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**CEYLON GOVERNMENT**  
**GAZETTE**

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**PART II.—LEGAL.**

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

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## DRAFT ORDINANCES.

## MINUTE.

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

L. D.—O 8/38

**An Ordinance to protect the commerce and industries of Ceylon, to declare deferred rebates illegal and to provide for the regulation of shipping freights.**

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**An Ordinance to protect the commerce and industries of Ceylon, to declare deferred rebates illegal and to provide for the regulation of shipping freights.**

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 Ceylon Commerce and Industries Protection Ordinance, No. of 1939, and shall come into operation on such date (hereinafter referred to as "the appointed date") as the Governor may appoint by Proclamation published in the *Gazette*.

**Establishment of Board.**

2 A Board to be called the Shipping Board (hereinafter referred to as the "Board") is hereby established for the purposes of this Ordinance.

**Constitution of the Board.**

3 (1) The Board shall consist of the persons for the time being holding the office of—

- (a) Minister for Labour, Industry and Commerce,
- (b) the Principal Collector of Customs,
- (c) the Director of Commerce and Industries, and
- (d) any three persons not in the service of Government, appointed by the Governor.

(2) The Minister shall be Chairman of the Board. The Chairman shall, in the event of an equality of votes, have a casting vote in addition to his vote.

(3) The business of the Board shall be transacted in such manner as it deems most convenient.

**Board may sue and be sued.**

4 The Board shall have a common seal and may sue and be used under the style of the Shipping Board and shall have power to appoint such officers and servants as may be necessary to carry out its functions under the Ordinance.

**Rebates and discriminations by carriers by water prohibited.**

5 No carrier by water shall, directly or indirectly, in respect to the transportation by water of property from any port in Ceylon to any port outside Ceylon—

- (a) pay or allow, or enter into any combination, agreement, or understanding express or implied, to pay or allow a deferred rebate to any shipper ;
- (b) retaliate against any shipper by refusing, or threatening to refuse, space accommodations when such are available, or resort to other discriminating or unfair methods, because such shipper has patronised any other carrier or has filed a complaint charging unfair treatment, or for any other reason ;

(c) make any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered, or unfairly treat or unjustly discriminate against any shipper in the matter of—

- (i.) cargo space accommodations or other facilities due regard being had for the proper loading of the vessel and the available tonnage ;
- (ii.) the loading and landing of freight in proper condition ;
- (iii.) the adjustment and settlement of claims.

6 (1) The Board upon its own initiative may, or upon complaint shall, after due notice to all parties interested, determine—

Determination  
by Board as  
to violations.

- (a) whether any carrier engaged in transportation by water of property from any port in Ceylon to any port outside Ceylon, has violated any provision of the preceding section ; or
- (b) whether the rates for carriage of goods by sea from any port in Ceylon to any port outside Ceylon charged by any carrier is excessive or unduly high.

(2) Upon an inquiry held by the Board under sub-section (1), all parties interested shall be entitled to appear and be heard either in person or by pleader.

(3) If the Board determines that any such carrier has violated any provision of section 5, the Board shall thereupon certify such fact to the Governor.

(4) If the Board determines that excessive or unduly high rates for carriage of goods by sea from any port in Ceylon to any port outside Ceylon are being charged by any carrier, it shall give the carrier concerned sixty days' time within which to adjust to the satisfaction of the Board such carrier's rates for the carriage of goods by sea between such ports.

(5) If a person required by the Board under subsection (4) to make an adjustment of the rates to the satisfaction of the Board fails or neglects to make such adjustment within the said period of sixty days the Board shall report the fact to the Governor.

(6) Upon the receipt of a certificate under subsection (3), or of a report under subsection (5), it shall be lawful for the Governor, after such notice to such person as the Governor may in the circumstances consider reasonable, to empower, by Order under his hand, the Principal Collector to levy in respect of the ships owned or operated or directly or indirectly controlled by the carrier mentioned in the certificate or report of the Board, as the case may be, an amount equal to twice the amount of such port dues leviable and payable under Schedule C of the Customs Ordinance (Chapter 185), as may be prescribed under this Ordinance.

(Vol. IV.,  
p. 491).

(7) For the purpose of recovering the levy payable under subsection (6) the Principal Collector shall have all the powers vested in him by section 26 of the Customs Ordinance (Chapter 185).

(Vol. IV.,  
p. 491).

(8) An Order made by the Governor under subsection (6) shall remain in force until revoked by the Governor, upon a certificate from the Board either—

- (i.) that such violation has ceased ; or
- (ii.) that the rates for carriage of goods by sea have been adjusted to the satisfaction of the Board.

(9) The Board may both before and after taking the action prescribed by subsections (3) and (5), without prejudice to its powers under this section, give any carrier or carriers or any union or association of carriers an opportunity of discussing the questions in dispute with a view to arriving at an adjustment satisfactory to the Board.

7 (1) Every carrier of goods by water from any port in Ceylon to any port outside Ceylon shall file with the Director of Commerce and Industries a true and complete memorandum of every agreement relating to or affecting the carriage of goods from any port in Ceylon to any port outside Ceylon and every modification or cancellation thereof, to which it may be a party or conform in whole or in part—

Contracts  
between  
carriers filed  
with Board.

- (a) fixing or regulating transportation rates or fares ;
- (b) giving or receiving special rates, accommodations, or other special privileges or advantages ;
- (c) controlling, regulating, preventing, or destroying competition ;

- (d) pooling or apportioning earnings, losses, or traffic ;
- (e) allotting ports or restricting or otherwise regulating the number and character of sailings between ports in Ceylon and ports outside Ceylon ;
- (f) limiting or regulating in any way the volume or character of freight or passenger traffic to be carried ; or
- (g) in any manner providing for an exclusive, preferential, or co-operative working arrangement.

(2) The term "agreement" in this section includes understandings, conferences, and other arrangements.

(3) Whoever violates any provision of this section shall, upon conviction after summary trial by a Magistrate, be liable to a fine of one thousand rupees and to a further fine of one hundred rupees for each day during which such violation continues after such conviction.

Discriminatory  
acts prohibited.

8 It shall be unlawful for any carrier by water, either alone or in conjunction with any other person, directly or indirectly—

- (a) to make or give in respect of the carriage of goods from any port in Ceylon to any port outside Ceylon any undue or unreasonable preference or advantage to any particular person, or description of traffic in any respect whatsoever, or to subject any particular person, or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever ;
- (b) to allow any person to obtain transportation for property from any port in Ceylon to any port outside Ceylon at less than the regular rates then established and enforced on the line of such carrier, by means of false billing, false classification, false weighing, false report of weight, or by any other unjust or unfair device or means ; and
- (c) induce, persuade, or otherwise influence any marine insurance company or underwriter or agent thereof not to give a competing carrier by water as favourable a rate of insurance on vessel or cargo, having due regard to the class of vessel or cargo, as is granted to such carrier.

Discriminatory  
rates  
prohibited.

9 (1) No carrier by water shall in respect of the carriage of goods from any port in Ceylon to any port outside Ceylon demand, charge, or collect any rate, fare, or charge which is unjustly discriminatory between shippers or unjustly prejudicial to exports from Ceylon as compared with competitors from outside Ceylon.

(2) Every such carrier shall establish, observe and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivering of property.

Carriers to  
establish,  
observe, and  
enforce  
reasonable  
rates and  
regulations.

10 (1) Every carrier by water shall in respect of the carriage of goods from any port in Ceylon to any port outside Ceylon establish, observe, and enforce just and reasonable rates, fares, charges, classifications, and tariffs, and just and reasonable regulations and practices relating thereto and to the issuance, form, and substance of tickets, receipts, and bills of lading, the manner and method of presenting, marking, packing, and delivering property for transportation, the carrying of personal, sample, and excess baggage, the facilities for transportation, and all other matters relating to or connected with the receiving, handling, transporting, storing, or delivering of property.

(2) Every such carrier shall file with the Director of Commerce and Industries and keep open to public inspection, in the form and manner and within the time prescribed by the Board, the maximum rates, fares, and charges for or in connexion with transportation between points on its own route ; and if a through route has been established, the maximum rates, fares, and charges for or in connexion with transportation between points on its own route and points on the route of any other carrier by water.

(3) No such carrier shall demand, charge, or collect a greater compensation for such transportation than the rates, fares, and charges filed in compliance with this section, except with the approval of the Board and after sixty days' public notice in the form and manner prescribed by the Board, stating the increase proposed to be made ; but the Board for good cause shown may waive such notice.

11 If it appears to the Board that a carrier by water has reduced his rates on the carriage of any species of cargo from any port in Ceylon to any port outside Ceylon below a fair and remunerative basis with the intent of driving out or otherwise injuring a competitive carrier by water, it shall by written order served on such carrier or his agent or representative in Ceylon prohibit such carrier from increasing such rates without the written approval of the Board.

Rates reduced not to be increased without approval of Board.

12 (1) Any owner, agent, representative, master or other officer of any vessel destined for any port outside Ceylon who refuses to receive cargo in good condition tendered by any person in Ceylon for such port of destination or for some intermediate port of call, together with the proper freight shall become liable to pay to the Deputy Financial Secretary for the use of the Crown a penalty of five thousand rupees unless such owner, agent, representative, master or other officer establishes to the satisfaction of the Principal Collector that—

Penalties attached to vessel refusing to receive cargo.

- (a) such cargo consists of merchandise for which such vessel is not adopted ;
- (b) such vessel is fully laden ;
- (c) all available cargo space in such vessel was booked by shippers from other ports before the arrival of the vessel in Ceylon ; or
- (d) there is some other good and sufficient reason for such refusal.

(2) The Principal Collector shall refuse a certificate of clearance to any vessel destined for any port outside Ceylon the owner, agent, representative, master or other officer of which has refused to receive cargo in good condition tendered by any person in Ceylon for such port of destination or for some intermediate port of call, together with the proper freight until—

- (a) such owner, agent, representative, master or other officer establishes to the satisfaction of the Principal Collector that his refusal is justified on any of the grounds mentioned in paragraphs (a), (b), (c) or (d) of subsection (1) ; or
- (b) such cargo is received by such owner, agent, representative, master or other officer ; or
- (c) the penalty of five thousand rupees is paid into the Treasury.

(3) Where the owner, agent, representative, master or other officer of such vessel is unable to establish to the satisfaction of the Principal Collector any of the grounds mentioned in paragraphs (a), (b), (c) or (d) of subsection (1) before the date on which such vessel is due to leave Ceylon, and if such owner, agent, representative, master or other officer satisfies the Principal Collector that further time is necessary to establish any of the said grounds the Principal Collector may grant a certificate of clearance—

- (a) on the deposit of a sum of five thousand rupees with the Deputy Financial Secretary, or
- (b) on the execution of a bond in favour of the Crown for a sum of five thousand rupees by any person resident in Ceylon and approved by the Principal Collector with two good and sufficient sureties resident in Ceylon.

(4) Where in a case in which a certificate of clearance is issued under subsection (3), the owner, agent, representative, master or other officer fails to establish any of the grounds mentioned in paragraphs (a), (b), (c) or (d) of subsection (1) the Principal Collector shall—

- (a) declare the deposit of five thousand rupees forfeit for the use of the Crown, in a case where a deposit is made under paragraph (a) of subsection (3) ; or
- (b) issue a written notice calling upon the persons bound by the bond to pay the sum of five thousand rupees due thereon before a date specified in such notice.

(5) If the persons noticed under paragraph (b) of subsection (4) fails to pay the sum of five thousand rupees before the date specified in the notice, the said sum of five thousand rupees together with a further sum calculated at the rate of ten rupees for each day during which the said sum of five thousand rupees remains unpaid after the date mentioned in such notice shall be recoverable at law.

(6) Where in a case in which a certificate of clearance is issued under subsection (3) the owner, agent, representative,

master or other officer establishes any of the grounds mentioned in paragraphs (a), (b), (c) or (d) to the satisfaction of the Principal Collector, he shall—

(a) cause the deposit of five thousand rupees to be refunded to the person who paid it, in a case in which a deposit has been made under paragraph (a) of subsection (3); or

(b) cause the bond to be discharged in a case where a bond has been given under paragraph (b) of subsection (3).

(7) For the purposes of this section "proper freight" does not include any increase in freight made in contravention of an order made under section 11.

Liability of agent or representative for absent owner.

13 Where a carrier affected by this Ordinance is not in Ceylon the agent or representative in Ceylon of such carrier shall be subject to the obligations, liabilities, penalties and punishments prescribed by this Ordinance as fully as if such agent or representative was the carrier himself.

Principal Collector or other authority not liable in respect of refusal of clearance. (Vol. IV., p. 491.)

14 No civil or criminal proceeding shall be instituted or maintained against the Principal Collector or other authority in respect of a refusal of clearance under this Ordinance, nor shall the fact that a ship is detained under this Ordinance affect the liability of the master, owner, charterer, or agent to pay the dues payable under Schedule C of the Customs Ordinance (Chapter 185) for the period of such detention.

Regulations.

15 (1) The Board may make regulations—

(a) for regulating the procedure at inquiries made by the Board under section 6; and

(b) for all matters required in this Ordinance to be prescribed.

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

(3) Every regulation, when approved by the State Council and ratified by the Governor, shall, upon publication in the Gazette, be as valid and effectual as if it were herein enacted.

Interpretation.

16 In this Ordinance, unless the context otherwise requires—

"deferred rebate" means a return of any portion of the freight money by a carrier to any shipper as a consideration for the giving of all or any portion of his shipments to the same or any other carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement;

"Minister" means the Minister for Labour, Industry and Commerce;

"Principal Collector" means the person for the time being holding the office of Principal Collector of Customs, and includes any Deputy or Assistant Collector of Customs.

#### *Objects and Reasons.*

The object of this Bill is to declare deferred rebates illegal and to provide for the establishment of a Shipping Board which will be responsible for the investigation of cases of alleged violation of the law and for the general regulation of shipping freights.

G. C. S. COREA,  
Minister for Labour, Industry and Commerce.

Colombo, August 25, 1939.

## NOTICES OF INSOLVENCY.

*11*  
In the District Court of Colombo.  
No. 3,506 In the matter of the insolvency of Jamal Mohideen. Mohideen carrying on business under the name, style, and firm of Jamal Mohideen & Co. at Keyzer street, Colombo.

*10*  
NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 12, 1939, for the declaration of dividend and appointment of an Auditor.

By order of court, C. EMMANUEL,  
August 15, 1939. Secretary.

In the District Court of Colombo.  
No. 5,289 In the matter of the insolvency of Abdul Razzaq Mohamed Salih of Stace road, Grandpass, Colombo, insolvent.

*10*  
NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 26, 1939, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,  
August 30, 1939. Secretary.

*9*  
In the District Court of Colombo.  
No. 5,293 In the matter of the insolvency of Hewadewage Lawrence Fernando of Colombo.

*10*  
NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 10, 1939, to consider the grant of a certificate of competency to the insolvent.

By order of court, C. EMMANUEL,  
September 2, 1939. Secretary.

*10*  
In the District Court of Colombo.  
No. 5,308 In the matter of the insolvency of Don Simon Kodikara of Dematagoda road, Colombo.

*10*  
NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 3, 1939, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,  
September 5, 1939. Secretary.

In the District Court of Colombo.  
No. 5,407 In the matter of the insolvency of William Herbert Lord of 21, Bonjean road, Kotahena, Colombo.

WHEREAS the above-named W. H. Lord has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. E. J. Ondatjie of New Chetty street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said W. H. Lord, insolvent accordingly; and that two public sittings of the Court, to wit, on September 19, 1939, and on October 31, 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,  
August 31, 1939. Secretary.

In the District Court of Colombo.  
No. 5,409 In the matter of the insolvency of B. Van Rooyan of 260, 2nd Division, Maradana, Colombo.

WHEREAS the above named B. Van Rooyan has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. W. Gomes of Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said B. Van Rooyan insolvent accordingly; and that two public sittings of the court, to wit, on September 26, 1939, and on October 31, 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,  
September 1, 1939. Secretary.

In the District Court of Colombo.  
No. 5,410 In the matter of the insolvency of Nagamuthu Velupillai Kandiah of 165, Forbes road, Maradana, Colombo.

WHEREAS the above named N. V. Kandiah has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. M. Sinnadurai of 267, Main street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said N. V. Kandiah, insolvent accordingly; and that two public sittings of the court, to wit, on September 26, 1939, and on October 31, 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,  
September 4, 1939. Secretary.

In the District Court of Colombo.  
No. 5,411 In the matter of the insolvency of Zainu Deen Mohamed Salih and Zainu Deen Mohamed Munsoor, both of 25, 3rd Cross street, Pettah, Colombo.

WHEREAS the above-named Z. D. M. Salih and Z. D. M. Munsoor have filed a declaration of insolvency, and a petition for the sequestration of their estate has been filed by M. A. Nalir of 36, Clifton lane, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Z. D. M. Salih and Z. D. M. Munsoor insolvent accordingly; and that two public sittings of the court, to wit, on September 26, 1939, and on October 31, 1939, will take place for the said insolvents to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance of which creditors are hereby required to take notice.

By order of court, C. EMMANUEL,  
September 5, 1939. Secretary.

In the District Court of Jaffna.  
No. 178 In the matter of the insolvency of Swaminathapillai Puvirajasingam Rajasingam of Manipay.

WHEREAS James Ponnusamy Nagalingam of Manipay, has filed a declaration of insolvency, and a petition for the sequestration of the estate of Swaminathapillai Puvirajasingam Rajasingam under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Swaminathapillai Puvirajasingam Rajasingam, insolvent accordingly; and that two public sittings of the court, to wit, on October 6, 1939, and on November 10, 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, J. N. CULANTHAIVALU,  
Secretary.

In the District Court of Jaffna.  
No. 181 In the matter of the insolvency of Kurusamy Chetty Nagalingam Chetty of Vannarponnai East, Jaffna.

WHEREAS Viyaladchi, widow of Eliyathamby of 2nd Cross street, Jaffna, has filed a declaration of insolvency, and a petition for the sequestration of the estate of Kurusamy Chetty Nagalingam Chetty, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Kurusamy Chetty Nagalingam Chetty, insolvent accordingly; and that two public sittings of the court, to wit, on October 20, 1939, and on November 30, 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, J. N. CULANTHAIVALU,  
Secretary.

In the District Court of Jaffna.

**Insolvency Jurisdiction.** In the matter of the insolvency of Thambapillai Sellathamby, Manager of the Lanka Benefit Company, Vannarponnai, Jaffna ..... Insolvent.  
No. 182.

WHEREAS Josuva Vannithamby Thambipillai of Anaikodai has filed a declaration of insolvency and a petition for the sequestration of the estate of the said Thambapillai Sellathamby under the Ordinance No. 7 of 1853; Notice is hereby given that the said court has adjudged the said Thambapillai Sellathamby insolvent accordingly; and that two public sittings of the court, to wit, on October 13, 1939, and on November 17, 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, J. N. CULANTHAIVALU, Jaffna, September 4, 1939. Secretary.

Chatham street, Fort, Colombo, the following movable property for the recovery of the sum of Rs. 9,198.90, Rs. 281.35, and writ costs Rs. 13.37, viz.:

*In No. 1 Almirah.*—6 brass candle stands, 2 brass elephants, 3 brass bells, 10 brass toy animals, 3 sets of cups, 1 lot straw hats, 6 baskets, 8 brass vessels with stands, 1 lot bags, 1 lot wooden curios, 3 porcupine quill pens, 1 jewellery box, 5 brass trays, 4 brass boxes, 5 brass cigarette cases.

*In No. 2 Almirah.*—21 silver necklaces, 4 opal necklaces, 10 silver bangles, 60 toy elephants, 8 toy elephants (elephant bridge), 12 Dutch plates (old), 8 Dutch jars (old), 12 brass articles, 1 lot ebony elephants.

*In No. 3 Almirah.*—1 lot nickel articles (assorted).

*In No. 4 Almirah.*—1 lot nickel plated articles.

*In No. 1 Show Case.*—3 sets jewellery, 3 elephant (ivory), 1 lot ivory curios, 2 ivory elephants with silver carvings, 1 elephant bridge, 1 tiger bridge, 3 umbrella handles (silver), 1 lot silver spoons, 1 tortoise shell box,

*In No. 2 Show Case.*—11 pocket watches, 28 wrist watches, 7 brass nickel plated spoons, 8 pairs serviette rings (silver), 2 ladies' toilet sets, 7 silver cups, 23 serviette rings (silver), 2 nickel plated cabinet stands.

*In No. 3 Show Case.*—6 tortoise shell brushes, 2 tortoise mirrors, 4 tortoise combs, 4 cigarette cases, 1 tortoise shell ash tray, 10 tortoise shell combs, 6 tortoise shell slides, 3 tortoise shell boxes, 2 tortoise shell combs.

*In No. 4 Show Case.*—18 fountain pens, 1 lot parts of fountain pens, 4 Parker pencils, 1 lot pens and parts, 3 sets pens and pencils with rolled gold bands.

*In No. 5 Show Case.*—11 elephant hair bangles with gold workings, 15 elephant hair bangles, 5 pairs elephant hair eardrops with gold workings, 1 elephant hair brooch with gold workings, 30 coronation medals and pins.

*In No. 6 Show Case.*—5 moonstone necklaces, 5 brooches, 25 rolled gold bangles.

*In No. 7 Show Case.*—2 gold wrist watch bands, 7 gold bangles, 3 gold buttons, 1 gold pencil, 2 gold chains, 1 necklace set with stones, 1 pair eardrops.

*In No. 8 Show Case.*—10 gold rings set with stones, 4 gold pendants, 1 ivory elephant.

*In No. 9 Show Case.*—1 lot moonstone necklaces, 10 gold brooches set with stones, 4 bracelets.

*In No. 10 Show Case.*—12 hairpins, 1 necklace, 3 pendants, 3 bangles, 1 pair ear drops, 7 silver bangles, 6 silver cigarette cases, 1 iron safe, 10 show cases, 5 almirahs, 2 tables, 9 chairs, 1 writing table, 1 lot sundries.

Fiscal's Office, B. M. CHRISTOFFELSZ, Colombo, September 8, 1939. Deputy Fiscal.

**NOTICES OF FISCALS' SALES.**

**Western Province.**

In the District Court of Colombo.

Nadarajan Chettiar, son of Mutiah Chettiar, carrying on business under the name, style, and firm or Vilasam of Moona Ravona Mana Moona Moona Nana also known as M. N. M. M. N. .... Plaintiffs.

No. S/3,431.

A. H. M. Rafoek of 62, Panichikavatta road, Colombo, and presently of Main Street, Colombo, administrator of the estate and effects of S. L. M. Hashim and in his personal capacity ..... Defendants.

NOTICE is hereby given that on Tuesday, October 3, 1939, at 4 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. 500 with interest thereon at 9 per centum per annum from May 22, 1939, till payment in full, viz.:

An undivided one-sixth part or share of all those premises with the buildings standing thereon, formerly bearing assessment No. 12 now Nos. 55 and 57, situated at Queen street in Fort, within the Municipality and District of Colombo, Western Province; which said premises is bounded on the north by the house of Doctor Hollowell, on the east by Hospital road, on the south by the house of Messrs. Cave & Co., and on the west by Queen street; containing in extent 20 24/100 perches, and erroneously described in some deeds as being only 24/100 of a perch in extent, and which said premises is according to the recent survey and description thereof described as follows:—An allotment of land with the buildings thereon bearing assessment Nos. 55 and 57, Queen street in Fort, within the Municipality and District of Colombo aforesaid; and bounded on the north by property belonging to Messrs. H. Don Carolis & Sons, bearing assessment No. 51, on the east by Hospital lane, on the south by property belonging to Mrs. Charlotte Moudis bearing assessment Nos. 59 and 61, and on the west by Queen street; containing in extent 28 47/100 perches as per plan No. 1,331 dated February 15, 1936, made by M. L. L. Marikar, Special Licensed Surveyor and Leveller, registered A 243/43 in the Colombo District Land Registry.

Fiscal's Office, B. M. CHRISTOFFELSZ, Colombo, September 6, 1939. Deputy Fiscal.

In the District Court of Galle.

William Griffith & Sons, Limited of Northampton street in the City of Birmingham, carrying on business under the style and firm of Walker G. Griffith in Birmingham, England, ..... Plaintiffs.

No. 36,786.

Don Peter Weerasiri of Sirimadura, Elliott road, Galle, executor of the estate of late Anagi Weerasiri, proprietress of Don Theodoris & Co., Jewellers, Chatham street, Fort, Colombo (now residing in Colombo) ..... Defendants.

NOTICE is hereby given that on Saturday, September 30, 1939, at 10 A.M., will be sold by public auction at 99,

In the District Court of Colombo.

Richard Francis Hildebrand Gordon Bayley Morgan of Petworth, Cooper's Hill, Colpetty ..... Plaintiff.

No. 38,196. Vs.

(1) R. Gunawardene, Kosgama, Hewagam korale. (2) H. R. Gunawardene, Proctor, Avissawella. Defendants.

NOTICE is hereby given that on Monday, October 2, 1939, at 4 P.M. will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant above named in the following property for the recovery of the sum of Rs. 9,000 with interest thereon at 9 per cent. per annum from May 23, 1930, till payment in full and costs of suit taxed at Rs. 1,024.57 (less Rs. 2,785.50 paid), viz.:

An undivided 5 part or share from and out of the land called Elabodalanda, situated at Kahahena in Udugaha pattu of Hewagam korale in the District of Colombo, Western Province; and bounded on the north by lands described in plans Nos. 125,710, 137,897 and Alubogahalandewatta of W. Sardial Appu and Kahahenewatta of W. Baron Appu, south by the land in plan No. 60,378, on the south-east by Etambagahalanda belonging to the Crown, on the south-west by Wak-oya and Crown land, on the east by Kahahenelanda belonging to the Crown and Etambagahalanda, Kahahenewatta belonging to W. Baron Appu and land described in plan No. 134,738, and on the west by Elabodalanda belonging to the Crown and land described in plan No. 12,570; and containing in extent 26 acres, together with the trees and thatched house thereon. Registered, Colombo K33/179.

Fiscal's Office, B. M. CHRISTOFFELSZ, Colombo, September 6, 1939. Deputy Fiscal.



In the District Court of Colombo.

Henry Oliver Watson Peiris of Svasti, Bagatelle road,  
Colombo ..... Plaintiff.  
No. 4,799. *44* Vs.

Dorothy Margaret Catherine Hulme-King of  
Heatherley, Alfred place, Colombo, and two  
others ..... Defendants.

NOTICE is hereby given that on Monday, October 2, 1939, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property, mortgaged with the plaintiff by bond No. 5,420 dated March 13, 1930, attested by W. A. S. de Vos of Colombo, Notary Public, and declared specially bound and executable under the decree in the above-styled action dated March 20, 1936, and ordered to be sold by the order of court dated September 4/5, 1939, for the recovery of the sum of Rs. 118,327.99, with interest on Rs. 105,052.22, at the rate of 9 per cent per annum from August 1, 1939, till date of payment in full and costs, viz:—

All that and those the estate plantations and premises called and known as Diklanda West, situated in the villages Mellawagedera and Mukalangedera in Dunagaha pattu of Alutkuru korale in the District of Negombo, Western Province; bounded on the north by Dalupathgederawatta and field and jungle claimed by villagers, on the east by the field claimed by villagers, the cart road between this estate and Diclanda east and the estate called Diklanda east, on the south by the property of L. D. Fernando and Danwelkatuwa estate, and on the west by Danwelkatuwa estate lands claimed by natives and the cart road leading to Danwelkatuwa estate; containing in extent 271 acres 2 rods and 27 perches, according to the survey plan No. 3,272 by Geo. P. Weeraratne, Licensed Surveyor and Leveller, together with all plantations, buildings, machinery, stores, fixtures, tools, implements, cattle, and other the live and dead stock thereon, in and upon the said estate property and premises or thereto belonging or in anywise appertaining or used or enjoyed therewith and all the crops produce and appurtenances thereof and all the estate right, title, interest, claim, and demand whatsoever of the 1st defendant in, to, upon or out of the said premises. Registered Negombo E253/107.

Deputy Fiscal's Office, A. CELESTIN NALLIAH,  
Negombo, September 6, 1939. Deputy Fiscal.

## Central Province.

In the District Court of Kandy.

Karupaneñ Pulle Somasunderam of Mandandwela  
in Matale ..... Plaintiff.

No. M.B. 45.

Ram Banda Boyagoda of Yatiwawela in Haris-  
pattu ..... Defendant.

NOTICE is hereby given that on Wednesday, October 4, 1939, at 2 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 895 dated August 11, 1937, and attested by W. Gopelawa, Notary Public, of Matale, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of the court dated January 17, 1939, for the recovery of the sum of Rs. 587.35, with interest on Rs. 550 at 18 per cent. per annum from January 23, 1938, till August 2, 1938, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs and poundage, viz:—

All that undivided one-fourth part or share towards the west out of all that estate called Etamurungagoda, situate at Yatiwawela in Kulugammanasiyapattu of Harispattu in the District of Kandy, Central Province; containing in extent about 16 acres; and bounded on the east by the bank of the field, south by the bank of the field, west by the fence of the land belonging to Ranaraja and others, and north by the limit of the garden belonging to Mudaliyar Ranaraja and others, and field, registered in H 207/231 Kandy and all the right, title, interest, and claim whatsoever of the defendant, in, to, upon or out of the said several premises mortgaged by the defendant.

Fiscal's Office,  
Kandy, September 4, 1939.

H. C. WIJESINHA,  
Deputy Fiscal.

In the Court of Requests of Kandy.

Nanayakkara Hettiaratchige Don John Jayasinghe of  
Tillicoultry, Lindula ..... Plaintiff.

No. 18,858.

Ranamukago Don Liladasa Ranasinghe Appuhamy of  
Sinhapitiya, Gampola ..... Defendant.

NOTICE is hereby given that on Monday, October 16, 1939, commencing at 2 P.M., 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 balance sum of Rs. 393.87, with interest on Rs. 258 at 9 per cent. per annum from July 23, 1939, till payment in full and poundage, which the said plaintiff has recovered against the said defendant by a judgment of the said Court bearing date September 21, 1939.

One eleventh share of the following lands:—

1. The divided eastern portion of the land called Pussewattedegrawatta, in extent 4 lahas paddy sowing, situate at Godagama, Ganga pahala korale in Udapalata in the District of Kandy; and bounded on the north and east by ditch of Watapetiyeawatta, south by the high road to Dolosbage, west by the remaining portion of this same land.

2. All those divided eastern portion of the field called Mugalama, Godamugahagamakumbura and Ambakotakumbura, all situate at Hathugoda in Ganga Ihala korale, Udapalata aforesaid, all adjoining each other and forming one property of the extent of 3 pelas paddy sowing; and bounded on the east and south by Gadumekumbura, west by the portion acquired for the railway from this field, and on the north by Kahatakanuwakumbura.

3. An allotment of land called Batalakotuwa alias Polwattehena, situate at Polwatta in Udapalata aforesaid, which said allotment of land containing in extent 27 perches and 22 yards as per plan made by J. Paddie dated April 8, 1868; and bounded on the north by road to Dolosbage, south by the paddy fields, east by the property of Babanis alias Saides property, and on the west by the property of Dabrew alias lot No. 5.

4. All that field called Kahatakanuwakumbura of 8 kurunies paddy sowing in extent, situate at Hathugoda in Gangaihala korale Udapalata; bounded on the north by Kahatakanuwakumbura belonging to Dingiri Ukku, east by Gadoobaykumbura, south by D. C. Ranasinghe's field, and on the west by railway line.

Three forty-fourth shares of and in all the following lands, to wit:—

5. An undivided one-fourth share from and out of all that field called Diganeekumbura, situate at Godagama in Gangaihala korale of Udapalata aforesaid, of the extent of 2 pelas and 6 lahas paddy sowing; and bounded on the east by the field of Godapadda, south by the field of the Pansala, west by Edandekumbura, and on the north by Welekumbura.

6. An undivided half eastern portion of Edandekumbura of 2 pelas and 6 lahas paddy sowing extent, situate at Godagama aforesaid; and bounded on the east by Diganeela, south by Pallewala ela, west by the field called Lekampela, and on the north by Edandekumbura belonging to Ukkuwa.

7. The western undivided two-third share of Malwattekumbura of 8 lahas paddy sowing extent, situate at Godagama aforesaid; and bounded on the east by the field belonging to Marassanagedera Madumaya, south by the ela of Pallewala, west by Edandekumbura of Kapunkumbura, and on the north by the ela of Diganeekumbura.

8. One undivided eleventh part or share of all that land called and known as Ranteliyahena, situate at Polmalagama in Ganga Ihala korale of Udapalata in Dolosbage of about 12 acres in extent; and bounded in its entirety, on the east by the land of G. B. S. de Silva, south by M. S. de Silva's land, west by land of M. S. de Silva, and north by land of C. J. Blacket.

9. One-eleventh share of all that land called Panwatta, of the extent of about 2 lahas in paddy sowing, and situate at Sinhapitiya in Gangapahala korale of Udapalata bearing assessment No. 12; and bounded in its entirety, on the east by land of G. B. S. de Silva, south by ela, west by land of Mrs. D. M. Perera, and north by road to Dolosbage.

Fiscal's Office,  
Kandy, September 4, 1939.

H. C. WIJESINHA,  
Deputy Fiscal.

**Southern Province.**

In the District Court of Matara.

Liyanaige Wilson de Silva and another, both of Matara ..... Substituted Plaintiffs.  
No. 5,955. Vs.

(1) D. D. A. Samarasinghe of Morawaka and others ..... Defendants.

NOTICE is hereby given that on Monday, October 2, 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. 2,154.10, with legal interest on Rs. 615.31 from February 19, 1938, till payment in full, viz. :—

*Property of 1st and 2nd Defendants.*

1. All that undivided 2/11 parts of the land called Sapugahawatta *alias* Bandarawatta, situated at Beragama in Kandaboda pattu of Matara District, Southern Province; and bounded on the north by Meegahadeniya, east and south by the river, and on the west by the high road; and containing in extent about 10 acres.

2. All that undivided 2/22 parts of the land called Welihinnawalawatta, situated at Beragama aforesaid; and bounded on the north by Medagoda, east by Galakolawilehena, south by dola and Crown land, and on the west by Atalahagodawatta; and containing in extent 16 acres.

3. All that undivided 2/11 parts of the field called Pothuwilakumbura, situated at Beragama aforesaid; and bounded on the north by Elabodairawatta, Godanda, Crown jungle, and Wahugekumbura or Elabodakumbura, east by Godanda, Crown jungle, and deniya, south by Gammadugodawatta or Pahalawatta, and on the west by Poluketiya or Piyadekumbura; and containing in extent about 7 bags of paddy sowing.

4. All that undivided 2/11 parts of the field called Wahugekumbura, situated at Beragama aforesaid; and bounded on the north by Pallemagamure *alias* Hinkiriya, east by Elabodairawatta, south by Potuwila, and on the west by Piyadekumbura; and containing in extent about 4 bags of paddy sowing.

5. All that undivided 6/44 parts of Kithulahitiya, situated at Beragama aforesaid; and bounded on the north by Hinkiriya, east by Piyadikumbura, south by Mahamuttetuwa, and on the west by jungle; and containing in extent about 4 bags of paddy sowing.

6. All that undivided 2/44 parts of the land called Yagalewila, situated at Beragama aforesaid; and bounded on the north by Amumandiyewalahena, east by Elhendenyewatta and Crown land, south by Katuwanagewatta and Crown land, and on the west by Pinliyadda and Crown land; and containing in extent about 16 bags of paddy sowing.

7. All that undivided 2/22 parts of the field called Thebugalhela and Mugunamalgahaliyadda, situated at Beragama aforesaid; and bounded on the north by Ihala-watta, east by Karagaspewatta, south by Nugasmune, and on the west by Galanehena; and containing in extent about 1 amunam of paddy sowing.

Deputy Fiscal's Office,  
Matara, August 29, 1939.

F. J. BELING,  
Additional Deputy Fiscal.

**Northern Province.**

In the District Court of Colombo.

(1) Simpathamby Aiyadurai and (2) Thambyah Kanagasabai, both of Jaffna ..... Plaintiffs.  
No. 4,717. Vs.

Edith Savundrammal Rajaratnam of Pickell road, Borella, executrix of the estate of Thiagarajah Rajaratnam, deceased presently of 49, Campbell place ..... Defendant.

NOTICE is hereby given that on Tuesday, October 3, 1939, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises for the recovery of the sum of Rs. 2,867.50, together with interest on Rs. 1,850 at the rate of 10 per centum per annum from January 22, 1936, to the date of Decree (*i.e.*, March 19, 1937), and thereafter on the aggregate amount of the decree at the rate of 9 per centum per annum till payment in full and poundage and charges, the right, title, and interest of the said defendant in the following mortgaged property decreed to be sold, viz. :—

1. An undivided  $\frac{1}{2}$  share of all that piece of land situated at Uduvil in the Parish of Uduvil, Valikamam North Division, District of Jaffna, Northern Province,

called Ellupiddy, in extent of 12 lachams of varagu culture and 15 kulies with a  $\frac{1}{2}$  share of the well standing on the eastern boundary, cultivated and spontaneous plantations and palmyras; and bounded on the east by the lane and by the property of Ponnachy wife of Thambyrajah, north by the properties of James Sinnappu Sinnadurai and shareholders, west by the property of Ponnammah widow of Samuel John, and Vaithilingam Chelliah, and on the south by road.

2. An undivided  $\frac{1}{2}$  share of all that piece of land situated at Uduvil aforesaid, called Vilanai, in extent  $3\frac{1}{2}$  lachams of varagu culture with plantations; and bounded on the east by Pakiam, widow of Piragasam, north by road, west and south by C. W. K. Danforth.

3. An undivided  $\frac{1}{2}$  share of an undivided  $\frac{1}{2}$  lachams of varagu culture out of a piece of land situated at Uduvil aforesaid, called Thuvarathony, in extent  $1\frac{1}{2}$  lachams of varagu culture with share of the well situated towards the south-west and way and water course and plantations; and bounded on the east by Thangammah, wife of Vallipuram, and shareholders, north by road, west by Thiyagarajah Appadurai and shareholders, and south by bye-lane.

4. An undivided  $\frac{1}{2}$  share of all that piece of land situated at Uduvil aforesaid, called Paraiankadu, in extent 9 lachams of varagu culture with palmyras and share of the well in the northern boundary and way and water course and a path leading from this land to the lane, on the north; and bounded on the east by Chellammah, widow of Kandiah, west by Ponniah Ranganathan and shareholders, and north and south by Ponniah Ranganathan and shareholders and Chellappah Kulasingham.

5. An undivided  $\frac{1}{2}$  share of an undivided  $\frac{7}{8}$  share of a piece of land situated, at Uduvil aforesaid, called Manniankadu in extent 8 lachams of varagu culture with palmyras; and bounded on the east by Nathaniel Sathasivam, north by Kathiravelu Arulampalam, west by Murugar Sabapathy and another, and south by lane.

6. An undivided  $\frac{1}{2}$  share of all that piece of land situated at Uduvil aforesaid, called Aladythaddu, in extent 10 lachams of paddy culture; and bounded on the east by Annammah, wife of Wijaratnam, north by Nagammah, wife of Kandiah, west by Leelawathy, wife of Sivasubramaniam, and south by Sinnachy, wife of Arumugam, and Sittampalam Appiah.

7. An undivided  $\frac{1}{2}$  share of all that piece of land situated at Uduvil aforesaid, called Mandalanadaippu, in extent 4 lachams of varagu culture with palmyras; and bounded on the east by Ponniah Kumarasuriar and shareholders, north by Chellammah Muthuthamby and by lane, west by Annapillai, widow of Ponniah, and south by Ponnammah, widow of Samuel John, and another.

Fiscal's Office,  
Jaffna, September 5, 1939.

M. SELVADURAI,  
Additional Deputy Fiscal.

**Eastern Province.**

In the District Court of Trincomalee.

(1) Kasiranjithain, wife of (2) V. K. Chinniah, both of No. 8 Division, Trincomalee ..... Plaintiffs.  
No. 1,744. Vs.

(1) Sandramuganayagi, widow of P. M. Swaminader; as legal representative of the estate of the deceased, Swaminader, and guardian *ad litem* of the minors S. Karasaratnam and others, (2) S. Arulanandam, (3) S. Vijayasundaram, and (4) S. Kirupairatnam of Division No. 1, Trincomalee ..... Defendants.

NOTICE is hereby given that on Saturday, October 7, 1939, at 10 o'clock in the forenoon, will be sold by public auction at the spot, the following property mortgaged with the plaintiffs by bond No. 376, dated June 15, 1925, and attested by Mr. D. Rajaratnam 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 June 30, 1939, for the recovery of the sum of Rs. 4,500, with interest at 10 per cent. per annum from June 15, 1925, till May 4, 1933, and thereafter at 9 per cent. per annum on the aggregate amount till payment in full and costs (reserved), less Rs. 1,304, Fiscal's fees and charges, and poundage, viz. :—

A piece of land bearing assessment No. 39, situated at Division No. 1, Trincomalee Town, Eastern Province, and the tiled house of ten rooms, kitchen, well, well-sweep and posts thereon; bounded on the north-east by land of Sophia Alagamma, widow of Canagaratnam, north-west by the land of Sinnathankam, widow of Vythilingam, and

others, south-west by house and ground of the heirs of Aiyampillai Kathirkamatamby, and on the south-east by road leading from the Kachcheri to the Esplanade, extent 1 rood and 9 95/100 perches. Registered A 10/129.

B. VRASPILLAI,  
Deputy Fiscal's Office, Additional Deputy Fiscal.  
Trincomalee, September 5, 1939.

### Province of Sabaragamuwa.

In the District Court of Kegalla.

Wijesinghe Mudiyansele Kiribanda of Keppitipola ..... Plaintiff.  
No. 371. Vs.

Dahaneka Mudiyansele Tikiribanda of Pahala Walpola ..... Defendant.

NOTICE is hereby given that on Tuesday, October 10, 1939, at 1 o'clock in the afternoon, will be sold by public auction at the premises commencing from the first land the right, title, and interest of the said defendant in the following property, viz. :-

1. The field called Godakumbura of 12 abas paddy sowing in extent; bounded on the north by bank of Durainae Pillewa, east by Somindurayalage kumbura, south and west by liminary dam, and situated at Godagampola in Walgam pattu in Kinigoda korale, Kegalla District, Sabaragamuwa Province; and registered in B. 95/11.

2. An undivided 31/60 shares of Ambakote kumbura of 2 pelas paddy sowing in extent; bounded on the east by More Inniyara, south by Pitakotuwe Inniyara and Bogahamula Pillewe Ima, west by liminary dam, north by Ambakote Inniyara, and situated at Hangawela in the pattu aforesaid; and registered in B. 95/115.

3. An undivided 1/2 share of Anketigoda purana of 8 nellies of kurakkan sowing in extent; bounded on the east, south, and west by liminary dam, and north by Endaru fence, and situated at Hangawela aforesaid; and registered in B. 93/50.

4. The contiguous lands called Adikarigewatta, Pamunakotuwa, Madapolahena, Nikagollehena, Pitakotuwe Ambakote kumbura, all adjoining each other, in extent 12 acres 3 roods and 7 perches; and bounded on the east by Potte kumbura, west by Ambagahawatta Pillawale-baddagehena, south by Dikhehena, south-west by Crown forest, north by Bakmeegahamulawatta, Bamunakotuwe, Gadolgode, Pillewawatta, Potuwita kumbura, and Mora-kumbura, and situated at Godagampola aforesaid; and registered in B. 104/187, together with the tiled house standing thereon.

For the recovery of a sum of Rs. 1,919.40, with legal interest on Rs. 1,250 from July 27, 1938, till payment in full, less a sum of Rs. 400 paid.

Deputy Fiscal's Office, N. SWAMINATHA IYAR,  
Kegalla, September 4, 1939. for Deputy Fiscal.

### NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

<sup>26</sup>  
<sup>B. 16.00</sup>  
<sup>29.</sup> Order Nisi.  
Testamentary In the Matter of the Intestate Estate Jurisdiction. of Pinhamize Ithagama Mudiyansele No. 8,924. Gesslera Kiri Banda of Manawa in Anuradhapura District, deceased.

Rajapakse Ranaweera Mudiyanselegedera Kiri Banda Ranaweera of Kahalla in Kandy District. . . . .Petitioner.

THIS action coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on July 21, 1939, in the presence of Mr. K. T. Chittampalam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 11, 1939, and the power of attorney dated January 6, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as attorney of the brother of the above-named deceased, to have letters of administration to his

estate issued to him, unless any person or persons interested shall, on or before August 24, 1939, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,  
District Judge.  
August 31, 1939.

The date for showing cause against the within mentioned Order Nisi is hereby extended to September 21, 1939.

C. NAGALINGAM,  
District Judge.  
August 31, 1939.

<sup>28</sup> In the District Court of Colombo.  
Order Nisi.  
Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of Ernest Howard Mount-Biggs of No. 8,939. Southdown Hotel, Eastbourne, in the County of Sussex, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 28, 1939, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Kenneth Ashton Robertson of Colombo; and the affidavit of the said petitioner dated August 21, 1939, a certified copy of probate, a certified copy of the last will and testament of the above-named deceased, power of attorney in favour of the petitioner and Supreme Court's order dated July 19, 1939, having been read: It is ordered that the will of the said deceased dated April 30, 1937, of which a certified copy 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 petitioner is one of the attorneys of the sole executor named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before September 14, 1939, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,  
District Judge.  
August 29, 1939.

<sup>30</sup> In the District Court of Colombo.  
Order Nisi.  
Testamentary In the Matter of the Intestate Estate Jurisdiction. of the late Horathalpedige Autonina of No. 8,967. Korosse in the Dassiya pattu of Alut-suru korale, deceased.

Ranhotupedige Dingira of Korosse. . . . .Petitioner.

And  
(1) Horathalpedige Wijesena, (2) Horathalpedige Emal, both of Korosse, the 1st and 2nd respondents are minors appearing by their guardian *ad litem* (3) Horathalpedige Babanis of Korosse. . . . .Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 16, 1939, in the presence of Mr. P. S. P. Kalpage, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 10, 1939, having been read:

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before September 14, 1939, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,  
District Judge.  
August 22, 1939.

In the District Court of Colombo.  
Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of Deneys Henry Vanrenen of No. 8, 981. Renala estate Montgomery Punjab in India, formerly temporarily of Martinfield, New Romney in the County of Kent, England, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 31, 1939, in the presence of Victor Gnanaratnam Cooke, Proctor, on the part of the petitioner, Stanley Frederick de Saram of Colombo; and (1) the affidavit of the said petitioner

dated August 30, 1939, (2) the power of attorney dated March 30, 3, and 31, 1939, and (3) the order of the Supreme Court dated August 25, 1939, having been read: It is ordered that the will of the said Deneys Henry Vanrenen, deceased, dated January 13, 1938, a certified copy 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 Stanley Frederick de Saram is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration with annex issued to him accordingly, unless any person or persons interested shall, on or before September 21, 1939, show sufficient cause to the satisfaction of this court to the contrary.

August 31, 1939.

C. NAGALINGAM, District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. ment of Lintotage Simon James Fernando No. 3,102. Karunatileke of Katana, deceased.

Between

Lintotage James Shelton Fernando Karunatileke of Katana . . . . . Petitioner.

And

- (1) Mahamarakalage Joceline Catherine Fernando of Katana, (2) Lintotage Edna Jessilda Fernando Karunatileke nee Fernando of Moratuwa, (3) Lintotage Phobe Abirinda Fernando Karunatileke of Katana, (4) Lintotage Iona Josaline Fernando Karunatileke by her guardian *ad litem* the 1st respondent, (5) The Methodist Trust Association of Ceylon by its Secretary L. S. Fernando, Proctor, of Panadura, (6) the Rev. Fredrick Stanly de Silva of Katana Methodist Church . . . . . Respondents.

THIS matter coming on for disposal before T. Weeraratne, Esq., District Judge of Negombo, on July 31, 1939, in the presence of Mr. C. M. Fernando, Proctor, on the part of the petitioner; and the petition and affidavit both dated July 31, 1939, of the petitioner and the affidavit dated July 31, 1939, of the attesting witnesses and attesting notary having been read: It is ordered that the last will and testament and codicil of the above-named deceased Nos. 35,326 of November 29, 1935, and 35,495 of February 6, 1936, both attested by T. H. de Silva, Notary Public, and now deposited in this court, be and the same are hereby declared proved, unless the respondents above named or any other person or persons interested shall, on or before August 23, 1939, show sufficient cause to the contrary to the satisfaction of this court.

It is further ordered that the petitioner is the executor named in the said will and codicil and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before August 23, 1939, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent be appointed guardian *ad litem* over the 4th respondent above named, who is a minor, unless any person or persons interested shall, on or before August 23, 1939, show sufficient cause to the contrary.

July 31, 1939.

T. WEERARATNE, District Judge.

The date for showing cause against this Order Nisi is extended to September 14, 1939.

T. WEERARATNE, District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Dodangodage Don Abraham No. 2,868. Abeyaratne, deceased, of Panadura.

THIS matter coming on for disposal before Waldo Sansoni, Esq., District Judge of Kalutara, on June 22, 1939, in the presence of Mr. D. R. de Silva, Proctor, on the part of the petitioner, Kalutartige Leonora Peiris Abeyaratne of Walala, Panadura; and the affidavit of the said petitioner dated June 16, 1939, 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 August 3, 1939, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said 7th respondent be and he is hereby appointed guardian *ad litem* over the said 1st to 6th minors for all the purposes of this action, unless the respondents—(1) Dodangodage Reginald Abeyaratne, (2) ditto Herman Abeyaratne, (3) ditto Edmund Abeyaratne, (4) ditto George Abeyaratne, (5) ditto Samson Abeyaratne, (6) ditto Nancy Charlotte Abeyaratne, all of Walana, (7) ditto Don Haramanis Abeyaratne of Kulupana—shall, on or before August 3, 1939, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI, District Judge.

The date for showing cause is extended to September 14, 1939.

W. SANSONI, District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Miss Laura Gertrude Casie Chitty, deceased, of Kandy. No. T102.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge, Kandy, on June 12, 1939, in the presence of Messrs. Wijayatilake & Wijayatilake, Proctors, on the part of the petitioner, Reginald Casie Chitty; and the affidavit of the said petitioner dated May 28, 1939, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the brother of the above-named deceased to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Miss Ethel Maud Casie Chitty, and (2) Miss Mabel Ruth Casie Chitty, both of Hunupitiya—or any other person or persons interested shall, on or before July 24, 1939, show sufficient cause to the satisfaction of this court to the contrary.

June 12, 1939.

G. C. THAMBYAH, District Judge.

The date for showing cause is extended to September 18, 1939.

July 24, 1939.

JAMES JOSEPH, District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Gardiyamanawaduge Amaris de Silva, deceased, of Matale. No. T. 93.

Gardiya Manawaduge Arthur de Silva of Trincomalee street, Matale . . . . . Petitioner.

Vs.

- (1) Gardiya Manawaduge Charlotte de Silva, (2) Gardiya Manawaduge Agnes de Silva, (3) Gardiya Manawaduge Seetha de Silva, (4) Gardiya Manawaduge Harriet de Silva, (5) Gardiya Manawaduge Allen de Silva, (6) Gardiya Manawaduge Dayawathie de Silva, all of Kataluwa in the District of Galle, by their guardian *ad litem*. (7) Gardiyamanawaduge Nonis de Silva of Matale . . . . . Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge, Kandy, on June 22, 1939, in the presence of Mr. R. Edirmanasingam, Proctor, on the part of the petitioner, Gardiya Manawaduge Arthur de Silva; and the affidavit of the said petitioner dated January 27, 1939, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents or any other person or persons interested shall, on or before July 20, 1939, show sufficient cause to the satisfaction of this court to the contrary.

June 22, 1939.

G. C. THAMBYAH, District Judge.

Extended for September 14, 1939.

July 20, 1939.

JAMES JOSEPH, Acting District Judge.

27 In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. G. A. Dionis de Silva, deceased, of Morris road, Maitipe. No. 7,880.

Podinona de Silva *nee* Ranasinghe of Morris road, Maitipe ..... Petitioner.

(1) Godakande Aratchige Goevarada of Ganewatta, (2) Godakande Aratchige Florie Bonesia Wickremaratne of Ambalantota, (3) Godakande Aratchige Francis de Silva of Aparakka, Yatiyana (4) Godakande Aratchige Grace de Silva of Morris road, Maitipe ..... Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Galle, on July 11, 1939, in the presence of Mr. M. Semage, Proctor, on the part of the petitioner, Podinona de Silva *nee* Ranasinghe of Morris road, Maitipe; and the affidavit of the petitioner dated July 11, 1939, having been read :

It is further declared that the said petitioner is entitled to have administration of the same issued to her accordingly, unless the respondents or others shall, on or before September 22, 1939, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,  
District Judge.

July 11, 1939.

42 In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Samodiris Purasinghe late of Walliwala, No. 4,030. deceased.

Aturaliyege Carlina Gunasinghe of Walliwala .. Petitioner.

(1) Dhanawathie Purasinghe of Walliwala, (2) Padumawathie Purasinghe, (3) Gunatissa Purasinghe, all of Walliwala, *in fide*, by their proposed guardian *ad litem* (4) Aturaliyege Ganelis Gunasinthe of Walliwala ..... Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., Additional District Judge, Matara, on February 3, 1939, in the presence of Messrs. Balasuriya & Daluwatte, Proctors, on the part of the petitioner, Aturaliyege Carlina Gunasinghe of Walliwala, Weligama; and the affidavit of the said petitioner dated January 30, 1939, having been read :

It is ordered that the said petitioner be and she is hereby declared entitled, as widow, 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 April 3, 1939, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the said 4th respondent be and he is hereby appointed guardian *ad litem* over the said 1st to 3rd minor respondents for all the purposes of this action, unless the said respondents or any other person or persons interested shall, on or before April 3, 1939, show sufficient cause to the satisfaction of this court to the contrary.

JAMES JOSEPH,  
District Judge.

February 3, 1939.

The above Order Nisi is extended to May 22, 1939.

JAMES JOSEPH,  
District Judge.

April 3, 1939.

The above Order Nisi is extended to July 10, 1939.

JAMES JOSEPH,  
District Judge.

May 22, 1939.

The above Order Nisi is extended to September 11, 1939.

JAMES JOSEPH,  
District Judge.

July 10, 1939.

29 In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Rajadevi, daughter of Sinnatamby Palanithurai of Tinnevely, deceased. No. 8,225.

Ilaiyathamby Rajaretnam of Kokkuvil ..... Petitioner.

Sinnatamby Palanithurai of ditto ..... Respondent.

THIS matter of the petition of Ilaiyathamby Rajaretnam, praying for letters of administration to the estate of the above-named deceased, Rajadevi, coming on for disposal

before O. Coomaraswamy, Esq., District Judge, on January 20, 1937, in the presence of Mr. V. K. Gnanasundram, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated August 15, 1934, having been read : It is declared that the petitioner is the sole heir of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before February 19, 1937, show sufficient cause to the satisfaction of this court to the contrary.

January 22, 1937. C. COOMARASWAMY,  
District Judge.

Extended for June 3, 1938.

March 25, 1938. C. COOMARASWAMY,  
District Judge.

Extended for September 13, 1939.

July 28, 1939. C. COOMARASWAMY,  
District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Alvappillai Kathirgamar of Puloly East. No. 96/P.T.

Chellammah, widow of Kathirgamar of Puloly East ..... Petitioner.

(1) Kathirgamar Sivagnanasunderam, (2) Kathirgamar Sivapathasunderam, (3) Pillainar Veluppillai, (4) Ambalavil Veeragathupillai, all of Puloly East ..... Respondents.

THIS matter coming on for disposal before Simon Rodrigo, Esq., Additional District Judge, Jaffna, on August 3, 1939, in the presence of Mr. M. Esurapadham, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read :

It is ordered that the 3rd respondent be appointed guardian *ad litem* over the minor, the 1st respondent, and the 4th respondent over the minor, the 2nd respondent, for the purpose of representing and defending the said minors in the testamentary proceedings in this case, that the petitioner be declared entitled to take out letters of administration, as widow of the deceased, and that letters of administration be issued to her accordingly, unless the respondents or any other person shall appear before this court at Point Pedro, on or before August 25, 1939, and show sufficient cause to the satisfaction of this court to the contrary.

August 3, 1939. S. RODRIGO,  
Additional District Judge.

Extended and reissued for September 15, 1939.

S. RODRIGO,  
Additional District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sinnathambiar Arumugam Kanapathipillai of Thunnalai South, deceased. No. 97/P.T.

Annappillai, widow of Kandapper Chinniah of Thunnalai South ..... Petitioner.

Kanapathipillai Arumugam *alias* Vadivelu of Thunnalai South ..... Respondent.

THIS matter coming on for disposal before Simon Rodrigo, Esq., Additional District Judge, Jaffna, on August 7, 1939, in the presence of Mr. M. Esurapadham, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read :

It is ordered that the petitioner be declared entitled to take out letters of administration, as heir of the deceased, and that letters of administration be issued to her accordingly, unless the respondents or any other person shall appear before this court at Point Pedro, on or before September 15, 1939, and show sufficient cause to the satisfaction of this court to the contrary.

August 25, 1939. S. RODRIGO,  
Additional District Judge.