



THE
CEYLON GOVERNMENT
GAZETTE

No. 8,583 — FRIDAY, MARCH 1, 1940.

Published by Authority.

PART II.—LEGAL.

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PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

DRAFT ORDINANCES.**MINUTE.**

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

L. D.—O 57/38

An Ordinance for the regulation of the wages and other emoluments of persons employed in trades, for the establishment and constitution of Wages Boards, and for other purposes connected with or incidental to the matters aforesaid.

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SCHEDULE.

An Ordinance for the regulation of the wages and other emoluments of persons employed in trades, for the establishment and constitution of Wages Boards, and for other purposes connected with or incidental to the matters 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 Wages Boards Ordinance, No. of 1940, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*.

Short title
and date of
operation.

PART I.

PROVISIONS RELATING TO ALL TRADES.

2. Every employer in every trade shall comply with the following provisions of this section regarding the payment of wages to every worker employed by him :—

Payment of
wages.

- (a) He shall pay such wages in legal tender, directly to the worker, without any deduction other than a deduction in respect of any advance of money made by him to the worker, but so, however, that the deduction made at any one time shall not exceed one-half of the wages due.
- (b) Where the period of the contract under which any worker is employed does not exceed one week, he shall pay the wages of that worker within three days of the end of each such period; where the period of such contract exceeds one week but does not exceed two weeks, he shall pay such wages within five days of the end of each such period; where the period of such contract exceeds two weeks and does not exceed one month, he shall pay such wages within ten days of the end of each such period; and where the period of such contract exceeds one month, he shall pay such wages within ten days of the end of each month.

Nothing in this paragraph shall in any way affect the period of notice or warning necessary under any provision of written law other than this Ordinance for the termination of any contract.

3. Every employer in every trade shall keep a clear and accurate record in writing showing all wages paid by him to workers employed by him, the deductions made by him from such wages, and the dates on which such wages were paid. Every employer shall produce such record for inspection when required to do so by the Controller or any prescribed officer.

Record of
wages to be
kept and
produced for
inspection
when required.

Penalty for failure to comply with any provision of Part I.

4. Every employer who fails to comply with any provision of this Part of this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Duration of provisions of sections 2 (b) and 3.

5. (1) With effect from the date on which a decision of a Wages Board under section 23 comes into force in respect of any trade, the provisions of paragraph (b) of section 2 shall cease to have effect in respect of that trade, in so far as they are inconsistent or in conflict with any such decision.

(2) With effect from the date on which a Wages Board is established in respect of any trade, the provisions of section 3 shall cease to have effect in respect of that trade.

PART II.

PROVISIONS RELATING TO PARTICULAR TRADES.

Application of Part II. of Ordinance to particular trades.

Application of Part II. to particular trades.

6. (1) Subject to the provisions of section 7, the Minister may by order in writing apply the provisions of this Part of this Ordinance to any trade specified in such order.

(2) Every order under sub-section (1) shall be published by Notification in the *Gazette* and shall come into force on the date of such publication or on such later date as may be specified in such Notification.

Notice of intention to apply Part II.

7. (1) No order under section 6 shall be made unless Notification of the intention to make such order is published in the *Gazette* and in one Sinhalese, one Tamil and one English newspaper, together with a notice specifying a date on or before which objections to the proposed order will be received by the Minister.

(2) Every objection preferred in consequence of a notice under sub-section (1) shall be made in writing and shall contain a statement of the grounds upon which objection is taken to the proposed order.

(3) The Minister shall consider all objections made in consequence of a notice under sub-section (1) and may for the purpose of investigating any such objection hold such inquiry as to him may seem necessary.

Wages Boards.

Establishment of Wages Boards.

8. (1) The Minister may by order published in the *Gazette*—

(a) establish a Wages Board for any trade to which the provisions of this Ordinance have been applied under section 6 or for any branch of, or any function or process in, any such trade ;

(b) declare that the powers, duties and functions under this Ordinance of any Wages Boards so established for any trade shall extend to any other trade which is, in the opinion of the Minister, of the same nature as the trade for which that Board was established or of a similar nature to that trade.

(2) No order under paragraph (b) of sub-section (1) shall be made unless Notification of the intention to make such order is published in the *Gazette* and in at least one Sinhalese, one Tamil and one English newspaper, together with a notice specifying a date on or before which objections to the proposed order will be received by the Minister.

(3) Every objection preferred in consequence of a notice under sub-section (2) shall be made in writing and shall contain a statement of the grounds upon which objection is taken to the proposed order.

(4) The Minister shall consider all objections made in consequence of a notice under sub-section (2) and may for the purpose of investigating any such objection hold such inquiry as to him may seem necessary.

Constitution of Wages Boards.

9. (1) Every Wages Board shall consist of the Controller and of members representing employers in the trade for which the Board is established, and members representing workers engaged in such trade.

(2) The number of representative members of a Wages Board shall be determined by the Minister and one-half of such number shall be representatives of the employers and one-half shall be representatives of the workers. All representative members of a Wages Board shall be appointed by the Minister.

(3) Where the powers, duties and functions of any Wages Board are extended under section 8, the Minister may appoint an equal number of additional representative members to represent employers and workers, respectively.

(4) Any person may be appointed a representative member of a Wages Board notwithstanding that he is not an employer or a worker in the trade for which the Board is established.

(5) Women shall be eligible for appointment as members of Wages Boards as well as men.

(6) Any person may be a member of more than one Wages Board.

10. (1) The Controller shall be the Chairman of every Wages Board and shall preside at all meetings of such Board :

Provided that in the absence of the Controller from any meeting, a Deputy Controller may, notwithstanding that he is not a member of the Board, attend and preside on behalf of the Controller.

(2) The Controller or a Deputy Controller shall not be entitled to vote on any question brought before a Wages Board at any meeting.

(3) Every Wages Board shall have a Secretary who shall be appointed by the Governor.

Chairman and
Secretary of
Wages Board.

11. (1) In order to constitute a meeting of a Wages Board—

- (a) the Controller or a Deputy Controller and not less than one-half of the total number of representative members must be present ;
- (b) not less than two members representing employers and not less than two members representing workers must be present ; and
- (c) the number of members representing employers and the number of members representing workers shall be equal.

Procedure at
meetings of
Wages Boards.

(2) Where in the attendance of members for the purpose of holding any meeting of a Wages Board, the number of members representing employers is greater or less than the number of members representing workers, a sufficient number of members representing either employers or workers, as the case may be, shall not participate in that meeting, in order to ensure that the provisions of paragraph (c) of sub-section (1) are complied with.

(3) Where provision is made in this Ordinance requiring a majority decision of a Wages Board in any matter, such decision must be made by the majority of the representative members present at any meeting of the Board.

(4) The proceedings of a Wages Board shall not be invalidated by any vacancy in the number of the members of that Board or by any defect in the appointment of any member.

(5) Subject to the provisions of this Ordinance and of any regulation, a Wages Board may regulate its own procedure.

12. (1) Every member of a Wages Board shall hold office for a period of three years from the date of his appointment :

Provided, however, that any member of the Board (other than the Controller) may at any time resign from his membership of the Board or be removed therefrom by the Minister :

Provided, further, that any person appointed to fill any vacancy caused by the death, resignation or removal of any member shall hold office during a period equal to the unexpired portion of the term of office of the member in whose place he is appointed, and no longer.

(2) Any representative member of a Wages Board who is absent without reasonable cause from three consecutive meetings of the Board shall be deemed to have resigned his membership of the Board, and the resignation of such member shall be deemed to take effect on the date of the last of such meetings.

(3) Any person ceasing to be a member of a Wages Board shall be eligible for re-appointment thereto.

Term of office
of member of
Wages Board.

13. (1) Regulations not inconsistent with any provision of this Ordinance may be made—

- (a) prescribing the manner in which the representatives of employers and workers may be chosen (whether by election or otherwise) ;
- (b) prescribing the manner in which meetings of a Wages Board shall be held and the procedure to be followed at such meetings, including the method of voting ;
- (c) prescribing the method of filling vacancies occurring in the membership of a Wages Board ;

Regulations.

(d) generally for or in respect of any matter relating to a Wages Board or the performance or discharge of any power, duty or function of a Wages Board under this Ordinance.

(2) Any regulation under sub-section (1) may, as provided therein, apply to all Wages Boards or to any particular class of Wages Board or to any one or more specified Wages Boards.

Determination of questions as to which is appropriate Wages Board in cases of doubt.

14. If any doubt arises or any question is raised as to which of two or more Wages Boards is entitled and required to exercise and perform in any matter the powers, duties and functions of a Wages Board under this Ordinance, the Controller shall decide such question and his decision thereon shall be final.

Reference of matters to Wages Board by Executive Committee or Controller.

15. A Wages Board established for any trade shall consider and furnish a report upon any matter regarding the conditions of that trade which may be referred to it by the Executive Committee or by the Controller.

Power of Wages Board to hold inquiries.

16. For the purpose of making any decision or furnishing any report on any matter which a Wages Board is empowered or required to make or furnish under this Ordinance, a Wages Board may hold such inquiry as it may deem necessary, and shall have power to enforce the attendance of any person and examine him on oath or enforce the production of any document as if such Board were a District Court; and the provisions of the Civil Procedure Code relating to the powers of a civil court in respect of the matters aforesaid shall apply accordingly.

Cap. 86).

Information given in proceedings before Wages Board to be treated as confidential in certain cases.

17. (1) Where in any inquiry held by a Wages Board under section 16 or in any other proceedings before a Wages Board under this Ordinance, any information is given or any document produced by any person and a request is made by or on behalf of that person that such information or document or the contents of such document should be treated as confidential, the Chairman of the Board shall order that such information or document be treated as confidential.

(2) No member of a Wages Board or other person present at or concerned in any proceedings before a Wages Board shall in any way disclose any information or document in respect of which an order has been made under sub-section (1), or the contents of any such document, except with the written consent of the party at whose request such order was made.

District Wages Committees.

District Wages Committees.

18. (1) A Wages Board established for any trade may, with the approval of the Executive Committee and in accordance with regulations, constitute a District Wages Committee for that trade in any area or district in Ceylon.

(2) Every District Wages Committee shall consist of—

- (a) such number of members of such Wages Board as that Board may determine, but so, however, that the number of members representing employers and the number of members representing workers shall be equal;
- (b) such number of members to represent the employers in the area for which the Committee is constituted as such Wages Board may determine, and an equal number of members to represent the workers in such area; and
- (c) the Controller or in his absence, a Deputy Controller, or in the absence of both of them, some other person generally or specially authorised in writing by the Controller.

(3) The Controller, or in his absence the Deputy Controller, or, in the absence of both of them, any person authorised by the Controller under paragraph (c) of sub-section (3) shall preside at all meetings of a District Wages Committee.

(4) The proceedings of a District Wages Committee shall not be invalidated by any vacancy in the number of members of that Committee or any defect in the appointment of any member.

(5) Regulations may be made with respect to the tenure of office of members of District Wages Committees, the filling of vacancies in the membership of such Committees, the procedure to be followed at meetings of such Committees, and the form and manner in which reports made by such Committees shall be furnished; but subject to the provisions of this Ordinance and of any such regulation, a District Wages Committee may regulate its own proceedings.

19. A Wages Board may refer to any District Wages Committee constituted by that Board any matter regarding which the Board is empowered or required by this Ordinance to make any decision, and that Committee shall consider any matter so referred and shall furnish to the Board its report upon such matter.

Reference of matters by Wages Board to District Wages Committee.

Decisions of Wages Boards.

20. In respect of the trade for which it is established, any Wages Board may, by a majority decision, either—

Minimum rates of wages.

- (a) determine a minimum rate of wages for time-work (hereinafter referred to as "a general minimum time-rate"); or
- (b) determine the following rates of wages—
 - (i) a general minimum rate of wages for piece-work (hereinafter referred to as "a general minimum piece-rate");
 - (ii) a minimum time-rate to apply in the case of workers employed on piece-work for the purpose of securing to such workers a minimum rate of remuneration on a time-work basis (hereinafter referred to as "a guaranteed time-rate"); and
 - (iii) a minimum rate (whether a time-rate or a piece-rate) to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by workers (hereinafter referred to as "an overtime rate").

21. Where any decision of a Wages Board, whereby a minimum rate of wages for any trade is determined, has come into force, every employer shall pay to every worker to whom such minimum rate is applicable, wages at not less than such minimum rate:

Liability of employer to pay minimum wages.

Provided that where any such decision comes into force on any day other than the day on which wages are payable to any worker in terms of the contract under which that worker is employed, the failure of the employer to pay wages to that worker at the rates determined in such decision in respect of work done between the date on which the decision comes into force and the day on which wages next become payable to that worker, shall not be deemed to be a breach of the provisions of this section.

22. Any Wages Board may, in respect of the trade for which it is established, by a majority decision determine the cases in which an employer may pay less than the wages payable in respect of a full normal working day to a worker who has not worked the requisite number of hours to constitute a normal working day.

Wages of worker who works for less than a normal working day.

23. (1) Any Wages Board may, in respect of the trade for which it is established, by a majority decision determine the period of work (not in any case exceeding one month) in respect of which wages shall be paid to workers, and specify the number of days from the end of such period within which wages shall be so paid.

Intervals at which wages shall be paid.

(2) Nothing in sub-section (1) or in any decision thereunder shall in any way affect the period of notice or warning necessary under any provision of written law other than this Ordinance for the termination of any contract.

24. Any Wages Board may, in respect of the trade for which it is established, by a majority decision—

Hours of work and weekly holiday.

- (a) fix the number of working hours (not exceeding nine in any case) which shall constitute a normal working day exclusive of overtime work;
- (b) declare that a specified day in each week shall be allowed by every employer as a holiday to all workers or to any specified class of workers, and what remuneration, if any, shall be paid to workers in respect of such holiday;
- (c) determine the conditions subject to which workers may be employed on any such holiday, but so however, that such conditions shall include the payment of remuneration for such work at a rate not less than the overtime rate, or, if no overtime rate has been determined, at one-and-a-quarter times the rate normally applicable to such work, and the grant of a holiday with or without remuneration on a day within the four days next succeeding such day.

Annual
holidays.

25. (1) Any Wages Board may, in respect of the trade for which it is established, by a majority decision determine the conditions subject to which a number of days, not exceeding twenty-one, shall, in addition to the holidays under paragraph (b) of section 24, be allowed by every employer in each year as a holiday or holidays to all workers or to any specified class of workers, and determine the mode of computing the remuneration which shall be paid to workers in respect of such holiday or holidays.

(2) Where any decision under sub-section (1) has been made—

- (a) every worker to whom such decision applies shall be entitled to take and shall take a holiday or holidays in accordance with the terms of such decision; and
- (b) the employer of every such worker shall allow such holiday or holidays and be liable to pay the remuneration determined in respect of such holiday or holidays in accordance with the terms of such decision.

Maternity
benefits.

26. (1) Any Wages Board may, in respect of the trade for which it is established, by a majority decision declare that maternity benefits shall be paid by every employer to women workers or to any specified class of women workers employed by him and determine the manner in which such benefits shall be computed and the conditions and restrictions subject to which such benefits shall be paid, but so, however, that such benefits shall not be less favourable to the workers than the benefits provided under the Maternity Benefits Ordinance, No. 32 of 1939, for workers to whom that Ordinance applies.

(2) The powers conferred by sub-section (1) may be exercised by any Wages Board established for any trade, notwithstanding that maternity benefits are payable under the Maternity Benefits Ordinance, No. 32 of 1939, to all or any of the women workers in that trade; but where any such Board exercises such power, the maternity benefits payable under any decision of such Board shall be in substitution of and not in addition to the benefits payable under that Ordinance.

(3) Where any doubt or dispute arises as to whether any maternity benefits proposed under this section are more or less favourable than the benefits provided under the Maternity Benefits Ordinance, No. 32 of 1939, a Wages Board may refer the matter to the Minister for decision and the decision of the Minister thereon shall be final.

Determination
of different
rates of
wages, &c., to
suit special
circumstances.

27. A Wages Board shall, in making any decision under this Ordinance, take into consideration the circumstances obtaining in particular branches of the trade or particular areas or affecting particular classes of workers, and may, in any such decision, determine different rates of wages, hours of work or holidays, or make such other provision for such circumstances as it may consider expedient.

Procedure for
approval of
decisions of
Wages Boards
by Minister.

28. (1) Every decision of a Wages Board under this Ordinance shall—

- (a) be signed and dated by the Chairman, and
- (b) be transmitted to the Minister through the Controller, together with any report on such decision as the Wages Board may desire to make and the report, if any, of the District Wages Committee on any matter to which the decision relates.

(2) The Minister may refer back to a Wages Board for reconsideration any decision transmitted to him under sub-section (1) and in every such case the Wages Board shall reconsider the decision and, after such amendment thereof as it may consider desirable, return the decision to the Minister.

(3) No decision transmitted to the Minister under sub-section (1) or returned to him under sub-section (2) shall have effect unless it has been approved by the Minister. Notification of the approval of every such decision shall be published in the *Gazette*.

(4) Any decision which is approved by the Minister shall come into force on the date on which the notification of such approval is published in the *Gazette* or on such later date as may be specified in such notification.

Rescission or
amendment of
decisions of
Wages Board.

29. Any decision of a Wages Board which has come into force under section 28, may at any time be rescinded or varied by a subsequent decision of the Board, and the provisions of section 28 shall apply to every such subsequent decision.

30. Every decision of a Wages Board under this Ordinance shall, from the date on which such decision comes into force, have effect notwithstanding anything in any written law (other than this Ordinance), and notwithstanding any act done or decision made by any Board or person under any such written law.

Decisions of Wages Board to have effect notwithstanding any written law other than this Ordinance.

Provisions relating to special cases.

31. Where a worker performs two or more classes of work to each of which a minimum rate of wages is applicable, the employer shall pay to that worker in respect of the time occupied in each class of work, wages at not less than the minimum rate in force in respect of that class.

Worker performing two or more classes of work.

32. For the purpose of calculating the amount of the wages payable in the case of a worker employed on any work to which a minimum rate of wages is applicable, the worker shall be deemed to have been employed during all the time during which he was present on the premises of the employer, unless the employer proves that he was so present without the employer's consent express or implied, or that he was so present for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform, and in the case of a worker employed on piece-work shall be deemed during any time during which he was so present and was not doing piece-work to have been employed at the general minimum time-rate applicable to workers of the class to which he belongs :

Worker waiting for work on employer's premises;

Provided that—

- (a) where a worker resides on the premises of the employer he shall not be deemed to be employed during any time during which he is present on the premises by reason only of the fact that he is so resident ; and
- (b) a worker while present during normal meal times in a room or place in which no work is being done shall be deemed to be present for a purpose unconnected with his work.

33. (1) Any person who, by way of trade or for any commercial purpose, makes any arrangement express or implied with any worker in pursuance of which the worker performs any work to which a minimum rate of wages is applicable, shall be deemed, for the purposes of this Ordinance, to be the employer of the worker in respect of that work ; and the net remuneration obtainable by the worker in respect of the work, after allowing for his necessary expenditure in connexion with the work, shall be deemed to be wages.

Work done under an arrangement made by way of trade.

(2) In this section " trade " means any commercial undertaking or enterprise.

34. (1) Where the Controller, or any other officer whom the Controller may authorise in writing for the purposes of this section, is satisfied that any worker employed or desiring to be employed in any work to which a minimum rate of wages is applicable, is affected by any infirmity or physical injury which renders him incapable of earning that minimum rate, the Controller or such officer may, if he thinks fit, grant to that worker, subject to such conditions as may be prescribed, a permit exempting the employment of that worker from the provisions of this Ordinance relating to the payment of wages at less than the minimum rate.

Non-able bodied worker.

(2) While any permit granted under sub-section (1) is in force, in respect of the employment of any worker, the employer shall not be liable to any legal proceedings for paying wages to that worker at less than the minimum rate so long as the permit is in force and the conditions subject to which the permit was issued are complied with.

(3) Any permit granted under sub-section (1) to any worker may at any time be revoked by the Controller or any officer authorised as aforesaid, after giving notice in the prescribed manner to the employer of that worker.

35. Where a worker in any trade, being a person to whom a minimum rate of wages is applicable, is employed as an apprentice or learner, it shall not be lawful for his employer to receive directly or indirectly from him, or on his behalf or on his account any payment by way of premium :

Premium from apprentice or learner.

Provided that nothing in this section shall apply to any such payment duly made not later than four weeks after the commencement of the employment in pursuance of any agreement in writing entered into at or about the time of such commencement.

Duties of Employers.

Employer's
duty to keep
register.

36. Every employer in any trade for which a Wages Board is established shall prepare and keep one or more registers in the prescribed form showing—

- (a) the name and sex of each worker employed by him, and, in the case of a worker who is a woman or under the age of twenty-one years the age of the worker,
- (b) the class of work performed by each worker employed by him,
- (c) the wages paid to each such worker,
- (d) the number of hours of work performed by each such worker,
- (e) the number of hours of overtime work performed by each such worker,
- (f) the dates on which wages are paid to each such worker,
- (g) the holidays allowed to each such worker,
- (h) the amount of the maternity benefits paid to each such worker,
- (i) such other particulars as may be prescribed by regulations or required by any decision of the Wages Board.

Exhibition
of notice in
factories, &c.

37. Every person, engaged in any trade for which a Wages Board is established, who is the occupier of any factory or workshop or of any place used for giving out work to outworkers in any such trade, shall keep exhibited, in such manner as may be prescribed, in such factory, workshop or place, as the case may be, a notice in the prescribed form, containing the prescribed particulars.

Register to
be kept by
persons giving
out work.

38. Every person giving out work to outworkers in any trade for which a Wages Board is established shall keep a register in such form as may be prescribed, containing the prescribed particulars relating to such work and to such workers and the payments made for such work.

Offences.

Penalty for
failure to
pay wages, &c.

39. (1) Every employer who fails to pay wages to any worker in accordance with the provisions of section 21, shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment, and shall in addition be liable to a fine not exceeding fifty rupees for each day on which the offence is continued after conviction.

(2) Every employer who, in any case other than that referred to in sub-section (1), fails to make to any worker any payment in accordance with any provision of this Part of this Ordinance or of any decision of a Wages Board, shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(3) On the conviction of an employer under sub-section (1) or sub-section (2), the court may, in addition to any other sentence, order the employer to pay such sum as may be found by the court to represent the difference between the amount which ought properly to have been paid to the worker and the amount actually paid. Any sum ordered to be paid under this sub-section may be recovered in the same manner as a fine.

(4) The power of the court to make an order under sub-section (3) for the payment of any sum of money shall not be in derogation of any right of the worker to recover that sum by any other proceedings.

Immediate
employer being
himself in the
employment
of another
person.

40. Where the immediate employer of any worker is himself in the employment of some other person, and that worker is employed to do any work in the course of and for the purpose of the trade of that other person, that other person shall, for the purposes of the provisions of section 39, be deemed to be the employer of that worker jointly with the immediate employer.

Recovery of
arrears of
wages in
certain cases.

41. (1) Where an employer has been convicted for failing to pay wages in accordance with the provisions of section 21, to any worker, then, if a notice in the prescribed form of intimation so to do has been served on the employer together with the summons or warrant, evidence may be given of any failure on the part of the employer to pay wages in accordance with the provisions of section 21 to that worker at any time during the year preceding the date on which complaint under

section 148 of the Criminal Procedure Code, was made to court and, on proof of the failure, the court may order the employer to pay such sum as may be found by the court to represent the difference between the amount which ought, at the minimum rate applicable, to have been paid to the worker by way of wages during that year and the amount actually so paid. Any sum ordered to be paid under this sub-section may be recovered in the same manner as a fine.

(Cap. 16).

(2) The power of the court to make an order under sub-section (1) shall not be in derogation of any right of the worker to recover wages by any other proceedings.

42. On the prosecution of any employer under sub-section (1) or sub-section (2) of section 39 for the failure to make any payment to any worker, the burden of proving that the payment was made shall lie on the employer.

Burden of proof in prosecutions under section 39.

43. Every employer who—

- (a) fails or refuses to allow to any worker any holiday required to be allowed to that worker under any decision of a Wages Board under this Ordinance; or
- (b) commits a breach of any condition of any permit issued in respect of any worker under section 34; or
- (c) fails to comply with any provision of any decision of a Wages Board—

Offences by employer.

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

44. (1) Every employer who dismisses any worker from his employment by reason merely of the fact that the worker—

- (a) is or becomes a member of a Wages Board; or
- (b) has given information to any authority with regard to matters under this Ordinance; or
- (c) has, after giving reasonable notice to his employer of his intention, absented himself from work through being engaged in duties as a member of a Wages Board; or
- (d) is entitled to any benefit under any decision of a Wages Board—

Dismissal of worker for being a member of a Wages Board, &c.

shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

(2) In every prosecution of an employer for an offence under sub-section (1) the burden of proving that the worker was dismissed by reason of some fact other than a fact mentioned in that sub-section shall be upon that employer.

45. (1) Every employer who receives any premium in contravention of any provision of section 35 shall be guilty of an offence and shall be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment.

Employer receiving premium in breach of section 35.

(2) The court may in addition to any sentence imposed under sub-section (1) order the employer to pay the sum found to have been received by him in contravention of the provisions of section 35. Any sum ordered to be paid under this sub-section may be recovered in the same manner as a fine.

46. Every person who discloses any information or does any other act in contravention of any provision of sub-section (2) of section 17 shall be guilty of an offence and shall be liable to a fine not exceeding two hundred rupees or to imprisonment of either description for a period not exceeding three months or to both such fine and imprisonment.

Disclosure of information in breach of section 17 (2).

PART III.

GENERAL.

Appointment and powers of officers, &c.

47. (1) The Governor may appoint such number of officers and servants as may from time to time be required for the purpose of carrying out or giving effect to the provisions of this Ordinance.

Appointment of officers.

(2) The appointment of any person under sub-section (1) may be made by name or by office.

Authorisation by Controller of another officer to act on his behalf.

Power of Controller to call for returns, &c.

48. The Controller may either generally or specially authorise any Deputy Controller or any person appointed under section 47 to exercise, perform or discharge any power, duty or function of the Controller under this Ordinance.

49. (1) The Controller may at any time direct any employer in any trade, or any person giving out work to outworkers in any trade, to furnish to the Controller before a specified date—

- (a) a return in the prescribed form containing the prescribed particulars ;
- (b) such information or explanation as the Controller may require in respect of any particulars stated in any return so furnished ;
- (c) a true copy of any register or record of wages, or of any part of a register or record of wages, required to be kept by such employer or person by or under this Ordinance.

(2) Any employer or other person furnishing any return or information under sub-section (1) may transmit together with the return or information a request in writing that such return or information should be treated as confidential and, where such a request is made, the return or information to which the request relates shall not be disclosed without the consent previously obtained of the employer or person who made the request.

(3) No information (whether contained in a return or not) furnished under sub-section (1) shall be so arranged, in any report made or publication issued by or with the authority of the Controller, as to facilitate the identification of the information as being information relating to any individual employer or person.

Powers of prescribed officers.

50. Subject to such conditions and restrictions as may be prescribed, every prescribed officer shall have power—

- (a) to enter and inspect at all reasonable hours by day or night any premises or place in which workers are employed in any trade or any place in which work is given to outworkers in any trade, for the purpose of examining any register, record of wages, or notice required to be kept or exhibited by or under this Ordinance, or of ascertaining whether the provisions of this Ordinance are being complied with ;
- (b) to examine any person whom he finds in any such premises or place and whom he has reasonable cause to believe is a worker employed therein or a worker to whom work is given out therein ;
- (c) to take copies of any such register, record of wages, or notice or of any part of any such register, record or notice.

Power of Controller to institute civil proceedings on behalf of worker.

51. If it appears to the Controller expedient so to do in any case, he may, in the name of any worker to whom any sum of money is due from any employer by or under this Ordinance, institute civil proceedings in a court of competent jurisdiction for the recovery of that sum.

Offences.

Offences.

52. Every person who—

- (a) fails to furnish the means required by an officer as necessary for any entry or inspection or the exercise of his powers under section 50 ; or
- (b) hinders or molests any officer in the exercise of the powers conferred by that section ; or
- (c) refuses to produce any register, record of wages or notice, or give any information which any officer requires him to produce or give under the powers conferred by that section ; or
- (d) makes or causes to be made any register, record of wages or notice which is false in any material particular, or produces or causes or knowingly allows to be produced any such register, record or notice, to any officer acting under the powers conferred by that section, knowing the same to be false ; or
- (e) furnishes any information to any officer acting under the powers conferred by that section, knowing the same to be false ; or
- (f) makes default in complying with any direction given by the Controller under section 49, or who, when called upon to furnish a return under that section, knowingly makes or furnishes, or causes to be made or furnished, a false return or a return containing any false statement ; or

(g) in any case for which no penalty is specially provided, commits a breach of any provision of this Ordinance or of any regulation—

shall be guilty of an offence and shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Miscellaneous.

53. (1) Where an offence for which an employer is liable under this Ordinance has in fact been committed by some agent of the employer or other person, that agent or other person shall be liable to be proceeded against for the offence in the same manner as if he were the employer, and either together with, or before or after the conviction of the employer, and shall be liable on conviction to the same punishment as that to which the employer is liable.

Liability of employer's agent.

(2) Where an employer who is charged with an offence under this Ordinance, proves to the satisfaction of the court that he has used due diligence to enforce the execution of this Ordinance and that the offence was in fact committed by his agent or some other person without his knowledge, consent or connivance, he shall be exempt from any penalty in respect of the offence, without prejudice however to the power of the court under section 39 (3) or section 41 (1) to order him to pay any sum which appears to be due to the worker on account of wages.

54. No prosecution for any offence under this Ordinance shall be instituted in any court except—

No prosecution except with Controller's sanction and within one year of offence.

- (a) with the written sanction of the Controller, and
- (b) within one year of the commission of the offence.

55. All offences under this Ordinance shall be triable summarily by a Magistrate.

Court of trial for offences.

56. Any contract or agreement, whether made before or after the date on which this Ordinance comes into operation whereby any right of any worker by or under this Ordinance is in any way affected or modified to his detriment or whereby any liability of any employer is in any way removed or reduced, shall be null and void in so far as it purports to affect or modify any such right or to remove or reduce any such liability.

Contracting out of rights or liabilities under Ordinance.

Regulations.

57. (1) The Executive Committee may make regulations for the purpose of carrying out or 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), the Executive Committee may make regulations for or in respect of all or any of the following matters:—

- (a) all matters stated or required in this Ordinance to be prescribed;
- (b) the notice to be given of any matter under this Ordinance, with a view to bringing that matter as far as practicable to the knowledge of person affected thereby;
- (c) the payment of remuneration or allowances to members of Wages Boards, and the mode of computing such remuneration or allowances;
- (d) the payment of allowances to officers employed in enforcing the provisions of this Ordinance and the mode of computing such allowances;
- (e) the investigation by or under the directions of the Controller of standards of living and conditions of work in any trade.

(3) Every regulation made by the Executive Committee shall be brought before the State Council by a motion that such regulation shall be approved and, if so approved, shall be submitted to the Governor for ratification. No regulation made by the Executive Committee shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the *Gazette*.

(4) A regulation made by the Executive Committee, when approved by the State Council and ratified by the Governor shall, upon notification of such approval and ratification in the *Gazette*, be as valid and effectual as if it were herein enacted.

Interpretation.

- Interpretation. **58.** In this Ordinance, unless the context otherwise requires—
- “ Controller ” means the person for the time being holding the office of Controller of Labour and includes any person authorised by the Controller under section 48 in respect of any particular power, duty or function of the Controller under this Ordinance ;
- “ Deputy Controller ” means any person for the time being holding office as a Deputy Controller of Labour ;
- “ employer ” means any person employing one or more workers in any trade, whether on behalf of himself or any other person ;
- “ Executive Committee ” means the Executive Committee of Labour, Industry and Commerce ;
- “ Minister ” means the Minister for Labour, Industry and Commerce ;
- “ overtime ” in relation to any work means work in excess of the number of hours which constitute a normal working day ;
- “ prescribed ” means prescribed by regulation ;
- “ regulation ” means a regulation made by the Executive Committee under this Ordinance ;
- “ representative members ” means the members of a Wages Board appointed to represent the employers or the workers, as the case may be, in any trade ;
- “ trade ” includes any industry, business, undertaking, occupation, profession or calling carried out, performed or exercised by an employer or worker, and any branch of, or any function or process in, any trade ;
- “ worker ” means any person employed to perform any work in any trade.

Amendments of other written law.

- Amendment of Estate Labour (Indian) Ordinance (Cap. 112). **59.** The provisions of the Estate Labour (Indian) Ordinance specified in the first column of the Schedule are hereby amended in the manner specified in the second column of that Schedule.

Effect of Ordinance.

- Ordinance to prevail in cases of conflict with other written law. **60.** Save as otherwise expressly provided in this Ordinance, the provisions of this Ordinance shall have effect notwithstanding anything contained in any written law other than this Ordinance ; and in any case of conflict or inconsistency between the provisions of this Ordinance and such other law, the provisions of this Ordinance shall prevail.

(Section 59)

SCHEDULE.

| I. | II. |
|---|--|
| Provision of the Estate Labour (Indian) Ordinance (Chapter 112) | Nature and extent of amendment. |
| Section 5 | .. For the words “ an advance of rice or money ”, there shall be substituted the words “ an advance of money ”. |
| Section 6 | .. In sub-section (4), for all the words from “ his employer ” to the end of the sub-section, there shall be substituted the words “ his employer ”. |
| Section 12 | .. For all the words from “ any sum of money ” to the end of the section, there shall be substituted the following :— “ any sum of money advanced to the labourer or labourers as against the wages for which he or they are suing. Notwithstanding anything contained in the Civil Procedure Code or any other written law (other than this Ordinance), such party or his representative or such other person shall not be entitled in such suit to a set-off or counter claim in respect of the value of any goods supplied to the labourer or labourers, but shall not be precluded from maintaining a separate action in respect of the value of such goods.” |
| Schedule A | .. In paragraph 3 of the Rules and Orders, for the words “ payments, whether in money or in food, clothes, or other articles ” there shall be substituted the words “ payments of money ”. |

Objects and Reasons.

The principal object of this Bill is to secure the amelioration of the conditions of work (including wages) of persons employed in all "trades", including in that term any industry, business, undertaking, occupation, profession or calling in which the relationship of employer and worker exists (Clause 58).

2. When this Bill becomes law certain duties as to the manner in which existing rates of wages are paid and the intervals at which they should be paid will be cast on all employers in every trade. No employer will be permitted to make any deduction from a worker's wages, except in respect of an advance of money made to the worker. All employers will also be required to keep a written record of wages paid by them to workers (Clauses 2 and 3).

3. Provision is made in Part II. of the Bill for the application of that Part to particular trades by orders of the Minister for Labour, Industry and Commerce, but before such an order is made, notice of the intention to make the order will be given to the public in order that any person who desires to make representations against the proposed order may do so (Clauses 6 and 7). Where such an order is made, a Wages Board, consisting of an equal number of representatives of employers and of workers, may be set up to deal with the particular trade (Clause 8). Clauses 9 to 13 deal with the constitution of Wages Boards and the procedure to be followed by such Boards. Provision is also made for the establishment of District Wages Committees to assist a Wages Board in the performance of its functions (Clauses 18 and 19).

4. Clauses 20 to 27 set out the matters on which a Wages Board may make decisions. In each case the decision must be by a majority of the representatives present at a meeting. Minimum rates of wages may be fixed and hours of work, and weekly and annual holidays prescribed (Clauses 20, 24 and 25). Provision is also made for the payment of wages at regular intervals (Clause 23), and for the payment of maternity benefits (Clause 26). All decisions of a Wages Board will be submitted through the Controller of Labour to the Minister for approval and become effective upon the publication in the *Gazette* of the Minister's approval (Clause 28). Where the law already provides for any matter in respect of which a Wages Board is authorised to make any decision—as for instance the prescription of minimum wages under the Minimum Wages (Indian Labour) Ordinance (Chapter 114), the Manufacture of Matches (Regulation) Ordinance (Chapter 131), and the Motor Car Ordinance, No. 45 of 1938,—the decision of the Wages Board under the new law will supersede the existing provisions (Clauses 30 and 60).

5. Clauses 39 to 46 deal with offences and penalties. Provision is made in Clause 41 for an order for the recovery of arrears of wages in certain cases when an employer is convicted in a Magistrate's Court of paying wages at less than the minimum rate. It will be an offence for an employer to dismiss a worker on account of the worker's connection with a Wages Board or because the worker has given information to the authorities with regard to any matter (Clause 44). Under Clause 56, no "contracting-out" of any benefits or liabilities under the new law will be permitted.

6. The Controller of Labour will be the officer generally in charge of the administration of the new law, and will *ex-officio* be the Chairman of every Wages Board.

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, February 27, 1940.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the Western Circuit will be holden at the Court-house at Hulftsdorp, on Wednesday, March 20, 1940, 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.

Fiscal's Office,
Colombo, February 21, 1940.

B. M. CHRISTOFFELSZ,
for Fiscal

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the Districts of Ratnapura and Avissawella will be holden at the Court-house at Colombo, on Wednesday, March 20, 1940, 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.

Fiscal's Office,
Ratnapura, February 24, 1940.

R. M. DAVIES,
Fiscal.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Kegalla will be holden at the Court-house at Kandy, on Monday, March 11, 1940, 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.

Fiscal's Office,
Ratnapura, February 24, 1940.

R. M. DAVIES,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,366. In the matter of the insolvency of Modera-
acharige Don Arthur Silva, 5, 1st Chapel
lane, Wellawatta.

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 23, 1940, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
February 6, 1940. Secretary.

In the District Court of Colombo.

No. 5,403. In the matter of the insolvency of Meeyan-
na Oona Mohanudu Kannu of 73, New
Bazaar, Colombo.

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 19, 1940, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
February 13, 1940. Secretary.

In the District Court of Colombo.

No. 5,412. In the matter of the insolvency of Hettia-
kandage Peter Gabriel Benedict Fer-
nando of 64, Vakbedde road, Rajagiriya,
Colombo.

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 7, 1940, to consider the grant of a certificate of conformity to the insolvent.

By order of court, C. C. Loos,
February 27, 1940. Secretary.

In the District Court of Colombo.

No. 5,433. In the matter of the insolvency of Nevis
Insolvency Fernando of 46 1/2, Wall street, Kotahena,
Jurisdiction. in Colombo.

NOTICE is hereby given that a special sitting of this court will be held on March 12, 1940, at 10.45 in the forenoon for proof of claim of Awlia Khan in the above matter.

By order of court, C. EMMANUEL,
February 26, 1940. Secretary.

In the District Court of Colombo.

No. 5,470. In the matter of the insolvency of Assee-
ratham Pellissier of 44, Andival street,
Colombo.

WHEREAS the above-named A. Pellissier has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by P. B. Fonseka of Kurana, Negombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. Pellissier insolvent accordingly; and that two public sittings of the court, to wit, on March 19, 1940, and on April 16, 1940, 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,
February 20, 1940. Secretary.

In the District Court of Colombo.

No. 5,471. In the matter of the insolvency of Atherton
Stewart Basingham Philips of Pereira
lane, Wellawatta.

WHEREAS the above-named A. S. R. Philips has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by V. O. Eappen of 124, Santiago road, Kotahena, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. S. R. Philips insolvent accordingly; and that two public sittings of the court, to wit, on March 19, 1940, and on April 16, 1940, 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,
February 21, 1940. Secretary.

In the District Court of Colombo.

No. 5,472. In the matter of the insolvency of Leslie
Mavilus Swan of Kalubowila West,
Wellawatta.

WHEREAS the above-named L. M. Swan has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by S. M. de La Harpe of Daisy Villa Avenue, Bambalapitiya, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said L. M. Swan insolvent accordingly; and that two public sittings of the court, to wit, on March 19, 1940, and on April 16, 1940, 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,
February 21, 1940. Secretary.

In the District Court of Colombo.

No. 5,473. In the matter of the insolvency of John
Paul Williams of 31, Pasbatal road,
Mattakkuliya.

WHEREAS the above-named J. P. Williams has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by J. H. Fernando of Modera street, Mutwal, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said J. P. Williams insolvent accordingly; and that two public sittings of the court, to wit, on March 19, 1940, and on April 16, 1940, 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,
February 22, 1940. Secretary.

In the District Court of Colombo.

No. 5,474. In the matter of the insolvency of Don
Joseph Perera Jayatillake of Telen-
gapatha Wattala.

WHEREAS the above-named D. J. P. Jayatillake has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by A. L. S. Perera of Wattala, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said D. J. P. Jayatillake insolvent accordingly; and that two public sittings of the court, to wit, on April 16, 1940, and on May 7, 1940, 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,
February 26, 1940. Secretary.

In the District Court of Kandy.

No. I. 22. In the matter of the insolvency of Tikiri Banda Wattigama of Aludeniya Walawe in Udumwara.

NOTICE is hereby given that the meeting of the creditors of the above-named insolvent, which was fixed for February 2, 1940, to consider the grant of a certificate, has been adjourned for March 8, 1940.

By order of court, R. B. RATNAIKE,
February 26, 1940. Secretary.

In the District Court of Jaffna.

No. 185. In the matter of the insolvency of Sinnapodiya Sinnappu of Vannarponnai East, insolvent.

WHEREAS Sinnapodiya Sinnappu has filed a declaration of insolvency, and a petition for the sequestration of the estate of Sinnapodiya Sinnappu has been filed by Karthegesu Kandiah of Vannarponnai East, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Sinnapodiya Sinnappu insolvent accordingly; and that two public sittings of the court, to wit, on April 9, 1940, and on May 10, 1940, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, J. N. CULANTHAIVALU,
February 26, 1940. Secretary.

In the District Court of Avissawella.

S. P. V. Suppramaniam Chettiar of Puwakpitiya. Plaintiff.
No. 2,675.

Gamage Mensorahy of Puwakpitiya, administratrix of the estate and effects of the late Don Abraham Rupasinghe of Puwakpitiya. Defendant.

NOTICE is hereby given that on Saturday, March 30, 1940, commencing at 10 a.m., will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties for the recovery of the sum of Rs. 4,807.50 with further interest on the said sum at 15 per cent. per annum from January 27, 1939, till date of decree, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs of action Rs. 200.98, less Rs. 3,400 recovered, viz.:

(1) All that undivided 3/16 shares of all that allotment of land being a portion of Dangahawatta, situated at Puwakpitiya in the Udugaha pattu of Hewagam korale, in the District of Colombo, Western Province, and bounded on the north by land of Podisinno and others, on the east by Alstonwatta, on the south by a portion of this land of H. Elishamy, and on the west by the high road; containing in extent about 2 roods and of the buildings standing thereon, and registered in K 26/187.

(2) All that allotment of land called Dangahawatta, situated at Puwakpitiya aforesaid; and bounded on the north and north-east by a portion of this land, on the south-east by Elawella, on the north-west by the road, and on the west by a portion of this land; containing in extent about 2 roods together with the buildings bearing Sanitary Board assessment Nos. 120, 121, 122, and 123, excluding therefrom an undivided extent of land 45 feet in length and 5 feet 3 inches in breadth, and registered in K 26/188, 39/136.

(3) All that allotment of land called Dambutuwedeniya, situated at Puwakpitiya aforesaid; and bounded on the north by the railway line, on the east by another portion of this land belonging to Pitcheammal, and main road, on the south by the other portion of this land belonging to Ango Perera and others, and on the west by the other portion of this land belonging to Ango Perera and others and by the railway line; containing in extent 4 acres and 37 perches together with the plantations and buildings thereon. Registered in K 36/146.

Fiscal's Office, B. M. CHRISTOFFELSZ,
Colombo, February 28, 1940. Deputy Fiscal.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Avissawella.

(1) Paul Michael Perera, (2) Kumara Egohamy, both of Padukka. Plaintiffs.
Nos. 842 and 844.

(6) Mapatunage Damin of Padukka, and others. Defendants.
Karanagoda Liyanage Nonohamy of Padukka. Substituted Defendant.

(1) Siyadoris of Miriyagalla and 11 others. Added Defendants and Interventions.

NOTICE is hereby given that on Monday, April 1, 1940, commencing at 3 P.M., will be sold by public auction at the respective premises the following properties for the recovery of the sum of Rs. 101.85 from the 1st and 2nd plaintiffs less Rs. 50.92, Rs. 55.63 from the 6th defendant, Rs. 26.44 from the substituted defendant, viz.:

The right, title and interest of the 1st and 2nd plaintiffs in and to the following property, to wit:—

(1) Lot 10 of three contiguous paddy fields called Beliatta alias Bada-attewila alias Kekunagahawila, situated at Padukka in Meda pattu of Hewagam korale in the District of Colombo, Western Province; and which said lot 10 is bounded on the north by Crown land, east by lot 9, south by lot 11, and west by Crown land and lot 6; containing in extent 3 acres and 39.65 perches.

The right title and interest of the substituted defendant in and to the following property, to wit:—

(2) Lot 5 of three contiguous paddy fields called Beliatta alias Bada-attewila alias Kekunagahawila, situated at Padukka aforesaid; and which said lot 5 is bounded on the north by Crown land, east by lot 6, south by Crown land, and west by lot 4; containing in extent 3 roods and 14.74 perches.

The right, title, and interest of the 6th defendant in and to the following property, to wit:—

(3) Lot 6 of three contiguous paddy fields called Beliatta alias Bada-attewila alias Kekunagahawila, situated at Padukka aforesaid; and which said lot 6 is bounded on the north by Crown land, east by lot 10, south by Crown land, and west by lot 5; containing in extent 1 acre 3 roods and 4.02 perches.

Fiscal's Office, B. M. CHRISTOFFELSZ,
Colombo, February 28, 1940. Deputy Fiscal.

In the District Court of Colombo.

T. M. Karuppiyah Pilla of 121, Sea street, Colombo. Plaintiff.
No. 3,789/S. Vs.

(1) B. J. Cooray of Nugegoda, and another. Defendants.

NOTICE is hereby given that on Friday, March 29, 1940, commencing at 3 P.M., will be sold by public auction at the respective premises the right, title, and interest of the said first defendant in the following properties for the recovery of the sum of Rs. 1,000 with interest thereon at 18 per cent. per annum from September 7, 1939, till date of decree (October 10, 1939) and thereafter legal interest on the aggregate amount till payment in full and costs of suit, viz.:

(1) All that land called Madatiyagahawatta, situated at Pagoda, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by a portion of this land, east by the Gansabhawa road, south by a portion of this land belonging to Baba Singho, west by a minor road; containing in extent about 1/2 an acre.

(2) All that defined portion marked B 2 from and out of lot B which is a divided half part of an allotment of land called Delgahawatta bearing presently assessment Nos. 7/9, 7/10, and 7/11, Edirigoda road, situated at Pagoda aforesaid now within the Sanitary Board limits of Nugegoda; and bounded on the north by the remaining divided half part marked sub-lot A allotted to the defendant K. Don Robert, east by Maragahawatta claimed by the plaintiff (H. Bastian Fernando) also known as garden of Susey Appu, south by the garden called Hedawakagahakurunduwa of M. Andris Perera, D. J. Ponnampuruma, and M. Simon Perera also known as Malwattege Hedawakagahawatta, west by the divided portion marked lot B of the same half share marked B; containing in extent 1 acre according to the said plan No. 4,817 dated April 22, 1925, made by G. P. Weeraratne, Licensed Surveyor, and together with the full right and liberty use and licence over the road reservation 12 feet wide marked C, D, E and depicted in the said plan Nos. 4,816 and 4,817.

(3) All those allotments of lands called Paragahaowita, Hedawakagahakurunduwatta and Kahatagahaowita lot C 1 bearing assessment No. 343f, situated at Edirigoda, Pagoda, in the Palle pattu aforesaid; and bounded on the north-east by the property formerly of W. O. Fonseka now of Simion Perera, and a road, south-east by lot C 2 of this land, south-west by old canal and north-west by lot B of this land of Alexander de Silva; containing in extent 1 rood and 6 perches.

Fiscal's Office,
Colombo, February 28, 1940.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

In the District Court of Colombo.

In the Matter of the Estate of Cadija Umma, deceased.
The Commissioner of Estate Duty Petitioner.
No. 7,417 Testy.

B. L. M. Haniffa of 159, Layards Broadway, Colombo,
being the executor of the estate of the above-named
deceased Respondent.

NOTICE is hereby given that on Thursday, March 28, 1940, at 3 P.M., will be sold by public auction at the premises the following property for the recovery of the balance estate duty amounting to Rs. 6000, together with interest thereon at 4 per cent. per annum from August 1, 1939, to date of payment and accrued interest 3 cents, viz.:

The right, title, and interest of B. L. M. Haniffa, as executor of the estate of Cadija Umma, deceased, in the following property, to wit:—

All that allotment of land with the buildings standing thereon formerly bearing assessment No. 8c, 105/6-7, presently bearing assessment Nos. G 197, 1-4, situated at Piachaud's lane, Panchikawatta, within the Municipality and District of Colombo, Western Province; and bounded on the north by a passage, east by the property of Johara Umma, south by the other portion of the same land, and on the west by a passage; containing in extent 2½ perches.

Fiscal's Office,
Colombo, February 28, 1940.

B. M. CHRISTOFFELSZ,
Deputy Fiscal.

In the District Court of Negombo.

(1) Marasinpedige Bastiya *alias* Bastian Vedarala, (2)
Alwis Marasinghe, both of Horampella Plaintiffs.
No. 11,089. Vs.

(1) Hewasundarapedige Bastiya, (2) Hewasundara-
pedige Santiya, both of Horampella Defendants.

NOTICE is hereby given that on Wednesday, March 27, 1940, at 3 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st and 2nd defendants in the following property, viz.:

1. An undivided 73/108 shares out of which an undivided 33/108 shares subject to a claim of Rs. 1,575 and costs in case No. 11,095, D. C., Negombo, from and out of the land called Kahatagahawatta, situated at Horampella in Dasiya pattu of Alutkuru korala in the District of Negombo, Western Province; and bounded on the north by the land of Bajuwaa; east by the land of Silindu, deceased, south by the land of Jayatuwa; containing in extent about 2 acres together with the entirety of the tiled house, and registered in C 315/67, Negombo.

2. An undivided 141/432 shares out of which an undivided 75/432 shares subject to a claim of Rs. 1,575 and costs due in case No. 11,095, D. C., Negombo, from and out of the field called Golakumbura, situated at Horampella aforesaid; and bounded on the north by the field of Lamindawa and others, east by the field of Salikkuwa and others, south by the high land, and west by the land of Thembiliya; containing in extent about 4 berrahs of paddy sowing ground, and registered in C 322/90.

3. An undivided 326/432 shares out of which an undivided 163/334 shares subject to a claim of Rs. 1,575 and costs due in case No. 11,095, D. C., Negombo, from and out of the divided ½ share of the land called Ambagahagodalla, situated at Horampella aforesaid; and bounded on the north and north-east by the land depicted in plan No. 51,782 and the land purchased by H. Sitta and others, east by the land of H. Labuna and others, south-east by the Wewakumbura, south by the Wewakumbura and the land of H. Sobana and others, south-west by the land purchased by H. Ukkinda and the lands of H. Labuna and others and the land of H. Sobana and others, west by the land of H. Sobana Veda and Lebuna, and north-west by the lands of

H. Sobana Veda and others; containing in extent within these boundaries 5 acres 1 rood and 21 perches, and registered in C 369/87; and which said divided ½ share is bounded on the north by the land depicted in plan No. 51,782 and the land purchased by H. Sitta and others, east by the other ½ share of this land belonging to H. Amarisa and others, south by the Wewakumbura and the land of H. Sobana and others, south-west by the land purchased by H. Ukkinda and the lands of H. Thenna and others and the land of H. Sobana and others, and west by the land of H. Sobana Veda and others; containing in extent about 2 acres 2 roods and 30 perches, together with the entirety of the tiled house.

4. An undivided 67.108 shares out of which an undivided 41/108 shares subject to a claim of Rs. 1,575 and costs due in case No. 11,095, D. C., Negombo, from and out of the land called Delgahakumbura, situated at Horampella aforesaid; and bounded on the north by the land of Malla Veda and others, east by the land of Ukkuwa and others, south by the land of Thambiya and others, and west by the land of Rapiya; containing in extent about 2 roods, and registered in C 322/91.

5. An undivided ¾ shares of the fibre mill and all its buildings, machinery and other things standing on the divided portion of land formed out of two contiguous portions of lands called Medikele *alias* Moragolla and Medikele out of which shares an undivided ¼ share of the fibre mill and an undivided ¼ share of the leasehold rights created by Deed No. 25,765 dated September 5, 1929, attested by D. M. P. R. Senanayake, Notary Public, subject to a claim of Rs. 1,575 and costs due in case No. 11,095, D. C., Negombo, situated at Horampella aforesaid; which said portion is bounded on the north by the other portion of this land belonging to M. Bastian Vedarala and others, east by the land of M. Amarisa Vedarala and others, south by the field of Singhalapedige Maiya, and on the west by the cart road; containing in extent within these boundaries about 1 acre, together with an undivided ¾ shares of the leasehold rights created by deed No. 25,765 dated September 5, 1929, attested by D. M. P. R. Senanayake, Notary Public, and registered in C 313/141 and C 237/65.

6. An undivided 2/6 shares from and out of 39/48 shares of the field called Kohombagahakaruandakumbura, situated at Horampella aforesaid; and bounded on the north by the land of Marasinpedige Baiya and others, east by other portion of this field of Horathala, south by the land of Singhalapedige Amanduwa, and west by the land of Singhalapedige Nanduwa; containing in extent about 2 berrahs of paddy sowing extent, and registered in C 381/68, Negombo.
Amount to be levied Rs. 947.65½.

Deputy Fiscal's Office,
Negombo, February 26, 1940.

A. C. NALLIAH,
Deputy Fiscal.

In the District Court of Colombo.

(1) Salay Mohamed bin Mohamed, (2) Abdul Cader Sirajdeen bin Mohamedally Dawood, all carrying on business under the name, style, and firm of Salay Mohamed Sons & Co., at 169, Second Cross Street, Pettah, Colombo Plaintiffs.

No. 3,241/S.

M. E. Alliya Marikar, merchant, of Bandawa, presently of Alutgama Defendant.

NOTICE is hereby given that on Thursday, April 4, 1940, at 5 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 471.52, with interest on Rs. 428.72 at 12 per cent. per annum from January 11, 1939, till May 5, 1939, and thereafter on the aggregate amount of the decree at the rate of 9 per cent. per annum till payment in full (less a sum of Rs. 25 paid by the defendant), viz.:

All that ½ share wherein the defendant resides of the land called Paletotam *alias* Ganmanthiyawatta, situated at Hettirwatta in Malewanbadda Kalutara totamune in the District of Kalutara, Western Province; and which said ½ share is bounded on the north by the high road leading to Welipenna, east by a portion of the same land belonging to the heirs of Samudu Hadjar, south by land called Yalisartotam, and west by a portion of the same land belonging to Una Abdul Wahab; and containing in extent 35 perches, together with the building and plantations standing thereon.

Deputy Fiscal's Office,
Kalutara, February 26, 1940.

A. W. ROSA,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Awanna Veeyanna Rawanna Mana Shuna Pana
Ramasamy Chettiar of Gampola Plaintiff.

No. 45,686. Vs.

(1) Udagedera Jayamangala Durayalegedera Rankira
Vidane Dureya, (2) Egoda Jayamangala Durayale-
gedera Pinchi Ukku, (3) Jayamangala Durayale
Udagedera Elisa, all of Radagoda in Meda palata
of Udumuvara Defendants.

NOTICE is hereby given that on Friday, March 29, 1940, commencing at 2 P.M., will be sold by public auction at the premises as one block the following property mortgaged with the plaintiff by bond No. 1,570 dated November 6, 1929, and attested by M. W. R. de Silva, Notary Public, of Gampola, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated December 5, 1934, for the recovery of the sum of Rs. 3,397.18, with interest on Rs. 2,000 at 24 per centum per annum from August 25, 1934, till October 9, 1934, and thereafter legal interest on the aggregate amount till payment in full, and costs and poundage, less Rs. 1,200. vi

1. All that portion towards the Muvakkada of the field called Bodipalambutta, containing in extent 15 lahas, presently 2 pelias in paddy sowing extent, situate at Radagoda in Medapalata of Udumuvara in the District of Kandy, Central Province; and which said portion is bounded on the north by Udumawe-ella and by above Mutuweekamata, east by Asweddumekanatiyeimapiyaya, south by Bokumbure-ella, and west by the portion of this field sold to Kuda Duraya.

2. All that divided portion towards the south of 12 lahas, presently containing in extent 2 pelias in paddy sowing from and out of all that field called Kitulgolle-asweddumakumbura of 3 lahas and the adjoining Kitulgollewatta of 1 pela, and together containing in extent 1 pela and 3 lahas in paddy sowing, situate at Radagoda aforesaid; and which said portion towards the south is bounded on the north by the reserved portion of this field, east by the stone fence of Sirimalie's land, south by land belonging to Kalu Duraya Veda, and west by Nawate-binaella, together with everything thereon.

3. All that land called Kelapihillehena of about 3½ lahas paddy sowing, presently containing in extent 8 lahas in paddy sowing, situate at Radagoda aforesaid; and bounded on the north by Wele-ella, east by field, south by ela, and west by the land belonging to Rattarana, together with everything standing thereon.

4. An undivided ½ part or share from and out of all that land called Kelepihillehena of about 12 lahas, presently containing in extent 3 pelias of paddy sowing extent in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the limit of Durayagehena, east by the limit of Ukku's hena, south by above Deniyaella, and west by ella, together with a like share of everything thereon.

5. All that portion towards the north of about 3 lahas and presently containing in extent 5 lahas in paddy sowing from and out of all that land called Kitulgolle-pihillegawahena, situate at Radagoda aforesaid; and which said portion towards the north is bounded on the north by ela, east by Rawanidalakanuwa, south by the remaining portion of this field, and west by the limit of Sirimala's hena, together with everything thereon.

6. All that portion towards the west of 1 pela, presently containing in extent 2 pelias in paddy sowing from and out of all that land called Kitulgollehena, situate at Radagoda aforesaid; and which said portion towards the west is bounded on the north by the limit of Kuda Duraya's land, east by the remaining portion of this land, south by Deniyakumbura, and west by the limit of the land belonging to Ran Kira Ganduraya, together with everything thereon.

7. An undivided ⅓ parts or shares of about 5 lahas in paddy sowing extent from and out of all that land called Nawatehena of 5 lahas, presently containing in extent 8 lahas in paddy sowing; and which said entire land is bounded on the north by the ditch of Lapaya's land, east by the limit of the land belonging to Hapu and Bilindu, south by Mala-ela, and west by the limit of Dingiri Kella's land, together with a like share of everything thereon.

8. An undivided ½ part or share from and out of all that land called Andiyamullehena of about 12 lahas, presently containing in extent 2 pelias in paddy sowing in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the agala of Ukkuwa's land, east by ela, south by the limit of Dingiri Kella's land, and west by the agala of Lapayagehena, together with a like share of everything thereon.

9. An undivided ⅓ parts or shares from an undivided ½ part or share out of all that land called Kelepihillehena of 3 pelias, presently containing in extent 1 amunam in paddy sowing in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by Mala-ela, east by the limit of the hena belonging to Kuda Duraya, south by Deniye-ella, and west by the agala of Rattarana's hena, together with a like share of everything thereon.

10. An undivided ½ part or share from and out of an undivided ½ part or share from and out of all that land called Kitulgollewatta of about 2 pelias, presently about 1 amunam in paddy sowing extent in the whole, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the ela of Bilinda's kumbura, east by galwetiya, south by agala, and west by ela, together with a like share of everything thereon.

11. All that land called Kitulgollehena of 2 pelias, presently containing in extent 1 amunam in paddy sowing extent, situate at Radagoda aforesaid; and bounded on the north by the ela of Bilinda's field, east by Panwatta and ella, south by the agala of Mutuwagehena, and west by the stone fence of Kuda Duraya's hena, together with everything thereon.

12. An undivided ½ part or share from and out of all that land called Kelepihillehena of about 12 lahas, presently 2 pelias in paddy sowing extent in the whole, together with a like share of everything thereon, situate at Radagoda aforesaid; and which said entire land is bounded on the north by the limit of Durayagehena, east by the limit of Ukku's hena, south by above Deniye-ella, and west by the same ella, and registered in C 97/258; 87/275, 276; 83/204, 87/277 to 280; 40/23; 87/281 to 283; and all the right, title, interest, and claim whatsoever of the said defendants in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,
Kandy, February 26, 1940.H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

A. R. M. A. Andiappa Chetty of Pussellawa Plaintiff.

No. 44,619.

D. C. Ranasinghe of Sinhagiri, Maswela, Pussel-
law Defendant.

NOTICE is hereby given that on Friday, March 29, 1940, at 3 o'clock in the afternoon will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,567.25, with legal interest thereon from January 15, 1936, till payment in full, and costs and poundage, 35.

An undivided 2/5 shares out of all that land called Agalawellella (now planted with tea) of about 14 acres in extent in the whole, situated at Galkewela in Udapone korale of Kotmale, in the District of Nuwara Eliya, Central Province; and the entirety being bounded on the north by pathana belonging to the Crown, east by Talawe-ella and ditch, south by stone fence, and on the west by Galabe Mala-ela together with a like share of everything thereon.

LAN M. DE SILVA,
Deputy Fiscal's Office, Additional Deputy Fiscal.
Nuwara Eliya, February 20, 1940.

In the District Court of Kandy.

Kuna Marimuttutaver's son, Ponniah, of Makulgaha-
ruppe in Udugama of Gampahasiyapattu of Matale
South in the District of Matale (dead) Plaintiff.Kaliappa Theva's daughter, Kaliamma, of Palapat-
wela Substituted Plaintiff.

No. 47,120.

(1) Karpiah's, widow, Sinhapulle, personally and as
Legal Representative of the estate of the late Muttu-
samy's son, Karpiah, (2) Karpiah's daughter, Sathai,
(3) Karpiah's daughter, Karpai (dead), and (4) Sun-
darany's daughter, Fukmani, appearing by her duly
appointed guardian ad litem the 1st named, all of
Udugama aforesaid Defendants.

(1) Narayanan's daughter, Sornawati, (2) Narayanan's
son, Ramer, (3) ditto Letchumanan, (4) ditto Raja-
ratnam, (5) ditto Thuraipalay, (6) ditto Singadurai,
(7) ditto Ramen's son, Narayanan, all of Udugama,
Matale Substituted defendants (in place of 3rd
defendant, deceased).

NOTICE is hereby given that on Friday, March 29, 1940,
at 11 o'clock in the forenoon, will be sold by public auction

at the premises the right, title, and interest of the defendants in the following property for the recovery of the sum of Rs. 849.37½ being the aggregate amount of the principal and interest due in respect of the mortgage bond No. 5,783 dated March 15, 1926, and attested by H. D. Gunasekera of Matale, Notary Public, with further interest on Rs. 450 at the rate of 12½ cents per Rs. 10 per month from November 30, 1935, till February 12, 1936, and thereafter legal interest on the aggregate amount till payment in full, costs and poundage, viz. :—

1. The land called Dimbulgahapitiyewatta of about five seers kurakkan sowing extent, situate at Udugama in Gampahasiyapattu of Matale South, in the District of Matale, Central Province; and bounded on the east by the limit of Korale Mahatmaya's garden, on the south by the fence of Medagederawatta, west by the limit of Kalu Banda's garden, and on the north by ela, being the land, houses, plantations, and everything standing thereon within the said boundaries.

2. A half share out of an undivided half share out of the land called Amunehena Dimbulgahakotuwehena of about six seers kurakkan sowing extent, situated at Udugama aforesaid; and the entirety being bounded on the east by stone, south by the limit of Herat Mudiyansele Bandirala's hena, west by the limit of Polwattegedera hena, and on the north by the limit of Palihenagedera Kalu Banda's chena.

3. A half share out of an undivided half share out of the land called Dimbulgahapitiya *alias* Damunehena of about one nelli kurakkan sowing extent, situate at Udugama aforesaid; and the entirety being bounded on the east by Pitiyegederahena, south by Medagederahena, west by the limit of Polwattegederahena, and on the north by ela, registered in B 32/66-68.

Note.—The above three lands adjoin each other and now form one contiguous block called and known as Dimbulgahapitiyewatta, in extent about six acres; and bounded on the east by the arecanut fence of the land belonging to Egodawalawwe Abeykoon Heen Banda, ela and rock, south by the limit of the land belonging to Herat Mudiyansele Bandirala, west by the limit of Polwattegederahena, and north by ela.

Deputy Fiscal's Office, D. G. DAYARATNA,
Matale, February 23, 1940. Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Bimbawathie Kuruneru of Matale..... Plaintiff.

No. 23,549. Vs.

Dodanduwa Wedge Enso and others..... Defendants.

NOTICE is hereby given that on Tuesday, March 26, 1940, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff and defendants in the following property, viz. :—

Against plaintiff; 1st, 2nd, 6th, 7th, 8th, 12th, 21st, 37th, 38th, 40th and 41st defendants.

The defined and contiguous lots Nos. 4 and 5 of the land called Rukandaluwa, situated at Kahanda in Talpe pattu, Galle District; bounded on the north by river and lots 2 and 3 of the same land, east by lots 6, 7, 8, 9, and 10 of this land, south by Rukandalugaloda, and west by lot 1 of this land, and together containing in extent 22 acres 1 rood and 37.72 perches.

Writ amount Rs. 141.95 plus Rs. 66.36 plus Rs. 80.42.

Fiscal's Office, T. D. S. DHARMASENA,
Galle, February 21, 1940. Deputy Fiscal.

In the District Court of Galle.

K. M. R. M. Ramanathan Chettiar of Galle..... Plaintiff.

No. 37,496. Vs.

M. Abdul Samad of Talapitiya, Galle..... Defendant.

NOTICE is hereby given that on Wednesday, March 27, 1940, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the life interest of the defendant in the following property, in terms of the deed of gift No. 333 of April 8, 1925, attested by P. A. Wadood, Notary Public.

An undivided ¼ share of all the soil, trees, plantations, buildings, factories, stores, boilers, machinery within the estate called and known as Jeilany estate consisting of :—

(1) An undivided ¼ share of land called Galpottewattakanda and of everything appertaining thereto, situated at Ihalagoda village in Akmeemana Division within the four gravets of Galle, Southern Province; bounded on the north by T. P. 72,558, east by T. P. 75,018 and Crown land, south by Crown land, and on the west by T. P. 228,468 and 228,467 and reservation along the road; in extent 3 acres 1 rood and 32 perches.

(2) An undivided ¼ share of the land called Galpottogodella and of everything appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north and east by lot 2,537 in P. P. 340, south by T. P. 228,468, west by reservation along the road; in extent 1 acre and 2 roods.

(3) An undivided ¼ share of an allotment of land called Galpottokandewatta and of everything appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north and east by T. P. 322,547, south by T. P. 10,099, and on the west by T. P. 303,919; in extent 2½ perches.

(4) An undivided ¼ share of an allotment of land called Galpottogodella and of everything appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by T. P. 228,467, east by lot 2,537 in P. P. 340, south by lots 2,537 and 2,537½ in P. P. 340, west by reservation along the road; in extent 1 acre and 20 perches.

(5) An undivided ¼ share of an allotment of land called Gulnekanda and of everything appertaining thereto, situated at Ihalagoda aforesaid; bounded on the west and north by lot 8 in P. P. 11,480, south by T. P. 228,369; in extent 30 perches.

(6) An undivided ¼ share of an allotment of land called Kahatagahakumbura Adalagoda and of everything appertaining thereto situated at Hiyare village in Talpe pattu of Galle District aforesaid; bounded on the north by lot 870 in P. P. 9,386 and Crown land, east by T. P. 2,046,090, south by land claimed by natives T. P. 120,999 and 200,362 and lot 1,871 in P. P. 9,386, west by T. P. 200,360; in extent 1 rood and 35 perches.

(7) An undivided ¼ share of an allotment of land called Howlahene Udumulla and of everything else appertaining thereto, situated at Ihalagoda village aforesaid; bounded on the west and north by lot 2,558 in P. P. 9,550, east by lot A 41 in P. P. 349, south by T. P. 220,646; in extent 1 acre 3 roods and 25 perches.

(8) An undivided ¼ share of an allotment of land called Howlahena and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by reservation along the stream, east by lot A 41 in P. P. 349 and T. P. 287,186, south by T. P. 220,646, west by Crown land; in extent 6 acres 2 roods and 15 perches.

(9) An undivided ¼ share of an allotment of land called Bossehena and of everything else appertaining thereto, situated at Ihalagoda Village aforesaid; bounded on the north and east by lot 2,002 in P. P. 9,424, south by T. P. 73,364, west by T. P. 77,076 and 124,004; in extent 21 perches.

(10) An undivided ¼ share of an allotment of land called Bossehena and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the east by lot 2,004 in P. P. 9,424 and on all other sides by T. P. 125,004; in extent 1 rood and 26 perches.

(11) An undivided ¼ share of an allotment of land called Kowlahena and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by lot 2,611 in P. P. 9,557 and on all other sides by T. P. 124,004; in extent 1 rood and 36 perches.

(12) An undivided ¼ share of an allotment of land called Bossehenakanda with everything appertaining thereto, situated at Ihalagoda village aforesaid; bounded on the north by T. P. 72,556, east and south by Bossehenakanda said to be Crown, west by lot 2,001 in P. P. 9,424, T. P. 303,919, and L. P. 2,303; in extent 3 acres 3 roods and 10 perches.

(13) An undivided ¼ share of an allotment of land called Kowlahena and Kowlahenedeniya and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north and east by Crown land, south by T. P. 94,118, west by T. Ps. 94,118 and 228,473 and Crown land; in extent 2 acres 2 roods and 38 perches.

(14) An undivided ¼ share of an allotment of land called Kowlahena and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the west and north by Crown land, east by T. P. 270,099, south by T. P. 228,473 lot A 41 in P. P. 349 and reservation along the stream; in extent 4 acres 2 roods and 23 perches.

(15) An undivided ¼ share of an allotment of land called Kowlahena and of everything else appertaining thereto; bounded on the north and east by Crown land, south by

lot 2,004 in P. P. 9,424, P. P. 124,004, and 94,118 and lot 2,612 in P. P. 9,557, and on the west by T. P. 270,099; in extent 7 acres and 35 perches.

(16) An undivided $\frac{1}{4}$ share of an allotment of land called Bossehena and of everything else appertaining thereto; and bounded on the north by T. Ps. 124,004 and 298,254, east by T. P. 315,334, south by T. P. 124,004, and on the west by T. Ps. 124,004 and 287,187; in extent 5 acres 1 rood and 13 perches.

(17) An undivided $\frac{1}{4}$ share of an allotment of land called Bossehena and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by Crown land, east by T. Ps. 303,919, 275,629, and 77,820, south by T. P. 73,364, west by T. P. 287,188 and lot 2,004 in P. P. 9,424; in extent 9 acres 2 roods and 6 perches.

(18) An undivided $\frac{1}{4}$ share of an allotment of land called Bossehenakanda and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by T. Ps. 93,073 and 73,367, east by lot 1 in P. P. 11,210, south by T. Ps. 303,919 and 315,334, west by Bossehenakanda said to be Crown; in extent 13 acres and 20 perches.

(19) An undivided $\frac{1}{4}$ share of an allotment of land called Millagahadeniyegoda and of everything else appertaining thereto, situated at Akmeemana aforesaid; bounded on the west and north by T. P. 220,646, east by lot K 34 and I 34 in P. P. 340 and a stream, south by a stream; in extent 1 acre.

(20) An undivided $\frac{1}{4}$ share of an allotment of land called Howlahenegoda Owita and of everything else appertaining thereto, situated at Akmeemana aforesaid; bounded on the west and north by Crown land, east by lot A 41 in P. P. 349, land claimed by natives and lot K 34 in P. P. 340, south by T. Ps. 220,645 and 73,363, a stream and lots I 34 and C 34 in P. P. 340; in extent 27 acres 1 rood and 25 perches.

(21) An undivided $\frac{1}{4}$ share of an allotment of land called Gulanekanda and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north and east by Crown land, south a stream, west by land claimed by natives and Crown land; in extent 2 acres 1 rood and 8 perches.

(22) An undivided $\frac{1}{4}$ share of an allotment of land called all that the lot No. 2 being a defined one-half portion of the land called Samarakanda and of everything else appertaining thereto, and of the buildings standing thereon, situated at Ihalagoda aforesaid; bounded on the north by Kowlahene Ihalakabella, Crown jungle and Parana Kowladeniya, east by Paranakowladeniya Eokunagawa Kumbura and Crown jungle, south by road to Kottawa, west by lot 1; in extent 22 acres and 20.19 perches.

(23) An undivided $\frac{1}{4}$ share of all that the defined lot No. 1 or one-half part of the land called Samarakanda and of the buildings standing thereon, and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by Kowlahene Ihalakabella, north-east by lot 2, south-east by high road from Galle to Kottawa, on the west by Millagahadeniye Kowlahene Pahala Kebella and Kowlahene Medakebella; in extent 22 acres and 20.19 perches.

(24) An undivided $\frac{1}{4}$ share of an allotment of land called Bossehenegodakanda and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north and east by Crown land, south by reservation along the road and lot 4,568 in P. P. 10,099, west by T. P. 303,919; in extent 1 acre and 2 $\frac{1}{2}$ perches.

(25) An undivided $\frac{1}{4}$ share of an allotment of land called Bossehenekanda and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded as per plan No. 275,629 dated January 26, 1911, authenticated by Surveyor-General, on the south by land in T. P. 77,820 and on all other sides by Crown lands; in extent 2 acres 1 rood and 10 perches.

(26) An undivided $\frac{1}{4}$ share of an allotment of land called Bossehena and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by Crown land, east by Crown land lot 2,001 in P. P. 9,424 and land claimed by natives, south by T. P. 77,820, and on the west by T. P. 275,629 and lot 2,002 in P. P. 9,424; in extent 13 acres 1 rood and 8 perches.

(27) An undivided $\frac{1}{4}$ share of all that the defined lot No. 1 of the land called Kekunagaspeela Ihalakabella *alias* Maha Haulhena and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north and north-east by lot 2 of the same land allotted to Andiris George Jayasundera, south and south-west by lots 23,574, A 35, and 23,573, and north-west by Crown land; in extent 3 acres and 9 perches.

(28) An undivided $\frac{1}{4}$ share of an allotment of land called Millagahadeniya Ihalakabella and of everything else appertaining thereto, situated at Ihalagoda aforesaid; bounded on the north by Kowlahenemedadoowa, east by

land sold by Crown, south by Millagahadeniya Pahala Kebella, and west by land sold by Crown; in extent 10 kurumies of paddy sowing.

(29) An undivided $\frac{1}{4}$ share of all those contiguous allotments of land called Berawahenekanda and Madolakanda and Kurunduwattedeniya and Werallanedeniya, all forming one land called Horn Flour and of everything else appertaining thereto, and of the buildings standing thereon; in extent 15 acres 3 roods and 11 perches, situated at Ihalagoda aforesaid; bounded on the north by high road, lands claimed by Manage Andiris and others and Godawatte Liyanage Juan, on the north-east by lands claimed by Godawatte Liyanage Bastian and another and Henadrige Babanis, and on the south-east by land claimed by Imaduwe Vitanege Denes and others, on the south by lands claimed by Imaduwe Vitanege Denes and others, and on the west by land said to belong to the Crown and by a footpath.

Writ amount Rs. 2,041 with interest on Rs. 2,000 at 18 per cent. per annum from March 9, 1939, till payment in full, and costs Rs. 73.92.

Fiscal's Office,
Galle, February 19, 1940.

T. D. S. DHARMASENA,
Deputy Fiscal.

In the Additional Court of Requests of Matara.

D. H. Sonnadara of Matara Plaintiff.

No. 16,958.

C. A. Solomons of Fort, Matara Defendant.

NOTICE is hereby given that on Tuesday, March 26, 1940, commencing at 2.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 168.37, viz.:-

An undivided $\frac{1}{4}$ share of the soil and trees and of the buildings of the land and premises called and known as Mahawatta, *alias* Sylvan Lodge; containing in extent about 1 acre, and bearing assessment No. 118, situated in the Fort, Matara, within the Four Gravets of the Matara District, Southern Province; and bounded on the north by Middle street, east by Punchiwatta, south by Main street, and west by the other portion of Mahawatta belonging to the late Edmund Henry de Zilva exclusive of the $\frac{1}{4}$ parts of the northern portion of the said land Mahawatta divided off by the back door wall and the buildings standing thereon belonging to Gerret Samuel Bastiansz.

Deputy Fiscal's Office,
Matara, February 26, 1940.

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

In the District Court of Tangalla.

Balacharige *alias* Sonnadara Rosahamy of Mahahilla Plaintiff.

No. 3,889. Vs.

(2) Maduwilage Janoris Hamy of Batuwita in Matara District Defendant.

NOTICE is hereby given that on Saturday, March 30, 1940, at the time specified below, will be sold by public auction at the premises the right, title and interest of the said 2nd defendant in the following property, for the recovery of Rs. 220.72 and poundage, viz.:-

At Bedigama, commencing at 2 p.m.

(1) The land called Nimmewalahena, in extent 7 acres 2 roods and 15 perches, situated at Bedigama in West Giruwa pattu of the Hambantota District, Southern Province; and bounded on the north by ela, east by Welbadawetiya, south by Welbediwetiya, and west by Balamahatmayage Pengirihena.

(2) All that soil and plantations of the land called Peniwelhena, in extent 14 acres and 36 perches, situated at Bedigama aforesaid; and bounded on the north by reservation along the path, east by reservation along the path and Crown land, south by Crown land and T. P. 201,298, and west by Crown land.

(3) All that soil and plantations of the land called Mailahena and Mailahenekebella, in extent 7 acres 1 rood and 2 perches, situated at Bedigama aforesaid; and bounded on the north by reservation along the footpath, east by T. P. 201,531, south by T. Ps. 201,298, 162,500, and 177,449, and west by T. Ps. 318,401, 318,433, and 263,603.

(4) All that soil and plantations of the land called Peni-wel-hena *alias* Ketakalagahakoratuwa, in extent 2 acres 1 rood and 19 perches, situated at Bedigama aforesaid; and bounded on the north by Crown land and T. P. 201,531, east by Crown land, south by T. P. 201,299, and west by T. P. 162,500.

(5) All that soil and plantations of the land called Mailagahakoratuwa, in extent 1 acre 2 roods and 1 perch, situated at Bedigama aforesaid; and bounded on the north by water-course, east by T. P. 177,448, south by lot 224 and a footpath, and west by lot 22.

At Beligalla, commencing at 3 p.m.

(6) The land called Puchi Bogahena, in extent 2 acres, situated at Pahala Beligalla in West Giruwa pattu aforesaid; and bounded on the north by minor road, east by dewata, south by Don Janis Padinchiwatteweta, and west by Opisaramahatmayapadinchiwatteweta, together with the buildings standing thereon.

(7) All that soil and plantations and the tiled house of 19 cubits standing thereon of the land called Parana-magahena in extent 2 acres 1 rood and 31 perches, situated at Ihala Beligalla in West Giruwa pattu aforesaid; and bounded on the north by a road, east by the village limits of Bedigama and Etgalmulla, south by lot No. 56, and west by T. Ps. 316,133 and 325,253.

P. D. WEERAMAN,
Additional Deputy Fiscal.

Deputy Fiscal's Office,
Tangalla, February 22, 1940.

Northern Province.

In the District Court of Jaffna.

Chellachippillai, widow of Murugesapillai of Urumpiray, administratrix of the estate of her late husband in Testamentary Case No. 5, 945, D.C., Jaffna. Plaintiff.

No. 968.

Vs.

Sinnathamby Tharmalingam of Araly Defendant.

NOTICE is hereby given that on Wednesday, March 27, 1940, at 10 o'clock in the forenoon, will be sold by public auction at the land called Nampampulam in Araly North, the following movable property of the defendant, for the recovery of a sum of Rs. 2,509.50 and costs Rs. 47.15 and poundage and charges, viz.:

Sawn and unsawn timber consisting of rafters, beams, doors and door frames, windows and window frames, &c., made of palu wood, satin wood, mango wood, margosa wood, palmyra wood, &c.

Fiscal's Office,
Jaffna, February 27, 1940.

M. SELVADURAI,
for Fiscal.

In the Court of Requests of Jaffna.

Ampalavanar Valuppillai of Araly West Plaintiff.

No. 5,117/A.

Vs.

Gnanasegarakkurukkal Ponnaiar of Kokkuvil East Defendant.

NOTICE is hereby given that on Saturday, March 30, 1940, at 10 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 a sum of Rs. 215.61, with further interest on Rs. 170 at 10 per cent. from June 9, 1939, till October 16, 1939, and thereafter on the aggregate at 9 per cent. per annum till payment in full, and costs Rs. 26.25, and poundage and charges, viz.:

A piece of land situated at Araly West in Vaddukkoddai parish, Valigamam West Division of the Jaffna District, Northern Province, called Kiruchihal; containing or reputed to contain in extent 25½ lachams p. c. with well; and bounded or reputed to be bounded on the east by Ambalavanar Sanmugam, north by Valliammai, wife of Subramaniam and Valliammai, wife of Veluppillai, west by Theivanaippillai, wife of Swaminathar, and south by Visuvanathar Arumugam, the heirs of Kunaratnam Kandiah and others: the whole hereof.

This land is under mortgage.

Fiscal's Office,
Jaffna, February 27, 1940.

M. SELVADURAI,
for Fiscal.

North-Western Province.

In the District Court of Kurunegala.

Kenpitiye Saranankara Umnanse of Dambadeniya Vihare Substituted Plaintiff.

No. 13,993.

Vs.

(1) Wijesundera Mudiyanse Panchappuhami, (2) ditto Dingiri Menika both of Dambadeniya, and others Defendants.

(1) Kiri Menika, wife of Kiri Mudiyanse, (2) W. M. Leelawathie, (3) M. Seetamma, and 3rd minors by guardian *ad litem* 1st substituted defendant, all of Dambadeniya in Dambadeni Uducaha korale west Substituted Defendants.

NOTICE is hereby given that on Wednesday, March 27, 1940, at 9 o'clock in the forenoon, will be sold by public auction at the respective premises, the right, title, and interest of the 1st and 2nd defendants and the substituted defendants in the following property for the recovery of the sum of Rs. 980.54, and poundage, viz.:

1. An undivided $\frac{1}{2}$ share of the land called Pethmagewatta of about 1½ acres in extent, situated at Dambadeniya in Dambadeni Uducaha korale west of Dambadeni hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by Gansabha cart road, east by Wewekumbura and Pinkumbura, south by Pathahagawawatta, and west by Pethmagewatta.

2. An undivided $\frac{1}{2}$ share of the land called Pathahagawawatta of about 4 acres in extent, situated at Dambadeniya aforesaid; and bounded on the north by Pethmagewatta, east by Babullapitiyakumbura, south by Aluwagollewatta, and west by Udahawatta and Pethmagewatta, exclusive of the house standing thereon.

3. An undivided $\frac{1}{2}$ share of the land called Tibbutugollewatta of about 2 acres in extent, situated at Dambadeniya aforesaid; and bounded on the north by Kehelhena and Aluwagollewatta, east by Agalehenawatta, south by Helabadayawatta, and west by Kandehenawatta.

4. An undivided $\frac{1}{2}$ share of the land called Kehelhena *alias* Migahamulawatta of about 6 acres in extent, situated at Dambadeniya aforesaid; and bounded on the north by Kongahamulawatta, east by Simapura, south by Tibbutugollewatta, and west by Viharekele.

5. All that land called Katuwehena of about 3 roods in extent, situated at Dambadeniya aforesaid; and bounded on the north by land of Mr. Obeysekera and garden of Ama Tamby, east by Hiswetiawatta, south by Katuwehena-watta, and west by Kahatagahamulawatta, together with the house standing thereon, but exclusive of the Gansabha cart road passing through the land.

6. The land called Panwilewatta of about $\frac{1}{2}$ acre in extent, situated at Dambadeniya aforesaid; and bounded on the north by Ihalawelegawatta, east by Bulanahenawatta, south by Panwilekumbura, and west by ela.

7. All that field called Ihalawelegawatta of about 2 pelas and 8 lahas paddy sowing extent, situated at Dambadeniya aforesaid; and bounded on the north by Panwilewatta, east by ela, south by Panwilekumbura, and west by Kadurugahamulakumbura.

Fiscal's Office,
Kurunegala, February 26, 1940.

CHARLES DE SILVA,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Under Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Mohammed Lebbe Marikar No. 2,924 of 1908. Zainudeen Hadjiar of Gregory's road, Cinnamon Gardens, deceased.

Sultan Marikar Hadjiar Johara Umma, executrix (dead).

Zainudeen Hadjiar Mohamed Rizan of Kensington Gardens, Colombo Petitioner.

And

(1) Zainudeen Hadjiar Mohamed Nizar of St. Terese, Bambalapitiya, Colombo, (2) Puthiri Johara Umma of Wellawatta Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 6, 1940, in the presence of Mr. N. M. Zaheed, Proctor, on the part of the petitioner above named; and the affidavit of the

said petitioner dated February 3, 1940, having been read: It is ordered that the last will of Mohamad Lebbe Marikar Zainudeen Hadjar, deceased, of which the original had been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner, as son of the above-named deceased, and that he is entitled to have letters of administration *de bonis non* with will annexed thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 7, 1940, show sufficient cause to the satisfaction of this court to the contrary.

February 7, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of Pallihawadana Aratchige Arthur No. 8,969. Perera of Molawatte road, Colombo, deceased.

Mrs. Mercilina Perera of 35, Molawatte road, Colombo Petitioner.

And

(1) Doris Perera, (2) George Perera, both of Molawatte road, Colombo, 1st and 2nd respondents are minors, appearing by their guardian *ad litem* (3) Don Austin Perera, also of Molawatte road, Colombo. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on August 23, 1939, in the presence of Mr. R. P. Weerasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 7, 1939, having been read:

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before September 28, 1939, show sufficient cause to the satisfaction of this court to the contrary.

August 24, 1939.

C. NAGALINGAM,
District Judge.

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

September 28, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to November 23, 1939.

October 26, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to January 25, 1940.

November 23, 1939.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to February 15, 1940.

February 13, 1940.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned *Order Nisi* is hereby extended to March 7, 1940.

February 27, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Rammý Alvie Juriansz of the Excise Office, Kalutara, deceased.

Mrs. Ezne Beatrice da Silva (*nee* Juriansz) of Hillside, Fort, Galle Petitioner.

And

(1) Lionel Edward Juriansz, (2) Mrs. Elsie Muriel de Silva (*nee* Juriansz), (3) Jewellyn Patrick Juriansz, all of 10, Cotta lank, Wellawatta, Colombo, (4) Estelle Venetia Juriansz of Girls' High School, Badulla, (5) Gwendoline Juriansz, (6) Richard Juriansz, (7) Charmion Juriansz, (8) Elsom Juriansz, (9) Lucille Juriansz, (10) Greta Juriansz, (11) Clara Juriansz, (12) Kathleen Juriansz, all of Matale, the 5th to 12th respondents are minors appearing by their guardian *ad litem* (13) Mrs. Beulah Christobel Juriansz of Matale Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 26, 1940, in the presence of Mr. Martin Weeraratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 8, 1940, having been read:

It is ordered (a) that the 13th respondent be and she is hereby appointed guardian *ad litem* of the minors, 5th to 12th respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as eldest sister of the above-named deceased; to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before March 7, 1940, show sufficient cause to the satisfaction of the court to the contrary.

February 27, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Thomas H. A. de Soysa of Moratuwella, No. 9,140. Moratuwa, deceased.

Colville Hamlyn Dalrymple de Soysa of Angulana, Moratuwa Petitioner.

And

(1) Violet Regina Catherine Pieris *nee* de Soysa and her husband, (2) Louis Edward Owen Pieris, both of Uyana, Moratuwa, (3) Charlotte Francisca Lillian Hulugalle *nee* de Soysa and her husband (4) Herbert Alexander Jayatilake Hulugalle, both of Pannipitiya, (5) Pansy Alexander Ceila Wijeyesekera *nee* de Soysa of Gangodawila, Nugegoda, (6) Clara Margaret de Soysa *nee* Aponso (of Aponso avenue, Dehiwala), (7) Nalini Diamantia Thastika de Soysa, (8) Swinitha Indrani Nimal de Soysa, (9) Manel Iona Nandani de Soysa, (10) Premela Karuna de Soysa, (11) Nimala Aruna de Soysa, the 7th to 11th being minors, being represented by their mother, the 6th respondent, as guardian *ad litem* over the said 7th to 11th. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 1, 1940, in the presence of Mr. J. Gerald Fernando, on the part of the petitioner above named; and the affidavit of the petitioner dated August 28, 1939, having been read:

It is ordered (a) that the 6th respondent be and she is hereby appointed guardian of the minors, the 7th to 11th respondents above named, to represent them for all purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 7, 1940, show sufficient cause to the satisfaction of this court to the contrary.

February 1, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

19 lines
Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of the late Peter Celestino Dias of Colombo, deceased. No. 9,146.

THIS matter coming on for final disposal before C. Nagalingam, Esq., District Judge, Colombo, on February 6, 1940, in the presence of Mr. L. L. Fonseka, Proctor, on the part of the petitioner, Cecilia Mary Magdeline Dias of Rex Ville, Kotahena, in Colombo, and the affidavits of the said petitioner dated December 20, 1939, and of the attesting witnesses dated November 30 and December 8, 1939, respectively, having been read.

And it appearing to this court that the said petitioner has established her right thereto, it is ordered that probate of the will of the said deceased, be issued to Cecilia Mary Magdeline Dias of Rex Ville, Kotahena, in Colombo, accordingly.

C. NAGALINGAM,
District Judge.

February 26, 1940.

In the District Court of Colombo.

27 lines
Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Eason Hay Norie, late of the City of Victoria, British Columbia, deceased. No. 9,153.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 8, 1940, in the presence of Patrick Merle Duggan of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated February 6, 1940, a certified copy of probate of the last will and testament of the above-named deceased, a power of attorney in favour of the petitioner and Supreme Court's order dated January 30, 1940, having been read: It is ordered that the will of the said deceased dated April 20, 1937, of which a certified copy of probate 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 7, 1940, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM,
District Judge.

February 8, 1940.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Richard Perera Wijesinghe Seneviratne No. 9,157. of Kegalla, deceased.

Cecilia Rose Seneviratne of Gotta road, Colombo Petitioner.

And

- (1) Boralugodage Upali Fredrick Richard Seneviratne of Gotta road, but presently of England, (2) Anurath Rajasinghe Seneviratne of Gotta road, Colombo, a minor appearing by his guardian *ad litem* (3) Dr. Victor Emmanuel Perera Seneviratne of 36, Ward place, Colombo Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 15, 1940, in the presence of Mr. D. H. Jayasingha, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 11, 1940, having been read:

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minor, the 2nd respondent above named, to represent him for all purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any

other person or persons interested shall, on or before April 18, 1940, show sufficient cause to the satisfaction of the court to the contrary.

February 16, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of No. 9,164. the late Avenna Nawanna Sockalingam Chettiar *alias* Avenna Muna Nawanna Sockalingam Chettiar of Kallal in Ramnad District in South India, deceased.

Valliappa Chettiar, son of Sockalingam Chettiar of 19, Sea street, Colombo Petitioner.

- (1) Thevanai Achy, (2) Natchammai Achy, both of Kallal aforesaid, (3) Savundram Achy, (4) Venkatachalam Chettiar, (5) Thevanai Achy, (6) Kaveri Achy, all of Kallal, Ramnad District, South India, the 3rd to 6th minors of the ages of 17, 15, 14 and 10 years respectively by their guardian *ad litem* (7) M. S. P. Subramaniam Chettiar of 19, Sea street, Colombo Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 13, 1940, in the presence of Mr. K. T. Chittampalam, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 6, 1940, having been read:

It is ordered (a) that the 7th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 3rd to 6th respondents above named, to represent them for all purposes of this action, and (b) that the petitioner be and he is hereby declared entitled, as the eldest son of the deceased above named, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 14, 1940, show sufficient cause to the satisfaction of the court to the contrary.

February 26, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Thomas Philip Selliah of The Ark, No. 9,165. Baseline road, Dematagoda, in Colombo, deceased.

Sounthary Pillai Selliah of Baseline road, Dematagoda, in Colombo Petitioner.

- (1) Victor Robert Selliah, (2) Thanalathomey Selliah, 1st and 2nd respondents are minors appearing by their guardian *ad litem* (3) Joseph S. Navaratnam, all of Baseline road in Colombo Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 13, 1940, in the presence of Mr. N. Saravanamuttu, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 13, 1940, having been read:

It is ordered (a) that the 3rd respondent be and he is hereby appointed guardian *ad litem* of the minor, the 1st and 2nd respondents above named, to represent them for all the purposes of this action, and (b) that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before May 2, 1940, show sufficient cause to the satisfaction of the court to the contrary.

February 16, 1940.

C. NAGALINGAM,
District Judge.

The date for showing cause against the within-mentioned *Order Nisi* is hereby advanced to April 18, 1940.

February 20, 1940.

C. NAGALINGAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Last Will and Testament of Malmalabaduge Jeramias Fernando, No. 9,175. Darley Villa, Moratuwella, in Moratuwa, deceased.

Leo Ernest Jerome Fernando of Darley Villa, Moratuwella, in Moratuwa. Petitioner.

And

- (1) Anjelina Senadipathy of Darley Villa, Moratuwella, in Moratuwa, (2) Idanija Silvia Fernando of Dehiwala, (3) Engalena Melha Ediriwira of Wellawatta, (4) Violet Alfrida Fernando, and (5) Neville Emmanuel Sebastian Fernando, both of Darley Villa, Moratuwella, in Moratuwa. Respondents.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 20, 1940, in the presence of Mr. Alfred V. Fernando, Proctor, on the part of the petitioner above named; and (1) the affidavit of the said petitioner dated January 17, 1940, and (2) of the attesting witnesses also dated February 17, 1940, having been read:

It is ordered that the last will of Malmalabaduge Jeramias Fernando, deceased, of which the original 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 petitioner is the executor in the said will and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before May 16, 1940, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM, District Judge.

February 20, 1940.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction In the Matter of the Last Will and Testament (with two codicils) of George Winchester Robins of Purley Caldly in the County of Chester, England, shipowner, deceased.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge of Colombo, on February 21, 1940, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, Mitford Charles Robins of Colombo; and (1) the affidavit of the said petitioner dated February 8, 1940, and (2) the order of the Supreme Court dated February 6, 1940, having been read: It is ordered that the will of the said George Winchester Robins, deceased, dated October 18, 1929 (and two codicils thereto dated respectively June 24, 1932, and February 29, 1936), a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Mitford Charles Robins is one of the executors named in the said will and that he is entitled to have probate thereof issued to him accordingly with power reserved to the other executors therein named hereafter to come in and obtain a similar grant, unless any person or persons interested shall, on or before April 18, 1940, show sufficient cause to the satisfaction of this court to the contrary.

C. NAGALINGAM, District Judge.

February 21, 1940.

In the District Court of Avissawella.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Intestate Estate of the late Delgomuwalage Rankira of Minna, deceased.

Delgomuwalage Kimbaba of Minna. Petitioner.

Between

- (1) Alutdurage Tennamalie of Minna, (2) Delgamuwalage Babbuwa of ditto, (3) ditto Heenkira of ditto, (4) ditto Ensa of Kuruwita. Respondents.

THIS matter coming on for disposal before S. S. J. Goonasekera, Esq., District Judge of Avissawella, on February 21, 1940, in the presence of Messrs. de Silva &

de Silva, Proctors for the petitioner above named; and the affidavit of the said petitioner dated February 21, 1940, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 14, 1940, show sufficient cause to the satisfaction of this court to the contrary.

S. S. J. GOONESEKERA, District Judge.

February 21, 1940.

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Intestate Estate of No. 7,910. James Abeysiri Gunawardana, late of Galle.

Missie Seelawathie Abeynaike Gunawardana of Kumbalwella, Galle. Petitioner.

And

- (1) Charlie Abeysiri Gunawardana, (2) Malini Abeysiri Gunawardana, (3) Chandrawathie Abeysiri Gunawardana, (4) Percy Priyanda Abeysiri Gunawardana, all of Kumbalwella in Galle, (5) Edmund Abeynaike Gunawardana of Katukoliha. Respondents.

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., Additional District Judge of Galle, on February 5, 1940, in the presence of Mr. G. D. Jayasundere, Proctor, on the part of the petitioner; and the petition and affidavit dated February 5, 1940, having been read:

It is ordered that the 5th respondent be appointed guardian ad litem of the 1st, 2nd, 3rd, and 4th respondents, minors.

And it is declared that the petitioner above named as widow of the deceased, is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the said respondents or any other person who is interested in the said estate shall, on or before March 18, 1940, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA, District Judge.

February 5, 1940.

In the District Court of Tangalla.

Order Nisi.

Testamentary Jurisdiction In the Matter of the Intestate Estate of Nambuwa Hewage Carolis Appu, late of Nakulugamuwa. No. 1,291.

Hewatondilege Unohamy of Nakulugamuwa. Petitioner.

- (1) Nambuwa Hewage Jinapala, (2) ditto Siriyawathi, (3) ditto Siriyana (minors) and (4) Palawinege Sobadis Kumaratunga, all of Nakulugamuwa. Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Tangalla, on August 23, 1938, in the presence of Mr. D. P. Atapattu, Proctor, on the part of the petitioner above named; and the affidavit of the above-named petitioner dated August 23, 1938, having been read:

It is ordered and adjudged that the petitioner is entitled as such heir to administer the estate of the said intestate and directing that letters of administration of the said estate be granted to her, unless any person or persons interested shall, on or before October 3, 1938, show sufficient cause to the contrary.

It is further ordered and adjudged that the 4th respondent, be appointed guardian ad litem over the 1st, 2nd, and 3rd respondents, who are minors, unless any person or persons interested shall, on or before October 3, 1938, show sufficient cause to the contrary.

V. S. JAYAWICKRAMA, District Judge.

August 23, 1938.

Extended to January 8, 1940.

V. S. JAYAWICKRAMA, District Judge.

Extended to March 7, 1940.

V. S. JAYAWICKRAMA, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Kathiravelu Muttukumaru of Sandilipay, deceased.

Rasammah, widow of Kathiravelu Muttukumaru of Sandilipay Petitioner.

Vs.

- (1) Wijayaledchumy, daughter of Muttukumaru, (2) Rajaledchumy, daughter of Muttukumaru, (3) Muttukumaru Sivagnanasundram, (4) Muttukumaru Arumugada, (5) Muttukumaru Muttukumarasurier (minors), all of Sandilipay, and (6) Kathiravelu Amblavanar of Kopay South Respondents.

THIS matter coming on for disposal before C. Goomaraswamy, Esq., District Judge, Jaffna, on February 7, 1940, in the presence of Mr. R. Sivagurunathar, Proctor for the petitioner; and an affidavit of the petitioner dated February 5, 1940, having been read:

It is ordered that the above-named 6th respondent be appointed guardian *ad litem* over the minors, the above-named 1st to 5th respondents, and that letters of administration to the estate of the above-named deceased be issued to the petitioner accordingly, as she is the widow of the deceased, unless the respondents above named or any other persons or persons interested shall appear before this court on or before March 13, 1940, and show sufficient cause to the satisfaction of the court to the contrary.

February 7, 1940.

S. RODRIGO,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate estate of the late Jurisdiction. Annal Cleveland Rasammah, widow of No. 846. Thuraisingham of Jaffna town, deceased.

(1) Edwin Black and wife (2) Jelanara Padmaraj Petitioners.

- (1) Padmarajasingham Thuraisingham of Jaffna, presently of Vavuniya, (2) Thaiyalmani Thuraisingham of Jaffna, (3) Nasarasamathi Thuraisingham of Gittu, presently of Madras, (4) Manoharasingham Thuraisingham of Jaffna, presently of Colombo, (5) Vignanasingham Thuraisingham, (6) Baghavatsamani Thuraisingham, and (7) Athulamamani Thuraisingham, all of Jaffna Respondents.

THIS matter of the petition of the petitioners above named, praying that the above-named 1st and 4th respondents may be appointed guardian *ad litem* over the 5th to 7th respondents above named for the purpose of watching their interests in these proceedings and that letters of administration to the estate of the said deceased be granted to them, coming on for disposal before Simon Rodrigo, Esq., Acting District Judge, Jaffna, on February 23, 1940, in the presence of the petitioners who appear in person and their affidavit dated February 23, 1940, having been read:

It is ordered that the above-named 1st and 4th respondents may be appointed guardian *ad litem* over the 5th to 7th respondents for the purpose of watching their interest in these testamentary proceedings and that letters of administration to the estate of the said deceased be granted to the petitioners, as son-in-law and daughter respectively of the deceased, unless the respondents shall appear before this court and show sufficient cause to the satisfaction of this court to the contrary on or before March 20, 1940.

February 23, 1940.

S. RODRIGO,
District Judge.

In the District Court of Trincomalee.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Siyapakkiam, wife of Muthucumaru, No. 25. late Division No. 1, Trincomalee, deceased.

Chinniah Muthucumaru of Division No. 1, Trincomalee Petitioner.

Vs.

- (1) Vyramuttu Vanniah Chitra (2) Muthucumaru Thanapalasingam, (3) Muthucumaru Rajasingam, (4) Muthucumaru Padmanathan, (5) Muthucumaru Baladasan, all of Division No. 1, Trincomalee Respondents.

THIS matter coming on for disposal before J. Wilmot Perera, Esq., District Judge of Trincomalee, on May 9, 1939, in the presence of Mr. M. Somanathapillai, Proctor, on the part of the petitioner; and on reading the affidavit of the petitioner dated May 8, 1939, it is ordered that the 1st respondent be appointed guardian *ad litem* of the minors, the 2nd, 3rd, 4th, and 5th respondents, the petitioner, as the husband of the deceased aforesaid, is entitled to have letters of administration to the estate of the said deceased issued to him, unless the respondents or any other person or persons interested in the said estate appear on May 30, 1939, and show sufficient cause to the satisfaction of the court to the contrary.

May 9, 1939.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to June 29, 1939.

May 30, 1939.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to July 27, 1939.

June 29, 1939.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to August 24, 1939.

July 27, 1939.

D. RAJARATNAM,
Additional District Judge.

Order Nisi extended to September 26, 1939.

August 24, 1939.

AELIAN W. PEREIRA,
Acting District Judge.

Order Nisi extended to October 24, 1939.

September 26, 1939.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to November 21, 1939.

October 24, 1939.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to December 19, 1939.

November 21, 1939.

D. RAJARATNAM,
Additional District Judge.

Order Nisi extended to January 25, 1940.

December 19, 1939.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to February 8, 1940.

January 25, 1940.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to February 22, 1940.

February 8, 1940.

J. WILMOT PERERA,
District Judge.

Order Nisi extended to March 14, 1940.

February 26, 1940.

J. WILMOT PERERA,
District Judge.