, interest, and claim whatsoever of the said 1st defendant in, to, upon or out of the said several premises mortgaged by the said 1st defendant.

Fiscal's Office,
Kandy, January 17, 1939.

H. C. WLESINHA,
Deputy Fiscal.

In the Court of Requests of Matale.

A. R. O. L. Olagappa Chettiyar by his attorney K. M. Dasasamy Pillai of Matale Plaintiff.

No. 4,974. Vs.

S. L. Abanindu Thamby of Aliwihare in Matale. Defendant.

NOTICE is hereby given that on Thursday, February 9, 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 defendant in the following property, for the recovery of the sum of Rs. 250.35 with interest on Rs. 200 at the rate of 15 cents per Rs. 10 per month from May 20, 1938, till July 5, 1938, and thereafter legal interest on the aggregate amount, till payment in full, and poundage, viz. :—

Undivided half share of the adjoining allotments of land called and known as Muttettuttenneyayewatta and Galedandeyayewatta, containing in extent 6 acres 2 roods and 36 48/100 perches according to plan of survey No. 44 dated February 8, 1914, made by S. S. Kandasamy, Licensed Surveyor, but according to plan of Survey No. 2,558 dated February 22, 1934 made by J. R. Holloway, Licensed Surveyor, containing in extent 6 acres 3 roods and 15½ perches, situated at Aliwihare in Campahasiya pattu of Matale South, in the District of Matale, Central Province; and bounded in its entirety on the east by Muttettuttenneyayewatta and Galedandeyayewatta and Trincomalee road, south by the road to Asgiriya, west by Kolapusseyaya alias Godapusseyaya belonging to Ponnachechi Amma, and on the north by Crown land together with a like share of the two tiled houses, plantations, and everything standing thereon registered in B 99/113, which said premises are subject to a mortgage upon bond No. 11,907 dated March 6, 1934, attested by S. W. Wijayatilaka, Notary Public.

The aforesaid property has also been seized under writ in C. R., Matale, No. 4,296.

Deputy Fiscal's Office,
Matale, January 18, 1939.

IAN M. DE SILVA,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

R. M. P. R. Sinnacaruppen Chettiar and another carrying on business at Galle under the name, style, and vilasam of M. C. Sinna Caruppen Chettiar Plaintiffs.

No. 36,118. Vs.

K. S. Tilakaratne of Ratgama, and others Defendants.

NOTICE is hereby given that on Friday, February 10, 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 property, viz. :—

An undivided $\frac{2}{5}$ and $\frac{1}{3}$ part of all the soil and soil share trees of the land called Puchinaiduwa and of the houses standing thereon built by Don James de Silva Tilakaratne, deceased, situated at Ratgama, in Wellaboda pattu, Galle District; and bounded on the north by land claimed by natives, east by Panwilakumbura, south by land belonging to Dadallage Arnolis, and west by Banduramullakumbura; containing in extent 56 acres and 17.33 perches.

Writ amount Rs. 400 with interest thereon at the rate of 9 per cent. per annum from June 17, 1937, till payment, and Rs. 48.92 for costs.

Fiscal's Office, T. D. S. DHARMASENA,
Galle, January 11, 1939. Deputy Fiscal.

In the District Court of Matara.

Gardiye Punchinewage Wilson Silva of Kapparatota Plaintiff.

No. 12,159. Vs.

K. H. Samson Perera of 23, Bridge street, Slave Island in Colombo, presently of Res. House View, Weligama Defendant.

NOTICE is hereby given that on Tuesday, February 14, 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 defendant in the following property for the recovery of a sum of Rs. 1,786.60, viz. :—

All that the land called Hettimudiyansegewatta comprising of the divided lots A and B together with all the buildings thereon, situated at Weligama in Weligam korale of Matara District, Southern Province; and bounded on the north-east by Lokubadu Jayasuriyawegawatta, south-east by road, south-west by Thanayamwatta, and on the north-west by Hettimudiyansegewatta; and containing in extent 19.5 perches.

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

Deputy Fiscal's Office,
Matara January 16, 1939.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

Weerawarna Kurukulasuriyabusabaduge Theadora Fernando of Kalamulla, the duly appointed administratrix over the estate of the deceased, Taniperuge Gingsiris Perera of Balangoda Plaintiff.

No. 6,452. Vs.

(1) Janyewera Patabandige Nohy Singho, (2) Wallipurana Dampoo, (3) Doral Appa, Kanaganama, all of Balangoda Defendants.

NOTICE is hereby given that on Monday, February 13, 1939, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 550 and poundage, viz. :—

An undivided $\frac{1}{4}$ share of the land called Tambikandu Lekamalagewatta, situate at Balangoda in the Helauda palata of Meda korale in the District of Ratnapura of the Province of Sabaragamuwa; and bounded on the north by agala, east by agala and koswetiya, south by Sangika Pansalewatteagala, west by vela; and containing in extent about 3 kurunies of kurakkan sowing, together with the entirety of the tiled house standing thereon, but excluding therefrom the thatched house standing on the said land, and registered in folio E 42/165.

Fiscal's Office, N. SWAMINATHA AYER,
Ratnapura, January 13, 1939. Additional Deputy Fiscal.

In the District Court of Kegalla.

S. P. Suppiah Kanakkapulle, son of Periya Caruppon alias Arunugam of Doteloya Estate, Dolosbago. Plaintiff.

No. 10,564. Vs.

(1) Nuwarapassapedige Siyatiwa of Udabage (dead),
(2) ditto J. J. J. of Dampelgoda (4) Kanategedera Babi of Debathgama (dead) Defendants.
(3) Nuwarapassapedige Kriduraya alias Sirinelis of Debathgama, legal representative of the estate of 1st and 4th defendants deceased. Substituted Defendants.

NOTICE is hereby given that on February 10 and 11, 1939, commencing at 2 o'clock in the afternoon each day will be sold by public auction at the respective premises the right, title, and interest of the said substituted defendants in the following property, viz. :—

Sale on February 11, 1939, commencing at 2 p.m.

1. An undivided $\frac{1}{2}$ share of the field called Wadanapahakumbura of two pelas of paddy sowing in extent, situated at Bossella in Kanduaaha pattu of Paranakuru korale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the east by embankment, south and west by bank, and north by liminary ridge of Yaddessalagekumbura, together with a half share of the boutique room.

2. An undivided $\frac{1}{2}$ share of the field called Edandawekumbura of two pelas of paddy sowing in extent, situated at Bossella aforesaid; and bounded on the east by Elawella, south by Eura and Purana, west by Eura, and north by Wella.

3. An undivided $\frac{1}{2}$ share of the land called Ellapahalaha now garden of 15 lahas of paddy sowing in extent, situated at Bossella aforesaid; and bounded on the east by Weedyehena, south and north by ela, and west by Etambagahamulahena.

4. An undivided $\frac{1}{2}$ share of the land called Etambagahamulahena now garden of two pelas of paddy sowing in extent, situated at Bossella aforesaid; and bounded on the east by ela, south by the field, west by the village limit and north by Ganimehena, together with a half share of the plantations and the house standing thereon.

5. An undivided $\frac{1}{2}$ share of the land called Padinchiwahitinauwatta of about one pela of paddy sowing in extent, situated at Bossella aforesaid; and bounded on the east by ditch, south by Amuhena, west by the bank of the garden belonging to Janguwa and north by the field.

6. An undivided $\frac{1}{2}$ share of the land called Kowilagawahena of three lahas of paddy sowing in extent, situated at Bossella aforesaid; and bounded on the north by Etambagahamulahena, east by Ima of Suduhakuruge Aramba, south by ditch and rock, and west by village limit of Kurumbapitiya and Kovilagala.

Sale on February 11, 1939, commencing at 2 p.m.

7. An undivided $\frac{3}{4}$ share of the land called Wiharegederawatta alias Galganegederawatta of two pelas paddy sowing in extent, situated at Debathgama-Pallebage in Tumpalata pattu of Paranakuru korale in the District of Kegalla of the Province of Sabaragamuwa aforesaid; and bounded on the east and west by water-course, south by ditch, and north by the field.

8. An undivided $\frac{1}{2}$ share of the field called Wattegedeniya of one pela of paddy sowing in extent, situated at Debathgama-Pallebage aforesaid; and bounded on the east and west by bank, south by inniyara of Acharigekumbura, and north by high road.

9. All that field called Wiharegederakumbura of 2 pelas and 5 lahas of paddy sowing in extent, situated at Debathgama-Pallebage aforesaid; and bounded on the east by water-course, south by Wiharegederawatta, west by liminary ridge, and north by stone fence.

Sale on February 11, 1939, at 4 p.m. at the spot.

10. An undivided $\frac{3}{4}$ share of (an undivided $\frac{1}{4}$ share being allotted to 3rd defendant) of all those allotments of lands called Gallenamulahena, Delgahamulahena, Kosgahamulahena, Galapallehena, Narangahamulahena, Nugemulahena, Egalamulahena, Madehena and Palupanguwena all adjoining one another and forming one property now garden of 7 amunams paddy sowing in extent, situated at Dampelgoda in Mawata pattu of Paranakuru korale in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the east by Kalugallewattepaula-ela (Lahudana-o-ya) and Katukekiriya-ela, west by Kahagalleagalalanda and agala, and north by oya and agala.

The above described several allotments of lands called Gallenamulahena, Delgahamulahena, Kosgahamulahena, Galapallehena, Narangahamulahena, Nugemulahena, Egalamulahena, Madehena and Palugangiwehena have since been surveyed and according to figure of survey thereof No. 3,057 dated March 23 and 24, 1930, and prepared by Coe. E. de

La Motte of Kandy, Surveyor; and bounded on the north and east by Labudana-oya, south-east by Katukekiriye-ela, south by village chena, and west by Dampelgodawatta said to belong to N. Rankira, Galenda Kahagallegalendahena now a garden, Kahagalle-ela, Galanda, Nelligahamuladeniyekumburepillewa, Kalugomuwapitiya said to belong to P. Kirimenika's land claimed by D. N. Siyatuwa and another, land claimed by N. Kira; containing in extent 27 acres and 2 roods, and situated at Dampelgoda in Mawata pattu of Paranakuru korale aforesaid.

For the recovery of the sum of Rs. 2,419.99 together with legal interest on Rs. 2,046.90 from November 1, 1934, till date of payment in full, less a sum of Rs. 400, since paid.

Deputy Fiscal's Office, J. A. F. SIRIWARDENE,
Kegalla, January 16, 1939. Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of the late Comitige John Baptist Perera of Paiyagala in Kalutara District, deceased.

Comitige Leon Perera of Paiyagala South Petitioner.

And

Weerawarnekurukulasooriya Boosabaduge Lucia Fernando of Paiyagala Respondent.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on September 14, 1938, in the presence of C. P. Weeraratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 5, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as father of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before September 29, 1938, show sufficient cause to the satisfaction of the court to the contrary.

C. NAGALINGAM,
District Judge.

September 14, 1938.

The date for showing cause against the above-mentioned *Order Nisi* is hereby extended to October 27, 1938.

C. NAGALINGAM,
District Judge.

September 29, 1938.

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

C. NAGALINGAM,
District Judge.

October 27, 1938.

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to January 26, 1939.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Gregory Stapleton, Commander in His Majesty's Navy (Retired), formerly of His Majesty's Ship Dreadnought, Devonport in the County of Devon, England, but late of 1, Newton Court, Orchard street, Kensington, in the County of Middlesex, England, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on January 9, 1939, in the presence of James Frederick van Langenberg, Proctor, on the part of the petitioner, David Ernest Martensz of Colombo; and (1) the affidavit of the said

petitioner dated January 4, 1939, (2) the power of attorney dated November 4, 1938, and (3) the order of the Supreme Court dated December 16, 1938, having been read: It is ordered that the will of the said Gregory Stapleton, deceased, dated March 17, 1904, an exemplification of which under the Seal of His Majesty's High Court of Justice in England 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 David Ernest Martensz is the attorney in Ceylon of the sole executrix named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before February 16, 1939, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,
District Judge.

January 11, 1939.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of (a) the Last Will and Testament of Bordrigge North North of Newton Hall, Whittington, in the County of Lancaster in England, a Brigadier-General in His Majesty's Army, C.B., M.V.O., D.L., deceased, affecting only his share of the Amherst estate and his other real and immovable property (if any) in the Island of Ceylon and (b) the last will and testament of the said Bordrigge North North, deceased, affecting his property other than his said share of the Amherst estate and his other real and immovable property (if any) in the Island of Ceylon.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on January 19, 1939, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Piers William North presently residing in Colombo; and (1) the affidavit of the said petitioner dated January 18, 1939, and (2) the order of the Supreme Court dated January 17, 1939, having been read: It is ordered that the wills of the said Bordrigge North North, deceased, both dated March 13, 1936, the original of the first-mentioned will and a certified copy of the second-mentioned will under the Seal of His Majesty's High Court of Justice in England have been produced and are now deposited in this court, be and the same are hereby declared proved; And it is further declared that the said Piers William North is one of the executors named in the said wills and that he is entitled to have probate thereof issued to him accordingly with power reserved to the remaining executor, unless any person or persons interested shall, on or before January 26, 1939, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,
District Judge.

January 19, 1939.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Simon Manian, deceased, of Ceeroonduwatte estate, Gampola.

THIS matter coming on for disposal before George Crossette Thambyah, Esq., District Judge, Kandy, on December 19, 1938, in the presence of Messrs. Coomaraswamy and Vajayaratnam, Proctors, on the part of the petitioner, Theamony Mary Manian; and the affidavit of the said petitioner dated December 5, 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 issued to her, unless the respondents—(1) Gnana Puspan, (2) Gnana Theepan, (3) Margaret, (4) Gnanamony, (5) Elizabeth, (6) Rajamany, (7) Walter Dewaperian by their guardian *ad litem* Appavoo Cangany of Warakawa estate, Nawalapitiya—or any other person or persons interested shall, on or before February 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

G. C. THAMBYAH,
District Judge.

December 19, 1938.

In the District Court of Galle.

Order Nisi.

No. 7,850.

In the Matter of the Estate of late Amy Dharmabandu, deceased, of Minuwangoda, Galle.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge, Galle, on November 28, 1938, in the presence of Mr. W. de Silva, Proctor, Galle, on the part of the petitioner, Solomon Dharmabandu; and the affidavit of the petitioner dated November 27, 1938, having been read:

It is further declared that the said petitioner, Solomon Dharmabandu of Colombo, is entitled to have letters of administration issued to him accordingly, unless the respondent, Peter Dantanarayana or any person interested shall, on or before January 31, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 28, 1938.

N. SINNETAMBY,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of Mary Jurisdiction. Karunanayake Jayawardene nee de No. 7,851. Alwis Goonatillake of Bentota, deceased.

Nicholas de Alwis Goonatillake of Bentota Petitioner.

Janet Alwis Dassanayake nee Wunigasekere of Kosgodia Respondent.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Galle, on December 9, 1938, in the presence of Messrs. C. L. & M. L. N. Wickremasinghe, Proctors, on the part of the said petitioner; and the affidavit of the said petitioner dated December 1, 1938, having been read:

It is further declared that the said petitioner is entitled to have letters of administration issued to him accordingly, unless the said respondent or any person or persons interested shall, on or before January 31, 1939, show sufficient cause to the satisfaction of this court to the contrary.

December 9, 1938.

N. M. BHARUCHA,
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Don Adiriyana Ranaweera, No. 4,023. Police Officer, late of Radawela, deceased.

Hittatiyege Don Eliyas of Dewalegama Petitioner.

Vs.

(1) Ramanayakage Punchihamy of Radawela, (2) Don Lewis Ranaweera of ditto, (3) John Ranaweera of Dewalegama, (4) Don Dias Ranaweera of Radawela, (5) Don Thyadoris alias Siyadoris Ranaweera, (6) Don Ranaweera of ditto, (7) Don Harmanis Ranaweera of ditto, (8) Dona Gimara Ranaweera of ditto Respondents.

THIS matter coming on for disposal before James Joseph, Esq., District Judge of Matara, on November 23, 1938, in the presence of Messrs. R. E. & G. P. Keuneman, Proctors, on the part of the petitioner, Hittatiyege Don Eliyas of Dewalegama; and the affidavit of the said petitioner dated November 21, 1938, having been read:

It is ordered that the will of Don Adiriyana Ranaweera, Police Officer, deceased, dated October 22, 1910, be and the same is hereby declared proved, unless the respondents or any other person or persons interested shall, on or before February 6, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Hittatiyege Don Eliyas is the executor named in the will, and that he is entitled to have probate of the same issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before February 6, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 23, 1938.

JAMES JOSEPH,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Sabapathippillai Chelliah of No. 433. Changuvuvely, deceased.

Poothathampai Amirthalingam of Vannarpoinai Petitioner.

Vs.

(1) Sathasivampillai Rajaretnam of Vannarpoinai, (2) Sivakamasunthary daughter of Sabapathippillai Chelliah of ditto, (3) Manonmani, widow of Sabapathippillai Chelliah of ditto Respondents.

THIS matter of the petition of the above-named petitioner praying that the above-named 1st respondent be appointed guardian *ad litem* over the minor 2nd respondent and that letters of administration to the estate of the above-named deceased be issued to the petitioner coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on July 21, 1937, in the presence of Mr. V. K. Gnanasundaram, Proctor, on the part of the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the minor 2nd respondent and that letters of administration to the estate of the above-named deceased be granted to the petitioner as one looking after the interest of the minor, unless the above-named respondents appear before this court on August 25, 1937, and show sufficient cause to the satisfaction of this court to the contrary.

August 19, 1937.

C. COOMARASWAMY,
District Judge.*Order Nisi* extended for January 25, 1939.

November 30, 1938.

C. C.,
D. J.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Pakkialedehumy, wife of Sinnathambay No. 462. Rajappah of Kokkuvil East, Jaffna, who died at Seramban in F. M. S., deceased.

Nanniah Maruthappah of Kokkuvil East Petitioner.

Vs.

(1) Rajappah Subramaniam, (2) Rajappah Pathmanathan, (3) Rajappah Suniralingam and (4) Pathmanathapillai Kumaraswamy, all of Kokkuvil Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on June 30, 1938, in the presence of Mr. X. Manikkavasagan, Proctor for petitioner; and the affidavit and petition having been read:

It is ordered that the above-named 4th respondent be appointed guardian *ad litem* over the minors, 1st, 2nd, and 3rd respondents, and that letters of administration of the estate of the deceased be granted to the petitioner, unless the respondents show sufficient cause to the satisfaction of this court to the contrary on July 22, 1938.

July 5, 1938.

C. COOMARASWAMY,
District Judge.

Extended to January 30, 1939.

C. C.,
D. J.

In the District Court of Jaffna.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Cecilia alias Sinnamma, wife of Velu No. 478. Muttiah of Kankesanturai, deceased.

Velu Muttiah of Kankesanturai Petitioner.

Vs.

(1) Suntharam Ponniah and (2) wife Annammah of Kankesanturai (3) Arulammah, daughter of Velu Muttiah of ditto, (4) Muttiah Joseph of ditto Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge of Jaffna, on November 28, 1938, in the presence of Mr. A. V. Sathasivam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 28, 1938, having been read:

It is ordered (a) that the 1st and 2nd respondents be and they are hereby appointed guardian *ad litem* of the minors 3rd and 4th respondents above named, to represent

them for all purposes of this action and (b) that the petitioner be and he is hereby declared entitled, as husband of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before January 25, 1939, show sufficient cause to the satisfaction of the court to the contrary.

November 28, 1938.

C. COOMARASWAMY,
District Judge.

In the District Court of Kurunegala.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Camlathrallage Appuhamy, ex-Arachchi
No. 4,345. of Galpottopola, deceased.

Horat Mudiyansele Gunamaletana of Galpottopola Petitioner.

Vs.

(1) Camlathrallage Punchedathmaya, (2) ditto
Dingirimathmaya, (3) ditto Bisomenika, all of
Galpottopola Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge of Kurunegala, on October 11, 1938, in the presence of Mr. H. B. F. Wanduragala, Proctor for petitioner above named; and the affidavit of the said petitioner dated October 10, 1938, having been read: It is ordered that the 1st respondent be and she is hereby appointed guardian *ad litem* over the 3rd minor respondent for the purpose of these proceedings, unless the respondents shall, on or before November 17, 1938, show sufficient cause to the contrary.

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents or any other person or persons interested shall, on or before November 17, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 11, 1938.

V. JOSEPH,
District Judge.

The date for showing cause extended to December 21, 1938.

November 17, 1938.

V. JOSEPH,
District Judge.

The date for showing cause extended to January 24, 1939.

December 21, 1938.

V. JOSEPH,
District Judge.

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Segothamby Mohamedo Meera Lebbe,
No. 734. late of Ammathotam, deceased.

Between

Mohamedo Meera Lebbe Seyedo Mohamedo of Ammathotam in Akkara pattu in Puttalam District. Petitioner.

And

Sego Alexander Nalla Meera Natcha of Ammathotam aforesaid Respondent.

THIS matter coming on for disposal before M. L. D. Caspersz, Esq., Additional District Judge of Puttalam, on November 5, 1938, in the presence of Mr. Wilfred A. Muttukumaru, Proctor, on the part of the petitioner; and the petitioner's affidavit dated October 15, 1938, and petition dated November 3, 1938, having been duly read:

It is hereby ordered that the petitioner be and he is hereby appointed administrator of the estate of Sago Thamby Mohamedo Meera Lebbe, deceased, and that letters of administration do issue to him accordingly, unless the respondent above named or any other person or persons interested shall appear before this court on November 29, 1938, at 10 o'clock in the forenoon and show sufficient cause to the satisfaction of this court to the contrary.

M. L. D. CASPERSZ,
Additional District Judge.

November 22, 1938.

Time for showing cause has been extended to January 24, 1939.

M. L. D. CASPERSZ,
Additional District Judge.

January 16, 1939.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Wijeyatunga Aratchige Don
No. 2,205. Lokinu Appuhamy of Dummaladeniya,
deceased.

Between

Wijetunga Aratchige Don Lazaris Appuhamy of Dummaladeniya (dead) Administrator.
Wijetunga Aratchige Dona Eugina Flamy of Dummaladeniya Petitioner.

And

(1) Wijetunga Aratchige Don Marthelis Appuhamy of Dummaladeniya (dead), (2) Dona Isabelhamy of Kimbulapitiya in Negombo District, (3) Gamarnedaliyanage Jethrudd Pererahanne of Dummaladeniya, (4) Dona Norbarthina Maria Wijetungahamine of Kapungoda, (5) Don Thomas Wijetunga, (6) Dona Maria Wijetungahamine both of Dummaladeniya, (7) Dona Ana Wijetungahamine of Kongodamulla, (8) Don Emmanuel Joseph Wijetunga, (9) Dona Emalin Victoria Wijetunga, (10) Don Stephen Nikulas Wijetunga, all of Dummaladeniya. Respondents.

(1) Suraweera Aratchige Lucihamy, (2) W. A. Dona Victoria Elizabeth, (3) W. A. Dona Margaret, (4) W. A. Don Henry Victor, (5) W. A. Don Andrew William, (6) W. A. Dona Mary Catherina, (7) W. A. Don Henry Francis, all of Dummaladeniya; the 4th, 5th, 6th, and 7th added-respondents being minors by their guardian *ad litem* the 1st added-respondent Added-respondents.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Chilaw, on November 21, 1938, in the presence of Mr. A. S. Horat Kumaratne, Proctor, on the part of the petitioner; and the affidavit of the petitioner above named dated September 16, 1938, having been read:

It is ordered that the 1st added-respondent be and she is hereby appointed guardian *ad litem* over the 4th, 5th, 6th, and 7th minor added-respondents.

And it is further ordered that the petitioner be and she is hereby appointed substituted-administratrix over the estate of the said deceased, unless the respondents and added-respondents above named or any other person or persons interested shall, on or before January 12, 1939, show sufficient cause to the satisfaction of this court to the contrary.

November 21, 1938.

M. A. SAMARAKOON,
District Judge.

Time for showing cause against the above Order Nisi is extended to January 31, 1939.

M. A. SAMARAKOON,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Panampitiye Adikari Mudiyansele
No. 1,611. Dingiri Banda alias D. B. Adikari of
Godagama, deceased.

Wijekuru Tenachelage Rammenika of Godagama Petitioner.

(1) Adikari Mudiyansele Kulathie Menike of Godagama, (2) ditto Podmenike, (3) ditto Medduma Banda, (4) ditto Senayaratne Banda, (5) Rajapaksa Dasanayaka Mudiyansele Pandara Menika of Godagama, the 1st to 4th being minors by their guardian *ad litem* the 5th respondent Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kegalla, on August 26, 1938, in the presence of Mr. M. B. Kappagoda, Proctor, on the part of the petitioner above named; and the affidavit and petition of the petitioner dated August 8, 1938, and August 26, 1938, respectively having been read:

It is ordered that the 5th respondent above named be and she is hereby appointed guardian *ad litem* over the 1st, 2nd, 3rd, and 4th respondents above named and that letters of administration in respect of the above estate be issued to the petitioner above named, unless the respondents above named or any person or persons interested shall, on or before November 2, 1938, show sufficient cause to the satisfaction of this court to the contrary.

August 26, 1938.

H. A. DE SILVA,
District Judge.

This Order Nisi is extended for November 30, 1938.

November 2, 1938.

H. A. DE SILVA,
District Judge.

This Order Nisi is extended for January 25, 1939.

November 30, 1938.

H. A. DE SILVA,
District Judge.