



THE  
**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:—

**An Ordinance to incorporate the Society of the Ceylonese Brothers of St. Joseph.****Preamble.**

WHEREAS a Society, styled and known as the Society of the Ceylonese Brothers of St. Joseph has hitherto been established at Jaffna, and is functioning in Jaffna District, Mannar, Batticaloa, Kalmunai and Hatton in Ceylon, and in Rangoon in Burma for the purpose of effectually carrying out and transacting all matters connected with the said Society.

And whereas the said Society has applied to be incorporated and it will be for the public advantage to grant the application.

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

**Short title.**

1. This Ordinance may be cited as the Ceylonese Brothers of St. Joseph Incorporation Ordinance, No. of 1942.

**Incorporation of the Society of the Ceylonese Brothers of St. Joseph.**

2. From and after the passing of this Ordinance, the Director-General, his four Councillors, the Bursar-General for the time being of the said Ceylonese Brothers of St. Joseph, as hereinafter constituted, and such and so many persons as now are or shall hereafter be admitted as members of the Society of the Ceylonese Brothers of St. Joseph, shall be a Corporation, hereinafter called "the Society" and shall have the name of "the Society of the Ceylonese Brothers of St. Joseph", and in that name shall have perpetual succession and shall and may sue and be sued in all Courts in Ceylon, and may have and use a common seal and alter the same at their pleasure.

**General Objects of the Society.**

3. The general objects for which the Society is constituted are hereby declared to be:—

- (1) to carry on educational work among the masses in all branches of knowledge;
- (2) to establish, maintain and otherwise assist schools, orphanages, farms and similar educational and charitable institutions; and
- (3) to undertake and carry on all such work as may appear necessary to attain the aims and objects of the Society.

**Governing Body.**

4. (a) The affairs of the Society shall, subject to any rules made under this Ordinance be administered by a Governing Body consisting of the Director-General, his four Councillors and Bursar-General who shall be elected once every six years at the General Chapter of the Society which shall be composed of the following members:—The Director-General, his four Councillors, the Bursar-General, the Master of Novices, the Local Directors of each House, and one member elected by each of the existing Houses of the Society.

The affairs of each House shall be administered by the Local Director and his two Assessors or Assessor appointed by the Director-General with the consent of his Councillors.

(b) The first members of the Governing Body shall be:—

- (1) Rev. Brother E. I. Chrysostom, Director-General.
- (2) Rev. Brother S. M. Benjamin, First Councillor.
- (3) Rev. Brother P. Anthonipillai, Second Councillor.
- (4) Rev. Brother A. K. Joseph Mary, Third Councillor.
- (5) Rev. Brother N. Gnanathickam, Fourth Councillor.
- (6) Rev. Brother S. Aseervatham, Bursar-General.
- (7) Rev. Brother P. Ignatius, Novice-Master.

**Rules.**

5. (1) It shall be lawful for the General Chapter or an extraordinary General Chapter at any of its meetings held after due notice by a majority of votes of the members present and voting at such meetings to make rules, not inconsistent with the code of the Roman Catholic Church Canon Law:—

- (a) for the admission, withdrawal or expulsion of members;
- (b) for the conduct of the duties of the Governing Body and of the administration of the various Houses, Office-bearers and other members of the Society;
- (c) for the procedure in the transaction of business;
- (d) for the nomination of the local Directors and other officers of the various Houses; and
- (e) otherwise generally for the management of the affairs of the Society and the accomplishment of its objects.

(2) Any changes, additions or alterations in the rules made by the Governing Body will be effective only till the next General Chapter which shall either ratify or rescind such alterations or additions.

(3) All members of the Society shall be subject to all rules made under this Ordinance.

6. On the coming into operation of the Ordinance, all and every property belonging to the Society of the Ceylonese Brothers of St. Joseph, or in the name or names of any person or persons in trust for the Society, and shall be held by the Society in its corporate name, and the same together with all property hereafter to be acquired by the Society, both movable and immovable and all contributions, donations, amounts of loans, and advances received or to be received, shall be held by the Society for the purpose of this Ordinance, subject to any trusts under which such property may have been received.

Property vested in the Society.

7. All debts and liabilities of the said Society of the Ceylonese Brothers of St. Joseph which were in existence before the coming into operation of this Ordinance, shall be paid by the Society, and all debts due to and contributions payable to the said Society of the Ceylonese Brothers of St. Joseph shall be paid to the Society for the purposes of this Ordinance.

Debts, &c., due by and payable to the Society.

8. The seal of the Society shall not be affixed to any instrument whatsoever, except in the presence of three members of the Governing Body of the Society, of whom one shall be the Director-General, who shall sign their names to the instrument in token of their presence, and such signature shall be independent of the signing of any person as a witness.

Seal.

9. The Society shall be able and capable in law to take and hold any property, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition or otherwise, and all such property shall be held by the Society for the purpose of this Ordinance and subject to any rules made thereunder with full power to sell, mortgage, lease exchange or otherwise dispose of the same.

Society may hold Property movable and immovable.

10. The income and property of the Society whencesoever derived shall be applied solely towards the promotion of the objects of the Society as set forth in this Ordinance.

Application of the Funds of the Society.

11. Except so far as is provided in this Ordinance or in any rules made thereunder, any dispute or doubt as to any matter or question affecting or relating to the principles or policy of the Society shall be referred to the Governing Body of the Society whose decision thereon shall be final.

Decision of disputes, &c., as to principles or policy.

12. Nothing in this Ordinance shall prejudice or affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate, or of any other persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

Saving of rights of the Crown and other rights.

#### *Objects and Reasons.*

The Society of the Ceylonese Brothers has been carrying on for several years the work of Education in certain parts of Ceylon by building and conducting schools, establishing Orphanages, opening Farms.

2. The object of this Bill is to constitute the Society into a Corporate Body, so that the Society may be enabled to carry out its functions more efficiently.

3. Section 3 of the Bill provides for the constitution of the Society.

4. By Section 5 (1) the Society is empowered to make rules for the conduct of the business of the Society, such rules not being inconsistent with the Code of the Roman Catholic Church Canon Law.

E. R. TAMBIMUTTU,  
Mover of the Bill.

February 2, 1942.

#### MINUTE.

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

L. D—C F 13/41

**An Ordinance to amend the Ordinance intituled " An Ordinance to Supplement the Provisions of the Commissions of Inquiry Ordinance for the purposes of an inquiry to be held in pursuance of a Special Commission issued by the Governor."**

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

1. This Ordinance may be cited as the Special Commission (Auxiliary Provisions) (Amendment) Ordinance, No. of 1942.

Short title.

Amendment of the Special Commission (Auxiliary Provisions) Bill, in the event of that Bill becoming law.

Power of Commissioner to order payment of costs and circumstances in which such order may be made.

(Cap. 86).

2. In the event of the Bill intituled "An Ordinance to Supplement the Provisions of the Commissions of Inquiry Ordinance for the purposes of an inquiry to be held in pursuance of a Special Commission issued by the Governor" taking effect as an Ordinance upon the signification of His Majesty's assent thereto by Proclamation published in the *Government Gazette*, that Ordinance shall, with effect from the date of the publication of such Proclamation, be amended by the substitution, for section 12 of that Ordinance, of the following new section :—

12. (1) Where the Commissioner finds that a charge or allegation made or preferred against a member of the State Council has not been established, the Commissioner in his discretion may, if that member has been represented by counsel at the inquiry into such charge or allegation, award to that member, by order under his hand, such sum as the Commissioner may fix as the costs of such representation.

In fixing such sum, the Commissioner shall be guided, so far as may be, by the scales of costs and charges prescribed for proceedings in Class V. in Parts I. and II. of the Second Schedule to the Civil Procedure Code unless, in any particular case, the Commissioner is of opinion that costs should be awarded otherwise than in accordance with such scales. In this sub-section, "counsel" includes a Proctor.

(2) The payment of any sum awarded by the Commissioner by order under sub-section (1) shall be made out of public revenue and is hereby charged upon such revenue; and any such payment shall be deemed to be a payment authorised by law for the purposes of the application of the provisions of Article 61 of the Ceylon (State Council) Order in Council, 1931.

#### *Objects and Reasons.*

The Special Commission (Auxiliary Provisions) Bill was reserved by His Excellency the Governor for the signification of His Majesty's pleasure thereon. Intimation has now been received from the Secretary of State to the effect that he would be disposed to recommend that assent be given to the Bill if an amending Bill is passed to modify Clause 12 of the original Bill so as to provide that the power to award costs to a Councillor will be exercised only in a case where he has been represented by counsel at the inquiry held by the Commissioner, and that the amount awarded as costs will be paid out of the public revenue.

2 The object of this Bill is to amend the original Bill in the manner desired by the Secretary of State. Royal assent can be given simultaneously both to the original and this amending Bill, and the Commissioner will then be in a position to proceed to the execution of his Commission.

Colombo, March 21, 1942.

ROBERT H. DRAYTON,  
Legal Secretary.

#### MINUTE.

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

L. D.—O 49/36

**An Ordinance to make provision for the establishment of a Provident Fund : for the grant therefrom of benefits to certain non-pensionable employees of the Government : and for other matters incidental to or connected with the purposes aforesaid.**

#### TABLE OF SECTIONS.

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**An Ordinance to make provision for the establishment of a Provident Fund : for the grant therefrom of benefits to certain non-pensionable employees of the Government : and for other matters incidental to or connected with the purposes aforesaid.**

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

1. This Ordinance may be cited as the Public Service Provident Fund Ordinance, No.        of 1942, and shall come into operation on the first day of April, 1942.

Short title  
and date of  
operation.

2. (1) A Fund to be known as the Public Service Provident Fund is hereby established for the grant of benefits, as hereinafter provided, to those non-pensionable employees of the Government whose posts or offices are specified or described in the Schedule.

Establishment  
of the Fund.

(2) A general account for the Fund and a separate account for each contributor to the Fund shall be opened and kept at the Treasury in such manner as the Deputy Financial Secretary may direct.

3. (1) The control and management of the Fund are hereby vested in a Board of Management consisting of—

Control and  
management  
of the Fund.

(a) the Deputy Financial Secretary ;

(b) the Solicitor-General ;

(c) two persons, each of whom is the Head of a Department of Government or the Deputy or Principal Assistant to the Head of such a Department ; and

(d) one person who is a contributor to the Fund.

(2) The persons referred to in paragraphs (c) and (d) of sub-section (1) shall be appointed to the Board by the Governor.

(3) The Deputy Financial Secretary shall be the Chairman of the Board.

4. (1) Subject to the provisions of section 7, every scheduled employee shall, until the termination of his service with the Government, pay, each month, as a compulsory contribution to the Fund, an amount equivalent to one-twentieth of his monthly salary.

Compulsory  
contributions  
to the Fund.

(2) The compulsory contribution of a scheduled employee for any month shall, subject as hereinafter provided, be calculated on the full monthly salary of such employee notwithstanding that the amount received as salary for that month is less than the full monthly salary or that no amount whatever is received by way of salary for that month :

Provided that, where a contributor is on half salary or no salary for a period exceeding two months continuously, he may elect to contribute, in respect of that part of the period which exceeds two months, at the rate of one-twentieth of any salary which he receives.

(3) The contribution required or authorised to be paid by a scheduled employee under the preceding provisions of this section shall be paid in rupees and shall be calculated in rupees on the salary payable to such employee when he is employed in Ceylon. Such contribution may be deducted from the salary of such employee by the Deputy Financial Secretary or by the Crown Agents in a case where such salary is paid by the Crown Agents ; and, when so deducted, shall be credited to the Fund.

(4) Where any deduction is made by the Crown Agents under sub-section (3) from the salary of any scheduled employee, such employee shall be entitled to receive from the Crown Agents the equivalent in sterling of the balance of such salary calculated at the rate at which such employee is entitled to receive such salary in England.

5. Subject as hereinafter provided and subject to such conditions as may be prescribed, a scheduled employee may, in addition to his compulsory contribution, pay as a voluntary contribution to the Fund an amount not exceeding one-twentieth of his full monthly salary :

Voluntary  
contributions  
to the Fund.

Provided that the rate at which any such voluntary contribution is calculated shall not be varied except at half-yearly intervals.

Bonuses.

6. (1) At the close of each financial year, the general account of the Fund shall be credited by the Deputy Financial Secretary with a sum equivalent to one and a half times the aggregate of the compulsory contributions made by all the contributors during that financial year; and the separate account of each contributor shall be provisionally credited with a sum equivalent to one and a half times the aggregate of the compulsory contributions made by him during that financial year.

(2) Each sum so credited to the separate account of a contributor shall be called a bonus.

Premiums on life policies may be regarded as contributions to the Fund.

7. (1) Every contributor may, in lieu of the whole or any portion of the compulsory contribution under section 4, pay an equivalent sum towards a policy of assurance on his own life in the manner and subject to such conditions as may be prescribed by regulation.

(2) Such payment shall be deemed to have been contributed to the Fund for the purpose of calculating any bonus under section 6, but not for the purpose of the calculation or payment of interest under sections 10 and 11.

(3) No premium paid on or in respect of a policy of life assurance shall be deemed, under sub-section (1), to be paid to the Fund, if, at the time such premium is paid, the policy has been assigned or is subject to any hypothecation or charge whatsoever.

(4) In this section, "policy of life assurance" means a policy issued to a contributor by an insurer approved by the Board whereby the payment of a fixed sum is assured on the death of the contributor or on his attaining the age of fifty-five years or any higher age specified in the policy.

Investment of moneys paid into the Fund.

8. Moneys paid into the Fund shall, so far as practicable, be invested by the Deputy Financial Secretary, with the approval of the Board, in the securities prescribed in section 20 of the Trusts Ordinance for the investment of trust property which consists of money.

Cap. 72.

Cost of establishment to be met from public revenue.

9. The cost of establishment and other expenses incidental to the management and administration of the Fund (all hereinafter referred to as "the cost of establishment") shall, subject to the refund to public revenue referred to in section 10 (3), be met from the public revenue of the Island.

Examination of the accounts of the Fund and apportionment of profit or loss.

10. (1) The Board shall, as soon as may be after the thirtieth day of September in each year, cause an examination to be made of the general account of the Fund as on that date and ascertain the profit made or loss incurred for the financial year ending on that date.

(2) Where the examination referred to in sub-section (1) discloses a loss for any financial year, the amount of such loss shall be debited by the Board to the accounts of the contributors to the Fund in proportion to the amounts standing to their credit in the Fund at the close of that financial year.

(3) Where the examination referred to in sub-section (1) discloses a profit for any financial year, such profit shall be apportioned by the Board, as far as may be, for the purposes hereinafter set out and in the order in which such purposes are respectively mentioned:—

- (a) the payment of interest to the accounts of contributors in proportion to the amounts standing to their credit in the Fund at the close of that financial year up to a maximum of two and a half per centum of the amounts so standing to their credit;
- (b) the refund to public revenue of the cost of establishment for that financial year;
- (c) the payment of interest to the accounts of the contributors in proportion to the amounts standing to their credit in the Fund at the close of that financial year.

The amounts apportioned under paragraphs (a) and (c) shall be sufficient to pay interest on the amounts to the credit of the contributors in the Fund at integral, half or quarter rates per centum or any combination of such rates, but at no smaller fractional rate. Any amount of profit insufficient to provide interest at a quarter per centum shall be carried forward to the following financial year.

Interest.

11. Interest payable to the account of a contributor shall be credited separately on compulsory contributions, voluntary contributions and bonuses, and shall begin to accrue in respect of each sum contributed and each bonus on the first day of the month next following the date on which

the contribution was made or the bonus credited. Such interest shall be calculated in each year to the thirtieth day of September and shall then be added to and become part of the principal and be deemed for the purposes of this Ordinance to be compulsory contribution, voluntary contribution or bonus, as the case may be.

12. (1) On the death of a contributor or the termination of the contributor's service in any scheduled post on any date in any financial year— Closing of accounts.

(a) Interest up to the end of the month previous to that date calculated at the rate at which interest was credited to the account of that contributor in respect of the last preceding financial year; and

(b) in the event of his death or termination of his service in any of the circumstances in which section 13 applies, bonuses for that financial year equal to one and a half times the compulsory contributions made by the contributor during that financial year,

shall be credited to his account, which shall then be closed.

(2) Notice of such closure shall thereupon be given—

- (i.) if the contributor is living, to the contributor; or
- (ii.) if the contributor is dead, to such person or persons mentioned in section 15 to whom it shall appear to the Deputy Financial Secretary that notice should properly be given;

and, in either case, to such other persons as shall or may, in the opinion of the Deputy Financial Secretary, reasonably require such notice.

13. Subject to the provisions of this Ordinance, if a contributor dies while in the service of the Government or leaves the service in any of the following circumstances, that is to say— Death or termination of service.

(1) retirement on medical evidence to the satisfaction of the Governor, or, where it is competent for the Head of the Department in which the contributor served to order his retirement, to the satisfaction of such Head of Department, that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office;

(2) satisfactory completion of contract;

(3) abolition of office;

(4) retirement on account of age;

(5) determination of contract by, or with the consent of, the Government otherwise than by dismissal;

(6) in the case of a female contributor, retirement with a view to, or in consequence of, marriage after not less than three years' service (subject to the production of evidence of marriage within such period after retirement as may be prescribed);

the amount standing to his or her credit in the Fund at the closing of such account shall, subject as hereinafter provided, be paid to the contributor or any other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made:

Provided that where the aggregate of the compulsory contributions, bonuses and interest thereon standing to his or her credit in the Fund is less than the aggregate of—

(a) the compulsory contributions paid by the contributor to the Fund or deemed to be so paid under section 7;

(b) the bonuses credited to the account of the contributor in the Fund; and

(c) compound interest at two and a half per centum per annum on the compulsory contributions paid by the contributor to the Fund and on the bonuses credited to his account in the Fund,

a sum equivalent to the difference between such aggregates shall be paid out of the public revenue to the contributor or to such other person to whom by virtue of this Ordinance or otherwise payment may lawfully be made.

14. Subject to the provisions of this Ordinance, if a contributor shall be dismissed, or resign, or leave the service of the Government without permission without completing the period prescribed by any contract under which he may be serving— Resignation or dismissal.

(a) the amount of his contributions to the Fund and interest thereon shall be paid to the contributor;

- (b) all bonuses and interest thereon provisionally credited to the account of the contributor shall be credited to the public revenue.

Payment on death of contributor.

15. (1) Subject to the provisions of this Ordinance on the death of a contributor—

- (a) if the amount payable does not exceed two thousand five hundred rupees, the Deputy Financial Secretary shall pay such amount to the person or persons nominated for the purpose by the contributor in the manner prescribed, or, if no such nomination has been made, to the credit of the estate of the deceased contributor or, at the discretion of the Deputy Financial Secretary, to the person appearing to the Deputy Financial Secretary to be entitled by law to receive such amount;
- (b) if the amount payable exceeds two thousand five hundred rupees, the Deputy Financial Secretary shall pay such amount to the credit of the estate of the deceased contributor:

Provided that the Deputy Financial Secretary may make payments, not exceeding three hundred rupees in any one case, to meet the expenses of the funeral of the deceased or to give immediate relief to the widow or children or other dependants of the deceased, if in the opinion of the Deputy Financial Secretary such relief is required.

(2) Any payment made by the Deputy Financial Secretary under this section shall be valid and effectual against any demand made upon the Government, the Board or the Deputy Financial Secretary by any other person in respect of the amount payable in respect of that contributor.

Bonuses, &c., to be a charge on revenue.

16. All bonuses and other moneys authorised to be credited or paid from public revenue by or under this Ordinance shall be charged upon the public revenue and other funds of the Island; and the payment of all such moneys is hereby declared to be authorised by law for the purposes of the application of the provisions of Article 61 of the Ceylon (State Council) Order in Council, 1931, as amended by any other Order of His Majesty in Council.

Compulsory contributions, &c., not to be assigned or attached.

17. Subject to the provisions of this Ordinance, no compulsory contribution, bonus, or interest on any such contribution or bonus shall be assignable or transferable or liable to be attached, sequestered or levied upon, in execution of any decree or order of any court, for, or in respect of, any debt or claim whatsoever.

Appointment of contributor to pensionable office under Government.

18. Where a contributor to the Fund is appointed to a pensionable office in the public service and enters on the duties of such office—

- (a) the account of that contributor shall be closed on the day on which he enters on the duties of his new office;
- (b) the aggregate amount of the bonuses credited by Government to the account of that contributor, together with the interest accrued on such bonuses shall be paid to Government out of the Fund;
- (c) the aggregate amount of the compulsory contributions and voluntary contributions, if any, made by that contributor to the Fund together with interest accrued on such contributions shall be paid to that contributor out of the Fund; and
- (d) the period commencing on the day on which the contributor had become liable to contribute to the Fund and ending on the day on which the account of the contributor is closed as hereinbefore provided shall be deemed to be and reckoned as a period of service in a pensionable post for the purpose of the application of the Minutes on Pensions and the grant of benefits thereunder.

Officers holding scheduled posts on date on which Ordinance comes into operation or transferred to such posts thereafter.

19. Where, on the date on which this Ordinance comes into operation, or on any subsequent date, any public officer is, or becomes, the holder of any scheduled post and has, prior to such date, held any post or office, service in which has qualified or would qualify him for an award under the Minutes on Pensions, such officer may retain any benefit or qualification that may have accrued to him under the Minutes on Pensions and may draw, on his ultimate retirement from the public service, such award as might have been granted to him under the Minutes on



Pensions if he had been retired from the public service on the ground of ill-health on the date on which he becomes the holder of a scheduled post.

In this section, "ultimate retirement" means retirement from the public service on account of age or on the ground of ill-health.

20. Where payment is made of moneys lying to the credit of a contributor's account in the Fund, any sum or sums due from that contributor to the Government may be deducted from the amount otherwise payable.

Deduction of sums due to Government.

21. (1) The Deputy Financial Secretary shall keep a separate account for the moneys of the Fund. Such account shall be audited by the Auditor-General.

Accounts and audit.

(2) The Board shall submit to the Governor as soon as practicable after the close of each financial year a full statement showing the working of the Fund and all claims thereon, and containing full particulars of all transactions connected with the working of the Fund.

22. As soon as practicable after the close of each financial year, the Deputy Financial Secretary shall inform each contributor of the total amount standing to his credit in the Fund at that date.

Information to contributors.

23. (1) The Governor may, by Order published in the *Gazette*, amend or vary the Schedule, whether by the addition thereto or by the omission therefrom of any post or office, or otherwise in such manner as the Governor may deem fit.

Power to amend Schedule and consequences of such amendment.

(2) An Order under sub-section (1) may contain such provision as the Governor may deem necessary or expedient to preserve existing rights and shall have effect accordingly.

24. (1) The Financial Secretary may, after consulting the Board, make regulations for the purpose of giving effect to the principles and provisions of this Ordinance.

Regulations.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1), regulations may be made—

- (a) for or in respect of any matter required to be prescribed ;
- (b) for the management and control of the Fund ;
- (c) prescribing a quorum for the Board and the procedure to be adopted at meetings of the Board ;
- (d) prescribing the procedure for making deductions from the salaries of contributors ; and
- (e) prescribing the manner in which payment of insurance premiums may be proved or verified.

(3) No regulation made under sub-section (1) shall have effect until such regulation has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Gazette* ; and, upon such publication, the regulation to which the notification relates shall be as valid and effectual as if it were herein enacted.

25. (1) In this Ordinance, unless the context otherwise requires—

Interpretation.

"Board" means the Board of Management constituted under section 3 ;

"contributor" means a contributor to the Fund ;

"financial year" means the period of twelve months commencing on the first day of October in any year and ending on the thirtieth day of September in the succeeding year ;

"Fund" means the Public Service Provident Fund established by this Ordinance ;

"personal allowance" means a special addition to salary granted personally to the holder for the time being of a post or office ;

"prescribed" means prescribed by this Ordinance or by any regulation made thereunder ;

"salary" includes wages and any personal allowance but no other payment or allowance whatsoever ;

"Schedule" means the Schedule for the time being in force ;

"scheduled employee" means a person in the service of the Government of Ceylon who holds a scheduled post ;

"scheduled post" means a post or office specified or described in the Schedule.

## SCHEDULE.

*Lists of posts or offices, the holders of which are entitled to contribute to the Public Service Provident Fund.*

I.	II.
Department.	Designations and number of posts or offices.
1. Agricultural Marketing, Department of the Commissioner for development of—	Assistant Commissioner, Accountant, Assistant Registrar of Produce Agents, Senior Marketing Officer, Marketing Officers (5 posts) Managers (3 posts) Depot Managers (5 posts) Temporary Clerks (4 posts) <i>Rice Mills.</i> Managers (3 posts), Storekeepers (3 posts), Engine Drivers (4 posts), Boilerman <i>Wholesale Depot.</i> Manager, Checking Officer, Book-keeper, Sales Assistant, Assistant Book-keeper, Manager, Retail Depot, Storekeeper (1 post), Assistant Storekeeper (1 post)
2. Commerce and Industries	Designers, Laboratory Assistant, Pottery Demonstrators, Assistant Pottery Demonstrators, Assistant Supervisors, Rural Development, Senior Rural Development Officers, Junior Rural Development Officers, Economic Survey Investigators, Carpenter Bass, Blacksmiths, Polishers
3. Irrigation	Construction Engineers (4 posts), Field Assistants (8 posts), Draughtsmen (temporary) (4 posts)
4. Labour	Travelling Inspector (temporary) (1 post), Manager, Employment Exchange, Clerks, Employment Exchange (4 posts)
5. Legal Draftsman	Assistant Legal Draftsmen (Temporary) (2 posts)
6. Local Government	Superintendents of Village Works (8 posts)
7. Police	Female Clerk, Matron, House of Detention.
8. Port Commission	Assistant Secretary, Junior Assistant Engineer, Harbour Engineer's Department
9. Post and Telegraph	Broadcast Announcer
10. Prisons	Agricultural Instructor, Vocational Instructors (2 posts)
11. Provincial Administration	Clerk, Gansabhawa Establishment, Jaffna Kachcheri

*Objects and Reasons.*

The object of this Bill is to provide for the establishment of a Provident Fund for officers holding non-pensionable posts in the service of the Government of Ceylon. The Bill gives effect to the scheme recommended in the report of the Provident Fund Committee (Sessional Paper No. VI. of 1941) subject to the modifications made in that scheme by the State Council on November 13, 1941.

Financial Secretary's Office,  
Colombo, March 25, 1942.

H. J. HUXHAM,  
Financial Secretary.

## MINUTE.

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

L. D.—O 48/41

**An Ordinance to amend the Stamp Ordinance.**

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

1. This Ordinance may be cited as the Stamp (Amendment) Ordinance, No. of 1942.

Chapter 189.  
(Vol. IV.,  
page 684.)  
Short title.

2. Part I of Schedule A to the Stamp Ordinance is hereby amended in item 49, as follows:—

Amendment  
of Part I.  
of Schedule A  
to Chapter 189.

- (1) in paragraph (g) of the Exemptions to that item, by the substitution for the words "in Ceylon" of the words "in Ceylon"; and
- (2) by the addition, immediately after paragraph (g) of the Exemptions to that item, of the following new paragraph—

"(h) receipts or discharges given by any officer in the service of the Imperial Government in the execution of his office."

#### Objects and Reasons.

Official receipts or discharges given by any officer in the service of the Government of Ceylon are exempted from stamp duty under the provisions of item 49 of Part I of schedule A to the Stamp Ordinance (Chapter 189). The object of this Bill is to grant a similar exemption to official receipts or discharges given by any officer in the service of the Imperial Government.

Financial Secretary's Office,  
Colombo, March 24, 1942.

H. J. HUXHAM,  
Financial Secretary.

### DISTRICT AND MINOR COURTS NOTICES.

#### The Village Communities Ordinance (Chapter 198).

NOTICE is hereby given, in terms of rule 4 of the Rules for the Destruction of Old Village Tribunal Records in Chapter 198 of the subsidiary Legislation, that the records of criminal and civil money cases of the Village Tribunals of the Galle District decided within the period from January 1 to December 31, 1939, will be destroyed on April 27, 1942, at the Galle Kacheheri and that any person may apply to me for any document filed in evidence in any such case before that date.

G. WICKREMASINGHE,  
for Government Agent.

The Kacheheri,  
Galle, March 19, 1942.

### NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,651. In the matter of the insolvency of D. J. Ambrose of 139, Ingham street, Slave Island, Colombo.

WHEREAS D. J. Ambrose has filed a declaration of insolvency and a petition for the sequestration of his estate has been filed by S. A. Jalal of 35/92, Stewart street, Slave Island, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said D. J. Ambrose insolvent accordingly; and that two public sittings of the court, to wit, on May 8, 1942, and on May 29, 1942, 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,  
Secretary.

March 24, 1942.

In the District Court of Kandy.

No. I. 25. In the matter of the insolvency of M. Karupiah of Madukella.

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 April 24, 1942, to declare a dividend in the above insolvency case.

By order of court, R. B. RATNAIKA,  
Secretary.

March 20, 1942.

In the District Court of Kandy.

No. I. 100. In the matter of the insolvency of Agaragey Francis of Nitwela, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 24, 1942, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. B. RATNAIKA,  
Secretary.

March 20, 1942.

In the District Court of Kandy.

No. I. 101b. In the matter of the insolvency of Percy Benedict Ranasinghe of Trincomalee street, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on March 24, 1942, for the examination of the above-named insolvent.

By order of court, R. B. RATNAIKA,  
Secretary.

March 24, 1942.

### NOTICES OF FISCALS' SALES.

#### Western Province.

In the Court of Requests of Colombo.

A. R. M. Saleem of 17, Anderson road, Havelock Town ..... Plaintiff.  
No. 72,377. Rs. 16:00

Mrs. J. C. Samarasinghe of 21, Arthur's place, Bambalapitiya ..... Defendant.  
Rs. 16:39

NOTICE is hereby given that on Tuesday, April 21, 1942, 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. 157 with legal interest from January 29, 1941, till payment in full and damages at Rs. 135 per mensem from January 1, 1941, till defendant is ejected and costs of suit Rs. 36.25 and prospective costs Rs. 9.50 less Rs. 235, viz.:—

Lot B in plan No. 684 B bearing assessment No. 54, School lane, Bambalapitiya, now falling under the Division of Colpetty, within the Municipality and District of Colombo, Western Province, together with the buildings and plantations thereon; bounded on the north by School lane, on the east by lot C of lot 4 and portion of lot A5 belonging to J. M. Dissanayake, on the south by Edward lane, and on the west by premises bearing assessment No. 52, School lane; and containing in extent 18 30/100 perches and registered under A 275/192.

Fiscal's Office,  
Colombo, March 24, 1942.

M. SELVADURAI,  
Deputy Fiscal.

In the District Court of Negombo.

Don William Francis Samarasinghe Randunu, Notary Public of Dewalapola ..... Plaintiff.  
No. 11,736. Rs. 25:00

(1) Pathrannehelage Pednoma of Watnapaha, as legal representative of the estate of Lokuedippulige Don Jorani Appuhamy of Watnapaha, deceased, (2) Masin Achchi Kankanamalage Rego Nona of Watnapaha, as legal representative of the estate of Lokuedippulige Aberan Singho of Watnapaha, deceased ..... Defendants

NOTICE is hereby given that on Tuesday, April 28, 1942, 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.:—

1. At 2 p.m.—An allotment of land called Meegahawatta, situate at Watnapaha in Dasiya pattu of Alutkuru korale in the District of Negombo, Western Province; and bounded on the north by the field and the live fence of the land of the heirs of Kaluhamy, deceased, east by the field, south by the live fence separating the portion of this land belonging to Jeewathamy, and west by the live fence of the lands of Appuhamy Vedarala and Singhappu; containing in extent, within the said boundaries according to deed No. 22,357, about 2½ acres, but now more accurately about 4 acres, together with the tiled house standing thereon, registered C 343/90.

2. At 3 p.m.—The field called Nagahaothukumbura, situated at Watnapaha aforesaid; and bounded on the north by the liminary dam and the pilewa of the field of Sarianeris Appu, east by the high land, south by the liminary dam of the field of Daniel Appu and others, and on the west by the liminary dam of the field of Jeewathamy; containing in extent within the said boundaries about 6 parrahs of paddy sowing ground, registered in C 304/250

3. At 4 p.m.—The undivided ¼ share of the land called Kahatagahalanda, situate at Metikotumulla in Dasiya pattu of the Alutkuru korale in the District of Negombo, Western Province; and bounded on the north by the land of Kirihamy and others and land belonging to the Crown, north-east by the land appearing in plan No. 82,894, east by the land appearing in plans Nos. 82,859 and 82,860m, south-east by the lands of R. Appurala and T. Jeelis Appu, south-west by

the land purchased by T. Jéelis Appu and the land appearing in plan No. 82,882, west by the land purchased by C. Babappu; containing in extent within the said boundaries 6 acres 3 roods and 14 perches, together with all things appertaining thereto, registered in C 314/30

4. At 5 p.m.—An undivided  $\frac{2}{3}$  shares of an undivided 5 acres and 2 roods and an undivided  $\frac{1}{9}$  share of the two contiguous portions of land called Delgahawatta and Kahatagahawatta, situate at Watinapaha aforesaid, both forming one land; and bounded on the north by the land of Senechi Vedarala, east by the land of Mr. Austin and Adochchiya, south by the land of Don Carols Vidanerala and others, and on the west by the dewata road and the land of Solomon Fernando Gurunnanse; containing in extent, within the said boundaries, 24 acres 3 roods and 18 perches, and which said undivided  $\frac{2}{3}$  share of the undivided 5 acres and 2 roods and the undivided  $\frac{1}{9}$  share now form a divided land, and is bounded on the north by the land of Jacobus Appuhamy, east by the land of Adochchiya, south by the land of Isabellahamy and others, and on the west by the land of James Gratien Fernando, containing in extent, within the said boundaries, about 7 acres 2 roods, registered in C 343/91 subject to the life interest of Hettipatirnehelage Livinis Appuhamy of Udugampola. Total valuation, Rs. 3,845.

Amount to be levied Rs. 4,163·37 $\frac{1}{2}$ , interest and poundage

Deputy Fiscal's Office,  
Negombo, March 23, 1942.

S. AMIRTHALINGAM,  
Deputy Fiscal

#### Central Province.

In the Court of Requests of Matale.

M. I. L. Salahudon Lebbe of Ulpotapitiya . . . . . Plaintiff  
No. 3,613. Vs.

Muttia Kandy (Gurunnehelage) Seiyadu Lebbe's son, Abdul Cader Lebbe of Ulpotapitiya . . . . . Defendant.

NOTICE is hereby given that on Saturday, April 11, 1942, at 11 o'clock in the forenoon, will be sold by public auction at the office of the Deputy Fiscal, Matale, the right, title, and interest of the said defendant, as agreed upon in deed No. 3679 dated October 12, 1933, and attested by P. de S. Jayawardhana, Notary Public, Matale, effecting seven lands, the full particulars of which could be seen at this office at any time during office hours. The copy of the deed is also available for inspection.

For the recovery of the sum of Rs. 331·50, with further interest at the rate of 15 cents for every Rs. 10 per month from August 12, 1935, till October 29, 1935, and thereafter with legal interest.

Deputy Fiscal's Office,  
Matale, March 24, 1942.

HAROLD MELDER,  
Additional Deputy Fiscal.

#### Southern Province.

In the District Court of Matara.

Bamunawitagamage Don Davida of Bamunawita . . . . . Plaintiff.  
No. 7,714.

(9) Dingihamy Wicksekera of Akuresse and others . . Defendants.  
NOTICE is hereby given that on Thursday, April 30, 1942, commencing at 2.30 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. 143·86, viz. —

1. Property of 26th defendant.—All that entirety of the soil and plantations of the divided and separated lot A3 of the land called Kudagamagewatta, Ihalahawatta, and Paulawatta situated at Pamunawita in Gangaboda pattu of Matara District, Southern Province; and bounded on the north by lot A2 of the same land, east by Palliyehena, south by lot C of the same land, Kadurugas-mulla, and west by lot A of the same land; and containing in extent 34 perches

2. Property of 9th and 45th defendants.—All that undivided  $\frac{2}{3}$  parts of the soil and of plantations of the divided and separated lot B1 of the land called Kudagamagewatta, Ihalahawatta, and Paulawatta situated at Bamunawita aforesaid; and bounded on the north by lot B2 of the same land, east by lot C of the same land, south by lot B of the same land, and west by Dewata; and containing in extent 8·600 perches.

3. Property of 13th defendant.—All that undivided  $\frac{2}{3}$  parts of the soil and of plantations of the divided and separated lot B2 of the land called Kudagamagewatta, Ihalahawatta, and Paulawatta situated at Bamunawita aforesaid; and bounded on the north by lot B3 of the same land, east by lot C of the same land, south by lot B1 of the same land, and west by Dewata; and containing in extent 26·700 perches.

4. Property of 19th and 31st defendants.—All that undivided  $\frac{48}{64}$  parts of the soil and of plantations and of the buildings standing thereon of the divided and separated lot C of the land called Kudagamagewatta, Ihalahawatta, and Paulawatta situated at Bamunawita aforesaid; and bounded on the north by lots A and A 3 of the same land, east by Kadurugas-mulla, south by lots C1 and C2 of the same land, and west by lots B1, B2, B3, and B4 of the same land; and containing in extent 1 rood 1·950 perches

5. Property of 36th defendant.—All that undivided  $\frac{1}{2}$  part of the soil and of plantations of the divided and separated lot C1 of the land called Kudagamagewatta, Ihalahawatta, and Paulawatta situated at Bamunawita aforesaid; and bounded on the north by lot C of the same land, east by Kadurugas-mulla, south by lot C3 of the same land, and west by lot C2 of the same land, and containing in extent 21·130 perches.

6. Property of 23rd defendant.—All that entirety of the soil and of plantations of the divided and separated lot C2 of the land called Kudagamagewatta, Ihalahawatta, and Paulawatta situated at Bamunawita aforesaid; and bounded on the north by lot C of the same land, east by lot C1 of the same land, south by lot C3 of the same land and west by lot B of the same land; and containing in extent 9 perches.

Deputy Fiscal's Office,  
Matara, March 19, 1942.

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

35/ In the District Court of Matara.

Darlina Thenabadu of Walliwala and another . . . . . Plaintiffs  
No. 8,718. Vs.

(10) Weoraratna Mahipura Mahipuranage Emsohamy of Weligama and others . . . . . Defendants

NOTICE is hereby given that on Tuesday, April 28, 1942, commencing at 2.30 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. 289 84, viz. —

1. Property of 20th defendant.—All that the soil and trees of the defined lot A1 of lot C of Kanattawatta situated at Walliwala in Weligama korale of Matara District, Southern Province; and which said lot A1 is bounded on the north by Batalandamahahena, east by lots A and C of the same land, south by lot A of Kanattawatta (but according to the old partition case 26,946 lot B of Kanattawatta), and west by lot C of the same land; and containing in extent 3·4 perches

2. Property of 11th defendant.—All that the soil and trees, together with the buildings thereon of the defined lot D of lot C of Kanattawatta situated at Walliwala aforesaid; and which said lot D is bounded on the north and west by Batalandehena, east by lot B of the same land and south by lot A of Kanattawatta (but according to the old partition case No. 26,946 lot B of Kanattawatta), and containing in extent 2 roods and 00 5 perches.

3. Property of 10th defendant.—All that the soil and trees together with the buildings thereon of the defined lot E of the land called lot C of Kanattawatta situated at Walliwala aforesaid; and which said lot E is bounded on the north by Godarawatta, east by Rukgahakumbura, south by lot A of Kanattawatta (but according to the old partition case 26,946 lot B of Kanattawatta) and lot A of lot C of Kanattawatta and west by lots A and A1 of the same land; and containing in extent 2 roods and 00·5 perches.

Deputy Fiscal's Office,  
Matara, March 19, 1942.

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

21/ In the District Court of Matara.

Mrs. G. M. Kulatilake of Matara . . . . . Plaintiff  
No. 9,986. Vs.

(1) Omer Saibu Rana Umma, wife of (2) Uduma Lebbo Marikar Notaris Abdul Curtis Marikkar, both of Dickwella . Defendants.

NOTICE is hereby given that on Monday, April 27, 1942, commencing at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st and 2nd defendants in the following mortgaged property for the recovery of a sum of Rs. 3,959·66, with legal interest on Rs. 2,892·40 from July 25, 1941; till payment in full, viz. —

All that the soil and trees of all the plantations of the divided and separated lot D of the land called Punchipadiyawa together with all the buildings standing thereon situated at Dickwella in the Wellaboda pattu of the Matara District, Southern Province, and which said lot D is bounded on the north by road leading from Matara to Tangalla, east by defined lot E of the same land, south by sea shore, and on the west by the defined lot C of the same land; and containing in extent 3 roods and 2 perches.

Deputy Fiscal's Office,  
Matara, March 19, 1942

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

50/ In the District Court of Matara.

Don Anolis Wickromasinghe Ranawaka of Beralapanatara . . . . . Plaintiff  
No. 13,186 Vs.

(1) Dr. Morie Perera and others . . . . . Defendants.

NOTICE is hereby given that on the following days and hours specified below, will be sold by public auction at the respective premises the right, title, and interest of the said plaintiff in the following property for the recovery of a sum of Rs. 234 12, viz. —

On Wednesday, April 22, 1942, commencing at 3 p.m.

1. All those undivided  $\frac{7}{8}$  parts of the land called Mahahena, Doladekehena bearing lot No. 71, situated at Beralapanatara in Morawaka korale of Matara District, Southern Province; and bounded on the north by lots Nos. 25 and 26 in P. P. 33, east by Pothguldola, south by land bearing lot No. 136, and west by land bearing lot No. 111; and containing in extent 22 acres, 3 roods 10 perches.

10. The rubber plantation standing on about an acre extent together with the 15 cubits masonry tiled house thereon of the land called Welkondawatta, situated at Beralapanatara aforesaid; and bounded on the north by Nagoda Athmaga Crown land, east by high road, south by Millagahaliyadda, and west by Edirisingegoderawatta; and containing in extent about 4 acres

On Thursday, April 23, 1942, commencing at 3 p.m.

3. All that undivided  $\frac{1}{2}$  part of the land called Madagederawattahena and Madagoderawatta, situated at Ketawala in Morawak korale aforesaid, and bounded on the north by Maraleheniyaya, east by Meegahayayedola and Iluthtennewattahena, south by Madagoderawattahena, and west by Kalugalahena, and containing in extent 4 acres 3 roods 30 perches

6. All that undivided  $\frac{1}{2}$  part of the soil and of fruit trees of the land called Mahagederawatta, situated at Ketawala aforesaid; and bounded on the north by Thalagahawatta and Pelapolwatta, east by Geemadutennedeniya, south by Galweta and Diganhena, and west by Godekumbura; and containing in extent about 6 acres.

8. All those undivided  $\frac{2}{3}$  parts of the contiguous lands called Deniyalahena, Delgahahena, Udadeniyehena, Welpathahena and Gallenahena, situated at Ketawala aforesaid, and bounded on the

north by Kikirindhewatte-agala, east by Delgahahenedola, south by Welpathakumbura and Enliyadda, and west by Konbagaahenedola; and containing in extent 48 acres and 2 perches.

On Friday, April 24, 1942, commencing at 3.30 p.m.

9 All that the land called Meegahawatta, situated at Thalapelakanda in Kotapola in Morawak korale aforesaid; and bounded on the north by Poddanagawatta, east and south by Codawelukehena, and west by Pahalawattehena; and containing in extent 16 acres and 2 roods.

Deputy Fiscal's Office,  
Matara, March 18, 1942.

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

20 In the District Court of Matara.

O. N. M. M. Cassim of Kadaweediya . . . . . Plaintiff.  
No 13,231. Vs. 39

(22) Idroos Hadjar Mohamed Aroos of Kotuwegoda and others . . . . . Defendants.

NOTICE is hereby given that on Wednesday, April 29, 1942, commencing at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 22nd to 24th defendants in the following property for the recovery of a sum of Rs. 197.50, viz.:—

All that undivided  $\frac{2}{3}$  share of the soil and of trees and of all the buildings standing thereon of the land called Samsan Palle Padunchi-wahitiya Ganga Addaragedarawatta bearing assessment No. 31 situated at Kadaweediya within the Four Gravets of Matara, Matara District, Southern Province; and bounded on the north by high road, east by Sarapmudiyansogewatta, south by river, and west by the land called Neinda Udaya Thottam; and containing in extent 20 31 perches.

Deputy Fiscal's Office,  
Matara, March 21, 1942.

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

30 Northern Province.

In the District Court of Jaffna.

(1) Ramasamy Iyer Padmanatha Iyer, and (2) wife, Ammalu Ammal, both of Tellippalai, presently of Galle. . . . . Plaintiffs  
No. 14,280. Vs.

(1) Samy Kurukkal Subramania Kurukkal, and (2) Subramania Kurukkal Doresamy Kurukkal, both of Maviddapuram . . . . . Defendants.

NOTICE is hereby given that on Tuesday, April 21, 1942, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property, for the recovery of the sum of Rs. 1,178 with legal interest on Rs. 1,000 at the rate of 9 per cent. per annum from May 16, 1939, until payment in full and costs Rs. 110.23 and poundage and charges, viz.:—

A piece of land situated at Tellippalai west in Tellippalai parish, Valikamam North Division of the Jaffna District, Northern Province, called "Siluvil" in extent 35 $\frac{1}{2}$  lachams P. C with well, cultivated and spontaneous plantations and other appurtenances and the path running from the Punnalai-Point Pedro road, and bounded on the east by water-channel, north by Thalaynayagam, widow of Saravanamuttu, and by the property of Maviddapuram Kandasamy Temple, west by the property of Muttukumaru Subramaniam and others, and south by the property of Subramaniam Kathirathamby and others; the whole hereof together with the right of use of the water-channel leading from the water-channel running from the eastern boundary of this land, to the western boundary land belonging to Muttukumaru Subramaniam.

This land is said to be under mortgage.

Fiscal's Office,  
Jaffna, March 24, 1942.

P. THAMBIAH,  
Additional Deputy Fiscal.

North-Western Province.

In the Court of Requests of Negombo.

Kuna Pana Ana Runa Krishnan Chettiar of Kochchikade, Negombo . . . . . Plaintiff.  
No. 39,635. Vs.

Dinugalpedi Durayajage Balaya Duraya Diadore Defendant.

NOTICE is hereby given that on Saturday, April 18, 1942, at 10.30 A.M. in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 309.65, with interest on Rs. 200 at the rate of 22 cents on every Rs. 10 per mensem from August 3, 1932, till September 9, 1932, and thereafter at 9 per cent. per annum until payment in full. Less Rs. 12.70 and Rs. 15, viz.:—

1. An undivided  $\frac{1}{5}$  share of Kongahamahena and Ambagahamulahena, situated at Diyadora in Marawathi korale of Dambadeni hatpattu, in the District of Kurunegala, North-Western Province, and bounded on the north by lots 90L, 74, 90R in P. P. 928 and a road, east by lot 91B in P. P. 928, south by T. P. No. 116,601 and lots Nos. 90r, 90H, and 90F in P. P. 928, west by lot 90E in P. P. 928; containing in extent 5 acres and 14 perches, and of everything standing thereon. Registered in F 127/378.

2. An undivided  $\frac{1}{5}$  share of the land called Kumbukgahamulawatta of 2 lahas kurakkan sowing extent, situated at Diyadora Pahalawatta in the aforesaid korale; and bounded on the north by live fence of the land of Elli, east by live fence of the land of Poole, south by field of Poole and others, and west by live fence of the land of Kiriya, and of the buildings and everything thereon. Registered F 258/127

3. An undivided  $\frac{1}{5}$  share of the land called Siyambalagahawatta alias Ambagahawatta of about 4 seers kurakkan sowing extent, situated at Diyadora aforesaid, and bounded on the north by garden of Podiya and others, east by field of Sindi and others, south by fence of Erabadugahamulawatta, and west by field of Batti, and of everything thereon. Registered in F 87/233.

4. An undivided  $\frac{1}{5}$  share of Gansooriyagahakumbura of about 2 pelaa paddy sowing extent, situated at Diyadora Pahalawatta aforesaid; and bounded on the north by land of Poole, east by Podukumbureniyara, south by jungle, west by field of Bandiya and others Registered F 110/325.

5. An undivided  $\frac{1}{5}$  share of Midellahenewatta, situated at Diyadora aforesaid; and bounded on the north and east by lot 88 in P. P. 928, south by limit of Medapattu korale west, west by lot 87 in P. P. 928, containing in extent 1 rood and 1 perch, and of the buildings standing thereon. F 137/128.

6. An undivided  $\frac{1}{5}$  share of the land called Gandarahena, situated at Diyadora aforesaid; and bounded on the north by T. P. 213,447, east by a road, south and west by lot 75A in P. P. 928; containing in extent 27 perches, and of everything thereon. Registered F 137/129.

7. An undivided  $\frac{1}{5}$  share of the land called Gandarawela and Gandarawelepillewa, situated at Diyadora aforesaid; and bounded on the north by lot 5081 in P. P. 949, east by land claimed by villagers, south by lot 5083 in P. P. 949 and land claimed by natives, west by land claimed by natives; containing in extent 1 acre and 19 perches, and of everything standing thereon. Registered F 137/130

8. An undivided  $\frac{1}{5}$  share of Godapitiyekumbura, situated at Diyadora aforesaid; and bounded on the north, east, south, and west by lands claimed by natives; containing in extent 1 rood and 39 perches, and of everything thereon. Registered in F 137/131.

9. An undivided  $\frac{1}{5}$  share of Galagawairawella, situated at Diyadora aforesaid; and bounded on all sides by lands claimed by villagers; containing in extent 2 roods and 1 perch. Registered F 137/136, with everything thereon.

10. An undivided  $\frac{1}{5}$  share of Mehunnewekumbura, situated at Diyadora aforesaid; and bounded on the north by land claimed by villagers and water course, east by land claimed by villagers, south by lands claimed by villagers and water course, west by water course; containing in extent 1 acre 1 rood and 27 perches. Registered F 127/361, together with everything thereon.

11. An undivided  $\frac{1}{5}$  share of Higgahamularawella, situated at Diyadora aforesaid; and bounded on the north, east, south, and west by lands claimed by villagers; containing in extent 1 acre and 17 perches, with everything thereon. Registered F 127/362.

12. An undivided  $\frac{1}{5}$  share of Danpitiyehena alias Kongahamulawatta of about one timba kurakkan sowing extent, situated at Diyadora aforesaid, and bounded on the north by Kolongahamulawatta, east by Crown forest, south and west by fields, and of everything thereon. Registered F 111/270.

13. An undivided  $\frac{1}{5}$  share of Hirigollepillewa of about 3 lahas kurakkan sowing extent, situated at Diyadora aforesaid, and bounded on the north by field, east by field and pillawa of Bandiya, south by Compass road separating the Crown forest, west by pillawa of Menika, and of the buildings and everything thereon. Registered F 110/323.

14. An undivided  $\frac{1}{5}$  share of Kongahamulawatta alias Danpitiyewatta, situated at Diyadora aforesaid, and bounded on the north by Gansabhawa footpath and fence of the garden of Kaluwa, east by Gansabhawa cart road, south and west by wela, containing in extent 5 acres 2 roods and 39 perches, and of the buildings and everything thereon. Registered F 383/68.

15. An undivided  $\frac{1}{5}$  share of Meegahamulawatta of about 5 seers kurakkan sowing extent, situated at Diyadora aforesaid, and bounded on the north by wela, east by garden of Menika and others, south by wela, west by garden of Bandiya, and of the building and everything thereon. Registered F 383/69.

Fiscal's Office,  
Kurunegala, March 24, 1942.

S. SUBRAMANIAM,  
Additional Deputy Fiscal.

71 Province of Sabaragamuwa.

In the District Court of Colombo.

Transport and General Finance Company, Ltd. of Colombo . . . . . Plaintiff.  
No. 10,401-M. Vs. 39

(1) W. B. Sugathasoma of Ambalakanda and another. . . . . Defendants.

NOTICE is hereby given that on Saturday, April 18, 1942, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following property, viz.:—

1. An undivided  $\frac{1}{3}$  share of the land called Asseddumagawaramba now watta and field of 1 pela paddy sowing extent, situated at Ambalakanda in Tungalata pattu of Paranakuru korale in the District of Kegalle of the Province of Sabaragamuwa; and bounded on the east by Horaela, south by Ima of Sarana's land, west by Galweta of Sarana's land, and north by Malaela of Sarana's hena together with an undivided  $\frac{1}{3}$  share of the tiled house standing thereon.

2. The undivided  $\frac{1}{14}$  and  $\frac{1}{21}$  shares of the undivided land called Totapolagawa Assedduma of 8 lahas paddy sowing extent out of the contiguous lands called Welikandewatta, Kudumuhulehena alias Talagahamulatenna and Totapolagawa Assedduma in extent 2 amunams and 3 pelaa paddy sowing (land and field), situated at Ambalakanda aforesaid; and bounded on the north by high road, east by ela, and Karagahawatta Tea estate, south by ditch, and west by Kahatagaha and Marikkar's land.

3. The undivided  $\frac{1}{14}$  and  $\frac{1}{21}$  shares of the undivided field called Telandeniyeekumbura of 2 pelaa and 5 lahas paddy sowing extent out of the contiguous lands called Telandeniyeekumbura, and Innakulagehena in extent 7 pelaa and 6 lahas of paddy sowing

(land and field) situated at Ambalākanda aforesaid; and bounded on the north by ela and Galweta, east and south by ela and west by Wahalingpedigewatta and hena

4. The undivided 3/28 and 1/14 shares of Abanchiyage kumbura of 12 lahas paddy sowing extent, situated at Ambalākanda aforesaid; and bounded on the east by the Imaniya of Aldisia's field, south by the stone of Menkpurage kumbura, west by Depawella of Gamagokumbura, and north by Welpalahe-imaniya.

5. The undivided 3/28 and 1/14 shares of Paragahadunsekumbura of 12 lahas paddy sowing extent and the threshing floor of Paragahadunnewatta of 1 laha paddy sowing extent, situated at Aranayaka in Tumpalata pattu aforesaid, and bounded on the east by Meda arambe-ela, south by Gamme-oya, west by Iura of Paragahadunnewatte kamata, and north by Meda arambe-ela and Amuno-ela.

6. The undivided 1/14 and 1/21 shares of the lands called Hitinawatta, Pussagahamula Assodduma, Gallondowatta, Imbulamulakotuwowatta and Tonnewatte deniya, containing in extent 5 polas and 5 lahas paddy sowing (land and field), situated at Ambalākanda aforesaid; and bounded on the north by ela, east by Wahalingapodige assoddumo kumburo mniyara and ela, south by Multottu arambe Mala-ela and Galwatta, and west by Narangala Tea estate.

7. The undivided 5/28 shares of the land called Kabaragalgodahena now tea estate of 2 amunams paddy sowing extent, situated at Ambalākanda aforesaid; and bounded on the north by ditch, east by Mala-ela of tea estate, south by Kabaragala Mahagala, and west by Alakolagala.

8. The undivided 5/42 shares of the land called Kanatewatta of 6 polas paddy sowing extent situated at Ambalākanda aforesaid; and bounded on the north by ela, east by Galweta, south by ditch, and west by kamburo-ela.

9. The undivided 5/28 shares of the lands called Nugemulahena, Metwalamulahena, and Kirikotumullehena of 3 pelas paddy sowing extent, situated at Ambalākanda aforesaid; and bounded on the north by ura, east by Kabatagaha and ditch, south by high road, and west by Nngagaha and Kosgaha.

For the recovery of a sum of Rs. 380-25, with legal interest thereon from February 22, 1941, till payment in full less the sum of Rs. 30 and Rs. 30 paid on August 9, and November 20, 1941, respectively.

Deputy Fiscal's Office, Kegalla, March 16, 1942.

M. D. J. DISSANAYAKE, Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

23 In the District Court of Colombo. Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Charlotte Roselin de Silva of Kurunegala, No. 9,084, deceased

Doctor George Simon de Silva Gunasekera, Medical Officer of Health, Horana Petitioner.

(1) Roy de Silva of Puttalam road, Kurunegala, (2) Arthur Edward Clarence de Silva Gunasekera, Irrigation Engineer of Anuradhapura, (3) Vincent Jayasuriya of Puttalam road, Kurunegala Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on March 19, 1942, in the presence of Messrs. Edirmanasingham & Edirvirsinghe, Proctors on the part of the petitioner above named:

It is ordered that the Secretary of the District Court of Colombo, be and he is hereby declared entitled to have letters of administration de bonis non to the estate of the above-named deceased issued to him accordingly, unless the respondents above named or some other person or persons interested shall on or before May 21, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 23, 1942.

JAMES JOSEPH, Additional District Judge.

29 In the District Court of Colombo. Order Nisi.

Testy. In the Matter of the Last Will and Testament of Jurisdiction. Montine Oswald Kaule of Colpetty in Colombo, No. 9,961, deceased.

(1) Fortune Kaule, and (2) Clemence Kaule, both of Villa Fortuna, Alwis place, Colpetty in Colombo Petitioners.

(1) Harriet Isabella Kaule of Colpetty, Colombo, (2) Percy Kaule of Colombo, (3) Carl Clewellyn Kaule, (4) Violet Kaule, (5) Thelma Lucas, (6) Dorcas Lucas, (7) Yvonne Koelmeyer nee Lucas, (8) Victoria Lucas, all of Colpetty in Colombo Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on February 19, 1942, in the presence of Mr. E. L. Gomes, Proctor, on the part of the petitioners above named; and the affidavit of (1) the petitioners dated February 10, 1942, and the attesting notary dated February 17, 1942, having been read:

It is ordered that the last will and testament of Montine Oswald Kaule, deceased, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved that the petitioners above named are the executors named in the said will and they are hereby declared entitled to have probate thereof issued to them accordingly, unless the respondents above named or some other person or persons interested shall, on or before May 14, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 16, 1942.

JAMES JOSEPH, Additional District Judge.

25 In the District Court of Colombo. In the Matter of the Estate of the late Kaluthath Keynore de Abrew of Kalutara, deceased.

Viola Estelle Gertrude de Abrew nee Abeysekera of Kalutara Petitioner.

No. 9,981. Testamentary.

Rs. 16. 31 Vs. (1) Devika Rohini de Abrew of Kalutara, (2) Charles Mendis Abeysekera of Kalutara Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on March 3, 1942, in the presence of Mr. R. Jeremias, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated February 23, 1942, having been read: It is ordered that the 2nd respondent above named be and he is hereby appointed guardian ad litem over the minor, the 1st respondent, to represent her for all the purposes of the action and that the petitioner be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents or some other person or persons interested shall, on or before May 14, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 11, 1942.

JAMES JOSEPH, Additional District Judge.

22 In the District Court of Colombo. Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Mariamuttu Nesamany of Slave Island, Colombo, No. 9,996, deceased

John Vethamaniam Daniel of Slave Island in Colombo Petitioner

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on March 9, 1942, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above named, and the affidavit of (1) the petitioner dated March 2, 1942, and (2) the attesting notary dated March 6, 1942, having been read:

It is ordered that the last will and testament of Mariamuttu Nesamany, deceased, the original of which has been produced and is now deposited in the court be and the same is hereby declared proved and that the petitioner above named is the executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before May 21, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 14, 1942.

JAMES JOSEPH, Additional District Judge.

26 In the District Court of Colombo. Order Nisi.

Testamentary In the Matter of the Estate of the late Telge Daisy Jurisdiction. Elphine Violet Peiris of Emsmere, Digarolle in No. 9,999, Moratuwa, deceased.

Widanelage Emilia Juliana Peiris of Emsmere, Digarolle in Moratuwa Petitioner

And (1) Doctor Walter Spencer Johannes Peiris of Moratuwa, (2) Rev. Theodor Clement Joronis Peiris of Panadure, (3) Austin Raymond Eaton Peiris, also of Panadure, (4) Adline Emilia Mildred Peiris of Emsmere, Moratuwa, and (5) Gilby Juliana Chrispey Peiris, also of Emsmere, Moratuwa Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on March 13, 1942, in the presence of Messrs. Perera & Fernando, Proctors on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated March 5, 1942, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled as the mother of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or some other person or persons interested shall, on or before May 7, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 16, 1942.

JAMES JOSEPH, Additional District Judge

25 In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate of Charles Jurisdiction. Ernest Swan, late of Dematagoda, Colombo, No 10,000, in the Island of Ceylon, deceased.

Anna Rita Beryl Swan of Colombo, in the Island of Ceylon Petitioner.

And Karupane Swan of Gampola, near Meddagoda estate, Gampola, in the Island of Ceylon Respondent.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on March 14, 1942, in the presence of Julius & Creasy of Colombo, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 17, 1942, Certificate of Death of the above-named deceased, and Minute of Consent from the respondent above named having been read

It is ordered that the petitioner be and she is hereby declared entitled, as the widow and one of the heirs and next-of-kin of the said deceased, and that she is entitled to have letters of administration to the intestate estate of the said deceased issued to her accordingly, unless any other person or persons interested shall, on or before May 7, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 14, 1942.

JAMES JOSEPH,  
District Judge.

In the District Court of Avissawella.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late  
Jurisdiction. Ramasamy Kakka Malayandy Kangany of  
No. 307. Huseni estate, Avissawella, deceased.

Between

Andi Palanai of Huseni estate, Avissawella . . . . . Petitioner.

(1) Malayandy Nangi, (2) Malayandy Mukkal, (3) Malayandy Karupai, (4) Malayandy Yelu, of Huseni estate, Avissawella, being minors by their guardian *ad litem*, (5) Pothan Murugesu of Avissawella . . . . . Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Avissawella, on March 13, 1942, in the presence of Messrs de Silva & de Silva, Proctors on the part of the petitioner above named, and the affidavit of the said petitioner dated March 12, 1942, having been read:

It is ordered (a) 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, and (b) that the 5th respondent above named be and he is hereby appointed guardian *ad litem* over the 1st-4th (minors) respondents above named for the purpose of this action, unless the respondents above named or any other person or persons interested shall on or before April 7, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 13, 1942.

K. D. DE SILVA,  
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testament of  
Jurisdiction. Charlotte Westland, deceased of Kandy.  
No. T. 269

THIS matter coming on for disposal before Chellappah Nagalingam, Esq., District Judge, Kandy, on March 3, 1942, in the

presence of Messrs. Liesching & Lee, Proctors, Kandy, on the part of the petitioner, Stanley Carnegie Bisset of Kandy; and the affidavits of the said petitioner dated February 19, 1942, and of the attesting witnesses dated February 18, 1942, having been read:

It is ordered that the last will of the above-named deceased, dated November 24, 1936, and now deposited in this court, be and the same is hereby declared proved; unless any person or persons interested shall, on or before April 16, 1942, show sufficient cause to the satisfaction of this court to the contrary.

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

March 3, 1942.

C. NAGALINGAM,  
District Judge.

In the District Court of Jaffna, held at Point Pedro.

Order Nisi.

Testamentary In the Matter of the Estate of the late Eletchumi-  
Jurisdiction. pillai, widow of N. K. Ramasamy of Puloly West,  
No. 175/P.T. in Point Pedro, deceased.

S. Murugesu of Puloly West in Point Pedro . . . . . Petitioner.

(1) Ramasamy Kanapathupillai, (2) Ramasamy Sithamparapillai, by his guardian *ad litem* Umayathaipillai, widow of Sithamparapillai of Puloly West in Point Pedro . . . . . Respondents.

THIS matter of the petition of S. Murugesu, the petitioner above named, praying for letters of administration to the estate of the above-named deceased, Eletchumipillai, widow of N. K. Ramasamy of Puloly West in Point Pedro, coming on for disposal before L. W. de Silva, Esq., District Judge, on March 13, 1942, in the presence of Messrs. Ramaswamy & Paramakuru, Proctors, on the part of the petitioner; and affidavit of the petitioner dated March 12, 1942, having been read: It is declared that the petitioner is the maternal uncle of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before April 24, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 13, 1942.

L. W. DE SILVA,  
Additional District Judge.