



THE CEYLON GOVERNMENT GAZETTE

No. 8,915 — FRIDAY, APRIL 17, 1942.

Published by Authority
PART II

(Separate paging as regards Part II to be filed separately.)

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PASSED ORDINANCES.

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

No. 14 of 1942.

L. D.—O 3/42

An Ordinance to extend the validity of certain coupon credits and tea coupons granted or issued under the Tea Control Ordinance.

A. CALDECOTT.

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

1. This Ordinance may be cited as the Tea Coupons (Extension of Validity) Ordinance, No. 14 of 1942.

Short title.

2. Nothing in sub-section (9) of section 20 of the Tea Control Ordinance shall apply to any coupon credit or tea coupon granted or issued in respect of the period of assessment ending on the thirty-first day of March, 1942; and every coupon credit which would be deemed to be cancelled, and every tea coupon which would cease to be valid, at midnight on the thirty-first day of March, 1942, if this Ordinance had not been enacted, shall be deemed, after that date, for all purposes of the Tea Control Ordinance, to be a coupon credit or a tea coupon, as the case may be, granted or issued in respect of the year of assessment commencing on the first day of April, 1942, in addition to any coupon credit or tea coupon required, by section 20 of the Tea Control Ordinance, to be granted or issued in respect of that period of assessment.

Tea coupons, &c., issued for the year of assessment 1941-42 to be valid during the year of assessment 1942-43.

Cap. 299.

3. In this Ordinance—

Interpretation.

“ coupon credit ” means a credit in the Coupon Credit Bank established under section 19A of the Tea Control Ordinance;

“ tea coupon ” means a coupon issued under section 20 of the Tea Control Ordinance.

Passed in Council the Thirty-first day of March, One thousand Nine hundred and Forty-two.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Eleventh day of April, One thousand Nine hundred and Forty-two.

C. H. HARTWELL,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

	D.—O 35/40
Cap. 207. Vol. V., p. 550	A. Ordinance to amend the Public Service Mutual Provident Association Ordinance and to declare the extent and scope of the powers to make rules conferred by section sixteen of that Ordinance.
	BE. 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 Public Service Mutual Provident Association (Amendment) Ordinance, No. 35 of 1942.
Amendment of section 3 of Chapter 207.	2. Section 3 of the Public Service Mutual Provident Association Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended by the substitution, for the words "widows and legitimate children", of the words "widows and legitimate children or orphans", and the words "orphans" shall from the commencement of the principal Ordinance be deemed to have included, the power to make rules containing provision to the effect that, upon the death of any such member, the benefits accruing to his legitimate children may be paid only to such of them as he may nominate, or be apportioned among all or any of them in such shares as he may specify.
Declaration of construction of powers conferred by section 16 of the principal Ordinance.	3. It is hereby declared that the powers conferred by section 16 of the principal Ordinance to make rules at any general meeting of the corporation for the management of the affairs of the corporation for the purpose of the attainment of its objects include, and shall be deemed to have included, the power to make rules containing provision to the effect that, upon the death of any such member, the benefits accruing to his legitimate children may be paid only to such of them as he may nominate, or be apportioned among all or any of them in such shares as he may specify.
Saving of rights of the Crown.	4. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His heirs and successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Objects and Reasons.

The object of this Bill is to amend section 3 of the Public Service Mutual Provident Association Ordinance (Chapter 207) by substituting the words "legitimate children" for the word "orphans". The object of this amendment is to make it clear that the children of a deceased member are entitled to participate in the benefits provided under the Ordinance simultaneously with their mother.

It has been contended that the word "orphan" means a child, both of whose parents are dead, though it would appear that, in law, the correct definition of an orphan is a child "deprived by death of father or mother, or both".

2. The object of Clause 3 of the Bill is to remove doubts which have arisen in regard to the interpretation of the powers conferred by section 16 of the principal Ordinance. Rules have been made by the corporation enabling a member to exclude some of his children from participation in the benefits payable on his death and to distribute such benefits in such manner as the member may desire. Clause 3 declares that rules containing such provision are *intra vires* of the enabling powers and shall be deemed to have been lawful from the time of the commencement of the principal Ordinance.

February 23, 1942.

GEO. A. WILLE,
Mover of the Bill.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Honourable the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Matara, will be holden at the Court-house at Galle, on Monday, April 27, 1942, at 11 o'clock of the morning of the said day.

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

Deputy Fiscal's Office,
Matara, April 7, 1942.F. DE S. JAYARATNE,
Deputy Fiscal.

record, may personally, by Proctor, or by duly authenticated petition claim, upon good cause shown, that such record may not be destroyed.

Magistrate's Court,
Ratnapura, March 26, 1942.S. S. J. GOONESEKERA,
Magistrate.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

Insolvency In the matter of the insolvency of Wilmot Littleton No. 5.633. Estate of Wilmot Littleton of 233/7, Coita road, Borella, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at a sitting of this court on May 15, 1942, for the consideration of the grant of a certificate of conformity to the above-named insolvent.

By order of court, C. EMMANUEL,
Secretary.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that the records of the Magistrate's Court, Ratnapura, bearing numbers 14800 to 31299 will be destroyed three months hence subject to the provisions of Chapter 336 of New Legislative Enactments, and any person who is interested in any

NOTICES OF FISCALS' SALES.

North-Western Province.

In the District Court of Kurunegala.

Nanayakkara Don Stephen de Silva of Gregory street in Cinnamon Gardens of Colombo Plaintiff.
No. 16,765. Vs.

Balasuriya Mudiyansele Andrew Banda, Peace Officer of Hindagolla in Gandahaye korale (dead) Defendant.

(1) Balasuriya Mudiyansele T. B. H. (2) ditto Punched Banda, both of Hindagolla in Gandahaye korale, (3) Balasuriya Lekamalage Isch of Moratiha in Hewawisse korale Substituted Defendants.

NOTICE is hereby given that on Saturday, May 9, 1942, commencing at 1 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 mortgaged with the plaintiff by bond No. 8640 dated July 17, 1925, and witnessed by N. J. C. Wijesekera, Notary Public, and declared specially bound and executable under decree dated January 30, 1934, and ordered to be sold by order of court dated December 23, 1941, for the recovery of the sum of Rs. 880-15, with interest on Rs. 1,477 at the rate of 9 per cent. per annum from January 30, 1934, to July 9, 1935, and thereafter on Rs. 477 at the rate of 9 per cent. per annum from July 9, 1935, till payment in full and poundage, viz. —

1. All that allotment of 3 roods and $4\frac{1}{2}$ perches and everything, such as plantations, houses, and buildings thereon marked lot 2 in the figure of survey made by the Surveyor D. A. Daniels, and filed of record in C. R., Kurunegala case No. 10,762, of the land called Dematagahena, situated in Hindagolla in Gandahaye korale of Weudawili hatpattu Kurunegala District of North-Western Province; and said allotment marked lot 2 is bounded on the north by a leading to Hunugalkadulla, east by a portion of this land marked lot 3 in the said plan, south by Dematagollehena belonging to Andrew Banda Peace Officer, and others, west by a portion of this land marked lot 1 in the said plan.

2. An undivided $\frac{1}{2}$ share of the land called Konghamulawatta of about 4 lahas kurakkan sowing in extent and of all the plantations appertaining thereto, situated at Hindagolla aforesaid, and bounded on the east and south by fence of the garden belonging to Dingiri Appu and others, west by wela, and north by fence of the garden belonging to Dingiri Appu and others, together with the buildings and houses, &c., standing thereon.

3. An undivided $\frac{1}{16}$ share of the land called Fitnagedarawatta of about one pela kurakkan sowing in extent, and of all the plantations, &c., appertaining thereto, situated at Hindagolla aforesaid; and bounded on the east by wela, south and west by fence of the garden belonging to Dingiri Appu and others, and north by fence of Pansalewatta.

4. An undivided $\frac{1}{2}$ share of the land called Wedikkaragewatta of about one pela kurakkan sowing in extent and of all the plantations, &c., appertaining thereto, situated at the said village; and bounded on the east by fence of the garden belonging to Ukuraala and others, south by fence of the garden belonging to Ukuraala and others, and west and north by wela.

5. An undivided $\frac{1}{2}$ share of the land called Palugamehena of about eight lahas kurakkan sowing in extent, and of all the plantations, &c., appertaining thereto, situated at Diganpitiya in Gandahaye korale aforesaid; and bounded on the east by fence of the garden belonging to Kiru Banda Vidane and others, south by fence of the chena belonging to Pansala, west by wela, and north by limit of the chena belonging to Dingiri Appu and others.

On Monday, May 11, 1942, at 10 a.m.

6. All that north-eastern portion of 1 acre in extent and everything such as plantations, houses, buildings, &c., appertaining thereto, presently bounded on the north and east by wela and stone fence of Pansala, south and west by the land belonging to the creditor, Don Stephen de Silva, Esq., Justice of the Peace, from and out of the land called Labuhena and Liyanadura Pillewa, situated at the villages, Moratiha and Kavisigomuwa in Hewawisse korale in Weudawili hatpattu aforesaid; and according to the figure of survey bearing No. 1869 and dated February 22, 1925, and the signature of the Licensed Surveyor H. Awardt, containing 12 acres 1 rood and 32 perches in extent; and bounded on the north by the land belonging to Hamidu Arachy and others, north-east by the field belonging to Sawsiri and others, east by the land belonging to Ganeyaye Vihare of Moratiha and stone fence, west also by the Crown land, and south by the land belonging to Ganeyaye Vihare of Moratiha and Crown land.

Same day at 2 p.m.

7. All that field called Meegahakumbura of one pela paddy sowing in extent and everything appertaining thereto, situated at Uyandana in Mahagalboda Megoda korale in Weudawili hatpattu aforesaid, and bounded on the north by the field belonging to Kaluwa and others, east by the garden belonging to Nandi, Savi, and Kaluwa, south by field of Punched, and west by the garden of Pina.

Same day at 11 30 a.m.

8. An undivided half share of the field called Lolkumbura of about two amunams paddy sowing in extent and of everything appertaining thereto, situated at Nebihkumbura in Thalavisideke korale of Hiriyala hatpattu in the District of Kurunegala aforesaid; and bounded on the north by limitary ridge of the field of Delwita Walawwa, east by roda, south by roda of the Bogollewatta, and west by Koslandewatta.

Fiscal's Office,
Kurunegala, April 13, 1942.

S. SUBRAMANIAM,
Deputy Fiscal.

In the District Court of Kurunogala.

Illuppiya Mudiyansele Hema Chandra Appuhamy of Tempana in Udapola Otota korale Plaintiff.
No. 17,443. Vs.

Meeyanna Abdul Rahman of Welihundala in Dambadeni Udakaha korale south Defendant.

Muna Pana Lankamen Chettiar of Nayanogoda, Attorney of Chittachi of South India Substituted Defendant.

NOTICE is hereby given that on Friday, May 15, 1942, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title and interest of the said defendant and substituted defendant in the following property for the recovery of the sum of Rs. 1,288 48, with further damages at the rate of Rs. 30 per annum from January 14, 1942, till the plaintiff is restored possession of his half share of the lands in dispute and poundage, viz. —

1. An undivided $\frac{4}{5}$ share of the land called Kanmanketiyawatta of 27 acres in extent, situated at Titlawella in Kudawalle of Weudawili hatpattu in the District of Kurunegala North-Western Province; and bounded on the north by the land of Sangi and others, south by the land of Sangi and others, south-east by fields called Polgotilla and Seeta, and on the west by fields called Polgotilla and Seeta, together with the buildings, plantations and everything thereon.

On Saturday, May 16, 1942, commencing at 10 a.m.

2. An undivided $\frac{1}{2}$ share of Durumpitiyawatta of six kurunes in extent, situated at Mecpitagedara in Dambadeni Udakaha korale in the District of Kurunegala North-Western Province; and bounded on the north by the limitary ridge of the field of Punched and by garden of Mudalihamy and village limit of Humbur and west by field, which said land is depicted as lot 1 in the said plan, containing in extent 2 acres and 38 perches.

3. An undivided $\frac{1}{2}$ share of Puhundalangahena, now garden of 8 kurunes kurakkan sowing in extent, situated at Mecpitagedara aforesaid; and bounded on the north by the limit of the chena of Baba Naide and others, east by limit of the chena of Punched Naide and others, south by fence of Durumpitiyawatta, west by high road depicted as lot 2 in the said plan in extent 3 acres 2 roods and 32 perches.

4. An undivided $\frac{1}{2}$ share of Ambagahakumbura of about one pela paddy sowing in extent, situated at Mecpitagedara aforesaid; and bounded on the north by Kajuweliya of the field of Manuel Perera and others, east by limitary ridge of the field of Punched Naide, south by the limitary ridge of the field of Punched Naide and others, and west by fence of the chena of Sinno Naide and others depicted as lot 3 in the said plan, in extent 2 roods and 24 perches.

Fiscal's Office,
Kurunegala, April 13, 1942.

S. SUBRAMANIAM,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Gerald Kingsley of Grantham Cottage, Hamble, in the County of Southampton, deceased.
No. 9,997.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on March 13, 1942, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Roger Francis Edge of Colombo; and the affidavit of the said petitioner dated March 10, 1942, a certified copy of probate and 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 March 4, 1942, having been read, it is ordered that the will of the said deceased dated April 19, 1940, 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 executors 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 March 26, 1942, show sufficient cause to the satisfaction of this court to the contrary.

March 14, 1942.

JAMES JOSEPH,
District Judge.

The date for showing cause against this Order Nisi is hereby extended to May 7, 1942.

March 24, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Eleanor Daisy Lyons of Ruthven Mansions, Parkley Street, Adelaide, South Australia, deceased.
No. 10,007.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on March 21, 1942, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Roderick McDonald West of Colombo; and the affidavit of the said petitioner dated March 18, 1942, an affidavit as to the due execution of the will, original will, certificate of death of the above-named deceased, power of attorney in favour of the petitioner and Supreme Court's order dated March 12, 1942, having been read, it is ordered that the will of the said deceased dated January 24, 1927, of which the original has been produced and is

Fiscal's Office,
Kurunegala, April 13, 1942.

S. SUBRAMANIAM,
Deputy Fiscal.

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 May 7, 1942, show sufficient cause to the satisfaction of this court to the contrary.

unless the respondents above named or any other person or persons interested shall, on or before May 18, 1942, show sufficient cause to the satisfaction of this court to the contrary.

M. A. SAMARAKOON,
District Judge.

March 9, 1942.

In the District Court of Jaffna.
Order Nisi.

Testamentary In the Matter of the Estate of the late Visuvalingam Jurisdiction. Mutturajah Navaly, deceased. No. 1,124.

Luzy Thangaratnam, widow of Visuvalingam Mutturajah of Navaly Petitioner. Vs.

(1) Jebarathnam Mutturajah, (2) Jevaratnam Mutturajah, (3) Visuvalingam Veerasingham, all of Manipay Respondents.

THIS matter coming on for disposal before T. Weeraratne, Esq., District Judge of Colombo, on December 19, 1941, in the presence of P. R. Rajendra, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated December 17, 1941, having been read:

It is ordered that the 3rd respondent be and he is hereby appointed guardian of the minor, the 2nd respondent, to represent the purposes of this action, and that the petitioner be declared entitled, as the widow of the deceased, to have letters of administration to the above estate issued to her accordingly, unless the respondents or some other persons interested shall, on or before February 5, 1942, show sufficient cause to the satisfaction of this court to the contrary.

W. SANSONI,
District Judge.

December 30, 1941.

This *Order Nisi* is extended to May 15, 1942.

March 23, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Galle.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Isibawa of Kithulampitiya, Galle, deceased. No. 7,994.

Isibawa Mohammad Hamidu of Kithulampitiya, Galle. Petitioner.

Vs.
Isibawa Mohammad Amerdeen of Kithulampitiya, Galle Respondent.

THIS matter coming on for disposal before N. M. Bharucha, District Judge of Galle, on February 17, 1942, in the presence of Mr. D. A. Wickramasinghe, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated February 17, 1942, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as eldest son, to have letters of administration issued to him, unless any person or persons interested shall, on or before March 27, 1942, show sufficient cause to the satisfaction of this court to the contrary.

February 17, 1942.

N. M. BHARUCHA,
District Judge.

For showing cause on the above *Order Nisi* is extended to April 24, 1942.

March 27, 1942.

N. M. BHARUCHA,
District Judge.

In the District Court of Matara.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of Senarajayakage Sedoris of Kohliyadda, deceased. No. 4,143.

Between
Ranamukage Sedoris of Nihluwa Petitioner.
And

(1) Senarajayakage Kavarihamy of Kohliyadda, (2) ditto Gumarahamy of Nihluwa, (3) ditto Heenhamy of Tharaperiya, (4) ditto Babyhamy of Wepotara, (5) ditto Adarahamy of Kohliyadda, (6) ditto Uparis of ditto Respondents.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Matara, on March 9, 1942, in the presence of Messrs. Keuneman, Proctors, on the part of the petitioner above named, and the affidavit of the said petitioner dated March 6, 1942, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as son-in-law of the above-named deceased, to have letters of administration to his estate issued to

In the District Court of Kurunegala.
Order Absolute.

Testamentary In the Matter of the Estate of the late Subasinghe Jurisdiction. Wijeratne Mudiyanseelage Kiri Bandara of No. 4,437. Muruthage.

THIS matter coming on for final determination before H. A. de Silva, Esq., District Judge of Kurunegala, on March 2, 1942, in the presence of Messrs. Ratnayake & Thahir, Proctors, on the part of the petitioner, Prathiraja Mudiyanseelage Punched Nilame Ratnayake of Kurunegala, and the affidavits of the said petitioner and the attesting notary and the witnesses to the will both dated November 7, 1941, having been read:

It is ordered that the last will made by the deceased above named bearing No. 856 dated December 1, 1935, and now deposited in this court be declared proved; and the probate thereof be issued to the petitioner aforesaid, as the executor therein mentioned on his tendering the usual oath.

March 2, 1942.

H. A. DE SILVA,
District Judge.

The date for the publication of this *Order Absolute* is extended to May 7, 1942.

H. A. DE SILVA,
District Judge.