



# THE CEYLON GOVERNMENT GAZETTE

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**PART II.**

(Separate paging is given to each part which is 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. 16 of 1942.

L. D.—O 10/42—M. L. A.—A 788B/1

An Ordinance to amend the Urban Councils Ordinance, No. 61 of 1939.

1941  
Supplement,  
Vol. II.,  
page 760.

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 Urban Councils Amendment Ordinance, No. 16 of 1942.

Short title.

2. Section 34 of the Urban Councils Ordinance, No. 61 of 1939, is hereby amended by the addition, immediately after sub-section (2), of the following new sub-section:—

Amendment of section 34 of the Urban Councils Ordinance.

“(3) The Chairman of an Urban Council may be removed from the Office of Chairman on a resolution for such removal duly passed at any meeting of the Council by not less than two-thirds of the total number of members of the Council and confirmed by a resolution similarly passed at the next meeting of the Council. Upon such confirmation of any resolution for removal, the Chairman affected by such resolution shall be deemed to have resigned his office.”

Passed in Council the Second day of April, One thousand Nine hundred and Forty-two.

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

Assented to by His Excellency the Governor the Sixteenth 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:—

An Ordinance to amend the Roman Catholic Archbishop and Bishops of Ceylon Incorporation Ordinance.

Cap. 236  
(Vol. V., p. 771.)

WHEREAS a portion of the area hitherto under the Ecclesiastical Jurisdiction of the Roman Catholic Archbishop of Colombo has now been erected into a new Diocese called the Diocese of Chilaw, and the Right Reverend Edmund Peiris has been duly appointed Bishop of Chilaw to administer the same:

Preamble. R. B. O.  
*[Handwritten initials]*

And whereas it is expedient to amend the Roman Catholic Archbishop and Bishops of Ceylon Incorporation Ordinance to provide for the Incorporation of the Bishop of Chilaw, and in other respect :

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 Roman Catholic Archbishop and Bishop of Ceylon Incorporation (Amendment) Ordinance, No. of 1942.
- Insertion of new section 2A in Chapter 236.** 2. The Roman Catholic Archbishop and Bishops of Ceylon Incorporation Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended, by the insertion, immediately after section 2 of that Ordinance, of the following new section which shall have effect as section 2A of the principal Ordinance :—
- Incorporation of the Bishop of Chilaw.** 2A. Right Reverend Edmund Peiris, Bishop of Chilaw, his successors duly appointed according to the laws and customs of the Roman Catholic Church, shall be a Bishop of the Roman Catholic Church, and shall have the same powers, rights and duties as the Bishop of Chilaw, and shall be perpetual succession and shall purchase, take, hold and enjoy any property of every description and value of the same, and may sue or be sued in any Court of Justice.
- Insertion of new section 3 in the principal Ordinance.** 3. The following sections shall be inserted immediately after section 3A of the principal Ordinance and shall have effect as section 3A, 3B, and 3C, respectively, of that Ordinance :—
- Vesting of property in the Bishop of Chilaw.** 3A. All property both movable and immovable already acquired, held or possessed by the said Right Reverend Edmund Peiris in his official capacity shall, subject to any trust or condition affecting the same, vest in the said Bishop of Chilaw.
- Stamp duty on Conveyances, &c.** 3B. Any instrument of conveyance, transfer or assignment executed by the Archbishop of Colombo in favour of the Bishop of Chilaw of all the property movable or immovable which by reason of the erection of the Diocese of Chilaw became, subject to the administration of the Bishop of Chilaw, shall be deemed to be an instrument chargeable under Part I, item 23 (5) of the Stamp Ordinance.
- Cap. 189.** 3C. Any instrument of conveyance, transfer or assignment executed by the Archbishop of Colombo in favour of the Bishop of Chilaw of all the property movable or immovable which by reason of the erection of the Diocese of Chilaw became, subject to the administration of the Bishop of Chilaw, shall be deemed to be an instrument chargeable under Part I, item 23 (5) of the Stamp Ordinance.
- Amendment of section 4 of the principal Ordinance.** 4. Section 4 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following :—
- " Provided further, that the temporary absence from Ceylon of any of them the said Archbishop and Bishops, shall be deemed to create a temporary vacancy in the See until the return to the Island of the absent Archbishop or Bishop, as the case may be; and the person temporarily administering such Diocese shall during the period of absence be deemed to be the Successor of the said Archbishop or Bishop for all the purposes of this Ordinance "
- Saving or right of the Crown, &c.** 5. Nothing in this Ordinance contained shall affect or be deemed to affect the right of His Majesty the King, His heirs and successors, or of any body politic or corporate, or 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 the Roman Catholic Archbishop and Bishop of Ceylon Incorporation Ordinance by providing for the incorporation of the Bishop of Chilaw. The opportunity has been taken to amend section 4 of the principal Ordinance so as to provide that the temporary absence of the Archbishop or of a Bishop from Ceylon shall be deemed to create a "temporary vacancy" in the See of the Archbishop or Bishop, as the case may be, within the meaning of that section.

R. S. TENNEKOON,  
Mover of the Bill.

January 20, 1942.

#### DISTRICT AND MINOR COURTS NOTICES.

##### Destruction of Case Records.

IN terms of section 6 of Ordinance No. 12 of 1894 (Chapter 336, Destruction of Valueless Documents Ordinance) it is hereby notified for general information that three months hence the valueless records of Criminal and Civil cases decided in the Magistrate's Courts and in the Courts of Requests, Kalutara and Matugama, Criminal cases during the period from 27, 1934, to April 13, 1937, and Civil cases during the period 1905 to 1935, will be destroyed.

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

Magistrate's Court,  
Kalutara, April 16, 1942.

E. WIJEWARDANE,  
Magistrate.

March 31, 1942.

#### NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,628/ In the matter of the insolvency of Tuan Mohamed Insolvency. Bahar Mehin of 10/1, Gothami road, Cotta, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the second sittings of this court on May 15, 1942, for the examination of the above-named insolvent.

By order of court, C. EMMANUEL,  
Secretary.

In the District Court of Kandy.  
No. I. 3. In the matter of the insolvency of Hubert Arthur Deutrom of Peradeniya.

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 May 8, 1942, to prove a claim of Ibrahim Bai.

April 17, 1942.

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

NOTICES OF FINALS' SALES.

Western Province.

In the District Court of Colombo.

Petikirige Roseline Perera of Frances House, 3rd Division, Maradana ..... Plaintiff.  
No. 11,853/M. Vs. ...

(1) Kandeudaliyanage Florrie Pereraya, (2) Petikirige Alfred Perera, (a minor), (3) ditto Wilfred Perera (a minor), and (4) ditto Richard Perera (a minor), all of Old road, Perera; the 2nd, 3rd, and 4th defendants are minors appearing by their guardian *ad litem* the 1st defendant ..... Defendants.

NOTICE is hereby given that on Monday, May 18, 1942 will be sold by public auction at the premises the following for the recovery of the sum of Rs. 500, with interest 9 per cent. per annum from May 7, 1940, till payment, costs of suit taxed at Rs. 240.50 being incurred and Rs. prospective, and Rs. 127.50 being taxed Supreme Court, a sum of Rs. 50, viz. :-

The right, title, and interest of the 1st defendant in her capacity and as guardian *ad litem* of the 2nd-4th defendant to the following properties, to wit :-

All that divided one-fourth part with everything thereon from and out of the divided one-eighth part or share of the garden called Nugagahawatta bearing assessment No. 108, situated at Maradana, within the Municipality and District of Colombo, Western Province; which said divided one-fourth part is bounded on the north by the remaining 3 parts of the same garden belonging to Senarat Mudalige Don Gabriel Dias Appuhamy and Dona Agnes Caroline Gunatilaka Hamine, on the east by the cinnamon garden belonging to the estate of the late Mr. Joseph Silva, Mudaliyar, and now the property of W. A. Don Mathes Appuhamy, on the south by the property of Johannes Perera and now of Petikirige Francis Perera, and on the west by the high road; containing in extent 9 12/100 perches, save and except however therefrom a portion in extent 61/100 of a perch, gifted and transferred by Petikirige Francis Perera and Dona Sophaya Dias aforesaid to Senarat Mudalige Don Gabriel Dias Appuhamy by deed No. 3,799 dated September 2, 1893, and attested by D. J. Kulatunga of Colombo, Notary Public.

(2) All that divided three-fourth parts or shares from and out of all that portion of the garden called Nugagahawatta, with the buildings and plantations standing thereon bearing assessment Nos. 105, 106, and 107, situated at Maradana aforesaid; bounded or reputed to be bounded on the north by the property of the late Abraham Peris, on the east by the property of Anthony Perera Jayasinghe Mudaliyar, on the south by the property of Wickrema Sosa Abraham da Silva Appuhamy, and on the west by Maradana road; containing in extent 18 72/100 perches more or less, which said two allotments of land now form one property and are according to plan No. 2,394 dated July 16, 1923, made by M. G. de Silva, Licensed Surveyor, described as all that allotment of land called Nugagahawatta, with the buildings thereon presently bearing assessment Nos. 969 (1-4) 3rd Division, Maradana, within the Municipality and District of Colombo aforesaid, bounded on the north by the premises bearing assessment No. 108 of S. M. G. Dias, east by the property formerly of Anthony Perera Jayasinghe Mudaliyar, south by premises bearing assessment Nos 101-106, west by the 3rd Division Maradana road; containing in extent 29 perches.

Fiscal's Office, Colombo, April 22, 1942.

M. SELVADURAI, Deputy Fiscal.

In the District Court of Colombo.

Samarasingho Arachchige Seemon Perera of Ihala Imbulgoda ..... Plaintiff.  
No. 33,074. Vs. ...

(1) Juliana Margaret Pinto Jayatilake Senarathne Hamme of Ihala Imbulgoda ..... Defendant.

NOTICE is hereby given that on Thursday, May 21, 1942, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 100 and further damages at the rate of Rs. 5 per mensem from March 2, 1934, till January 9, 1936, and costs of suit which is taxed at Rs. 1,084.07 incurred and Rs 70.95 prospective, less Rs 16, viz. :-

(1) At 3 30 p.m.—An undivided 17/20 share of the land called Millagahawatta and the buildings thereon, situated at Imbulgoda in Meda pattu of Siyane korale in the District of Colombo, Western Province; bounded on the north by land of Don David Arachchey, east by Kongahawatta of the defendant and others, south by Kolainkumbura and the garden of Allis Appu, and on the west by garden of Don Manuel Vidane, containing in extent 3 acres 1 rood and 16 27/100 perches

(2) At 4 p.m.—The eastern portion of an allotment of land called Gorakagahawatta, situated at Imbulgoda aforesaid; and bounded on the north by the ditch and live fence of land of W. Don Thelens Appuhamy, east by ditch of the garden of N. Sanchi Pinto Appuhamy, south by the ditch of the garden of the said Appuhamy and the ditch of the live fence of the portion of the land on which the tiled house

stands, and on the west by the ditch of the land of N. Sanchi Pinto Appuhamy, Old road and the garden of Martinus Peiris, renter, now sold, containing in extent about 4 acres.

Fiscal's Office, Colombo, April 22, 1942.

M. SELVADURAI, Deputy Fiscal.

Central Province.

In the District Court of Kandy.

(1) H. D. P. Jayasinghe, (2) H. Eddie Jayasinghe, (3) H. Silinduhamy Jayasinghe, (4) H. Edwin Jayasinghe, (5) H. Carolis Jayasinghe alias B. Somananda Unnanse, all of Colombo; the 4th and 5th by their next friend the 2nd plaintiff above named ..... Plaintiffs.

Rs. 22. Vs. 39. 39. deen's son, Meideen Abdul Gader by Ls attorney Mudaliyar of Menkheena ..... Defendant.

NOTICE is hereby given that on Saturday, May 16, 1942, at 2 p.m., sold by public auction at the premises the right, title, and interest of the said defendant in and to the following property, for the recovery of the sum of Rs. 1,514.07 and poundage, viz. :- and called Kosgollewatta of one ahanuwa paddy sowing in the whole, situate at Hurikaduwa Madige in Udagampaha District, Dumbara, in the District of Kandy, Central Province; bounded on the east, south, and north by ditch, and west by together with the tiled houses standing thereon.  
Rs. 5,000.

1942.

CHARLES DE SILVA, Deputy Fiscal.

Southern Province.

In the District Court of Matara.

M. K. M. P. R. Ramanathan Chettiar of Matara ..... Plaintiff.  
No. 12,854. Vs. ...

(1) D. S. Obeysekere of Pottewell, and (2) T. F. D. Abeygunawardena of Matara ..... Defendants.

NOTICE is hereby given that on Wednesday, May 20, 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 defendants in the following property for the recovery of Rs. 811.44 and interest from February 12, 1941, viz. :-

At Pattiawela.

All those undivided one-half part of the soil and of the fruit trees and of the 15 cubits tiled house standing thereon of the contiguous lands called Damanyagahawatta, Godawanewatta and Kongahawatta situated at Pattiawela in West Giruwa pattu of the Hambantota District; and bounded on the north by Babegewatta and Galagawakoratuwa, east by Ketakalagahakoratuwa and Damanyagahawattekebella, south by Kirumandeniya, and west by Kongahahena and Siyambalagahakoratuwa alias Alakoratuwa; containing in extent 3 acres 3 roods and 8 perches.

Deputy Fiscal's Office, Tangalla, April 18, 1942.

V. ALLIRAJAH, Additional Deputy Fiscal.

Northern Province.

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

(1) Thampar Nagalingam (dead), (2) Veluppillai Aiyadurai, both of Thondamanar, (3) Arumugam Visuvalingam, and (4) wife, Valhammai of Valvedditurai ..... Plaintiffs.

Chellamuttu, widow of Nagalingam of Thondamanar ..... Substituted Plaintiff.  
No. 577/P. Vs. ...

Sadar Iyer Sinnadurai Iyer of Valvedditurai, as administrator of the estate of the late V. Sadar Iyer, and wife Kathirattai of ditto ..... Defendant.

NOTICE is hereby given that on Tuesday, May 19, 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 defendant in the following property for the recovery of the sum of Rs. 653.60 being costs and Rs. 50 as damages and poundage and charges, viz. :-

An undivided 1/18 share of the ground, Kandaswamy temple usually known as Selvachannathy temple, other temples, mns (madam), wells, tanks and other cultivated and spontaneous plantations within the boundaries of an extent of 55 lachams varague culture by possession being for 5/6 share of the land, situated at Thondamanar in Uduppiddy parish, Vadamaradchy Division of the Jaffna District, Northern Province, called Kaduppulam in extent 14 1/2 lachams varague culture, Muthiramin-rasempadu in extent 51 1/2 lachams varague culture; the said extent of 55 lachams varague culture is bounded on the east, north, and south by Voluppillai Aiyathurai and others, west by river side.

Fiscal's Office, Jaffna, April 21, 1942.

P. THAMBAIAH, Additional Deputy Fiscal.

In the District Court of Jaffna.

Velauthar Kanapathippillai of Vaddukkaddai East. Plaintiff.  
No. 17,282. Vs. ...

Pakkiam, widow of Suttappu Kanagarajah alias Rajah of Vannarponnai East, as administrator of the estate of the late S. Kanagarajah alias Rajah of Chulipuram in Testy. case No. 974 D C., Jaffna ..... Defendant.

NOTICE is hereby given that on Thursday, May 21, 1942, at 11 o'clock in the forenoon, will be sold by public auction at the premises

Messrs Aiyadurai & Arulampalam, Proctors, on the part of the petitioner; and the petition and affidavit of the petitioner having been read

It is ordered that the 8th respondent above named be appointed guardian *ad litem* over the minors, the 5th, 6th, and 7th minor respondents, to represent them in the testamentary proceedings, that the petitioner, as widow of the deceased, and as a creditor of the estate, be declared entitled to take out letters of administration to the estate of the deceased, and that letters of administration be issued to her accordingly, unless the respondents above named or any other person shall, on or before September 11, 1940, appear and show sufficient cause to the satisfaction of this court to the contrary

Jaffna, July 19, 1940.

Time to show cause extended to April 29, 1942.

March 18, 1942

In the District Court of Jaffna.  
Testamentary Jurisdiction. In the Matter of the Estate of the late Kanagasabathypillai of Tellippalai, deceased.  
No. 1,121.

(1) Kanagasabathypillai Natarajan, (2) Kanagasabathypillai Pasupathy, both of 2/78, Broadway, Madras  
attorney Coomaraswamy Vanmasingam of East

Vs.  
Thangamma, wife of Thandikai Kanagasabathypillai, Tellippalai West

THIS matter coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, on March 13, 1942, in the presence of Mr. K. E. Thamby, Proctor, on the part of the petitioners; and on reading the affidavit of the attorney of the petitioners and petition of the petitioners.

C. COOMARASWAMY,  
District Judge.

C. COOMARASWAMY,  
District Judge.

It is ordered that the above-named petitioners be declared entitled to letters of administration to the estate of the above-named deceased, and that the same be issued to them accordingly, unless the above-named respondent or any other person shall, on or before April 29, 1942, appear before this court and show sufficient cause to the satisfaction of this court to the contrary

March 23, 1942

C. COOMARASWAMY,  
District Judge

In the District Court of Jaffna.

*Order Nisi*

Testamentary Jurisdiction. In the Matter of the Estate of the late Sabapathypillai Karthigesu of Suthumalai, deceased.  
No. 1,125.

Sabapathippillai Mahalingam of Suthumalai Petitioner.

Vs.  
(1) Karthigesu Sanmuganathan, (2) Sarathamman, daughter of Karthigesu, and (3) Saramma, widow of Karthigesu. all of Suthumalai. Respondents.

THIS matter coming on for disposal before C. Coomaraswamy, District Judge, Jaffna, on March 19, 1942, in the presence of Jurugesanpillai, Proctor, and the affidavit of the petitioner has been read: It is ordered that letters of administration to the estate of the said deceased be granted to the petitioner, as petitioner, and the 3rd respondent be appointed guardian *ad litem* over the minors, 1st and 2nd respondents, for the purpose of representing them and of acting in their behalf in these testamentary proceedings, unless the above-named respondents shall appear before this court on May 6, 1942, and state objection to the contrary.

March 19, 1942

C. COOMARASWAMY,  
District Judge.