



THE CEYLON GOVERNMENT GAZETTE

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PART II.—LEGAL.

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

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PASSED ORDINANCES.

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

No. 29 of 1942.

L. D.—O 21/42

An Ordinance to amend the Railways Ordinance.

Cap. 153.
Vol. IV.,
page 90.

A. CALDECOTT.

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

1. This Ordinance may be cited as the Railways Amendment Ordinance, No. 29 of 1942. Short title.

2. The Schedule to the Railways Ordinance is hereby amended by the substitution, for paragraph 1. occurring under the heading "Goods", of the following new paragraph :— Amendment of the Schedule to Chapter 153.

"1. The rates shall not exceed 80 cents a mile for every ton."

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

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

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

C. H. HARTWELL,
Secretary to the Governor.

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 22/42—M. L. A.—B 1965

An Ordinance to provide for the suspension of the operation of the provisions of the Colombo Municipal Council (Constitution) Ordinance which require the annual revision or preparation of electoral lists.

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 Municipal Electoral Lists (Temporary Provisions) Ordinance, No. of 1942. Short title.

Power to make Order suspending the application of section 21 of Chapter 194.

2. (1) The Governor may from time to time, by Order made in respect of any Municipality and published in the *Gazette*, declare—

(a) that the provisions of section 21 of the Colombo Municipal Council (Constitution) Ordinance, (hereinafter referred to as "the principal Ordinance"), which require the annual revision or preparation of electoral lists, shall not apply in the case of that Municipality in any year specified in the Order; and

(b) that the electoral lists in force in the case of that Municipality at the time the Order is made shall continue to be in force until such time as may be prescribed in the Order.

For the purposes of this sub-section, "electoral lists" means the lists of persons duly qualified to vote or to be elected at elections held under the principal Ordinance for the several wards of a Municipality.

(2) In making any Order under sub-section (1) the Governor may declare that the Order shall be deemed to have had effect from such date, prior to the date of the Order, as may be specified by him therein.

(3) No Order shall be made under sub-section (1) after the date on which the Emergency Powers (Colonial Defence) Order in Council, 1939, ceases to be in force.

Effect of Order made under section 2.

3. Every Order made under section 2 shall, upon publication, be as valid and effectual as though it were herein enacted and shall have effect notwithstanding anything contained in the principal Ordinance.

Objects and Reasons.

Section 21 of the Colombo Municipal Council (Constitution) Ordinance (Chapter 194) requires that new electoral lists should be prepared for every Municipality in the year in which a general election is to be held under the Ordinance, and that the current electoral lists should be revised in other years.

The object of this Bill is to enable the Governor by Order published in the *Gazette* to suspend the operation of that section during the present emergency, and to declare that the lists previously certified and published under that Ordinance will continue in force until such time as may be prescribed in the Order.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration:

Colombo, August 25, 1942.

(Continued on page 578.)

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,618. In the matter of the insolvency of Duraisamy Muthiah Selliak of 80/3, Bloemendhal street, Colombo, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held on September 11, 1942, to consider the grant of a certificate of conformity to the above-named insolvent.

August 25, 1942.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Colombo.

No. 5,658. In the matter of the insolvency of Imbulana Badalge Carolishamy of Embaraluwa in Meda pattu of Siyane korale.

WHEREAS Imbulana Badalge Carolishamy has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Vithanage Yothan Singho of Keragala in Gangaboda pattu, Siyane korale, under the Ordinance No. 7 of 1938; Notice is hereby given that the said court has adjudged the said Imbulana Badalge Carolishamy insolvent accordingly; and that two public sittings of the court, to wit, on October 2, 1942, and on October 30, 1942, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

August 18, 1942.

By order of court, C. EMMANUEL,
Secretary.

In the District Court of Kandy.

No. 2,064. In the matter of the insolvency of Alfred Zephyrineous Francis of Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 25, 1942, to declare a dividend in this case.

August 24, 1942.

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

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo

In the matter of the intestate estate of the late Beepath Umma, widow of the late Puthiyaveetil Maccarunny of Nattika Amsom and Desam Ponnani Taluk in South Malabar, deceased

No. 8,680 Testy.

Vs.

Puthiya-Vectil Ummuru of 175, Bankshall street, Colombo Administrator.

NOTICE is hereby given that on Tuesday, September 22, 1942, at 3 p.m., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 750 being forfeiture of security bond, viz. :—

All the right, title, and interest of Puthiyaveetil Ummuru, Administrator of the intestate estate of the late Beepathumma, widow of the late Puthiyaveetil Maccarunny, in and to the following property to wit, viz. :—

All that divided portion of land marked A in the plan hereinafter referred to with the buildings standing thereon formerly bearing assessment No. 1, Ward No. 676/679, presently numbered 6, 8, 10, 12, (garden) 12 (1-5) and 12 (6-12) situated at Lily street, Union place, Slave Island, within the Municipality and District of Colombo, Western Province; and bounded on the north by the property of Sitti Ayisha and Sitti Rahamany and others, on the east by a road called Lily street, on the south by the other part of the same land marked letter B in the plan, and on the west by lot 17 now the property of Saibo Sultan; containing in extent 1 rood and 28 43/100 perches, according to plan dated October 29, 1898, made by F. Bartholomeusz, Surveyor, which said premises are described in a recent figure of survey thereof No. 775 dated March 6, 1930, made by Allaldeen A. Sourjah, Licensed Surveyor and Leveller, as follows :—An allotment of land with the buildings standing thereon formerly bearing assessment Nos. 6, 8, 10, and 12 and garden Nos. 12/1 to 12/12 presently bearing assessment Nos. 10, 12, 14, 18, 16/3, 16/6, 16/9, 16/10, 16/11, 16/12, 16/14, 16/15, 16/16, 16/17, 16/18, 16/19 and 16/20 situated at Lily street aforesaid; and bounded on the north by premises formerly bearing assessment No. 4, Lily street, presently bearing assessment Nos. 8 and 6 and formerly bearing assessment Nos. 24, 28, 34, 38, 40, and 42, Union place, and presently bearing assessment Nos. 88, 90, 94, 98, 102,

108, and 110, Union place, on the east by Lily street, on the south by premises formerly bearing assessment Nos. 14 and 16, presently bearing 22, Lily street, and on the west by premises formerly bearing assessment No. 5, presently bearing assessment No. 17, Jefferson street, belonging to M. B. Uduman; containing in extent 1 rood and 28·12 perches.

Fiscal's Office,
Colombo, August 25, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Colombo.

Mayandi Ganapathy of 130, Sea street in Colombó Plaintiff.
No. 13,423/M. Vs.

Mohamed Mohideen Mohamed of 305, Dam street,
Colombo Defendant.

NOTICE is hereby given that on Wednesday, September 23, 1942, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 255 and Rs. 1,575 being damages suffered by plaintiff with interest thereon at 9 per cent per annum from October 29, 1941, till payment in full, viz:—

All that house and ground presently bearing assessment No. 120, Sea street, formerly bearing assessment No. 317/179, Sea street, situated in the Pettah within the Municipality and in the District of Colombo, Western Province; bounded on the north by the house of Dona Maria, on the east by the house of Philippu Silva, on the south by the house of Ranwollage Don Bastian, and on the west by Sea street, containing in extent 1·98/100 square perches as per figure of survey dated August 7, 1818, made by P. Jonklaas, District Surveyor, and registered under A 34/137.

Fiscal's Office,
Colombo, August 25, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

Central Province.

In the District Court of Colombo.

Sawanna Pana Lana Muna Sawanna Ramasamy Chettyar of
302, Sea street, Colombo Plaintiff.
No. 12,071 M/B. Vs.

Awanna Runa Pena Reena Arumugam Fullo of Gampola Defendant.

K. P. Arunasalam Chettyar of Gampola and (2) Moona Vana
Ena Moona Rawanna Mana Perianan Chettyar of 263,
Sea street, in Colombo Necessary Parties.

NOTICE is hereby given that on Tuesday, September 29, 1942, commencing at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property mortgaged by bond No. 817 dated May 28, 1937, attested by C. M. Kumaravetpillai of Colombo, Notary Public, subject to the primary and secondary mortgages created by bonds Nos. 1896 and 213 dated May 16, 1928, and October 20, 1934, attested by C. E. A. de Silva and C. M. Kumaravetpillai, both of Colombo, Notaries Public, respectively, and declared specially bound and executable under the decree in the above case for the recovery of the sum of Rs. 9,715·95 with interest on Rs. 9,489·71 at 7 per cent per annum from June 24, 1940, till January 21, 1941, and thereafter on the aggregate amount at 9 per cent per annum till payment in full and poundage on the footing of the said mortgage bond, viz:—

1. All that estate called and known as Gertie Ville situate at Polmalgama and Telhonne in Dolosbage of Udapalata in the District of Kandy, Central Province; containing in extent 28 acres 2 roods and 2 perches according to the figure of survey, and description thereof dated November 11, 1924, and made by O. V. Bartholomew, Licensed Surveyor, and comprising the following allotments of land which adjoin each other:—

(a) All that allotment of land called Paragahamulakele *alias* Kongahamulakele situated in the village Polmalgama in Dolosbage aforesaid, and bounded on the east by land Parahenne and by land said to belong to the Crown, on the south by land called Parahenne and on all other sides by lands said to belong to the Crown; containing in extent 13 acres 3 roods and 12 perches according to the survey and description thereof No. 62,850 dated November 5, 1864, authenticated by Charles Sim, Surveyor General, with everything thereon.

(b) All that allotment of land called Parahennekele, situate at Telhonne in Dolosbage aforesaid; bounded on all sides by Crown property, containing in extent 16 acres and 10 perches with everything thereon.

2. An allotment of land called Upasakayagekanda and Parahinne situate at Palleptiya village in Yatapana of Ganga Thala korale in Udapalata of the District of Kandy, Central Province; containing in extent exclusive of Mala Dala 17 acres 3 roods and 16 perches; and bounded on the north by reservation along the Kandakumbura-ela, east by Parahinne claimed by Mr. W. S. Blachett and Upasakayagekanda said to be Crown, south by reservation along the Dangahakumbura-ela and T. P. 293345, west by Upasakayagekanda said to be Crown.

3 (a) Allotment of land called Dangahamaditta, situate at Palleptiya village in Yatapana of Ganga Thala korale in Udapalata of the District of Kandy, Central Province; and bounded on the east by Dangahakumbura-ela, on the south by reservation along Dangahakumbura-ela, and lots 7535 and 7533 in P. P. 2327, west by lot 7535 in P. P. 2327, and on the north by lot 7535 in P. P. 2327 reservation along Dangahakumbura-ela; containing in extent 3 acres 2 roods and 18 perches.

(b) All that allotment of land called Upasakayagekanda *alias* Pitakanda situate at Palleptiya aforesaid; and bounded on the east by Crown land reservation along Dangahakumbura-ela and T. P. 277066, on the south by T. P. 277066, on the west, and on the north by Crown land; containing in extent 5 acres and 33 perches,

the aforesaid two allotments of land adjoin each other and from their situation as respects each other form one property and can be included in one survey.

4. All that land called Barandarakumburehena now watta described as of about six amunams in paddy sowing extent, situate at Telhonne in Dolosbage of Ganga Thala korale in Udapalata of the District of Kandy, Central Province; and bounded on the east by Keenbulaha, on the south by Mala-ela, on the west and north by Digana-ela; containing in extent by survey 42 acres.

Note.—The lands will be sold as one property.

Valuation: Rs. 75,000.

Fiscal's Office,
Kandy, August 25, 1942.

CHARLES DE SILVA,
Deputy Fiscal.

Southern Province.

In the District Court of Galle, sitting at Balapitiya.

Garagoda Arachnege Mariya Perera of Igala in
Elpitiya Plaintiff-Creditor.

No. B 198 Vs.

(1) Kanatta Kankanange Arlis Appu and others, all of
Igala, Elpitiya Defendants-Debtors.

NOTICE is hereby given that on Tuesday, September 22, 1942, commencing at the hour (time) mentioned below, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 50 being damages with a further damage at Rs. 50 per year from September 6, 1939, till restoration to possession, costs Rs. 192·27 and Rs. 4·80 stamps on notice under section 219 and writ costs Rs. 18·20, viz:—

1. Commencing at 10 a.m.—(1) The entire land called Walahenke together with everything standing thereon, situated at Gane-goda in Bontota-Walallawiti korale of Galle District, Southern Province, and bounded on the north by tea estate, east by Ruwangiri-watta, south by Gallinda Paththiya *alias* Pansalwatta, and on the west by road and Walahenewatta; and containing in extent 4 acres 3 roods and 17 perches.

2. Commencing at 11.30 a.m.—An undivided $\frac{1}{2}$ share of the soil and of the plantations standing thereon belonging to the 1st defendant together with the nine cubits wattle walled house standing thereon built by the 1st defendant and an undivided $\frac{1}{4} + \frac{1}{12}$ shares of the soil and of the plantations belonging to the 4th defendant of the land called Ambalanduwo-watta, situated at Igala in Bontota-Walallawiti korale aforesaid; and bounded on the north by public road, east by Dola *alias* Gangewatta, south by Dola and Lindamulawatta, and on the west by road and Lindamulawatta, and containing in extent about 1 $\frac{1}{2}$ acres.

Deputy Fiscal's Office,
Balapitiya, August 22, 1942.

SAM RANASOORIYA,
Additional Deputy Fiscal.

In the District Court of Matara.

Liyana Wilson de Silva of Matara, the duly appointed administrator over the estate of late L. N. de Silva of Matara. Plaintiff.

No. 11,634.

Vs.

D. S. Obeysekera of Pottewela, Hakmana Defendant.

NOTICE is hereby given that on Friday, September 25, 1942, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 452·43 only, with further legal interest on Rs. 390 from August 26, 1938, till payment in full, viz:—

1. All that undivided $\frac{1}{2}$ part of the soil and plantations and of all the buildings standing thereon of the land called Totlagahawatta, situated at Pottewela in Kandaboda pattu of Matara District, Southern Province; and bounded on the north by high road, east by Wadugepahalawatta, south by Medawatta, and west by Banakyanagewatta; and containing in extent about 3 kurunies of kurakkan sowing, and registered in E 104/95.

2. All that undivided $\frac{1}{2}$ part of the soil and of the plantations and of all the buildings standing thereon of the land called Pelawatta, situated at Pottewela aforesaid; and bounded on the north by Ambagahawatta, east by Diwelwatta *alias* Kongahakoratuwa, south by high road, and west by Gedarawatta *alias* Pahalahawatta; and containing in extent about 2 seers of kurakkan sowing, and registered in E 104/96.

3. All that undivided $\frac{1}{4}$ part of the soil and of the fruit trees of the reclaimed one twenty-fourth portion adjoining the high road of the land called Kudabajamagewatta, situated at Pottewela aforesaid; and which said portion is bounded on the north by high road, east by Diwelwatta *alias* Kongahakoratuwa, south and west by a portion of the same land; and containing in extent about 2 roods, and registered in E 104/97.

4. All that undivided $\frac{1}{2}$ part of the field called Pinlyadda, situated at Pottewela aforesaid; and bounded on the north by Beruwewa, east by Middeniyegewatta, south by Lunuweraniyagahadeniya, and west by Webodakumbura; and containing in extent about 8 kurunies of paddy sowing, and registered in E 104/98.

5. All that undivided $\frac{1}{4}$ part or share of the soil and of the fruit trees of the land called Lunuweraniyagahadeniya, situated at Pottewela aforesaid; and bounded on the north by Pinlyadda, east by Lunuweraniyagahawatta, south by Ellowalagedeniya, and west by Humbohemure and Kebellagahakumbura; and containing in extent about 2 pelas of paddy sowing, and registered in E 104/99.

6. All that undivided $\frac{1}{2}$ part of the field called Bogahadeniya situated at Pottewela aforesaid; and bounded on the north by Ellawalagedeniya, east by Ellawalagewatta and Karagahawatta, south by Mullekumbura, and west by Kebellagahakumbura; and containing in extent about 8 kurunies of paddy sowing, and registered in E 104/100.

7. All that undivided $\frac{1}{4}$ of $\frac{1}{4}$ part of the soil and of the fruit trees of the land called Ambagahawatta, situated at Pottewela aforesaid; and bounded on the north by Wadugepahalawatta and Totlagahawatta, east by Kajjugahapittaniya, south by Garuwogewewa and Kolambayahitiyawatta, and west by Medawatta; and containing in extent about 6 kurunies of kurakkan sowing, and registered in E 104/101.

8. All that undivided $\frac{1}{4}$ of $\frac{21}{50}$ part of the soil and of the paraveni fruit trees together with the planter's $\frac{1}{2}$ share of the 2nd plantation of the land called Kongahawatta *alias* Telambugahawatta situated at Pottewela aforesaid; and bounded on the north by Heraliwatta, and Kongahawatta, east by Pottewelagekoratuwa, south by Beruwewa, and west by Kudabajjankumbura; and containing in extent about 1 kuruni of kurakkansowing, and registered in E 100/255.

9. All that undivided $\frac{1}{4}$ of $\frac{1}{16}$ part of the field called Kesbe-irikonda *alias* Wala-irikonda, situated at Pottewela aforesaid; and bounded on the north by Motadelhyagahakumbura, east by Medaspela, south by Wala-irikonda, and west by Welikumbura; and containing in extent about 2 amunams of paddy sowing, and registered in E 169/250.

10. All that undivided $\frac{1}{4}$ part of the soil and of the plantations and of the buildings standing thereon of the defined lot C of the land called Pahalawatta, situated at Pottewela aforesaid; and which said lot C is bounded on the north by Badanagewatta, east by lot D of the same land and Polawatta, south by high road, and west by lot B of the same land; and containing in extent 1 rood and 7-576 perches, and registered in E 83/232.

The said 1st to 10th named premises are subject to the life interest in favour of the defendant's father, Vidanagama Don Luwis Ubsekera of Pottewela.

11. All that undivided $\frac{1}{4}$ part of the field called Goda-irikonda situated at Pottewela aforesaid, and bounded on the north by Medaspela, east by Baddiwela and Kebellagahakumbura, south by Baddiwela, and west by Wala-irikonda and Meddawatteg Mulana; and containing in extent 32 kurunies of paddy sowing, and registered in E 149/63.

Deputy Fiscal's Office,
Matara, August 25, 1942.

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

In the District Court of Matara.

(1) Yasawathie Wijesekera Abeygunawardana -Hamme of Gataru and husband (2) Hewa Siyasinghe Polgahamullege Smghoappuhamy, both of Gataru Plaintiffs.
No. 13,475. Vs.

(1) Don Diosiosius Kumasaru of Horapawita Defendant.

NOTICE is hereby given that on Thursday, September 24, 1942, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following mortgaged property, for the recovery of a sum of Rs. 310 67, with legal interest thereon from July 15, 1942, till payment in full, viz. :-

An undivided half part of the soil and of all the fruit trees and other trees of the land called Medagodawatta situated at Horapawita in the Kandaboda pattu of the Matara District, Southern Province; and bounded on the north by Pelawatta and high road, east by Pinnacola Pelessa, south by Tippalewatta, and west by Madugahacoratuwa and high road; and containing in extent about 30 acres.

Deputy Fiscal's Office,
Matara, August 24, 1942.

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

In the District Court of Tangalla.

Andoris Abeysin Wijenayaka Appuhamy of Agalaboda Plaintiff.
No. 4,499. Vs.

(1) Don Madris Abeysiriwardana of Welandagoda and (2) Jalat Muhandirame Don Davith of Agalaboda Defendants.

NOTICE is hereby given that on Monday, September 21, 1942, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 910-53, with further legal interest on Rs. 620 from April 8, 1942, till payment in full, viz. :-

At Welandagoda.

(1) Undivided $\frac{1}{5}$ share of the soil and plantations of the land called Wewewatta in extent about three acres, situated at Welandagoda in West Guruwa pattu; and bounded on the north by Talagahawatta and Crown land, east by Crown land, south by Dangahawatta, and west by Dewatagahawatta.

(2) Undivided $\frac{1}{5}$ share of the field called Dewatagahadeniya in extent about 15 kurunies of paddy sowing, situated at Welandagoda aforesaid; and bounded on the north by wewa, east by Wewewatta, south by Deniyewatta, and west by Wijjaruppehena.

(3) All those tiled two boutique rooms standing on the land called Ratambalagahamadittayanaidamepara-addarakobella in extent about 3 roods situated at Welandagoda aforesaid; and bounded on the north by Ratambalagahamadittewatta, east by high road, south by Gansabhawa road, and west by Kirama-ela and Ratmalgahamadittewatta.

Deputy Fiscal's Office,
Tangalla, August 22, 1942.

N. G. DE SILVA,
Additional Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

P. H. Mylvaganam Ponnammah of Nochimunai Plaintiff.
No. 317M. Vs.

(1) Sehu Mohardeen Maracair Kathisammam for herself and as guardian *ad litem* of the minor, the 3rd defendant, (2) Adam Abdul Careem Udayar Mohamed Pathumamah, (3) Abdul Majeed Asiaummah, minor, aged 3 years, by her guardian *ad litem* the 1st defendant, (4) (dead) Abdul Majeed Abdul Jaleel, aged 4 months, all of Kattancudy Division No. 1 Defendants.

NOTICE is hereby given that on Monday, September 21, 1942, commencing at 9 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 1,217-42 together with interest thereon at 9 per cent. per annum from October 25, 1940, till payment in full, costs Rs. 289 31 $\frac{1}{2}$, poundage and other charges, viz. :-

A paddy land situated at Miravodai in Korali pattu, Batticaloa District, Eastern Province, in extent 18 acres 1 rood and 3 perches; and bounded on the north by Thikkaththa Vaddavan Mumari Poomi belonging to Elavaithamby, south by the property of M. Aliyar Marakayar, east by the property of E. Uthumalebbepody and U. Ahamathulebbepody, and west by the land of J. A. M. Aliyar, with all rights.

Fiscal's Office,
Batticaloa, August 22, 1942.

V. SUPPRAMANIAM,
Fiscal.

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order *Nisi* declaring Will proved, &c.

No. 10,053. In the Matter of the Estate of the late Bodiabaduge Gregory Perera Wijeyeratna Jayawardene, deceased, of Dehiwala,

(1) Maria Sebastiana Jayawardene and (2) Cecil Matthew Joseph Jayawardene, both of Dehiwala Petitioners
Vs.

(1) Andrew Cyril Joseph Perera Wijeyeratne Jayawardene of Dehiwala, (2) Mary Adeline Eveline Perera Wijeyeratne Jayawardene, wife of (3) Dr. Joseph Eugenius Didacu Mendis of Bambalapitiya, (4) Gregory Antony Edward Perera Wijeyeratne Jayawardene, presently in Scotland, (5) Basil Godfrey Perera Wijeyeratne Jayawardene, a minor appearing by his guardian *ad litem* the 6th respondent, (6) Adelaide Marjorie Frances Perera Wijeyeratne Jayawardene, (7) Adelaide Marjorie Frances Perera Wijeyeratne Jayawardene of Dehiwala Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on August 1, 1942, in the presence of Messrs. L. B. & L. M. Fernando, Proctors, on the part of the petitioners; and the affidavit of the above-named petitioners dated July 21, 1942, and of the attesting notary and two witnesses dated March 26, 1942, having been read:

It is ordered that the will of Bodiabaduge Gregory Perera Wijeyeratne Jayawardene, deceased, dated December 6, 1940, numbered 2132 and attested by Mr. L. B. Fernando, Notary Public, be and the same is hereby declared proved, unless the respondents or any other person or persons interested shall, on or before September 10, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered and declared that the said Adelaide Marjorie Frances Perera Wijeyeratne Jayawardene, the 6th respondent, be appointed guardian *ad litem* over the 5th respondent for all purposes of the action and that the above-named petitioners are the executors named in the said will and that they are entitled to have probate issued to them accordingly, unless the respondents or any other person or persons interested shall, on or before September 10, 1942, show sufficient cause to the satisfaction of this court to the contrary.

August 1, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo

Order *Nisi* declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Dunstan Jurisdiction. Godwin Anderiesz, deceased, of Nawala road, No. 10,100. Nugegoda.

Derrick Anderiesz of Nawala, Nugegoda Petitioner.

And

(1) Godwin Bernard Anderiesz of Colpetty, Colombo, (2) Dagmar Harridge, wife of (3) V. St. Alban Harridge, both of Turnor road, Borella, in Colombo, (4) Dunstan Edward Anderiesz of Rangoon, (5) Delicia Arndt, wife of (6) Horace Koch Arndt, both of Gotami road, Cotta, (7) Gwendaline Tyrrel, wife of (8) P. J. Tyrrel of Trincomalee, (9) Carl Anderiesz of Nawala road, Nugegoda Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on July 23, 1942, in the presence of Mr. P. C. Seneviratne, Proctor, on the part of the petitioner; and the affidavits of the above-mentioned petitioner dated July 21, 1942, and of the attesting notary and a witness dated July 22, 1942, having been read:

It is ordered that the last will and testament of Dunstan Godwin Anderiesz, deceased, dated January 14, 1941, numbered 838 and attested by Mr. P. C. Seneviratne, Notary Public, be and the same

is hereby declared proved, unless the respondents or any other person or persons interested shall, on or before September 10, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the above-named petitioner be and he is hereby declared entitled, as an heir of the above-named deceased, to have letters of administration (with the will annexed) to the above estate, the same issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before September 10, 1942, show sufficient cause to the satisfaction of this court to the contrary.

July 24, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate and Effects of
Jurisdiction. the late Thambipillai Nalliah, Municipal Inspector,
No. 10,108. Mutwal, Colombo, deceased.

(1) Nalliah Balambikai of Kokuvil, Jaffna Petitioner.
Vs.

(1) Nalliah Balakumar (minor), (2) Nalliah Rejekumar (minor),
both of Kokuvil, Jaffna, appearing by their guardian *ad litem*
(3) Vallipuram Sivapragasam of Sri Wickrama road, Wella-
watta Respondents.

THIS matter coming on for disposal before James Joseph, Esq.,
Additional District Judge, Colombo, on July 27, 1942, in the presence
of Mr. N. Navaratnam, Proctor, on the part of the petitioner; and
the affidavit of the above-named petitioner dated July 18, 1942,
having been read: It is ordered that the said Vallipuram Sivapra-
gasam, the 3rd respondent, be appointed guardian *ad litem* over the
1st and 2nd minor respondents for all purposes of this action and
that the above-named petitioner be and she is hereby declared
entitled, as widow of the above-named deceased, to have letters of
administration to the above estate issued to her accordingly, unless
the respondents or any other person or persons interested shall, on or
before September 10, 1942, show sufficient cause to the satisfaction
of this court to the contrary.

July 30, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Nachchammai Achy alias Visalatchy Achy,
No. 10,116. widow of the late K. N. L. Kannappa Chettiar of
Soekalingapuram, Ramnad District, South India,
deceased.

Natarajan Chettiar, son of Palamappa Chettiar, presently of
Sea street, Colombo Petitioner.

(1) Meenatchy Achy, widow of the late Kana Nana Lena
Letchumanan Chettiar of Soekalingapuram, Ramnad District,
South India, (2) Suna Pana Kana Nana Nawanna Narayanan
Chettiar, (3) Umaachy, and (4) Subramaniam Chettiar, son of
Narayanan Chettiar, all of Alva Cottai in Ramnad District,
South India Respondents.

THIS matter coming on for final disposal before James Joseph
Esq., Additional District Judge of Colombo, on July 30, 1942, in the
presence of Mr. K. T. Chittampalam, Proctor, on the part of the
petitioner above named; and (1) the affidavit of the petitioner dated
July 28, 1942, and (2) the Supreme Court order dated July 23, 1942,
having been read.

It is ordered that the petitioner above named be and he is hereby
declared entitled, as the attorney of the 1st respondent above named,
to have letters of administration to the above estate issued to him
accordingly, unless the respondents above named or some other
person or persons interested shall, on or before September 17, 1942,
show sufficient cause to the satisfaction of this court to the contrary.

August 21, 1942.

S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. S. M. Sheriff of Campbellabad, South India.
No. 10,117.

O. L. M. Mohamed Cassim of Maradana, Colombo, attorney of
Hassen Pathupmal of Campbellabad, South India Petitioner,
Vs.

(1) Mohideen Pathummal, (2) Isah Bivi, (3) Jamila Bivi,
(4) Subaida Bivi, (5) Razina Bivi, (6) Kamarnissa, all of
Campbellabad, South India, the 2nd to 6th respondents, minors,
appearing by their guardian *ad litem* (7) M. M. Muttu Wappa
of Keyzer street, Pettah, Colombo Respondents.

THIS matter coming on for disposal before James Joseph, Esq.,
Additional District Judge of Colombo, on August 1, 1942, in the
presence of Mr. K. Namasivayam, Proctor, on the part of the
petitioner above named; and the affidavit of the above-named
petitioner dated July 27, 1942; and the order of the Supreme Court
dated July 24, 1942, having been read

It is ordered that the 7th respondent above named be appointed
guardian *ad litem* over the 2nd to 6th minors respondents for all
purposes of this action and that the said petitioner be and he is

hereby declared entitled, as the attorney of the widow of the deceased,
to have letters of administration issued to him accordingly; unless
the respondents above named or some other person or persons
interested shall, on or before September 3, 1942, show sufficient
cause to the satisfaction of this court to the contrary.

August 6, 1942.

W. SANSONI,
Additional District Judge.

In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. the late Dadayakkaradewage Podmona Fernando,
No. 10,120. widow of the late Pinchadewage Odris Fernando,
deceased, of Church View, Wolfendahl lane in
Colombo.

THIS matter coming on for final determination before V. L.
St. Clair Swan, Esq., Additional District Judge, Colombo, on August
14, 1942, in the presence of Mr. C. E. P. Jayanayake, Proctor, on the
part of the petitioner, Pahindaradewage Charles Fernando of Church
View, Wolfendahl lane in Colombo; and the affidavits (a) of the said
petitioner, and (b) of the attesting notary and a witness, both dated
August 4, 1942, having been read:

It is ordered that the last will made by the deceased above named,
bearing No. 1,112 dated November 9, 1937, and now deposited in
this court be declared proved, and probate hereof be issued to the
petitioner aforesaid as executor named in the said will, on his tender-
ing the usual oath and bond, and on publication of this order once in
the *Ceylon Government Gazette*, and twice in the "*Ceylon Observer*."

August 17, 1942.

V. L. St. CLAIR SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament
Jurisdiction. of Karl Annessly Weinman of General Lake
No. 10,131. road, Slave Island, Colombo, deceased

Yvonne Doroen Bernice May Weinman of 41, 10th lane,
Colpetty, Colombo Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan,
Esq., District Judge of Colombo, on August 13, 1942, in the presence
of Mr. P. S. de Kretser, Proctor, on the part of the petitioner
above named; and the affidavit of (1) the petitioner dated July 27,
1942, and (2) the attesting notary dated August 7, 1942, having
been read:

It is ordered that the last will and testament of Karl Annessly
Weinman, deceased, the original of which has been produced
and is now deposited in this court, be and the same is hereby declared
proved; and that the petitioner above named is hereby declared
entitled, as sister of the deceased above named, to have letters of
administration to the above estate with the will annexed issued to
her accordingly, unless any person or persons interested shall, on
or before September 24, 1942, show sufficient cause to the satisfac-
tion of this court to the contrary.

August 18, 1942.

V. L. St. CLAIR SWAN,
Additional District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Cassim
Jurisdiction. Marikar Ehiya Nona, deceased of Maradana,
No. 3,048. Beruwala.

(1) Mahallam Segu Muhideen Bawa, (2) Alim Hadjar Moham-
madu Ibrahim Marikkar of Maradana, Beruwala Petitioner.
Vs.

(1) Mohamadu Ibrahim Marikar Isideen, (2) ditto Mohamadu
Asadu, (3) ditto Cadija Umma, (4) ditto Thahufar Umma,
(5) ditto Mohamadu Farook, all of Maradana, minors by
their guardian *ad litem* the 6th respondent, (6) Cassim Marikar
Abubakir Hadjar of Maradana, Beruwala, guardian *ad litem*
over 1st to 5th respondents Respondents.

THIS matter coming on for disposal before V. Joseph, Esq.,
District Judge of Kalutara, on August 3, 1942, in the presence of
Mr. A. D. de Fonseka, Proctor, on the part of the petitioner and the
affidavit of the above-mentioned petitioner dated July 17, 1942,
having been read:

It is ordered that the petitioner above named be and he is hereby
declared entitled, as the husband of the deceased above named,
to have the letters of administration issued to him unless the re-
spondents or any other person interested in the estate shall, on or
before September 7, 1942, show sufficient cause to the satisfaction
of this court to the contrary.

It is further declared that the said Cassim Marikar Abubakir
Hadjar, 6th respondent, be appointed guardian *ad litem* over the
1st to 5th respondents, unless the respondent or others interested
in the estate shall, on or before September 7, 1942, show sufficient
cause to the satisfaction of this court to the contrary.

August 3, 1942.

V. JOSEPH,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Sheik Madar Shoik Noordeen, late of 83, 4th Hunupitiya, Negombo, deceased.

Between

Mohamed Abdulla Shaffa Umma of 83, 4th Hunupitiya, Negombo Petitioner.

And

(1) Mohamed Noordeen Noorul Himaya of 83, 4th Hunupitiya, Negombo, (2) Sheik Madar Meera Pillai of Puttalam Kachcheri, Puttalam, (3) ditto Ahamed, (4) ditto Seyed, (5) ditto Careem, (6) ditto Zemulabdeen, all of Puttalam . Respondents.

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge of Negombo, on August 12, 1942, in the presence of Mr. S. M. A. Raheeman, Proctor, on the part of the petitioner; and the petition and affidavit of the said petitioner dated August 12, 1942, and August 1, 1942, respectively having been read:

It is ordered (a) that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* of the 1st respondent above named, who is a minor, to represent him for all the purposes of this action, (b) that the said 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 accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

August 12, 1942.

S. RAJARATNAM,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved, &c

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Dona Aboyratne Louisa Hamine, deceased, of No. T-297. Peradeniya road, Kandy.

THIS matter coming on for disposal before T. F. C. Roberts, Esq., Additional District Judge, Kandy, on August 10, 1942, in the presence of Messrs. Liesching & Lee, Proctors, on the part of the petitioner, Weeraman Dias Jinadasa Ranasinghe of Peradeniya road, Kandy, now of Gampola; and the affidavits of the said petitioner dated August 3, 1942, and of the attesting notary dated July 25, 1942, having been read:

It is ordered that the last will of the above-named deceased dated September 6, 1936, and now deposited in this court be and the same is hereby declared proved, unless any other person or persons interested shall, on or before September 28, 1942, show sufficient cause to the satisfaction of this court to the contrary.

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

August 12, 1942.

T. F. C. ROBERTS,
Additional District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the deceased Abeysin Liyana Arachchige Yakoris Appu late of Weerawila.

Abeysin Liyana Arachchige Singho Appu of Weerawila Petitioner.
(1) Abeysin Liyana Arachchige Baronehiamy, (2) ditto Simona, both of Weerawila Respondents.

THIS matter coming on for disposal before D. A. Leanage, Esq., District Judge of Tangalla, on July 22, 1942, in the presence of

Mr. H. E. Wikramanayake, Proctor, on the part of the petitioner; and the affidavit dated July 1, 1942, having been read:

It is ordered and adjudged that the petitioner above named be and he is hereby entitled, as a son of the deceased, to have letters of administration of the said estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 3, 1942, show sufficient cause to the satisfaction of this court to the contrary.

July 22, 1942.

D. A. LEANAGE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Ponnammah, wife of Chellappah Kathirkamathamby of Vasavilan, and in the matter of the Estate of the said Ponnammah, deceased.

No. 16. Chellachippillai, widow of Mootathamby Chellappah of Vasavilan Petitioner.

Vs.

(1) Kathirkamathamby Nagarajah, a minor aged 4 years, and (2) Ponnupillai, widow of Sathasivam Aiyathurai of Mallakam Respondents.

THIS matter of the petition of the above-named petitioner coming on for disposal before G. C. Thambyah, Esq., District Judge, Jaffna, on August 3, 1942, in the presence of Mr. M. S. Subramaniam, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner, having been read: It is ordered that the above-named 2nd respondent be appointed guardian *ad litem* over the minor, the 1st respondent above named, to represent him in these proceedings and that letters of administration to the estate of the above-named deceased with the will annexed be granted to the petitioner, unless the 2nd respondent above named or any other person shall appear before this court on August 31, 1942, and show cause to the satisfaction of this court to the contrary.

August 3, 1942.

G. C. THAMBYAH,
District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Absolute in the First Instance.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Nagappan Vinasithamby of Thumpalal, No. 182/P.T. Point Pedro, deceased.

Vinasithamby Sivaramalingam of Thumpalal, Point Pedro Petitioner.

THIS matter coming on for disposal before L. W. de Silva, Esq., Additional District Judge, Jaffna, on July 17, 1942, in the presence of Mr. M. Esurapadham, Proctor, on the part of the petitioner, and on reading the last will of the above-named deceased dated October 7, 1934, and attested by V. Senathiraja Segaram, Notary Public, under No. 2510 and now deposited in this court; and the affidavit of the petitioner and of the attesting notary and the witnesses hereto:

It is ordered that the said last will be and the same is hereby declared proved.

It is further ordered that the petitioner be and he is hereby declared the executor of the said last will and that as such he is entitled to obtain probate thereof and that probate thereof be accordingly be issued to the petitioner.

July 31, 1942

L. W. DE SILVA,
Additional District Judge.

DRAFT ORDINANCES.

(Continued from page 574)

MINUTE.

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

L. D.—O 14/42

An Ordinance to exempt from estate duty gifts made for war purposes or to War Funds during the period of the present emergency.

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

Short title

1. This Ordinance may be cited as the War Gifts (Exemption from Estate Duty) Ordinance, No. of 1942.

Exemption of war gifts from estate duty.

2. (1) Where at any time during the period of the present emergency, any gift of any movable or immovable property is, before the death of the donor, made absolutely to His Majesty or the Government of Ceylon to be used or applied for purposes relating to or connected with any war in which

His Majesty may be engaged or to any War Fund approved by the Financial Secretary for the purposes of this section, such property shall, notwithstanding anything in the Estate Duty Ordinance, be exempt from estate duty on the death of the donor. Cap. 187.

(2) In sub-section (1)—

“period of the present emergency” means the period commencing on the third day of September, nineteen hundred and thirty-nine, and ending on such date as the Governor may appoint by Proclamation published in the *Gazette*;

“War Fund” means any fund, charity or organisation created, established or maintained for the efficient prosecution of any war in which His Majesty may be engaged or for any other purpose whatsoever relating to or connected with any such war.

(3) This section shall have effect and be deemed always to have had effect in relation to all deaths, occurring whether before or after the date of the commencement of this Ordinance.

3. Save as hereinbefore expressly provided, the provisions of this Ordinance shall be read and construed as one with the provisions of the Estate Duty Ordinance. Construction

Objects and Reasons.

The object of this Bill is to provide that where a gift of movable or immovable property is, during the period of the present emergency, made absolutely to an approved War Fund or to His Majesty or the Government of Ceylon for war purposes, such property will be exempt from estate duty on the death of the donor.

Colombo, 27 August, 1942

H. J. HUXHAM,
Financial Secretary